

COMMITTEE REPORT

To: Mark Margeson, Chairman

From: Legislative Term Limit Committee

Date: April 18, 2023

REPORT

The Legislative Term Limit Committee (the "Committee") was formed through Resolution 23-040. The Committee met numerous times to review and discuss whether to recommend a term limit proposal for the offices of County Legislator, County Executive and/or County Treasurer. Minutes of all meetings are attached to this report.

The Committee is aware that any local law imposing term limits is subject to a permissive referendum, and thus may be submitted to the voters only if that process is followed.

Committee members interviewed counties that have either adopted or considered term limit measures to assess the practical advantages and disadvantages of term limits from those counties' discussions and experiences (see attached). The Committee reviewed an analysis of elections since 1990, to understand the extent to which elections of the offices of Legislator, Executive and Treasurer are contested, and the historical longevity of incumbents. Detailed summaries of those studies are attached to this report.

In summary, the counties with term limit experience reported that:

Advantages include:

- o Ensures new people will come on board, bringing fresh ideas
- o People that you may want replaced will eventually be replaced
- o Sends a message to State and Federal governments that constituents want term limits

Disadvantages include:

- o Losing people with experience and institutional knowledge
- o Learning curve for new people taking office
- o Lose good people that you don't want to lose
- o Office holders in last term are "lame ducks"

The election analysis shows the following for all elections since 1990 (4-year terms):

Executive: 22% of elections were contested (2 of 9)

Treasurer: 11% of elections were contested (1 of 9)

Legislature:

Contested Elections

47% -- elections contested since 1990 (63 of 135)

63% -- elections contested since 2006 (47 of 75)

Turnover of Seats

32% -- average new Legislators after each election since 1990

Average Longevity (last 20 years [2002 election to present])

67% of Legislature had 12 or fewer years' experience at start of term

56% of Legislature had 8 or fewer years' experience at start of term

Current Legislature (1/1/2023 [2022 election])

100% -- elections contested

20% of Legislature is in a 4th term or more (3 of 15 members)

40% of Legislature is in 1st term (6 of 15 members)

5.13 -- average years of County Legislature experience at beginning of current term (77 years between 15 members)

RECOMMENDATIONS

After thoughtful consideration and deliberation, the Committee recommends that the County not adopt term limits for the County Treasurer, due to the specialized and technical requirements of the job, which are enhanced benefited through experience.

The Committee recommends that the Legislature consider separate term limit local laws for the Legislators and the County Executive, with the details of each law being identical (draft local laws attached). The Committee Chair spoke with the County Executive, who supports the substance of the proposal.

The Committee recommends two separate laws, to enable the public to vote on each proposal separately (instead of an all or nothing vote). The Committee also recommends that the Legislature present and pass a resolution during the permissive referendum period (in lieu of a petition signed by 10% of registered voters), to place the items on the ballot in November 2023. Without a referendum vote (placed on the ballot through petition or resolution), the measures would become law upon passage and expiration of the 45-day permissive referendum period.

The attorney to the Legislature has advised that there is wide flexibility in the features of term limit laws that may be enacted.

The features of the term limit recommendation for the County Legislators and County Executive are as follows:

- Limit of 3 consecutive 4-year terms
- After 4-year break, eligible again to run for office
- Term commencing 1/1/2023 is first term applicable to 3-term limit
- Partial terms do not count toward limit

The Committee does not recommend any further action by this Committee at this time, and deems its activities concluded with this Report.

It is hereby:

RESOLVED, that the Legislative Term Limit Committee adopts the above Report.

Ayes: Sweet, Drake, Strange, Saglibene, Burin (Chairman),

Minutes of a meeting of the Term Limit Advisory Committee held on Thursday, March 2, 2023 in the Legislative Conference Room, 5th Floor, Hazlett Building, Elmira, New York.

Committee members present: John Burin (Chairman), Michael Saglibene, Scott Drake, Rodney Strange

Excused: L. Thomas Sweet

Also present: Mark Margeson, Chairman of the Legislature, Bryan Maggs, Attorney to the Legislature

The Chairman of the Committee, John Burin called the meeting to order at 10:00 a. m.

