

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 22-1 - 2017
LOCAL LAW – NO. _____ - 2017

A Local Law banning individuals from elected or appointed offices who commit malfeasance or misconduct in office rising to the level of a felony conviction.

SECTION 1. Legislative Intent

Erie County has an elected County Executive, County Clerk, County Comptroller, District Attorney, Sheriff and Legislature. It is the intent of this law to ensure that candidates who run for office to represent the people of Erie County are fit to uphold their oath of office. To that end this honorable body hereby determines that individuals convicted of a felony crime resulting from abuse of his or her office are unfit to hold elected office here in Erie County and therefore shall not be allowed to run for office nor hold any appointed position.

SECTION 2. Definitions

- 1) **“Conviction of a Felony”** includes a conviction of a felony for the crimes listed in Section 3 of this law in New York State, a conviction under the laws of any other state, the laws of the United States, or the laws of any other country where the circumstances surrounding the conviction would more likely than not lead to a conviction in New York State.
- 2) **“Elected Office”** shall include the offices of the County Executive, the County Clerk, the County Comptroller, the Sheriff, the District Attorney, and all County Legislators
- 3) **“Appointed Office”** shall include any position on any board or commission in Erie County whose members are directly appointed by one or more Elected Office.

SECTION 3. Felony Disqualification

A person shall not be eligible to be elected or appointed to any elected office in Erie County or any appointed position on any board or commission in Erie County if such person has been convicted of a felony involving the accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft, perjury, fraud, tax evasion or conspiracy to commit any of those crimes.

This law shall not apply to any individual, who would otherwise be subject to the provisions of this law, who has received a pardon from the Governor of New York State, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of a foreign government or country authorized to grant pardons in that foreign jurisdiction.

SECTION 4. Effective Date

This local law shall take effect upon filing with the Secretary of State.

SECTION 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor: Legislator Edward A. Rath III