



HANDBOOK FOR JURISDICTIONS SUBJECT TO NYVRA PRECLEARANCE

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Table of Contents

I.	Introduction	3
II.	NYVRA & Preclearance Background	4
III.	Overview of the NYVRA's Administrative Preclearance Process	5
IV.	Covered Entities	7
a.	Coverage Formula	8
1.	Paragraphs (a) and (b)	8
2.	Paragraph (c)	10
3.	Paragraph (d)	10
4.	Paragraph (e)	11
5.	Paragraph (f)	11
b.	Effective Date of Coverage	12
V.	Covered Policies	13
a.	Types of Covered Policies	13
b.	Scope of Coverage	15
VI.	Preclearance Submission Process	15
a.	Submission Content	15
1.	General Requirements	16
2.	Specific Required Contents	16
3.	Supplemental Contents	18
4.	Information Related to Certain Covered Policies	19

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b. Timing Considerations	22
1. Emergency Preclearance Review	22
2. Extension of Review Period.....	23
3. When to Submit Changes.....	23
c. Other Procedural Information	24
1. Submitting Authority.....	25
2. Improper or Incomplete Submissions	25
3. Preclearance Determinations.....	25
d. NYVRA Portal	26
VII. Preclearance Review	26
a. Retrogression	26
1. Participation in the Political Process.....	27
2. Ability to Elect Preferred Candidates.....	27
b. Conducting the Retrogression Analysis	27
1. Understanding the Proposed Change and Identifying Your Benchmark.....	28
2. Collecting Information to Understand the Impact of the Proposed Change	29
3. Standard of Review and Burden of Proof.....	30
c. Illustrative Examples.....	31
1. Election Day Poll Site Change.....	31
2. Early Voting Poll Site Change	33
VII. Conclusion.....	35

I. Introduction

The Civil Rights Bureau (the “CRB”) of the Office of the New York State Attorney General (“OAG”) has prepared this Handbook for Jurisdictions Subject to NYVRA Preclearance (the “Handbook”), to assist local jurisdictions² subject to the preclearance requirement of the John R. Lewis Voting Rights Act of New York, N.Y. Elec. Law § 17-200 et seq. (the “NYVRA”).

The Handbook provides an overview of:

- the NYVRA’s administrative preclearance process, including the statutory provisions and the implementing preclearance regulations issued by the OAG; and
- the standard by which the CRB will approve or deny administrative preclearance submissions.

This Handbook covers only administrative preclearance. Judicial preclearance, an alternative way to obtain preclearance approval, is handled separately in New York State Supreme Court. See N.Y. Elec. Law § 17-210(5).

This Handbook will be updated over time. This edition contains general information on the topics outlined above. Updated editions will be made available to covered entities, other interested parties, and the general public.

The information in this Handbook is general in nature and not a substitute for legal advice from a jurisdiction’s attorney. In addition to consulting this Handbook, jurisdictions and their attorneys should consult the [text of the NYVRA](#) and OAG’s implementing [preclearance regulations](#).

The CRB reviews preclearance submissions on a case-by-case basis. For each preclearance submission, the CRB will analyze the specific facts and make determinations that are consistent with the standards described in this Handbook, the NYVRA, and the preclearance regulations. We encourage you to discuss any proposed preclearance submissions in advance with the Voting Rights Section of the CRB.

Questions?

If you have any questions about administrative preclearance, please feel free to contact us at votingcompliance@ag.ny.gov, our dedicated email address for covered entities. You can also visit OAG’s [New York Voting Rights Act page](#) on our website, where we provide updates about the NYVRA and the voting rights of New Yorkers.

² While this Handbook uses the term “jurisdiction” in some instances for ease of reference, the NYVRA uses the term “political subdivision,” defined as “a geographic area of representation created for the provision of government services, including, but not limited to, a county, city, town, village, school district, or any other district organized pursuant to state or local law.” N.Y. Elec. Law § 17-204(4). Federal and state legislative districts, such as Congressional, State Senate, and State Assembly Districts, are not “political subdivisions” under the NYVRA.

If you would like to receive notifications of preclearance submissions, determinations, and other important updates, please sign up for our preclearance notification registry [here](#).

II. NYVRA & Preclearance Background

The NYVRA is a landmark state law enacted in 2022 that protects voting rights. The NYVRA:

- **Prohibits practices** that harm the right to vote, including voter suppression, vote dilution, and voter intimidation.
- **Introduces new requirements** for some local jurisdictions in New York, such as counties, cities, towns, villages, and school districts, including preclearance of voting- and election-related changes and expanding language-related support for voters with limited English proficiency (“LEP”).

