

**RESOLUTION NO. 1284 -2019, ADOPTING LOCAL
LAW NO. 8 -2020, A CHARTER LAW TO CHANGE FUNDING
REQUIREMENTS FOR FAIR ELECTIONS IN 2020**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 6, 2019 a proposed local law entitled, "**A CHARTER LAW TO CHANGE FUNDING REQUIREMENTS FOR FAIR ELECTIONS IN 2020**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 8 -2020, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO CHANGE FUNDING REQUIREMENTS FOR FAIR
ELECTIONS IN 2020**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Article XLII of the SUFFOLK COUNTY CHARTER establishes the Fair Elections Matching Fund ("the Fund") to provide public funding for County elections.

This Legislature also finds and determines that Section C42-13 of the SUFFOLK COUNTY CHARTER requires that the greater amount of either 20 percent of proceeds received by the County from the video lottery terminals from Suffolk County Off-Track Betting Corporation or \$1 million be deposited in the fund.

This Legislature further finds and determines that 20 percent of the County's portion of these receipts is expected to exceed \$1 million next year, but only \$1 million is budgeted in the 2020 Operating Budget.

This Legislature finds that it is unlikely that the County will ever need all of the funds to be allocated under the 20% provision of the Charter to the Fair Elections Matching Fund annually.

This Legislature determines that the Charter should be amended to ensure that the 2020 Operating Budget complies with County law and set a more appropriate value for the operation of the Fair Elections Matching Fund in future years.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to allow the contribution to the Suffolk County Fair Elections Matching Fund to be \$1 million for fiscal year 2020 and right size the Fund's funding stream moving forward.

Section 2. Amendment.

I. Section C42-13 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C42-13. Suffolk County Fair Elections Matchable Fund.

* * * *

B. Each year, beginning in Fiscal Year 2019, a share of the proceeds received by the County of Suffolk as a result of the operation of video lottery terminals by the Suffolk County Regional Off-Track Betting Corporation shall be deposited in the Fund. The amount deposited in the fund for fiscal year 2020 will be \$1 million and all subsequent fiscal years will be [20%]15% of the County's annual share of the proceeds or \$1 million, whichever amount is greater. Annual contributions to the fund shall not exceed \$2.5 million in total.

II. Section C4-6 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-6. Submission of Proposed Budget by County Executive.

* * * *

N. The County Executive shall include in the proposed 2019 expense budget and all subsequent proposed expense budgets, except for the proposed 2020 expense budget, a transfer to the Suffolk County Fair Elections Matching Fund. The amount provided in the proposed budget will come from the County's share of revenue from the Suffolk County Regional Off-Track Betting Video Lottery Terminal Program and shall be in an amount of \$1 million or [20%]15% of the County's annual share of such revenue, whichever amount is greater, with annual contributions not to exceed \$2.5 million in total. In the County Executive's proposed 2020 expense budget the County Executive shall include a transfer of \$1 million from the County's share of revenue from the Suffolk County Regional Off-Track Betting Video Lottery Terminal Program to the Suffolk County Fair Elections Matching Fund.

III. Section 4-10 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-10. Action by County Legislature on Proposed Budget.

* * * *

N. The 2019 adopted expense budget and all subsequent adopted expense budgets, except for the 2020 adopted expense budget, shall include a transfer to the Suffolk County Fair Elections Matching Fund, the revenue to come from the Suffolk County Regional Off-Track Betting Video Lottery Terminal Program and in an amount of \$1 million or [20%]15% of the County's share of such revenue, whichever amount is greater, with annual contributions not to exceed \$2.5 million in total. The 2020 adopted expense budget shall include a transfer of \$1 million from the County's share of revenue from the Suffolk County Regional Off-Track Betting Video Lottery Terminal Program to the Suffolk County Fair Elections Matching Fund.

Section 3. Applicability.

This law shall apply to all budgetary actions occurring on or after January 1, 2020.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED: December 17, 2019

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: January 2, 2020

After a public hearing duly held on January 2, 2020
Filed with the Secretary of State on January 14, 2020