

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 2 - 1 - 2015

LOCAL LAW – NO. _____ - 2015

A Local Law Instituting Term Limits for All Elected Officials of County Government
Section 1: Legislative Intent

To ensure a well-functioning and fair democracy representative of the wishes of the residents of the County of Erie it is the intent of this body to limit the number of consecutive terms an elected official in Erie County may hold. To that end this body proposes to amend the Charter of the County of Erie to reflect this intent.

Section 2: Amended term limits for county officials

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

- A) Section 202.2 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:**

Section 202.2. Election and terms of office.

County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years, and no county legislator shall serve in excess of six consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an appointment or an election to fill an unexpired term where such appointment or election is for a period in excess of one year, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such same vacancy, where the cumulative period of such appointment and election is for a period in excess of one year.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen.

B) Section 301 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Section 301. The county executive; election; term; qualifications.

The executive branch of county government shall be administered by the county executive who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years, except that the term of the county executive elected in nineteen hundred sixty shall be for three years. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office, except as provided in section three hundred seven hereof.

No person shall serve as county executive in excess of three consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an election to fill an unexpired term where such election is for a period in excess of two years, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such same vacancy, where the cumulative period of such appointment and election is for a period in excess of two years.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen.

C) Section 1801 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Section 1801. Election;

There shall be a county comptroller who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office. The Erie County Comptroller's act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

No person shall serve as county comptroller in excess of three consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an election to fill an unexpired term where such election is for a period in excess of two years, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such same vacancy, where the cumulative period of such appointment and election is for a period in excess of two years.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen

D) Section 1901 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Section 1901. Election;

There shall be a county clerk who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

No person shall serve as county clerk in excess of three consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an election to fill an unexpired term where such election is for a period in excess of two years, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such same vacancy, where the cumulative period of such appointment and election is for a period in excess of two years.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen

E) Section 2001 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Section 2001. Election.

There shall be a district attorney who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

No person shall serve as district attorney in excess of three consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an election to fill an unexpired term where such election is for a period in excess of two years, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such

same vacancy, where the cumulative period of such appointment and election is for a period in excess of two years.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen

F) Section 2101 of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Section 2101. Election;

There shall be a sheriff who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

No person shall serve as Sheriff in excess of three consecutive terms in office. For purposes of this section, a term shall include holding office as a result of an election to fill an unexpired term where such election is for a period in excess of two years, or the holding of office as a result of an appointment followed by an election to fill an unexpired term for such same vacancy, where the cumulative period of such appointment and election is for a period in excess of two years.

This law shall take effect on January first, two thousand sixteen and shall apply only as to terms of office commencing subsequent to December thirty-first, two thousand fifteen

[] bracketed material is deleted; underlined material is to be added

Section 3: Severability

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 4: Effective Date

This law becomes effective upon its approval by the general electorate of the County of Erie through a referendum to be undertaken at the November 2015 general election.

Sponsor: Legislator Hardwick

Co-Sponsors: Legislators Dixon, Morton, Mills & Rath