

## **Ballot Initiative Procedure**

### **Article 27 Amendment of Charter**

Section 2702. Amendment of charter. This charter may be amended in the manner provided by law. Any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective, or change the powers of an elective county officer, or change the term of office for county legislators shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch may be passed before January first, nineteen hundred sixty one. Amended by Local Law No. 2 1978.

Section 2703. Purpose of initiative procedure. The initiative is a process, by which the people of Erie County may write their own proposals to amend the Erie County Charter. Amendments to the Charter may be proposed, unless otherwise preempted by state or federal law, consistent with the provisions of this article. No initiative petition may be filed with the intent to defeat the initiative measure embraced in the petition, although nothing prohibits a person from filing in good faith an initiative measure which conflicts with a measure already on file. An initiative is placed on the ballot after its sponsor has successfully met a series of deadlines which are embodied in this article.

Section 2704. Definitions. As used in this article, the following terms shall have the meanings indicated:

#### **BUSINESS DAY**

A day on which the County is officially open for business.

#### **CHARTER**

The Erie County Charter.

#### **ELECTION LAW**

The state's Election Law, wherever applicable, regarding misrepresentation, forgeries and financing of campaigns.

#### **INITIATIVE**

The process whereby the people propose charter laws and amendments to charter laws, and to enact or reject them at the polls, independent of legislative assembly.

## **MEASURE**

The Charter amendment which is the subject of the initiative process.

## **PETITION**

The document circulated by registered voters to gather signatures to allow for the filing of the initiative and to qualify for a place on the ballot.

## **PETITION SIGNATURES**

The signatures of registered voters supporting the initiative statute or amendment and appearing on the petition.

## **REGISTERED VOTER**

A voter qualified to vote at the next general election as of the date of signing.

## **SPONSOR**

A registered voter or voters designated upon a petition by the parties signing such petition as their representative for all actions pertaining to such petition. There shall be no more than three sponsors for any petition.

## **SUMMARY**

Shall be given its common meaning, being an extract or abridgment of the proposed law or amendment. Such extract shall set forth a brief summary of the act, including its aims, goals and purposes.

Section 2704. Procedures for initiatives.

### **A.**

Submission to the Clerk of the Legislature. The sponsor shall prepare a written text of the proposed law. The text shall be attached to petition sheets which may be circulated among the eligible voters of Erie County. The sponsor shall present the text, together with the petition signed by at least 2.5% of the total number of votes cast within the County for all candidates who ran for Governor at the last gubernatorial election, to the Clerk of the Legislature, said signatures of each sponsor to be notarized and said petition to include the date of submission. The sponsor shall also submit a filing fee of \$75, in cash or certified check, which shall be utilized to defray the costs to implement this procedure. Upon receipt of the text filing fee, and the petition, the Clerk shall immediately forward the petition to the Board of Elections to determine and certify that it has the requisite number of valid signatures. The Clerk of the County Legislature shall provide the sponsor with a

time-stamped copy of said text, signed by said Clerk acknowledging receipt thereof. The Clerk shall also file a copy of the text simultaneously with the County Attorney.

**B.**

Abstract of the County Attorney. The County Attorney, upon receipt of the text from the Clerk of the County Legislature, shall initially review it. The County Attorney shall prepare an abstract of the proposed charter law describing in detail the areas of the Charter altered by said proposal and the legal impact thereof in a manner which can be comprehended by the general public. The text shall be returned by the County Attorney to the sponsors with an official abstract of the County Attorney within 30 days, by certified mail, return receipt requested.

**C.**

Within 20 days after receipt from the Clerk of Legislature, the Board of Elections shall review the petition and determine and certify whether the petition contains the requisite number of valid signatures. If the Board of Elections so certifies, the County Attorney shall prepare a title and summary and shall submit all of the above to the Clerk of the Legislature within 10 days after receipt of the certification from the Board of Elections. If the petition does not have the requisite number of signatures, the Board shall notify the Clerk, who shall notify the sponsor, by certified mail, and the Presiding Officer and County Attorney, and no further action may be taken. If the petition does have the requisite number of signatures, as determined by the Board of Elections, the Clerk of the Legislature shall notify the sponsor of such determination by certified mail, return receipt requested, and shall include a copy of the title, text and summary with said notification to the sponsor.