Mr. Burin turned the meeting over to the Chairman of the Legislature, Mr. Margeson. Mr. Margeson reviewed his purpose of forming the committee, looking at term limit advantages and disadvantages.

Mr. Burin introduced each committee member. Mr. Burin provided the committee data from the previous term-limit review in 2019/2020. Mr. Burin noted that the establishment of term limits was part of several candidate's platform when seeking a seat on the legislature in 2018 & 2022. This committee is charged with reviewing term limit plans adopted (including their impact), considered, or are considering at the county level in New York State. Mr. Burin requested Attorney Maggs explain mandatory referendum and permissive referendum, and to provide term limit options for consideration.

Attorney Maggs opined that the law forbids mandatory referendum unless the issue to be put to the public is specifically authorized by law. Municipal Home Rule Law § 23 (2)(e) includes among issues subject to a mandatory referendum those which "change the term of an elected office", case law holds that this provision applies to changes in the of terms that officials are elected to serve, not the number of terms they are eligible to serve. In the latter scenario (a measure limiting the number of terms), the issue is for the legislative body only, and may not be put to public referendum. Term Limits is subject to permissive referendum under Municipal Home Rule Law § 24. After the law passes through the Legislative/Executive Veto override process, it is does not become effective until a period of days at which time the voters/public can petition to ask that this issue be put to the voters. If there are enough signatures on the petition in support of the voters voicing their opinion on this law, that petition would need to be submitted to the Clerk of the Legislature who would then certify that petition as valid, send it to the Board of Elections with the question that would be voted on by the public, and put on the ballot at the next general election. If the period of permissive referendum expires with no petitions filed, it is then filed with New York State, Secretary of State for final approval. The three elective positions to which term limits apply are the County Legislature, County Executive, and County Treasurer. There's a wide range of ways term limits can be implemented; it depends on what the body feels is the best fit for their county.

Mr. Burin recommended the committee start their research by reaching out to other counties to gather information on their studies/outcomes/impacts of term limits. Mr. Burin requested that Clerk of the Legislature reach out to legislative clerks to ask what counties have considered term limits but did not move forward. Attorney Maggs will work on a longitudinal study of election results for the County Legislature, County Executive, and County Treasurer in Chemung County.

This meeting was adjourned on the motion made by Mr. Drake, seconded by Mr. Strange. Motion Carried.

Next meeting: To be determined

Minutes of a meeting of the Term Limit Advisory Committee held at 10:00 a.m. on Thursday, March 30, 2023 in the Legislative Conference Room, 5th Floor, Hazlett Building, Elmira, New York.

Committee members present: John Burin (Chairman), Michael Saglibene, L. Thomas Sweet, Scott Drake, Rodney Strange

Also present: Bryan Maggs, Attorney to the Legislature

The Chairman of the Committee, John Burin called the meeting to order at 10:00 a. m.

Committee members reached out to counties that have implemented term limits to gather information on their studies/outcomes/impacts of term limits. Each member shared/reviewed their findings with the committee.

Attorney Maggs provided/reviewed a longitudinal study of election results for County Legislature, County Executive, and County Treasurer requested by the committee. See attached.

Mr. Sweet stated that implementing term limits takes the power/rights away from the voters. He stated that the 2018 election is a perfect example that term limits is not necessary as there were seven new Chemung County Legislators elected, four of whom beat incumbents.

Mr. Strange noted that in the 2022 election all Chemung County Legislative seats were challenged.

Mr. Saglibene stated that term limits take away the advantage of the incumbent in an election, leveling the playing field. He also stated that term limits ensure new blood/new ideas to county government and providing others the opportunity for a seat.

Mr. Burin requested that Mr. Drake and Mr. Strange discuss a grandfathering clause regarding term limits and provide a proposal/recommendation at the next meeting.

Mr. Burin requested that Mr. Sweet and Mr. Saglibene discuss staggered terms limits and provide a proposal/recommendation at the next meeting.

A discussion was had regarding options for imposing term limits, and ways to provide public input. Attorney Maggs offered to provide some questions to consider for a public survey.

