

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 5-2-2024

LOCAL LAW NO. ____-2024

A Local Law amending Local Law 1-1959, constituting the Erie County Charter, as amended, in relation to the amending of Section 202.2 for the purpose of setting the terms of legislative office to four (4) years and limiting the number of terms for that can be held to three (3) four-year terms for all elected officials.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT

The intent of this legislation is to amend the terms of office for the Erie County of Legislature to a term of four (4) years and to limit the number of terms for all elected officials that can be served to three (3) four-year terms.

Section 2. CHANGING THE TERM OF LEGISLATIVE OFFICE AND LIMITING THE NUMBER OF TERMS FOR ALL ELECTED OFFICIALS

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

Article 2, 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; provided, that legislators elected in the year two thousand twenty-six and in subsequent years shall hold their offices for four years. No person shall be eligible to be elected to or serve as County legislator if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof.

Article 3, 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. No person shall be eligible to be elected to or serve as County Executive if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. 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.

Article 18, Section 1801. Election; Comptroller's Act repealed. 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. No person shall be eligible to be elected to or serve as County Comptroller if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. 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.

Article 19, 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. No person shall be eligible to be elected to or serve as County Clerk if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. 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.

Article 20, 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. No person shall be eligible to be elected to or serve as District Attorney if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. 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.

Article 21, 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. No person shall be eligible to be elected to or serve as Sheriff if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. 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.

Section 3. EFFECTIVE DATE

This Local Law shall take effect the first day of the first fiscal year after receiving an affirmative vote of a majority of the qualified electors of the County of Erie in a manner consistent with the provisions of New York State Municipal Home Rule Law Article 3 and upon its subsequent filing with the New York Secretary of State.

Section 4. 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:

John J. Bargnesi