

Thanks to the Charter Commission for the opportunity to speak about proposed changes to the Erie County Charter.

I am here tonight to comment about one specific change and that is the Repeal and replacement of Article 25, Section 2516 of the Charter.

This change appears to be exactly the same change proposed by the County via a referendum in our most recent election in November of 2024. That proposal was soundly defeated by the voters of Erie County. Why is it already back again when only 4 months ago Erie County Voters exercised their rights and said no to the changes.

And like I said while educating Erie County Residents before the election in 2024, the changes look like an innocent idea to streamline voting on sales taxes by a simple majority vote instead of a two-thirds majority.

But it doesn't describe in any detail what the actual changes to the Erie County Residents and more specifically to the Residents of Lancaster, NY will be.

First – The 45,000 plus residents of the Town of Lancaster are represented by Legislator Frank Todaro. Frank is part of the Minority Party in the Erie County Legislature so a change in the Erie County Charter to a simple majority vote from the current standards of a two thirds vote could result in Legislator Todaro having no say with these Sales Tax issues moving forward. Therefore, the residents of the Town of Lancaster who deserve to be heard through their legislator, would not have a say in any changes.

Second – Eliminating the referendum takes the people opportunity to be heard by its elected officials right out of the equation. As I stated before, the government should never eliminate the rights of the people to have a say in how their government operates. The job of an elected official is not now, nor was it ever intended to be an easy job. The government process is set up to follow a combination of checks and balances and must be made up of transparent procedures and most importantly must insure our residents a voice in how the government operates.

  
Town of Lancaster Supervisor

March 20, 2025

To: Erie County Charter Review Commission

From: Christina Coyle-Lenz

Subject: Guardrails for Government

There is talk of the Erie County Charter Review Commission potentially taking action to reverse the will of the voters by introducing a clause that removes the need for a supermajority to extend the temporary portion of the Erie County sales tax. This change is in discussion under the guise of "efficiency." I believe the public can fully support efficiency in government to the extent that efficiency does not diminish legislative oversight. The discussion also includes an acknowledgement that the public will vote on the Erie County Charter revisions in the fall election to either approve or disapprove charter revisions. I've been thinking about this. Here are some concerns:

1. As I presented at the public hearing on Wednesday, March 13, 2025, the public voted on a clearly articulated proposition that was on the ballot in the Fall of 2024; they resoundingly defeated the proposition that proposed to remove the supermajority requirement needed to extend the temporary portion of the Erie County sales tax with 62.2% of the voters voting no.<sup>1</sup>
2. Why would anyone in government believe that the Charter Review Commission should change Erie County law to openly defy the will of the voters less than a year after this proposition was decided on the ballot?
3. To what extent will the public be aware of any clause that removes the need for the supermajority to extend the temporary portion of the Erie County sales tax? If this is on the ballot, embedded in the Charter Revisions, needed revisions to Erie County law could be rejected by the public, given the resounding NO vote in November of 2024.
4. Government clearly needs guardrails, and it is my hope that the Commission considers protection of legislative oversight in the Commission Review Process.

The residents of Erie County need to be protected from executive overreach and you, the Charter Review Commission, can take action to this end. Please consider implementing an amendment that does the following:

1. Limits the potential to revise the charter for any matter that was voted down in a public referendum within the last seven years.
2. Require a consensus of both the Democrat and Republican Board of Elections Commissioners such that the any proposed change is adequately significant to warrant placement on the ballot. A 2/3 vote of the County Legislature could override the decision of the Board of Elections Commissioners.

The Commission has a significant opportunity to adopt amendments and language that protect residents of Erie County with explicit language that honors the respective roles of government and protects legislative oversight. Please establish Guardrails for Government.

Respectfully submitted,



Christina Coyle-Lenz

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<sup>1</sup> <https://elections.erie.gov/Info>

The founding fathers had great concerns regarding the negative impact of political parties.

While not a founding father, Theodore Roosevelt stated the following regarding political parties:

“Instead of instruments to promote the general welfare, they have become the tools of corrupt interests.”

We don't have competitive elections in Erie County as it is virtually impossible to get on the ballot and compete on a level playing field due to the control political party bosses have, which is why we need a term limit of 8 years for all county elected positions.

The party bosses and politicians will never bring term limits up for a public vote. Poll after poll shows that 80% of the public supports term limits. Every where term limits go on the ballot it passes.

One of the problems with this Charter Commission is that everyone of you, while nice people has been appointed by a politician. In your work please consider the concerns of the public and not just the concerns of politicians.

While legislators do not support term limits, this Commission could still recommend on behalf of the public that the Charter contain term limits.

One of the ways the party bosses and political parties control elections to make them uncompetitive is drawing district lines in a way that benefits their interests.

I am requesting that you consider creating an Independent Redistricting Commission, that takes the drawing of district lines away from the politicians.

I am also requesting that future Charter Revision Commissions be created in an independent way. The County Executive, Leg Chair, County Comptroller and County Clerk, could each have one appointment and the appointments could come from the University at Buffalo Law School, the League of Women Voters, Partnership for the Public Good, United Way of Buffalo & Erie County and others.

Finally, in the future Charter Commission proposals should go straight to a public referendum, without the County Legislature and the County Executive having the ability to approve or veto the items. This is how Charter Commissions in New York City work.