Mr. Burin noted he will put together a power point presentation of the information gathered by this committee to present to the Full Legislature at a future meeting.

This meeting was adjourned on the motion made by Mr. Drake, seconded by Mr. Strange. Motion Carried.

Next meeting: Thursday, April 13th at 11:00 a.m.

Minutes of a meeting of the Term Limit Advisory Committee held at 10:00 a.m. on Thursday, April 13, 2023 in the Legislative Conference Room, 5th Floor, Hazlett Building, Elmira, New York.

Committee members present: John Burin (Chairman), Michael Saglibene, L. Thomas Sweet, Scott Drake, Rodney Strange

Also present: Bryan Maggs, Attorney to the Legislature

The Chairman of the Committee, John Burin called the meeting to order at 9:30 a. m.

Motion made by Mr. Drake, seconded by Mr. Saglibene to approve the minutes of the March 2, 2023 and March 30, 2023 Term Limit Advisory Committee meetings as submitted. Motion Carried.

Mr. Burin shared/reviewed a summary packet he compiled of the committee's findings that will also be shared with the Full Legislature.

The committee discussed options for public input. Attorney Maggs provided a second option under the permissive referendum law where the Legislature can present and pass a resolution during the permissive referendum period, to place the items on the ballot in November 2023.

Mr. Saglibene provided/reviewed an article regarding staggered terms and redistricting. See attached After a discussion was had, all members of the committee were not in favor of recommending staggered terms.

Mr. Strange and Mr. Drake shared their recommendation regarding a term limit grandfathering clause. Their recommendation is a grandfathering clause starting January 1, 2023. Mr. Sweet stated that he is in favor of no grandfathering clause. Anyone sitting on the legislature that is serving their third term should be done at the end of current term. Mr. Saglibene stated that he recommends a grandfathering clause starting January 1, 2027.

The committee discussed three full consecutive, four-year terms with an eligibility to run for a seat again after a four-year break or three full consecutive, four-year term with no eligibility to run for a seat again. The committee does not recommend partial terms count towards full term.

The Committee does not recommend term limits for the Chemung County Treasurer.

The Committee recommends term limits for Chemung County Legislators and Chemung County Executive.

Attorney Maggs will draft a proposed resolution based on the committee's recommendation.

This meeting was adjourned on the motion made by Mr. Drake, seconded by Mr. Strange. Motion Carried.

Next meeting: Tuesday, April 18th at 9:30 a.m.

Redistricting Resources

NY Census and Redistricting Institute

7-2022

Staggered Elections and Redistricting

Piper Benedict

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Staggered Elections and Redistricting

In about half of U.S. states, voters elect one or more of their legislative chambers on a staggered basis. Margaret B. Weston, *One Person, No Vote: Staggered Elections, Redistricting, and Disenfranchisement*, 121 Yale L.J. 2013, 2014 (2012). In California, for example, half of its state senatorial districts are up for election every two years and each senator serves a four-year term. *Id.* In many of these states, including California, voters elect odd-numbered districts during presidential-election years and even-numbered districts during midterm-election years. *Id.* Staggered terms have the effect of insulating upper legislative chambers from political influence and promoting continuity in the legislative body by ensuring that all districts are never up for election at the same time. *Id.* at 2025. However, an often-overlooked consequence of these staggered term systems occurs in many of these states every ten years after they redraw their district lines.

The process of decennial redistricting coupled with staggered terms essentially causes some voters to be temporarily disenfranchised while others become temporarily double-enfranchised. *Id.* at 2013. In California's case, a voter who, as a result of redistricting, moved from district one to district two, will have voted in 2020 for their old representative and will vote again in 2022 for their new representative after redistricting. League of Women Voters of California, *Deferred and Accelerated Voters Redistricting and the California State Senate*. These voters, who are essentially double-enfranchised by having the opportunity to vote twice in a four-year period, are termed "accelerated" voters. *Id.* Whereas a voter who moved from district two to district one will have voted in 2018 for their old representative but will not have the opportunity to vote for a new representative until 2024. *Id.* For two years that voter will have a

representative that they had no hand in selecting. These citizens, who will not have the opportunity to vote for six years, are termed “deferred” voters. *Id.*