This Handbook focuses on the NYVRA’s “preclearance” requirement. Preclearance requires all local jurisdictions (for example, a county, city, town, village, or school district) and local boards of elections (“BOEs”) that are covered under the NYVRA’s preclearance coverage formula to submit voting- and election-related changes for review before they can take effect. The purpose of this review is to prevent changes that make it more difficult for voters to participate in the electoral process or elect their preferred candidates to office. A local jurisdiction or BOE that is covered under the NYVRA’s preclearance coverage formula is referred to in the NYVRA as a “covered entity.”

Covered entities only need to submit for review a voting- or election-related change that qualifies as a “covered policy.” A change to a covered policy made by a covered entity on or after September 22, 2024, must therefore be submitted to either the CRB or a designated court for review before that change can be made.

On December 19, 2023, OAG published a document entitled: “The New York Voting Rights Act: Preliminary Identification of Covered Entities and Covered Policies Subject to Preclearance (To Take Effect on September 22, 2024)” (the “[December 2023 Guidance](#)”).³ The December 2023 Guidance provided an overview of the NYVRA’s administrative and judicial preclearance provisions, explained the CRB’s analysis that preliminarily identified 34 local jurisdictions in New York that qualify as “covered entities,” and provided examples of voting- and election-related changes that qualify as “covered policies.” OAG invited public comments on the December 2023 Guidance through February 20, 2024. The comments and our responses were published on OAG’s [website](#).⁴

In January 2024, the CRB conducted two webinars with representatives of jurisdictions identified as covered entities, to provide information regarding the NYVRA’s preclearance requirement and the December 2023 Guidance. In addition, the CRB separately obtained

³ <https://ag.ny.gov/sites/default/files/regulatory-documents/nyvra-preliminary-identification-of-covered-entities-and-covered-policies-subject-to-preclearance.pdf>.

⁴ <https://ag.ny.gov/preliminary-guidance-comments-and-responses>.

additional information from officials who administer elections for the jurisdictions identified as covered entities, to better understand their election administration practices.

Following these efforts, the CRB published a Notice of Proposed Rulemaking for regulations related to preclearance. The proposed rule was published on OAG's website on May 28, 2024, and in the New York State Register on June 12, 2024. The CRB invited public comment on the proposed rule through August 12, 2024. The comments and our responses were published on OAG's [website](#).⁵ The [final rule](#) was published on OAG's website on August 27, 2024, and in the New York State Register on September 11, 2024, and took effect on September 22, 2024. In September 2024, the CRB conducted two additional webinars with representatives of covered entities, to explain the new regulations and provide other information regarding the preclearance submission and review process. The regulations can be found on [OAG's website](#).

III. Overview of the NYVRA's Administrative Preclearance Process

Covered entities may preclear their changes by submitting them to the CRB for review. We refer to the submission of a covered policy for CRB review (rather than judicial review) as "administrative preclearance." Below is a step-by-step breakdown of the administrative preclearance process:

- **Step 1:** The local jurisdiction submits the proposed change in writing to the CRB.
 - Submissions may be made electronically using the [NYVRA Portal](#) (see Section VI(d), "NYVRA Portal," below), by email (votingcompliance@ag.ny.gov), or by postal mail (ATTN: Voting Rights Section, Civil Rights Bureau, Office of the New York State Attorney General, 28 Liberty Street, New York, NY 10005).
 - For submissions made through the Portal, the submission date will be displayed on the Portal once the covered entity completes the submission.
 - For submissions made by postal mail or email, the CRB will separately confirm the date of receipt with the covered entity by email.
 - A covered entity may withdraw a submission at any time before a final determination is made by communicating the withdrawal in writing to the CRB, including by email.
 - **NOTE:** To the extent it is necessary for covered entities to publish and/or disseminate materials related to a covered policy while preclearance is pending, such materials must include a statement that the policy is pending

⁵ <https://ag.ny.gov/nyvra-regulations>.

and will be enacted or implemented only if preclearance is granted. For example, if a county board of elections publishes a poll site list for an upcoming election on its website, the list should indicate any poll site designations for which preclearance is pending and state that the changes will be implemented only if preclearance is granted.