To truly prosper as a community we have to break the stranglehold that party bosses and political parties have over so many aspects of our community.

We need term limits, Independent Redistricting and Independent Charter Commissions, as the party bosses will always stand in the way of true change.

Please consider your mission to be serving the public and not just serving the politicians that appointed you.

PAUL WOLF, ESQ.

## Talking points

Election Law § 1-102. Applicability of chapter. This chapter shall govern the conduct of all elections at which voters of the state of New York may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to any federal, state, county, city, town or village office, or deciding any ballot question submitted to all the voters of the state or the voters of any county or city, or deciding any ballot question submitted to the voters of any town or village at the time of a general election. ***Where a specific provision of law exists in any other law which is inconsistent with the provisions of this chapter, such provision shall apply unless a provision of this chapter specifies that such provision of this chapter shall apply notwithstanding any other provision of law.***

This is the section of the Election Law that would allow a local government (for instance, a county) to adopt an amendment to a county charter that is inconsistent with the Election Law (for instance, nonpartisan elections). The only restriction on a local government doing that would be if the Election Law specifically states that a local government may not adopt a provision inconsistent with the Election Law.

I see nothing in the Election Law that would state that a local government may not elect their public officers in nonpartisan elections.

Some might question where exactly this power of a local government to supersede/contradict the Election Law has actually occurred. I'd offer two examples:

- [Ranked choice voting in New York City](#)
  - o This was adopted as a charter amendment by New York City voters
  - o Practiced in primaries for local office

- Public campaign financing for New York City elections
  - o Also adopted through an amendment to the New York City Charter
  - o Establishes a public campaign match program for candidates for local office in New York City

Both of these serve as examples of local laws (amendments to the New York City Charter) that expressly contradict provisions of the Election Law.

Additionally, Ar. IX of the New York State Constitution gives county governments broad latitude with how they'll choose their public officers as well as what public officers they are to elect. Ar. IX(1)(h) gives charter counties wide latitude over the selection of their local leaders. Under Ar. IX, I think county governments (especially those with a charter) have the right to decide to elect their public officers in nonpartisan elections.

Some might say that it's not feasible to run nonpartisan local elections on the day of the General Election. It can be done and is done. For instance, members of the Buffalo School Board are elected on General Election Day in nonpartisan elections. Public officers for the City of Watertown are elected on General Election Day in nonpartisan contests. So it can be done in elections run by a local Board of Elections on a day when partisan contests appear on the ballot.

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# More Voices. More Choices!

A UNITE NY ADVOCACY CAMPAIGN



The "More Voices, More Choices" advocacy campaign aims at enacting meaningful reforms to improve democracy for all New Yorkers. The organization and its thousands of members are devoting time and significant resources to push for the passage of bills to create term limits for statewide elected officials, citizen ballot initiatives, increased ballot access, ranked choice voting and nonpartisan primaries. Every New Yorker in every neighborhood deserves the chance to make their voices heard!

New York needs to change, but it won't happen until residents can choose from a diversified list of candidates who truly represent their voice – instead of begrudgingly selecting between the lesser of two evils on a ballot. There are ways to do this, and, in turn, create a more accessible, equitable, and democratic government for us all.



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# Our Five Pillars:



## Term limits for Statewide Office

Term limits stop offices from becoming a permanent seat of power – and more than 80 % of New York voters support implementation. (Bill No. A.9095)



## Increased Ballot Access

In 2020, in the dark of night and under the guise of COVID relief, former Governor Cuomo convinced the Legislature to triple the number of signatures needed to get on statewide ballot.



## Nonpartisan Primaries

More than 3.4 million Independent voters cannot participate in primary elections which are consistently plagued by low turnout.



## Citizen Ballot Initiatives

Nearly three-quarters of New York voters want the ability to directly decide on critical issues like abortion, criminal justice, redistricting, and ethics reform.



## Instant Runoffs/Ranked Choice Voting

The implementation of Instant Runoffs in New York City drove an increase in voter turnout of more than 130,000. (Bill No. A.479)



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LWVUS promotes an open governmental system that is representative, accountable, and responsive.

We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices.

Whether for single- or multiple-winner contests, the League supports electoral methods that:

- Encourage voter participation and voter engagement.
- Encourage those with minority opinions to participate, including under-represented communities.
- Are verifiable and auditable.
- Promote access to voting.
- Maximize effective votes/minimize wasted votes.
- Promote sincere voting over strategic voting.
- Implement alternatives to plurality voting.
- Are compatible with acceptable ballot-casting methods, including vote-by-mail.

#### LWVNYS proposal position on Ranked Choice Voting

The League of Women Voters of New York State supports the use of ranked-choice voting (a.k.a., instant runoff voting), in primary, general and/or special elections to elect federal, state, and/or local officials.

With the adoption of any electoral system, the League believes that education of the voting public is important and funding for startup and voter education should be allocated.

#### LWVNYS proposal position on Nonpartisan Primaries

- The League of Women Voters of New York State supports changing from a closed partisan primary system to a primary system, including a nonpartisan primary system, that allows all registered voters to participate, regardless of party affiliation or lack thereof.
- We support the use of nonpartisan primaries to elect federal, state and local officials.