State and federal courts across the country have deemed this temporary disenfranchisement to be an “inevitable byproduct of reapportioning a legislative body whose members are elected for staggered four-year terms.” *Legislature v. Reinecke*, 516 P.2d 6, 12 (Cal.1973). Furthermore, courts have determined that this type of disenfranchisement does not violate the Equal Protection Clause “so long as no particular group is uniquely burdened” *Baldus v. Members of Wisconsin Gov’t Accountability Bd.*, 849 F. Supp. 2d 840, 852 (E.D. Wis. 2012). Courts use the “rational-basis” test to determine constitutionality in these cases, and many courts throughout the country have determined that temporary disenfranchisement due to redistricting in staggered election states meets the rational-basis test. *Donatelli v. Mitchell*, 2 F.3d 508, 515–16 (3d Cir. 1993). As long as the state has a rational reason for creating this disenfranchisement, this outcome does not violate Equal Protection. *Reinecke*, 516 P.2d at 12 (holding that California’s goal of maintaining “orderly operation of the four-year staggered terms system” in an effort to keep “stability and continuity in the Senate” qualified as a rational basis for producing temporary disenfranchisement). While courts have found this type of disenfranchisement to be constitutional, many states have taken measures to prevent this consequence.

States that have not altered their laws to address this are left with deferred and accelerated voters after each redistricting cycle. They may also see representatives whose terms continue past redistricting (“holdover” senators) now representing a district where they do not reside or where few or none of their former constituents reside. To combat this, some states continue to allow deferred and accelerated voters but reassign holdover senators to new

numbered districts. Margaret B. Weston, *One Person, No Vote: Staggered Elections, Redistricting, and Disenfranchisement*, 121 Yale L.J. 2013, 2016 (2012). They will usually reassign these senators to districts that align more closely with the makeup of their former district. *Id.* Still others have taken more drastic steps to resolve these issues. Several states have adopted a system of truncated terms following redistricting. In these states, including Florida, after the new lines are drawn, all districts hold elections in the first cycle after redistricting so that all voters in their new districts have the opportunity to vote for a representative. *Id.* at 2018. To restore their staggered system, half of the districts will have a truncated two-year term following redistricting. *Id.* at 2019. Some states alternate truncated terms while others draw lots to determine short and long terms. *Id.* This solution eliminates the risk of temporary disenfranchisement and double-enfranchisement due to redistricting in a staggered term system. *Id.*

State	Handling of staggered terms after redistricting	Citation
Alaska	Truncation	<i>Egan v. Hammond</i> , 502 P.2d 856, 873–74 (Alaska 1972) <i>Groh v. Egan</i> , 526 P.2d 863, 881 (Alaska 1974) <i>In re 2001 REDISTRICTING CASES, Plaintiffs, v. REDISTRICTING BOARD, et al., Defendant.</i> , No. 3AN-01-8914CI, 2002 WL 34119573 (Alaska Super. Feb. 01, 2002)
Arkansas	Truncation	<i>Moore v. McCuen</i> , 317 Ark. 105, 876 S.W.2d 237 (1994) Ark. Const. art. V, § 3
California	Allow deferred/accelerated voters	<i>Legislature v. Reinecke</i> , 516 P.2d 6, 12 (Cal. 1973)

