



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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*For Immediate Release*

**FEDERAL APPEALS COURT UNANIMOUSLY BACKS  
LOWER COURT IN TERM LIMITS CASE**

***SECOND CIRCUIT FINDS NO MERIT TO ANY OF THE PLAINTIFFS' CLAIMS  
AND RULES THAT CHANGE TO TERM LIMITS (LOCAL LAW 51)  
DOES NOT VIOLATE FEDERAL OR STATE LAW***

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, [kahlers@law.nyc.gov](mailto:kahlers@law.nyc.gov)

New York, April 28, 2009 – A federal appeals court ruled unanimously (3-0) today that Local Law 51 of 2008 (LL 51) is constitutional and that the City Council acted fully in accordance with state law in enacting the term limits legislation. That law, passed by a majority of the City Council and signed into law by Mayor Michael R. Bloomberg last November, extended term limits for the Mayor, the Council, and certain other elective offices within the City from two to three terms.

The 53-page decision by a midlevel federal appellate court – the Court of Appeals for the Second Circuit – found no merit to any of the plaintiffs' claims. Notably, the Court, in upholding the lower court ruling, found that the law does not affect the constitutional rights of any New York City voters. Moreover, the Court said that under state law, the Council was not required to conduct a referendum before adopting the term limits amendment. Finally, the Court also rejected the plaintiffs' contention that New York City's conflict of interest law was violated by the Council's adoption of the term limits amendment.

"We are pleased that the appellate court unanimously affirmed the lower court ruling and found in the City's favor on all claims. The Court agreed that there was no merit to the plaintiffs' claims that Local Law 51 violated the federal Constitution or any provision of state law. This ruling will give New York City residents the opportunity to vote for officials of their choice," said Corporation Counsel Michael A. Cardozo of the New York City Law Department.

The Court flatly rejected the argument that there was any burden to the constitutional rights of plaintiffs. "...[The] Amended Complaint, in its eighty-six pages, makes no allegation that [the] plaintiffs' First Amendment rights are somehow burdened, even if only in the slightest way, by Local Law 51's substantive change to term limits," the decision read.

The Court also said in the ruling, "It is beyond dispute that extending New York City's term limits to three consecutive terms is rationally related" to a legitimate governmental objective. The opinion was written by Second Circuit Judge Chester Straub and joined in by the other two panel members hearing the appeal – Judges Rosemary S. Pooler and Reena Raggi.

Alan Krams, a Senior Counsel in the New York City Law Department's Appeals Division, who successfully argued the case in the Second Circuit, said, "The court has clearly vindicated our position that Local Law 51 was a valid and lawful exercise of legislative authority."

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The appellate decision today follows the March 17th “preclearance” by the U.S. Justice Department and its determination that the Local Law 51 does not diminish the voting rights of any New York City voters.

The lower court ruling in this case was issued on Jan. 13th by Eastern District Senior Judge Charles P. Sifton in Brooklyn, just eight days after being argued in court.

In addition to the Corp Counsel and Alan Krams, additional Law Department staff working on this matter included: Spencer Fisher, Jeff Friedlander, Janeen Hayat, Steve Kitzinger, Stephen Louis, Michael Pastor, Jonathan Pines, Brad Snyder, Steve Weber and Elizabeth Wells.

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