- **Step 2:** As soon as practicable but no later than within ten days of receipt of the submission, the CRB publishes the proposed change on OAG's website.
- **Step 3:** A period for public comment takes place. All proposed changes submitted for administrative preclearance must go through a public comment process. The period for public comment runs concurrently with the time provided for the CRB's review (see Step 4 below).
 - During the public comment period, members of the public and other interested parties may provide feedback to the CRB on whether preclearance should be granted or denied.
 - Public comments can be submitted by postal mail, email, or through the Portal. For public comments to be considered, the CRB must receive them before the end of the public comment period.
 - The length of the public comment period depends on the type of proposed change.
 - For changes concerning the selection of poll sites or the assignment of election districts to poll sites, the period for public comment is **five business days**, running from the date the proposed change is published on OAG's website.
 - For all other changes, the period for public comment is **ten business days**, running from the date the proposed change is published on OAG's website.
 - To facilitate public comment, members of the public and other interested parties may [sign up to receive email notifications](#) whenever an administrative preclearance request is submitted.
- **Step 4:** The CRB reviews the proposed change and issues a public determination within the time frame set forth in the NYVRA.
 - Like the public comment period, the length of time for the CRB's review depends on the type of proposed change.
 - For changes concerning the selection of poll sites or the assignment of election districts to poll sites, the CRB will review the change and issue a public determination on its website **within 15 calendar days** of receipt.

- For all other changes, the CRB will review the change and issue a public determination on its website within 55 calendar days of receipt.
- If the CRB determines that additional information is needed to complete its review, it may request such information from the covered entity. If the covered entity does not comply with the request in a timely manner, preclearance may be denied.
- The CRB may grant preclearance only if it determines that the proposed change “will not diminish the ability of protected class members to participate in the political process and to elect their preferred candidates to office.” More information on this legal standard is provided below (see Section VII(a), “Retrogression,” below).
- If the CRB grants preclearance, the covered entity may put the proposed change into effect immediately.
- If the CRB denies preclearance, the change cannot take effect. The CRB will provide the covered entity with a public determination letter, which will explain the basis for the denial.
 - The covered entity may appeal a preclearance denial in the Supreme Court for the county of New York or the county of Albany in a proceeding commenced against the CRB, pursuant to Article 78 of the New York Civil Practice Law and Rules.
- In some instances, the CRB may grant “preliminary” preclearance. This is a temporary determination, after which the CRB may deny preclearance of the proposed change within 60 calendar days from the date it received the submission.
- If the CRB does not respond within the required time frame, the change is deemed precleared.

IV. Covered Entities

Not all local jurisdictions and BOEs within New York are subject to preclearance. The requirement applies *only* to a “covered entity” seeking to enact or implement a “covered policy.” As noted above, a “covered entity” is a local jurisdiction or BOE that falls within the NYVRA’s preclearance coverage formula.

While the preclearance coverage formula determines which local jurisdictions and BOEs are subject to preclearance, and the NYVRA does not require the CRB to identify those jurisdictions and BOEs, greater clarity as to which jurisdictions and BOEs fall within the coverage formula supports the law’s implementation. Therefore, the CRB published a

preliminary list of jurisdictions it identified as subject to preclearance in its December 2023 Guidance. This section provides information regarding the NYVRA's coverage formula and the CRB's analysis to identify covered entities. Additional detail can be found in the December 2023 Guidance.

A current list of jurisdictions identified by the CRB as subject to preclearance can be found on [OAG's website](#).⁶ The list is updated periodically, and the CRB provides notification and guidance to new covered entities when they are added.

The State of New York does not qualify as a covered entity under the NYVRA. Therefore, state actors like the Governor and State Legislature are not required to submit covered policies for preclearance.

a. Coverage Formula

The preclearance coverage formula, located in section 17-210(3) of the NYVRA, contains four key components, paragraphs (a) through (d), each of which can independently trigger a local jurisdiction's obligation to submit a proposed change for preclearance review. In addition to these four components, the preclearance coverage formula contains two other provisions, paragraphs (e) and (f), that may trigger preclearance coverage.

1. Paragraphs (a) and (b)

Paragraphs (a) and (b) of the NYVRA's preclearance coverage formula cover local jurisdictions with voting or civil rights violations within the past 25 years.

Paragraph (a) states that the following is a "covered entity":

any political subdivision which, within the previous twenty-five years, 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[.]

Paragraph (b) states that the following is a "covered entity":

any political subdivision which, within the previous twenty-five years, has become subject to at least three court orders or government enforcement actions based upon a finding of any violation of any state or federal civil rights law or the fourteenth amendment to the United States constitution concerning discrimination against members of a protected class[.]

