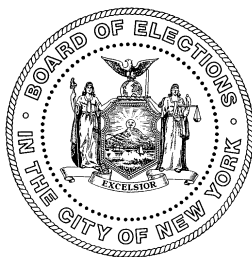


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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE
32 BROADWAY
NEW YORK, NY 10004-1609
TEL (212) 487-5300
FAX (212) 487-5349
www.vote.nyc

MICHAEL J. RYAN
EXECUTIVE DIRECTOR

VINCENT M. IGNIZIO
DEPUTY EXECUTIVE DIRECTOR

GEORGEA KONTZAMANIS
OPERATIONS MANAGER

MICHAEL D. CORBETT
ADMINISTRATIVE MANAGER

HEMALEE J. PATEL
GENERAL COUNSEL

TO: Executive Management

FROM: Office of the General Counsel

DATE: July 30, 2024

RE: John Lewis Act - Comments to Proposed Rule by NYAG for Preclearance

The Office of the General Counsel reviewed the Proposed Rule for NYVRA preclearance, and we have the following questions/comment that we suggest for submission to the Attorney General.

Comments Regarding 501.1 Section (a) Content of Submissions

1. Section (2) states submission should be in such form or manner that the AG's Civil Rights Bureau (CRB) may require.

However, the form and manner are not specified, and the Board should seek clarification.

2. Section (2) (xii) says the Board must provide any past or pending litigation to which the covered entity is or was a party.

The Board should ask that this requirement be narrowed to reflect a time frame. For NYCBOE this could be a very long list which would be burdensome and possible irrelevant given changes in the NYSEL.

3. Section (2)(xiv) asks for a statement identifying any other proposed change to a practice or policy that may interact with the new practice or policy regardless of whether that policy is covered in its own right.

The Board should seek clarification as this is a very broad requirement and may be difficult to ascertain.

Comments Regarding Subsection (3) Supplemental contents to be submitted

4. (3)(i) Demographic information for the affected area;(iii)(2) The race, color, or language-minority group of each candidate, if known; and (iii)(6) The number of registered voters, by race, color, and language-minority group, for each election district for which election returns are furnished.

It is unclear how the AG can expect this information, as we could not have this unless we asked for it to be produced by City Planning. This requirement is unduly burdensome

5. (iv) Racially polarized voting

Same issues as above.

Other Comments

6. (b)(1) Timing (i) and (iii)

It is unclear from this wording whether the CRB will confirm receipt of submissions from the Board so that the Board can calculate when CRB's response is due.