

A Local Law amending Chapter 107 of the Laws of Westchester County to modify the length of terms for Westchester County Legislator

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

Section 1. Legislative Purpose and Intent. This Local Law is intended to extend the length of terms for the position of Westchester County Legislator, from two years to four years. This change, which is subject to approval of the voters at a referendum as set forth herein, is intended to take effect regardless of whether Section 3 of Chapter 741 of the 2023 Laws of the State of New York (“the State Enactment”) takes effect. This Local Law both modifies the language currently in effect in the Laws of Westchester County and the language contained in Local Law 1-2024, which implements the State Enactment, if and when the State Enactment goes into effect.

Section 2. Section 107.11 of the Laws of Westchester County, is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board shall be ~~two~~four years and shall begin on the first day of January next following their election. Members of the County Board shall be known as County legislators and shall be County officers.
2. a. Whenever a vacancy in the office of County Legislator shall occur within a year in which there is no County-wide general election for the position of County Legislator, or on January 1 of a year in which there is a County-wide general election for the position of County Legislator, such office shall be filled for the remainder of the unexpired term at a special election in the legislative district of said vacated office, to be called by the County Board as soon as practicable and, in any event, to be held no later than 90 days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. 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.

b. Whenever a vacancy in the office of County Legislator occurs after January 1 of a year in which there is a County-wide general election for the office of County Legislator such vacancy may be filled by an appointment made by the remaining members of the board of an individual otherwise qualified to hold such office. The appointee shall serve as County Legislator until an individual is certified by the Board of Elections to be County Legislator-elect for that legislative district as a result of the general election scheduled in November. Upon such certification, the County Legislator-elect shall take office and thereby shall replace the appointee, if any, for the remainder of the unexpired term. The determination of the Board of Legislators as to an appointee's qualification or forfeiture of office shall be conclusive.

3. Each County Legislator shall be entitled to one vote. Except as otherwise expressly provided in this act or in the Local Finance Law, action of the County Board shall be by a majority vote of all members of the board, provided that a vote to adjourn or to take action regarding the attendance of absent members may be taken by a majority of the members present.
4. No person shall serve as a member of the County Board for more than twelve consecutive years. six consecutive two year terms. The first year for any County Legislator for the purposes of calculating years as contained in this section shall commence on or after January 1, 2012. No service for a partial term as a County Legislator shall be included in calculating the twelve consecutive years six consecutive two year terms. For purposes of the transition from two-year terms to four-year terms, any person who begins a term having completed less than twelve consecutive years shall be entitled to serve out the remainder of that term.

Section 3. Subsection 5 of Section 107.31 of the Laws of Westchester County is hereby amended as follows:

5. County legislators shall be elected at the general election held the year following the presidential election. ~~in each odd numbered year~~

Section 4. Section 1 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2025 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsections 1 and 4 of Section 107.11 of the Laws of Westchester County ~~are~~ hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. Pursuant to Chapter 741 of the 2023 Laws of the State of

New York, the term of office of members of the County Board elected in the 2025 general election shall be three years ~~one year~~, and shall begin on the first day of January 2026 and end on December 31, 2028~~6~~. Members of the County Board shall be known as county legislators and shall be county officers.

...

4. No person shall serve as a member of the County Board for more than twelve consecutive years. ~~six consecutive two-year terms. The first year for any County Legislator for the purposes of calculating years as contained in this section shall commence on or after January 1, 2012.~~ No service for a partial term as a County Legislator shall be included in calculating the twelve consecutive years ~~six consecutive two-year terms.~~ Notwithstanding any law to the contrary, the three-year term commencing January 1, 2026 shall be included in calculating the twelve consecutive years. For purposes of the transition from two-year terms to four-year terms, and from odd-year to even-year elections, any person who begins a term having completed less than twelve consecutive years shall be entitled to serve out the remainder of that term.

Section 5. Section 2 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2026 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsection 1 of Section 107.11 of the Laws of Westchester County is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board elected in the 2028~~6~~ general election, and for all general elections thereafter, shall be four ~~two~~ years, and shall begin on the first day of January next following their election. Members of the County Board shall be known as county legislators and shall be county officers.

Section 6. Section 3 of Local Law 1-2024 is amended to read as follows:

Effective the later of January 1, 2026 or the effective date of Section 3 of Chapter 741 of the 2023 Laws of the State of New York, Subsection 5 of Section 107.31 of the Laws of Westchester County is hereby amended as follows:

5. County legislators shall be elected at the general election held in the year of presidential election ~~each even numbered year~~.

Section 7. Referendum. This Local Law is subject to a mandatory referendum and shall be presented at the general election to be held on November 5, 2024.

Section 8. Severability and Interpretation. This Local Law is intended to provide for four-year terms for the office of County Legislator, upon approval by the majority of voters at a mandatory referendum. To the extent that there is a challenge to this Local Law, or there are challenges to the State Enactment or other statutes that would affect this Local Law, provisions should be deemed severable and/or be interpreted liberally in order to effectuate the purpose and intent of this Local Law.

Section 9. Effective Date. If approved by a majority of the votes cast on the question of the approval or disapproval of this Local Law at the general election to be held on November 5, 2024, this Local Law shall take effect immediately. Nothing in this Local Law shall change the effective date of Local Law 1-2024. That Local Law—as amended by Sections 4 through 6 of this Local Law—shall take effect if and when the State Enactment takes effect.