

LOCAL LAW INTRO NO. 86 - 2023

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.

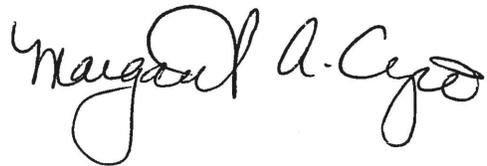
Dated: March 13 2023
White Plains, New York



William M. McInerney
Nancy E. Bauer



Vedat Jashin



COMMITTEE ON

Legislation

Dated: March 13, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Legislation

A handwritten signature in black ink, appearing to read "Catherine By". The signature is written in a cursive style with a prominent flourish at the end.

LOCAL LAW INTRO. NO. 86 -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) where the candidate or appointee enrolled for the purpose or intent to receive a degree, certification, license, or similar official recognition of the completion of a course of study, along with dates of enrollment, whether the candidate or appointee graduated, and if so, the month and year of graduation and the degree, certificate, license, or similar recognition 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. A candidate or appointee may obtain advisory opinions from the Board of Ethics for compliance with this subsection in the same manner as an opinion can be sought under Section 883.402(h) of the County Code of Ethics. The requirements of this subsection may be enforced by the Board of Ethics in the same manner as investigations and complaints under Section 883.402(b) and (c) of the County Code of Ethics.

Section 2: Section 110.01 of the Laws of Westchester County is hereby amended to reads 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]their 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) where the candidate or appointee enrolled for the purpose or intent to receive a degree, certification, license, or similar official recognition of the completion of a course of study, along with dates of enrollment, whether the candidate or appointee graduated, and if so, the month and year of graduation and the degree certificate, license, or similar recognition 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. A candidate or appointee may obtain advisory opinions from the Board of Ethics for compliance with this subsection in the same manner as an opinion can be sought under Section 883.402(h) of the County Code of Ethics. The requirements of this subsection may be enforced by the Board of Ethics in the same manner as investigations and complaints under Section 883.402(b) and (c) of the County Code of Ethics.

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.

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Local Law, Local Law Intro No. 86 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Local Law, which was duly adopted by the County Board of Legislators, of the County of Westchester on March 20, 2023, and approved by the County Executive on March 31, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 31st day of March, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

