



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

April 17, 2024

VIA ELECTRONIC MAIL

Kate Magill
Democratic Congressional Campaign Committee
430 South Capitol Street SE
Washington, DC 20003
magill@dccc.org

Re: Dutchess County as a Covered Entity Under the New York Voting Rights Act

The Civil Rights Bureau (“CRB”) of the Office of the New York Attorney General (“OAG”) writes to address your letter dated February 20, 2024, requesting that the CRB “conduct additional investigation to determine whether Dutchess County should be subject to preclearance coverage under the NYVRA.”¹

The New York Voting Rights Act provides that a jurisdiction shall be deemed a covered entity and subject to preclearance if, within the past 25 years, it “has become subject to a court order or government enforcement action based upon a finding of any violation of this title, the federal voting rights act, the fifteenth amendment to the United States constitution, or a voting-related violation of the fourteenth amendment to the United States constitution.”² “Government enforcement action” is further defined as “a denial of administrative or judicial preclearance by the state or federal government, pending litigation filed by a federal or state entity, a final judgment or adjudication, a consent decree, or similar formal action.”³

After further reviewing the cases cited in your letter, and those collected as part of the CRB’s review of prior litigation and resolutions involving local jurisdictions within New York, at

¹ Letter dated Feb. 20, 2024, available at https://ag.ny.gov/sites/default/files/2024-02/preliminary_guidance_comment_02_20240220.pdf; see also N.Y. Elec. Law § 17-200 *et seq.*; OAG Guidance, *The New York Voting Rights Act: Preliminary Identification of Covered Entities and Covered Policies Subject to Preclearance (To Take Effect on September 22, 2024)*, <https://ag.ny.gov/sites/default/files/regulatory-documents/nyvra-preliminary-identification-of-covered-entities-and-covered-policies-subject-to-preclearance.pdf>.

² N.Y. Elec. Law § 17-210(3)(a).

³ *Id.* § 17-204(9).

this time, the CRB has not identified for Dutchess County a “finding of any violation” of a statutory or constitutional provision that triggers preclearance coverage under the NYVRA. The CRB therefore has not identified a basis to identify Dutchess County as a “covered entity” subject to preclearance based on information reviewed to date.⁴

Regardless of whether it is a “covered entity” subject to NYVRA preclearance, Dutchess County, like other local jurisdictions within New York state, remains subject to other federal and state voting rights requirements, including the NYVRA’s prohibition on voter suppression.⁵

Thank you for your feedback.

Sincerely,

Lindsay McKenzie
Section Chief, Voting Rights
Civil Rights Bureau
Office of the New York Attorney General

⁴ As noted in OAG’s preliminary guidance, “[w]hile the preclearance coverage formula determines which local jurisdictions and BOEs are subject to preclearance and the NYVRA does not require [the CRB] to separately identify those jurisdictions and BOEs, greater clarity as to which jurisdictions and BOEs fall within the coverage formula supports the law’s implementation.” *See* OAG Guidance at 1-2.

⁵ N.Y. Elec. Law § 17-206(1)(a) (providing that “[n]o voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy shall be enacted or implemented by any board of elections or political subdivision in a manner that results in a denial or abridgement of the right of members of a protected class to vote”).