Colorado	Allow deferred/accelerated voters but reassigns holdover senators	<i>In re Reapportionment of Colorado Gen. Assembly</i> , 647 P.2d 191, 198 (Colo. 1982) <i>Kallenberger v. Buchanan</i> , 649 P.2d 314, 317 (Colo. 1982)
Delaware	Truncation	Del. Code Ann. tit. 29, § 806 (West) (2021)
Florida	Truncation	Fla. Const. art. III, § 15 <i>In re Apportionment L. Appearing as Senate Joint Resol. 1 E, 1982 Special Apportionment Session; Constitutionality Vel Non</i> , 414 So. 2d 1040, 1050 (Fla. 1982) <i>In re Senate Joint Resol. of Legislative Apportionment 1176</i> , 83 So. 3d 597, 658 (Fla. 2012)
Hawaii	Truncation	Haw. Const. art. IV, §§ 7- 8
Illinois	Truncation	Ill. Const. art. IV, § 2 <i>People ex rel. Pierce v. Lavelle</i> , 56 Ill. 2d 278, 281-82, 307 N.E.2d 115, 117 (1974)
Indiana	Allow deferred/accelerated voters	Ind. Const. art. IV, § 3
Iowa	Truncation	Iowa Const. art. III, § 35 <i>In re Legislative Districting of Gen. Assembly</i> , 193 N.W.2d 784, 791 (Iowa), <i>supplemented</i> , 196 N.W.2d 209 (Iowa 1972), <i>amended sub nom. Matter of Legislative Districting of Gen. Assembly</i> , 199 N.W.2d 614 (Iowa 1972)
Kentucky	Unclear, appears to allow deferred/accelerated voters	<i>Anggelis v. Land</i> , 371 S.W.2d 857, 859 (Ky. 1963) 1982 Ky. Op. Att'y Gen. 2-18 (1982)
Missouri	Allow deferred/accelerated voters	Mo. Const. art. III, § 11
Montana	Allows deferred/accelerated voters but assigns holdover senators to new districts	<i>Wheat v. Brown</i> , 2004 MT 33, 35, 320 Mont. 15, 25, 85 P.3d 765, 771 Op. No. 2, 40 Mont. Op. Att'y Gen. 7 (Jan. 21, 1983)

Nebraska	Allows deferred/accelerated voters but assigns holdover senators to new districts	<i>Pick v. Nelson</i> , 247 Neb. 487, 493, 528 N.W.2d 309, 315 (1995) <i>Carpenter v. State</i> , 179 Neb. 628, 636, 139 N.W.2d 541, 546 (1966) Neb. Const. art. III, § 7
Nevada	Allow deferred/accelerated voters	<i>State ex rel. Herr v. Laxalt</i> , 84 Nev. 382, 388, 441 P.2d 687, 691 (1968) Nev. Const. art. XVII, § 9
North Dakota	Truncation	N.D. Cent. Code Ann. § 54-03-36 (2021) (West) <i>Kelsh v. Jaeger</i> , 2002 ND 53, ¶ 29, 641 N.W.2d 100, 110 https://ndlegis.gov/files/resource/committee-memorandum/23.9158.01000.pdf
Ohio	Allow deferred/accelerated voters but assigns holdover senators to new districts	Ohio Const. Article XI, Section 5
Oklahoma	Allow deferred/accelerated voters	<i>Ferrell v. State of Okl. ex rel. Hall</i> , 339 F. Supp. 73, 82 (W.D. Okla.), <i>aff'd sub nom. Ferrell v. Hall</i> , 406 U.S. 939, 92 S. Ct. 2045, 32 L. Ed. 2d 328 (1972) Okla. Stat. Ann. tit. 14, § 80.35.14 (2021) (West)
Oregon	Allow deferred/accelerated voters but assigns holdover senators to new districts	<i>Republican Party of Oregon v. Keisling</i> , 959 F.2d 144, 145-46 (9th Cir. 1992) Or. Const. art. IV, § 6 (2010) “Any Senator whose term continues through the next odd-numbered year regular legislative session after the operative date of the reapportionment shall be specifically assigned to a senatorial district.”
Pennsylvania	Allow deferred/accelerated voters but assigns holdover senators to new districts	<i>Donatelli v. Mitchell</i> , 2 F.3d 508, 510 (3d Cir. 1993)
Tennessee	Allow deferred/accelerated voters	<i>Mader v. Crowell</i> , 498 F. Supp. 226, 231 (M.D. Tenn. 1980)
Texas	Truncation	Tex. Const. art. III, § 3
Utah	Allow deferred/accelerated voters	Utah Code Ann. § 36-1-102 (2021) (West)

