

*No. 01-22-OR*

**AN ORDINANCE**

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding the amendment of Article III, §6 of the Home Rule Charter of Allegheny County, which places restrictions on the ability of certain persons to run for federal, state, county and local elected office, be placed on the November 8, 2022 General Election ballot.

**Whereas**, Article III, §6(b) of the Home Rule Charter of Allegheny County prohibits all County Council members from seeking other elected office without first having resigned from County Council; and

**Whereas**, this broadly drafted restriction is unique to County Council members, and does not apply to any other elected official governed by the terms of the Home Rule Charter; and

**Whereas**, Article III, §6(a) of the Charter also imposes a much less stringent prohibition upon the Chief Executive, requiring only that the Chief Executive not be a candidate for two different County elected offices at the same time; and

**Whereas**, it is the judgment of Council that imposing more stringent prohibitions upon members of Council serves no meaningful purpose, insofar as a member of Council seeking other office does not impair the function or operations of County government; and

**Whereas**, requiring the resignation of a Council member before he or she can seek other elected office on its face functions to thwart the will of the voters who elected the Council member in question, rather than allowing the electorate to determine where an individual can best serve the needs of his or her constituents; and

**Whereas**, as part of its 2016 report, the Allegheny county Government Review Commission expressly recommended that the same provisions relating to seeking and holding other elected offices should apply to both the Chief Executive and Council members;

***The Council of the County of Allegheny hereby enacts as follows:***

***SECTION 1. Incorporation of the Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

**SECTION 2. Ballot Question.**

Pursuant to the Second Class County Charter Law and the Home Rule Charter and Optional Plans Law, the Allegheny County Board of Elections is hereby directed to place the following question on the November 8, 2022 General Election Ballot for consideration and approval by the registered electors of the County:

Shall Article III, Subsection 6(b) of Allegheny County's Home Rule Charter be repealed in order to allow Members of County Council the same freedom of right to seek other elected office as is accorded to all other independently elected officials in Allegheny County, such that Council Members are permitted to run for nomination or election to elected office other than that of County Council Member without first having to resign from County Council?

**SECTION 3. Effective Date.**

The provisions of this Ordinance shall become effective immediately upon final approval.

**SECTION 4. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

**SECTION 5. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***


**PRIMARY SPONSOR: COUNCIL MEMBER MACEY**

**CO-SPONSOR: PRESIDENT CATENA and COUNCIL MEMBERS FUTULES, DUERR and BENNETT**

Enacted in Council, this 8<sup>th</sup> day of February, 2022

Council Agenda No. 12166-22

  
~~Patrick Catena~~ John Palmiere  
Vice President of Council

Attest:   
Jared E. Barker  
Chief Clerk of Council

Chief Executive Office February 10<sup>th</sup>, 2022

Approved:   
Rich Fitzgerald  
Chief Executive

Attest:   
Sonya Dietz Jennifer M. Liptak  
Executive's Secretary Chief of Staff