

LOCAL LAW No. 14 - 1973

A local law amending local law number one—nineteen hundred fifty-nine, as amended, constituting the Erie county charter, in relation to filling a vacancy in the office of county legislator, occurring otherwise than by expiration of term or removal by the governor, by repealing section one thousand nine hundred four and substituting a new section one thousand nine hundred four-A and section one thousand nine hundred four-B therefor.

Became a law August 21, 1973 with the approval of the county executive, no petition protesting. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state August 27, 1973.

*Be it enacted by the legislature of the county of Erie as follows:*

Section 1. The Erie county charter, section one thousand nine hundred four, is hereby repealed, and a new section one thousand nine hundred four-A and section one thousand nine hundred four-B is substituted, to read as follows:

§ 1904-A. **Filling vacancy in elective office of county executive or comptroller.** A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as

the person last elected to such office. A vacancy occurring in such office as the result of the removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any.

§ 1904-B. **Filling vacancy in elective office of county legislator.** A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county legislator, shall be filled by appointment by a majority vote of the members of the county legislature having the same political affiliation as the person last elected to such office. A vacancy shall be included in the total count of which there is to be a majority vote. However, when the number of vacancies of a particular political affiliation to be filled, is equal to or exceeds the number of remaining incumbents of that political affiliation, then the vacancy or vacancies shall be filled by a majority vote of the entire legislature, each vacancy to be included in the total count of which there is to be a majority vote. The person newly appointed shall be a qualified elector of the county having the same political affiliation as the person last elected to such office, shall be a resident of the district to which such appointment is made, and shall be eligible under section 202.1 of the Erie county charter. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county legislator shall be elected for the balance of the term, if any.

§ 2. This local law shall be effective immediately, subject to the provisions of the Municipal Home Rule Law of the state of New York.