**D.**

The Board of Elections shall determine whether the petition is valid. Once a petition is validated finally by the Board of Elections and is filed, it shall appear on the ballot at the next general election to be held not less than 90 days after its qualification date.

**E.**

Approval. If the measure is approved by a majority vote at the general election of all persons voting in such general election, the Charter amendment shall become effective as set forth in the text of the measure. Notwithstanding the above, no measure may affect the term of office of an elected official who is in office on the day of the referendum vote. Further, if the measure requires a change in the County budget, then the measure shall not take effect until the second following January 1. This time period will be necessary so that the affected department may provide for the changed spending in the annual budget. If the proposed measure purports to transfer any authority, function, responsibility or cost of the County to a town,

village, special district or other unit or form of government wholly contained or created within the County, then such measure shall not become operative unless and until it is approved at a general election by a majority vote of all persons voting in such election and a majority of all the votes cast thereon in the jurisdictions so affected.

Section 2705. Amendment to Charter provisions adopted by initiative. The County Legislature may amend or repeal initiative-adopted Charter amendments only by local law, subject to mandatory referendum, unless the terms of the initiative permit amendment or repeal without submission to the electorate.

## **Restricting Party Chairs From Serving As Board of Election Commissioners**

### **Article 22 Other County Boards**

Section 2201. Board of Elections. The Board of Elections, its powers and duties and the method of appointment of the members thereof by the County Legislature shall continue as provided by law.

No person shall be appointed as election commissioner or deputy election commissioner who is not a registered voter in the county and not an enrolled member of the party recommending his or her appointment, or who is the chair of the respective democratic or republican party or committee in the county or who holds any other public office, except that of commissioner of deeds, notary public, trustee or officer of a school district; provided, however, that the provision of this subdivision prohibiting an election commissioner or deputy election commissioner from continuing to hold office who is the chair of the respective democratic or republican party or committee shall not apply to any person currently serving as election commissioner or deputy election commissioner.

An election commissioner or deputy election commissioner shall not be a candidate for any elective office which he or she would not be entitled to hold under the provisions of this article, unless he or she has ceased by resignation or otherwise, to be commissioner or deputy commissioner prior to his or her nomination or designation therefor. Otherwise such nomination or designation shall be null and void.

## **Ending The Discussion of Public Business In Secret Legislature Party Caucus Meetings**

### **Article 2 Legislative Branch**

Section 212. Political Party Caucus Meetings. A private meeting of members of the county legislature, who are members of the same political party may occur to discuss political party business. No discussion of public business shall occur at such caucus meetings.

## **Public Posting of All Employment Positions**

### **Article 9 Dept of Personnel**

Section 903. Public Posting of Employment Positions. Prior to hiring any county employee, the County shall prominently display a notice on the County's website, LinkedIn and Indeed, that there is an opening for such position for at least ten business days, before making any hiring decision.

## Filling a vacancy in the County Legislature

### Article 2 Legislative Branch

Section 2605. 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 a special or general election in the county legislative district from which such legislator was elected, called by the County Executive within ten days of the vacancy. The election must be held not less than seventy nor more than eighty days from the date of the proclamation. Any qualified individual can run by submitting a petition with the required number of signatures to the appropriate election authorities. At such special or general election, a successor shall be elected to hold office for the balance of the term and shall take office immediately upon certification of the results of the election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this law shall be borne by the County.

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 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.

### Filling a vacancy in the office of County Executive or Comptroller

Section 2604. 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

**Deleted:** appointment by a majority vote of the members of the County Legislature of the party with which the person last elected to such office identified for the purpose of selecting a majority and minority leader.

**Deleted:** A vacancy shall be included in the total count there is to be a majority vote. However, when the number of vacancies is such that there are not enough incumbents remaining in the party having the vacancies to total a majority of the number of members of the party as it existed before the vacancies occurred, then the vacancy or vacancies shall be filled by an unanimous vote of the remaining members of said party. 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.