⁶ <https://ag.ny.gov/nyvra-covered-entities>.

A “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.”

Section 501.3(b) of OAG’s regulations provides more information about how the CRB applies paragraphs (a) and (b). For example, a “finding of any violation” includes a judicial determination on the merits of a claim. In addition, preliminary relief (such as a preliminary injunction or temporary restraining order) that a court grants based on a likelihood of success on the merits and/or a weighing of relative harms does not constitute a “finding of any violation” on its own.

A consent decree or other written agreement is considered to be based on a “finding of any violation” if:

- It contains a finding of noncompliance with one of the laws or constitutional provisions listed in paragraph (a) or (b), and
- It does not contain a statement that the jurisdiction denies liability as to those laws or provisions.

Examples of a “similar formal action,” as provided in the definition of “government enforcement action” above, include:

- A settlement agreement in which a federal or state government entity (for example, the United States or New York State) is a party, if the agreement contains a finding of noncompliance with one of the laws or constitutional provisions listed in paragraph (a) or (b) and does not contain a statement that the jurisdiction denies liability as to those laws or provisions; and
- A public report or other written document issued by a federal or state government entity, if the document contains a finding of noncompliance with one of the laws or constitutional provisions listed in paragraph (a) or (b).

There are two key differences between paragraphs (a) and (b). The first relates to the number of violations necessary for coverage. Paragraph (a) requires only one court order or government enforcement action within the past 25 years for a local jurisdiction to be subject to preclearance, whereas paragraph (b) requires three within the past 25 years.

The second difference relates to the types of violations relevant for coverage. Local jurisdictions are covered under paragraph (a) if the violation arises from the NYVRA, the federal Voting Rights Act, the 15th Amendment, or a voting-related violation of the 14th Amendment. By contrast, local jurisdictions are covered under paragraph (b) if each of the three violations arises from a state or federal civil rights law or the 14th Amendment involving discrimination against a “protected class.” “Protected class” is defined in the NYVRA as “a class of individuals who are members of a race, color, or language-minority group . . .”⁷ The CRB therefore includes within the scope of its paragraph (b) analysis court orders and

⁷ “Language minorities” or “language-minority group” is further defined in the NYVRA as “persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.” N.Y. Elec. Law § 17-204(5-a).

government enforcement actions concerning discrimination against individuals on the basis of race, color, or language-minority status.

To identify jurisdictions covered under paragraphs (a) and (b), the CRB conducted an extensive review of litigation and resolutions involving local jurisdictions within New York for the preceding 25 years, reviewing matters identified through legal database searches, available filings on public litigation dockets, and other records.

2. Paragraph (c)

Paragraph (c) states that the following is a “covered entity”:

any county⁸ in which, based on data provided by the division of criminal justice services, the combined misdemeanor and felony arrest rate of voting age members of any protected class consisting of at least ten thousand citizens of voting age or whose members comprise at least ten percent of the citizen voting age population of the county, exceeds the proportion that the protected class constitutes of the citizen voting age population of the county as a whole by at least twenty percentage points at any point within the previous ten years[.]

To identify covered entities under paragraph (c), the CRB first uses data from the New York Division of Criminal Justice Services (“DCJS”) to identify a county’s arrest rate for a protected class.⁹ The CRB then compares that arrest rate with that protected class’s proportion of the citizen voting age population of the county. The CRB identified as covered entities under paragraph (c) any jurisdiction where the arrest rate of a protected class was twenty percentage points greater than that protected class’s proportion of the county’s citizen voting age population.

3. Paragraph (d)

Paragraph (d) states that the following is a “covered entity”:

any political subdivision in which, based on data made available by the United States census, the dissimilarity index of any protected class consisting of at least twenty-five thousand citizens of voting age or whose members comprise at least ten percent of the citizen voting age population of the political subdivision, is in excess of fifty with respect to non-Hispanic White individuals within the political subdivision at any point within the previous ten years[.]

⁸ While paragraphs (a), (b), and (d) of the preclearance coverage formula all apply to any type of political subdivision, including counties, cities, towns, villages, and school districts, paragraph (c) applies only to counties. See N.Y. Elec. Law § 17-210(3).

⁹ On August 6, 2024, the NYVRA’s definition of “protected class” was amended to change “eligible voters” to “individuals,” to better align the calculation required by paragraph (c) with the data kept by DCJS.

