

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has considered “A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to Require Truthful Disclosure by Candidates for Elective Office.”

Your Committee agrees that, following recent high-profile misrepresentations of personal experience and qualifications among those seeking higher office, additional measures are necessary in order to ensure that members of the public can be confident that their elected officials have the experience that they profess to have obtained. Thus, the proposed Local Law would require candidates for County Legislator and County Executive to complete a Candidate Disclosure Form that provides biographical information, including the candidate’s educational, military, and employment histories. The Candidate Disclosure Form will also require the candidate to certify that the information contained in the form is true and correct. This form shall be open for public inspection, except for the month and day of the candidate’s date of birth, the names of the candidate’s minor children, and any information that is mandatorily required to be withheld under state or federal law.

Your Committee concurs that these legal changes will not place an onerous burden on candidates, and that these changes will allow the public to hold more confidence in the skills and personal expertise which these candidates have worked to obtain throughout their career or life experiences.

Further, in an ongoing effort to update the county charter, your Committee believes that language currently requiring that candidates for County Executive be ‘free holders’ in the county for 5 years prior to candidacy greatly limits the pool of applicants in current times and is an anachronism. Your Committee believes that residing in the county for 5 years is a sufficient qualification, without the need to own property.

Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law.

Dated: 2023
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to Require Truthful Disclosure by Candidates for Elective Office.” The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. -2023

A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to Require Truthful Disclosure by Candidates for Elective Office.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1: Section 107.41 of the Laws of Westchester County is hereby amended to add a new subsection 8 to read as follows:

8. No later than 30 days following: (1) notification by the Board of Elections to a candidate or candidates for the position of County Legislator as set forth below; or (2) appointment of a person to the position of County Legislator pursuant to Section 107.11(2)(b) of this Chapter, any such candidate or appointee shall file with the Westchester County Board of Ethics a “Candidate Disclosure Form,” to be promulgated by the Board of Ethics, that requires disclosure of the following information:

a. The full legal name of the candidate or appointee, as well as any previously used legal names;

b. The names of all post-secondary educational institutions (including, but not limited to, trade or vocation schools, colleges, and graduate programs) enrolled in by the candidate or appointee, along with dates of enrollment, whether the candidate or appointee graduated, and if so, the month and year of graduation and the degree awarded;

c. The names and addresses of all full-time employment held by the candidate or appointee in the 10 years prior to candidacy or appointment, including the dates of employment and titles held, nature of the business, and type of employment (such as self-employed, contract, or employee);

d. Military service by the candidate or appointee, including dates of service, branch of the military, highest rank held, and type of discharge; and

e. A certification by the candidate or appointee that the information contained therein is true and complete to the best of the candidate's or appointee's knowledge.

The form shall be provided to candidates by the Board of Elections upon the candidate's nomination or designation and at the same time as the Board of Elections notifies the candidate of their obligation to file a financial disclosure form under Section 883.304 of the County Code of Ethics. The form shall be provided to appointees by the Clerk of the Board of Legislators upon the appointee's appointment. This form shall be in addition to, not in lieu of, the annual financial disclosure form required by Section 883.304 of the County Code of Ethics. Further, this form shall be subject to public disclosure in its entirety, other than any information that is mandatorily subject to redaction by state or federal law.

Section 2: Section 110.01 of the Laws of Westchester County is hereby amended to read as follows:

(1) There shall be a County Executive who shall be elected from the county at large at the general election held the year following the presidential election. [He]The candidate shall be nominated at the primary election in the same manner as other county officers are nominated. [He]The County Executive shall hold office for a term of four years from January first succeeding his election. The County Executive shall at all times be a qualified elector of the county, and shall have been a resident [free holder] of the county for at least five years prior to [his]their election. [He]The County Executive shall devote [his]their whole time to the duties of [his]the County Executive office and shall hold no other public office. [He]The County Executive shall receive compensation to be fixed by an act of the County Board. No

person shall serve as County Executive who has served two four-year terms. No service for a partial term as County Executive shall be included in calculating the two four-year terms.

2. No later than 30 days following: (1) notification to a candidate or candidates for the position of County Executive by the Board of Elections as set forth below; or (2) the appointment of any person to the position of County Executive pursuant to Section 110.51(2) of the Laws of Westchester County, any such candidate or appointee shall file with the Westchester County Board of Ethics a “Candidate Disclosure Form,” to be promulgated by the Board of Ethics, that requires disclosure of the following information:

a. The full legal name of the candidate or appointee, as well as any previously used legal names;

b. The names of all post-secondary educational institutions (including, but not limited to, trade or vocation schools, colleges, and graduate programs) enrolled in by the candidate or appointee, along with dates of enrollment, whether the candidate or appointee graduated, and if so, the month and year of graduation and the degree awarded;

c. The names and addresses of all full-time employment held by the candidate or appointee in the 10 years prior to candidacy, including the dates of employment and titles held, nature of the business, and type of employment (such as self-employed, contract, or employee);

d. Military service by the candidate or appointee, including dates of service, branch of the military, highest rank held, and type of discharge; and

e. A certification by the candidate or appointee that the information contained therein is true and complete to the best of the candidate’s knowledge.

The form shall be provided to candidates by the Board of Elections upon the candidate's nomination or designation and at the same time as the Board of Elections notifies the candidate of their obligation to file a financial disclosure form under Section 883.304 of the County Code of Ethics. The form shall be provided by the Clerk of the Board of Legislators upon the appointee's appointment. This form shall be in addition to, not in lieu of, the annual financial disclosure form required by Section 883.304 of the County Code of Ethics. Further, this form shall be subject to public disclosure in its entirety, other than any information that is mandatorily subject to redaction by state or federal law.

Section 3: This Local Law shall take effect 30 days after enactment, except that the Board of Ethics may promulgate the form required prior to the effective date of the law. For any candidate nominated or designated for the position of County Legislator or County Executive who is a candidate in an election yet to be held at the time of the effective date of this local law, a Candidate Disclosure Form shall be filed with the Westchester County Board of Ethics no later than 30 days after the effective date of this local law.