

Bond Case Briefs

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ELECTIONS - NEW YORK

Hoerger v. Spota

Supreme Court, Appellate Division, Second Department, New York - August 16, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 05661

Plaintiffs brought action seeking to invalidate petitions designating incumbent as candidate for district attorney for county, based on county term limit law.

The Supreme Court, Appellate Division, held that:

- County lacked authority to restrict the number of consecutive years that a person could serve as district attorney for the county, and
- County government's ability to place term limits on office of district attorney for county is preempted by state law.