For more information on the CRB's calculation of dissimilarity index scores, please see pages 10-17 of our December 2023 Guidance.¹⁰

Section 501.3(c) of OAG's regulations provides more information about how the CRB applies paragraphs (c) and (d). For example, the CRB uses "rational methodologies" in measuring and analyzing data for the purpose of identifying covered entities. The CRB also often uses data provided by the U.S. Census Bureau and may look to other sources to perform calculations. Furthermore, the CRB may make other data-based decisions to ensure accurate calculations, such as selecting the appropriate spatial units (like census tracts or block groups) for a particular analysis.

4. Paragraph (e)

Paragraph (e) states that "any political subdivision in which a board of elections has been established, if such political subdivision contains a covered entity fully within its borders[.]" is a covered entity.

The CRB identified several counties that are local jurisdictions "in which a board of elections has been established," and which also "contain[] a covered entity fully within [their] borders[.]" Those counties that fully contain covered entities, along with New York City, are subject to preclearance under this paragraph. However, for any county that is covered only under this paragraph and no other sections of the preclearance formula, only election changes that affect the covered entity within its borders will be subject to preclearance.

As an example, assume that Doe Village is a covered entity. Jones County contains Doe Village, along with four other villages that are not covered entities, fully within its borders, and Jones County itself is not a covered entity under any of the other paragraphs of the coverage formula. If Jones County intends to make a change that affects all villages within its borders, that change is subject to preclearance *only as to its application in Doe Village*.

5. Paragraph (f)

Paragraph (f) states that "any board of elections that has been established in a political subdivision that is a covered entity pursuant to paragraph (a), (b), (c), (d), or (e)" is a covered entity.

Each county identified as a covered entity, as well as New York City,¹¹ qualifies as a local jurisdiction "in which a board of elections has been established[.]" Therefore, the BOE of each of those counties, and the New York City BOE, are also covered entities. Because the

¹⁰ On August 6, 2024, the NYVRA was amended to clarify that while the first part of the two-step dissimilarity analysis (to determine whether the jurisdiction has a large enough population of protected class members to perform the calculation) remains limited to citizen voting age population, the second part of the analysis (calculating the dissimilarity index itself) applies to all members of the population, regardless of age and citizenship status.

¹¹ New York City is composed of five counties (Bronx, Kings, New York, Richmond, and Queens), but the city is a "political subdivision in which a board of elections has been established." As a result, the New York City Board of Elections is a covered entity under paragraph (f).

NYVRA designates BOEs for coverage separately from their associated counties or cities, any changes in a covered policy concerning elections administered by those covered BOEs are also subject to the preclearance requirement.

b. Effective Date of Coverage

The specific factors that trigger preclearance (paragraphs (a) through (f) listed above) determine the date when preclearance coverage goes into effect, and how long the coverage will last.

For violations under paragraph (a) (one or more voting rights violations within the past 25 years), the date of the most recent relevant court order or government enforcement action that triggered preclearance coverage will be the effective date for coverage. For example, if a court order containing a finding of a relevant voting rights violation was issued against Doe County on January 10, 2000, then Doe County would be a covered entity through January 10, 2025.

NOTE: If a covered entity enacts or implements a covered policy without seeking preclearance, or if a covered entity is denied preclearance but puts the policy in place anyway, the covered entity may be subject to litigation. See N.Y. Elec. Law § 17-210(6). Relatedly, if preclearance is preliminarily granted, but later denied, a covered entity may be subject to litigation if it does not comply with the denial.

A lawsuit may result in an order preventing the covered policy from being adopted and sanctions against the defendants. Failure to seek preclearance or abide by a preclearance denial may also result in an extension of the jurisdiction's coverage designation, because a violation of the NYVRA is a basis for coverage under paragraph (a). **If you have questions about whether a change needs to be submitted for preclearance, please contact the CRB at votingcompliance@ag.ny.gov.**

For violations under paragraph (b) (three or more civil rights violations within the past 25 years), the date of the earliest of the three most recent court orders or government enforcement actions that triggered preclearance coverage will be the effective date for coverage. For example, if Doe County has civil court orders sufficient for coverage under paragraph (b) dated January 1, 2020, January 2, 2021, and January 3, 2022, the effective date of coverage would be calculated from January 1, 2020. Assuming no additional violations, Doe County would therefore be a covered entity through January 1, 2045.