Washington	Allow deferred/accelerated voters	<i>Prince v. Kramer</i> , No. CIV. NO. 9668, 1972 WL 123242, at *5 (W.D. Wash. Apr. 21, 1972)
West Virginia	Allow deferred/accelerated voters	W. Va. Const. art. VI, § 3
Wisconsin	Allow deferred/accelerated voters	<i>Baldus v. Members of Wisconsin Gov't Accountability Bd.</i> , 849 F. Supp. 2d 840, 852-53 (E.D. Wis. 2012)
Wyoming	Unclear	Wyo. Att'y Gen. Formal Op. No. 2011-003, 2011 WL 5304071 (Oct. 10, 2011)

Minutes of a meeting of the Term Limit Advisory Committee held at 9:30 a.m. on Tuesday, April 18, 2023 in the Legislative Conference Room, 5th Floor, Hazlett Building, Elmira, New York.

Committee members present: John Burin (Chairman), Michael Saglibene, L. Thomas Sweet, Scott Drake, Rodney Strange

Also present: Bryan Maggs, Attorney to the Legislature

The Chairman of the Committee, John Burin called the meeting to order at 9:30 a. m.

The Committee reviewed the Term Limit Committee Final Report.

Motion made by Mr. Saglibene, seconded by Mr. Drake to approve the Final Report and Recommendations of the committee. Motion Carried.

Motion made by Mr. Saglibene, seconded by Mr. Drake, recommending the Legislative Chairman forward to the Legislative Committee a resolution adopting a local law (Term Limit for the County Executive). Mr. Sweet Opposed. Motion Carried.

Motion made by Mr. Saglibene, seconded by Mr. Saglibene, seconded by Mr. Strange, recommending the Legislative Chairman forward to the Legislative Committee a resolution adopting a local law (Term Limit for the County Legislators). Mr. Sweet Opposed. Motion Carried.

This meeting was adjourned on the motion made by Mr. Sweet, seconded by Mr. Saglibene. Motion Carried.

ADDENDUM TO COMMITTEE REPORT

I. Referendum on Term Limits

Mandatory Referendum

New York Municipal Home Rule Section 23

A local law subject to mandatory referendum as provided in this section or in any other state statute, shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than 60 days after the adoption thereof.....

e. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, **or changes the term of an elective office**, or reduces the salary of an elective officer during his term of office.

The “change to the term of office” refers to the number of years that constitute a term, not a limit of the number of terms.

Permissive Referendum

New York Municipal Home Rule Section 24

Many types of local laws, including term limits, are subject to a permissive referendum. Upon passage, there is a 45-day period for the law to be subject to a referendum. One way to put the law to the voting public is by filing a petition with the Clerk of the Legislature, signed by a minimum of 10% of the total number of voters that voted in the last Gubernatorial general election. Another way is for the Legislature to pass a resolution sending the law to the next general election, by a resolution adopted within 30 days of the passage of the law (County Law section 101). The question to be placed on the ballot must be to the Board of Elections at least 60 days before election day.

II. Survey Results of Counties Contacted by the Committee

a. Counties with Term Limits contacted by the Committee

Cattaraugus

Cayuga

Clinton

Dutchess

Erie (did not implement term limits)

Monroe

Putnam

Schuyler

Steuben

Westchester

b. Survey Responses

Advantages of Term Limits

People that you would like to have replaced will be replaced

New ideas

New blood concept

Sends a message to State and Federal Govt that constituents want term limits.

New people, fresh ideas

Disadvantages of Term Limits

Not having institutional knowledge

Last term = Lame Duck

Lose experience

Lame duck

Institutional knowledge

Institutional knowledge – large learning curve

Lose good people

Some say term limits are unnecessary because the voters have the opportunity to terminate an elected official every election.

Survey Responses

Not necessarily, in a small community people know each other. There are people that may be interested in running for office but do not want to challenge someone they know.

Fair point but willing to make the tradeoff.

Agree 100%

Agree 100%

Agree with this concept

Neutral on the matter

Some say a Legislator serving in their last term are more willing to propose legislation that they believe is in the best interest of their constituents but may be controversial. The thought process is that legislation that may never be proposed without term limits will be proposed to the overall betterment of the community.

This is a real possibility. Highlighting a controversial issue will create dialogue that may not have been discussed.