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be filled by a special or general election in the county, called by the County Legislature within ten days of the vacancy. The election must be held not less than seventy nor more than eighty days from the date of the proclamation. Any qualified individual can run by submitting a petition with the required number of signatures to the appropriate election authorities. At such special or general election, a successor shall be elected to hold office for the balance of the term and shall take office immediately upon certification of the results of the election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this law shall be borne by the County.

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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 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.

**Deleted:** 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.

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### Filling a Vacancy for Clerk, District Attorney or Sheriff

Section 2606. Filling vacancy in elective office of County Clerk, District Attorney or Sheriff. A vacancy, otherwise than by expiration of term or removal by the Governor, in the elective office of County Clerk, District Attorney or Sheriff shall be filled by a special or general election in the county, called by the County Legislature within ten days of the vacancy. The election must be held not less than seventy nor more than eighty days from the date of the proclamation. Any qualified individual can run by submitting a petition with the required number of signatures to the appropriate election authorities. At such special or general election, a successor shall be elected to hold office for the balance of the term and shall take office immediately upon certification of the results of the election. It shall be the

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duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this law shall be borne by the County.

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 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 Clerk, District Attorney or Sheriff, as the case may be, shall be elected for the balance of the term, if any.

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## **Holding Legislature Meetings In The Evenings**

### **Article 2 Legislative Branch**

Section 213. Legislature Meetings. All legislative sessions and committee meetings of the legislature shall occur at 7:00 p.m. All joint caucus meetings shall occur at 5:30 p.m.

Independent Charter Revision Commission

Section 2608. Charter revision commission. The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission by October 15, 2035, The Charter Revision Commission shall conduct at least one (1) public hearing prior to December 31, 2035. The Charter Revision Commission shall only be required to consider those proposals submitted to the Commission on or before April 15, 2035.

The membership of the Charter Revision Commission shall be comprised as follows:

One (1) appointment shall be made by the Erie County Executive. One (1) appointment shall be made by the Erie County Comptroller. One (1) appointment shall be made by the Erie County Clerk. One (1) appointment shall be made by the Chairman of the Legislature. One (1) appointment shall be made by the Erie County Bar Association. One (1) appointment shall be made by the Buffalo Niagara League of Women Voters. One (1) appointment shall be made by the United Way of Buffalo and Erie County. One (1) appointment shall be made by the University at Buffalo Law School. One (1) appointment shall be made by the Buffalo Branch of the NAACP. One (1) appointment shall be made by the Community Foundation for Greater Buffalo. One (1) appointment shall be made by the Civil Service Employees Association local 815. One (1) appointment shall be made by the Partnership for the Public Good. One (1) appointment shall be made by the Buffalo Niagara Partnership.

The Chairman of the Erie County legislature, at the time of the establishment of the commission, shall choose one member of the Charter Revision Commission to act as Chairman of the Commission. The Commission will then select its Vice Chairman and Secretary from amongst its members.

No member of the Commission shall hold public office, be an employee of the County, nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.

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Submission of recommendation for voter approval.

a. The commission may require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted.

b. The commission may submit its proposed new or revised charter to the electors of the county at a general or special election, and shall complete and file its proposed new or revised charter in time for submission to the electors not later than the second general election after the date of their recommendations.

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## Independent Nominating Petitions For County Legislator

New York State Election Law establishes the maximum number of signatures required for designating and nominating petitions. For candidates running for county legislature under a party, the requirement is 500 signatures. However, independent candidates—those running without party backing—must collect 1,500 signatures, three times as many.

This disparity is not only excessive but also unfair. Independent candidates, who lack the support of a party's political machinery, already face significant challenges in getting on the ballot. Requiring them to collect triple the number of signatures only exacerbates these difficulties. To make matters worse, independent candidates cannot begin gathering signatures until six weeks after party candidates have started. This delay increases the likelihood that independent candidates will fail to qualify for the ballot due to duplicate signatures—signatures that voters may have already given to party candidates.

Strangely, the signature requirement for independent candidates running for Erie County Executive is actually lower than that for party candidates—1,500 signatures compared to 2,000. Yet for county legislature, the burden on independents is far greater. If 1,500 signatures are needed to run county wide, the same number should not be required to run for a legislative district.