NOTE: All local jurisdictions, regardless of whether they are currently covered entities, are required to send the CRB a copy of any court order or government enforcement action that may subject them to coverage under paragraph (a) or (b) within 30 days of the relevant order or action. You may email the documents to votingcompliance@ag.ny.gov or mail them to our offices at ATTN: Voting Rights Section, Civil Rights Bureau, Office of the New York State Attorney General, 28 Liberty Street, New York, NY 10005.

For violations under paragraph (c) (arrest rate of protected class members within the past 10 years), the effective date for coverage is the most recent year in which annual data

collected by DCJS shows that a county's arrest rates meet the standard set forth in the law. For example, if a county has a qualifying arrest rate based on 2020 data, it would be covered through 2030.

For violations under paragraph (d) (rate of housing segregation as measured by the dissimilarity index exceeds 50 percent within the past 10 years), the effective date for coverage is the most recent year in which a jurisdiction had a dissimilarity index score above 0.5. For example, if data published by the United States Census Bureau's American Community Survey ("ACS")¹² for the year 2021 showed that a jurisdiction has a dissimilarity index score of 0.6, that jurisdiction would be a covered entity through 2031.

The CRB will periodically update its list of jurisdictions and BOEs identified as covered entities and publish the updated list on OAG's website.

V. Covered Policies

As noted above, covered entities need not submit every election change for preclearance review, only those changes that are considered "covered policies." A "covered policy" is a change concerning any of the topic areas listed in the NYVRA's preclearance section. See N.Y. Elec. Law § 17-210(2). Below, the CRB lists the topics of covered policies set forth in the NYVRA.

a. Types of Covered Policies

Under the NYVRA, a covered policy includes "any new or modified voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy concerning" any topic listed in section 17-210(2) of the NYVRA. Those topics are:

- **Method of election.**
 - *Method of election example:* Doe County has a "first past the post" election system, in which voters cast a single vote for a single candidate for each office, and the candidate with the most votes for each office wins. Doe County seeks to switch to a "ranked choice voting" system. If Doe County is a covered entity, the change to ranked choice voting must be precleared.
 - *Administrative changes:* Purely administrative changes to election procedures, such as routine updates to voting machines or software, are not, standing alone, changes to a "method of election" and thus are not subject to preclearance.
- **Form of government.**
 - *Form of government example:* Doe County has a five-person legislative county board. Doe County intends to add two seats to its board. If Doe County is a covered entity, this change must be precleared.

¹² As discussed in the December 2023 Guidance, the CRB uses ACS 5-year data to calculate dissimilarity index scores for paragraph (d) coverage. The CRB assigns each ACS 5-year dataset to the final year of that survey. For example, to analyze dissimilarity index scores for the year 2021, the CRB used the ACS 5-year dataset with a final survey year of 2021, which contains survey data collected from 2017 through 2021.

- *Term limits and term lengths:* Changes to the length of an elected official's term, or to the number of terms a given official may serve, are not, standing alone, subject to preclearance.
- **Annexation, incorporation, consolidation, or division of a political subdivision.**
- **Removal of voters from enrollment lists or other list maintenance activities.**
- **Number, location, or hours of any election day or early voting poll site.**
- **Dates of elections and the election calendar, except with respect to special elections.**
 - *Referendum date selection:* The choice of a date on which to hold a referendum election is not, standing alone, subject to preclearance.
- **Registration of voters.**
- **Assignment of election districts to election day or early voting poll sites.**
- **Assistance offered to members of a language-minority group.**

Language assistance example: Doe County plans to update its policies regarding 1) which written materials will be translated and how translation vendors will be selected, 2) oral assistance at poll sites, including the type and form of assistance provided and the process for recruiting and training interpreters, 3) its methodology for targeting poll sites and election districts,¹³ and 4) community and ethnic media outreach. If Doe County is a covered entity, these updates to its policies must be precleared.

As provided in the NYVRA, the CRB may designate additional topics for covered policies by rule. Any changes to the NYVRA regulations will be made in accordance with the notice and comment requirements of the New York State Administrative Procedure Act.

Redistricting is not, standing alone, subject to preclearance under the NYVRA. Therefore, when a local jurisdiction redraws the districts in which its officials are elected following the decennial census, the resulting map does not require preclearance. However, there are certain circumstances in which a local jurisdiction's district lines will require preclearance because they are a part of another change that constitutes a covered policy. For example, if a local jurisdiction switches from at-large to district-based elections, that switch concerns a change to the jurisdiction's method of election, and thus the proposed change, including the newly proposed map, must be precleared. Similarly, annexations, consolidations, and divisions of political subdivisions are covered policies under the NYVRA, and therefore any corresponding district line changes must be precleared.