Probably true.

This argument has merit however the legislation could do damage down the road.

Do not believe this is true. Someone serving in their last term becomes a lame duck.

Legislators in their last term become lame ducks. If this legislator could get rid of term limits this legislator would.

Great point!! They are more willing to rock the boat.

RESOLUTION NO. 23-____

RESOLUTION ADOPTING LOCAL LAW INTRODUCTORY NO. 3 FOR THE YEAR 2023 IN RELATION TO THE AMENDMENT OF LOCAL LAW NO. 4 OF THE YEAR 1973 ENTITLED "A LOCAL LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COUNTY CHARTER FOR THE COUNTY OF CHEMUNG, STATE OF NEW YORK" RELATING TO THE PROVISIONS OF ARTICLE 4 OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK (FILED WITH THE DEPARTMENT OF STATE OF THE STATE OF NEW YORK AS LOCAL LAW NO. 3 OF THE YEAR 1973) (Term Limits for County Executive)

By: _____

Seconded by: _____

WHEREAS, the Chemung County Executive has proposed an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for the elected County Executive; and

WHEREAS, the Chemung County Legislature formed a temporary committee to review term limits, which Committee has concluded its activities and resolved that an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for County Executive should move out of that temporary committee; and

WHEREAS, Introductory Local Law No. ____ for the Year 2023 has been introduced and filed with the County Legislature seven (7) calendar days prior to consideration, exclusive of Sunday, upon the desks of the members of the Chemung County Legislature as required by Section 20 of the Municipal Home Rule Law; and the Clerk of the County Legislature has made her affidavit of service of filing the same; and

WHEREAS, Municipal Home Rule Law, Section 20 requires the Chief Executive Officer of the County to hold a Public Hearing thereon within the time limits as stated therein; and

WHEREAS, the Chemung County Charter, Article II, provides for adoption of Local Laws by the Chemung County Legislature; now, therefore, be it

RESOLVED, that the following Introductory Local Law No. ____ for the Year 2023, be and the same is hereby enacted and promulgated by the Chemung County Legislature as follows:

COUNTY OF CHEMUNG INTRODUCTORY
LOCAL LAW NO. 3 FOR THE YEAR 2023

A Local Law in relation to the amendment of Local Law No. 4 of the Year 1973 entitled "A Local Law to provide for the establishment of a County Charter for the County of Chemung, State of New York" relating to the provisions of Article 4 of the Municipal Home Rule Law of the State of New York (filed with the Department of State of the State of New York as Local Law No. 3 of the Year 1973) (Term Limits for County Executive).

BE IT ENACTED by the Chemung County Legislature of the County of Chemung, State of New York, as follows:¹

Section 1. Article III of the Chemung County Charter enacted by Local Law No. 4 of the year 1973 and filed with the Department of State of the State of New York as Local Law No. 3 of the year 1973 be and hereby is amended as follows:

By deleting the entirety of Section 301 within "Article III EXECUTIVE BRANCH", and replacing with a new Section 301 as follows:

Section 301. County Executive Term of Office; Term Limits. The Executive Branch of the County Government shall be administered by the County Executive.

No elective or appointive official of any town, village, city, county or any other municipality shall be eligible to hold the office of County Executive.

An elective County Executive shall be elected at large in the general election in November 1974, and every fourth year thereafter.

The Term of the County Executive shall be for four (4) years, and shall begin on the first day of January immediately succeeding his or her election. The County Executive is limited to three (3) consecutive four-year terms. No person shall be eligible for service to this office by appointment or election for the four-year period immediately following service of three consecutive four-year terms. Partial terms less than four full years do not count as full terms. The first year for any County Executive for the purpose of calculating terms shall commence on or after January 1, 2023.

Section 2. This Local Law is subject to referendum on petition as provided by law.

Section 3. This Local Law shall take effect immediately upon appropriate filing with the Department of State pursuant to the provision of the Municipal Home Rule Law.

and, be it further

¹ Deletions of existing text are denoted by ~~strikethrough~~; additions are denoted by underline

RESOLVED, that the Clerk of the Chemung County Legislature be and hereby is authorized to transmit the same to the County Executive for a public hearing and said County Executive shall hold said public hearing within twenty (20) days after the presentation of said Local Law Introductory No. __ for the Year 2023 to him.