Under New York's Home Rule Law, municipalities have the authority to reduce the number of petition signatures required for both party and independent candidates. New York City has already done so through a Charter Commission, cutting its signature requirements as follows:

- **Mayor** – 3,750 (down from 7,500)
- **Borough President** – 2,000 (down from 4,000)
- **City Council** – 450 (down from 900)

These requirements apply equally to both party and independent candidates. Astonishingly, candidates for the Erie County Legislature must collect more signatures than candidates for the New York City Council. Even worse, independent candidates for Erie County Legislature must collect triple the number required of their NYC counterparts.

The New York City Charter offers a model for reform, ensuring that independent candidates are not unfairly disadvantaged.

Erie County should adopt a similar approach to promote fairness and a more competitive electoral process.

This change in the Charter will also benefit party candidates seeking to file for another ballot line.

Pages 47-50 of the report below address the legality of adopting this change.

[https://www.nyc.gov/assets/charter/downloads/pdf/nonpartisan\\_elections.pdf](https://www.nyc.gov/assets/charter/downloads/pdf/nonpartisan_elections.pdf)

## Article 2 - Legislature

### Section 202.3. Independent Nominating Petitions; Number of Signatures

a. The number of signatures required for any designating petition or independent nominating petition for the designation or nomination of a candidate for Erie County legislature shall be governed by applicable provisions of the New York state election law, except that in no event shall the number of signatures required exceed the limit of five hundred signatures.

b. (1) The following provisions of the election law shall not apply to the extent that they govern the designation or independent nomination of county legislator: paragraphs (a), of subdivision two of section 6-142 (independent nominations; number of signatures). Section 6-100 of the election law shall apply, except to the extent that provisions of article six of the election law are inapplicable in accordance with this section.

(2) Any other provisions that from time to time may be added to the election law and that relate to the matters covered by the provisions of the election law that are inapplicable in accordance with this section shall similarly not apply to the extent that they govern the designation or nomination of such officers.

(3) References to provisions of the election law in this section shall be deemed to refer to any successors to such provisions.

## Creating An Independent Committee On Reapportionment

### Article 2 - Legislature

Section 210. Advisory Committee on Reapportionment. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned consistent with federal and state law. During the first two months the Chairman of the County Legislature shall appoint members, as follows: the Chairman of the County Legislature or his or her designee, the majority and minority leaders of the Legislature or their designees, the Commissioners of the Board of Elections or their designees, and ten residents of Erie County representing interested community groups, The Chairman of the advisory committee shall be appointed by the Chairman of the Legislature. The advisory committee shall submit its final report to the County Legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie County, whichever is later. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty days.

**Deleted:** Legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to inform the County Legislature of their availability to serve on such an advisory committee. The County

**Deleted:** the advisory committee consisting of fifteen

**Deleted:** five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader.

The remaining ten members of the Committee shall be comprised as follows:

One (1) appointment shall be made by the Erie County Bar Association. One (1) appointment shall be made by the Buffalo Niagara League of Women Voters. One (1) appointment shall be made by the United Way of Buffalo and Erie County. One (1) appointment shall be made by the University at Buffalo Law School. One (1) appointment shall be made by Buffalo State University. One (1) appointment shall be made by the Buffalo Branch of the NAACP. One (1) appointment shall be made by the Community Foundation for Greater Buffalo. One (1) appointment shall be made by the Civil Service Employees Association local 815. One (1) appointment shall be made by the Partnership for the Public Good. One (1) appointment shall be made by the Buffalo Niagara Partnership.





## **Nepotism Law As Recommended By The Erie County Ethics Board**

Nepotism. Except as otherwise required by law: Effective \*\*\*\*\*, no municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board. Effective \*\*\*\*\*, no municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

## **Article 2 Legislative Branch**

### **Add a new Section 212**

Section 212. Public Comment. Every agenda of an Erie County Legislature meeting shall provide an opportunity for members of the public to speak to the Legislature before the Legislature's discussion or consideration of agenda items and for any non-agenda item of interest to the public, that is within the subject matter jurisdiction of the Erie County Legislature.

## **Term Limits Charter Amendment**

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. No person shall be eligible to be elected to or serve as County legislator if that person had previously held such office for four or more two-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 two 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 two 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 two 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 two 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 two 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.