Consolidating or otherwise modifying the boundaries of election districts is subject to preclearance only if it implicates a covered policy, for example, if it results in any election district or voter being assigned to a different poll site.

Special elections. While changes concerning the dates and calendars governing special elections are not subject to preclearance, changes made to practices or procedures

¹³ The implementation of required language assistance under both the federal Voting Rights Act and the NYVRA allows, in some cases, covered jurisdictions to “target,” i.e. to identify certain poll sites or election districts at which to provide language assistance, usually based on data indicating the location of eligible LEP voters, rather than providing it at every poll site or election district within the jurisdiction. See 28 C.F.R. § 55.17 (authorizing targeting under the federal Voting Rights Act).

regarding the conduct of special elections are subject to preclearance if they qualify as covered policies.

b. Scope of Coverage

The preclearance requirement applies to any covered policy, even if the change seems to be minor or indirect, returns to a prior practice or procedure, appears to expand voting rights, or is designed to address an issue that caused the CRB to deny preclearance to a prior change.

The preclearance requirement applies to changes made by the executive, legislative, or judicial branches of government. However, the following exceptions are not subject to preclearance:

- State and federal laws and regulations;
- Changes made to comply with state or federal law, if the change does not require the use of discretion by the covered entity making the change;
- Changes made to comply with a local law, if the local law itself was precleared and if the change was specifically described in the preclearance submission for that local law;
- Changes that require approval by a state or federal court, if the change was not proposed by and has not thereafter been adopted or modified by the covered entity; and
- Changes that are ordered by a state or federal court, if the court itself prepared the change and the change was not proposed by and has not thereafter been adopted or modified by the covered entity.

NOTE: A court-ordered change is subject to preclearance if it is implemented in a way that is not required or authorized by the court, or if the covered entity otherwise exercises discretion or policy choices in making the change. In addition, even in instances where a court-ordered change is not subject to preclearance review, if a covered entity can exercise discretion in implementing changes necessitated by the court order, those subsequent changes are still subject to preclearance review. For example, assume that a court orders that Doe County, a covered entity, switch from an at-large to a ward system for electing its county legislature. The conversion to a new ward system is itself not subject to preclearance. However, if the new system requires Doe County to designate new poll site locations, then those poll site changes would be subject to preclearance review.

VI. Preclearance Submission Process

a. Submission Content

Requirements for the content of preclearance submissions are detailed in section 501.1(a) of OAG's regulations. Additional information regarding those requirements is provided in this section.

Covered entities may use the administrative preclearance submission form appended to this Handbook to facilitate their submission requests. While use of the submission form is

not required, we strongly encourage covered entities to either use the form or consult the form when preparing your submission, to ensure that it contains the necessary information. Where possible, information should be provided in digital or spreadsheet/.csv format rather than .pdf.

1. General Requirements

Preclearance submissions are subject to the following general requirements:

- Submissions must identify the source of any information they contain.
- If a submission includes an estimate rather than precise statistics, it must also include the name, position, and qualifications of the person responsible for the estimate, and a brief explanation of the basis for the estimate.
- Submissions must be no longer than necessary.
- If a covered entity would like the CRB to consider information included in an earlier submission, it should identify the earlier submission and the relevant information.
- The submission must note any relevant information that is not known or available. The covered entity may need to demonstrate that it was not able to obtain the information despite exercising due diligence.
- Data provided as part of a submission must be from the U.S. Census Bureau or of comparable quality.

2. Specific Required Contents

All preclearance submissions must include the following:

- **A copy or written description of:**
 - The proposed change; and
 - The existing policy that would be repealed, amended, or otherwise changed.
- **A statement identifying each covered policy being proposed that explains the difference between the proposed policy and the policy currently in effect.** A description of the change will aid the CRB's review, which requires us to compare the existing and new policies (see Section VII(a), "Retrogression," below).
- **The name, title, email address, telephone number, and mailing address of the person making the submission.** Each local jurisdiction should authorize specific officials to make submissions on its behalf. Local jurisdictions must notify the CRB of the names and contact information of those officials, to ensure all submissions are properly authorized.
- **The name of the submitting authority (and, if different, the name of the person or body responsible for enacting and implementing the covered policy, and any political subdivision whose elections are affected by the policy).**
 - A "submitting authority" is the jurisdiction or jurisdictional representative authorized to make the submission. In many cases, this will be the covered entity itself. However, counties or county boards of elections that administer

elections for jurisdictions within their borders may act as a submitting authority for such jurisdictions. (See Section VI(c)(1), “Submitting Authority,” below.)