RESOLUTION NO. 23-____

RESOLUTION ADOPTING LOCAL LAW INTRODUCTORY NO. 4 FOR THE YEAR 2023 IN RELATION TO THE AMENDMENT OF LOCAL LAW NO. 4 OF THE YEAR 1973 ENTITLED "A LOCAL LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COUNTY CHARTER FOR THE COUNTY OF CHEMUNG, STATE OF NEW YORK" RELATING TO THE PROVISIONS OF ARTICLE 4 OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK (FILED WITH THE DEPARTMENT OF STATE OF THE STATE OF NEW YORK AS LOCAL LAW NO. 3 OF THE YEAR 1973) (Term Limits for County Legislators)

By: _____

Seconded by: _____

WHEREAS, the Chemung County Legislature has proposed an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for the elected County Legislators; and

WHEREAS, the Chemung County Legislature formed a temporary committee to review term limits, which Committee has concluded its activities and resolved that an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for County Legislators should move out of that temporary committee; and

WHEREAS, Introductory Local Law No. ____ for the Year 2023 has been introduced and filed with the County Legislature seven (7) calendar days prior to consideration, exclusive of Sunday, upon the desks of the members of the Chemung County Legislature as required by Section 20 of the Municipal Home Rule Law; and the Clerk of the County Legislature has made her affidavit of service of filing the same; and

WHEREAS, Municipal Home Rule Law, Section 20 requires the Chief Executive Officer of the County to hold a Public Hearing thereon within the time limits as stated therein; and

WHEREAS, the Chemung County Charter, Article II, provides for adoption of Local Laws by the Chemung County Legislature; now, therefore, be it

RESOLVED, that the following Introductory Local Law No. ____ for the Year 2023, be and the same is hereby enacted and promulgated by the Chemung County Legislature as follows:

COUNTY OF CHEMUNG INTRODUCTORY
LOCAL LAW NO. 4 FOR THE YEAR 2023

A Local Law in relation to the amendment of Local Law No. 4 of the Year 1973 entitled "A Local Law to provide for the establishment of a County Charter for the County of Chemung, State of New York" relating to the provisions of Article 4 of the Municipal Home Rule Law of the State of New York (filed with the Department of State of the State of New York as Local Law No. 3 of the Year 1973) (Term Limits for County Legislators).

BE IT ENACTED by the Chemung County Legislature of the County of Chemung, State of New York, as follows:¹

Section 1. Article II of the Chemung County Charter enacted by Local Law No. 4 of the year 1973 and filed with the Department of State of the State of New York as Local Law No. 3 of the year 1973 be and hereby is amended as follows:

By deleting the entirety of Section 202 within "Article II LEGISLATIVE BRANCH", and replacing with a new Section 202 as follows:

Section 202. Term of Office; Term Limits. An elective County Legislator shall be elected at large in each legislative district in November 1974, and every fourth year thereafter.

The Term of the members of the County Legislature shall be for four (4) years, and shall begin on the first day of January immediately succeeding their election. Legislators are limited to three (3) consecutive four-year terms. No person shall be eligible for service to this office by appointment or election for the four-year period immediately following service of three consecutive four-year terms. Partial terms less than four full years do not count as full terms. The first year for any County Legislator for the purpose of calculating terms shall commence on or after January 1, 2023.

Section 2. This Local Law is subject to referendum on petition as provided by law.

Section 3. This Local Law shall take effect immediately upon appropriate filing with the Department of State pursuant to the provision of the Municipal Home Rule Law.

and, be it further

RESOLVED, that the Clerk of the Chemung County Legislature be and hereby is authorized to transmit the same to the County Executive for a public hearing and said County Executive shall hold said public hearing within twenty (20) days after the presentation of said Local Law Introductory No. ___ for the Year 2023 to him.

¹ Deletions of existing text are denoted by ~~strikethrough~~; additions are denoted by underline