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Petitions have power

Government downsizing initiative finds a way to take to the streets

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Kevin Gaughan has worked for years to bring greater efficiency to local government in Western New York, and while his efforts have been diligent and sometimes even visionary, they didn't always have a payoff.

That is, not until last week. That was when Gaughan had a payoff moment for his devotion to a cause. The regionalism advocate, who has recently been pushing an effort to downsize Erie County's bloated local governments, came upon a law that local elected officials and even some legal experts didn't know existed: a petition process that forces a public referendum on changing the size of a Town Board.

That got their attention in West Seneca, where some members of the five-person board insisted that Gaughan was off base, and they needed to approve such a referendum before it could be placed on the ballot. The board recently rejected such an effort. Lawyers with the Association of Towns of the State of New York told them a petition was pointless without the board's approval. But they were wrong.

As confirmed by Dennis Ward, commissioner of the Erie County Board of Elections, "a very strange little section in the town law" provides an exception to the statewide ban on ballot initiatives. Independent attorneys shared Ward's view.

So, now, forces that favor shrinking West Seneca's Town Board are out gathering signatures. Soon, Gaughan said, others will do the same in Amherst, unless the Town Board calls the vote on its own. The people in New York's towns, it turns out, have a little clout of their own.

Ballot initiatives can be dicey things. They can be corrupted by special interest money, with the result that measures not in the public's best interest become law (not that that ever happens anyway). They can also be contradictory, as frustrated voters approve referendums that unintentionally cross previous ones. That's why many observers think New York State is better off without a broad initiative-and-referendum law.

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This is different. This law, which is about to become much better known, is limited to changing the size of the Town Board, and it gives voters significant and appropriate clout to force the issue over the heads of recalcitrant politicians. It will be interesting now to watch them use it.

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