- Jurisdictions must also identify the person or body responsible for enacting and implementing the covered policy (in most instances, the local officials charged with administering an election, such as a county board of elections or local clerk) and the elections affected.
- The name of the county where the covered entity is located (if the submission does not come from the county or the county BOE).
- **A statement identifying the legal or other authority for the change, and a description of the procedures the local jurisdiction was required to follow in deciding to undertake the change.** For example, if a town adopts a change by local law or resolution, this statement should include a description of the town board’s voting procedures and laws that authorize the town to make that type of change.
- **If the covered entity is legally bipartisan (such as a board of elections), a statement attesting that the proposed change has been approved by authorized members of both political parties.**
- **A statement that the change has not yet been enforced or administered.** Jurisdictions must confirm that they have not yet implemented the proposed change.
- **An explanation of the geographic scope of the change (if the change will not affect the entire political subdivision).** A jurisdiction may also provide shapefiles, maps, and other information to clarify a change’s geographic scope.
- **A statement of the reason(s) for the change.** For example, a jurisdiction could submit a brief statement explaining that it is relocating certain poll sites because the prior sites are under construction.
 - This statement should include any considerations specific to the covered entity that may necessitate the proposed change, and any relevant feedback received from affected communities or members of protected classes.
- **A statement of the anticipated effect of the change on members of protected classes.** This statement should explain why the proposed change would not be retrogressive, based on an analysis consistent with the statutory and regulatory standards for approving or denying preclearance requests. The statement should include any analysis, internal or external to the covered entity, conducted to determine the necessity and/or sufficiency of the proposed change in providing equal access to the voting process for members of protected classes.
- **A statement identifying any pending litigation, or past litigation within the coverage period, in which the covered entity is a party, that concerns the change or any related voting practice.** For example, if a change to poll sites is the result of a new district map that was adopted as part of a court-ordered settlement, this statement should reference that litigation and include a copy of the settlement as well as the map.
- **A statement that the policy currently in effect, and the procedure for adopting the change, have both been precleared (or an explanation of why that statement cannot be made).** In addition to the underlying change, many procedures for adopting changes may also be covered policies. If they are, they must be precleared. This statement

should confirm that the current policy and the procedure adopting it were both precleared or should state the reason why they were not. For example, if the existing practices were in effect prior to September 22, 2024, a statement attesting to this fact is sufficient.

- **A statement identifying any other change that interacts with the covered policy (even if the other change is not itself subject to preclearance).** This information provides the full context of the change being made. For example, if election districts are being assigned to different poll sites because of a recent redistricting, this statement should note that and include the new maps, even though redistricting is not itself a covered policy.
- **A sworn attestation that the information is true and accurate to the best of the submitter's knowledge.** If the submission comes from a bipartisan BOE, the attestation must be signed by an authorized representative of each party.

3. Supplemental Contents

The CRB may require covered entities to submit additional information relevant to its preclearance review. This additional information may include, but is not limited to:

- **Demographic information for the affected area by race, color, and language-minority group.** In addition to the “statement of the anticipated effect of the change on members of race, color, or language-minority groups,” which is required for all submissions, the CRB may request underlying demographic information needed to analyze the submission.
- **Maps.** The CRB may request maps where relevant.
- **Election returns.** Election returns, showing the number of votes each candidate received in an election, can play a critical role in understanding electoral behavior. The CRB may in some instances request relevant returns.
- **Racially polarized voting.** Like election returns, an analysis of whether racially polarizing voting (“RPV”) exists within a jurisdiction may be relevant. The CRB may in some instances request RPV data or analysis.
- **Publicity and participation.** The CRB encourages jurisdictions to engage all communities, including members of impacted race, color, and language-minority groups, as they consider whether to pursue a change for which preclearance is required. While community engagement may take many forms, it is essential that covered entities provide adequate notice of public events and a meaningful opportunity for community members to be heard. If a jurisdiction conducted such outreach in connection with a change, the CRB may request relevant information, including the public notice, minutes, or other records.
- **Changes enacted by local law or resolution.** For changes enacted by local law or resolution, the CRB may request legislative history materials where relevant.
- **Community group contacts.** The CRB may request contacts for community groups to obtain additional information where relevant.

4. Information Related to Certain Covered Policies

For certain covered policies, submissions should include specific types of information and documentation to facilitate the CRB's review. For example:

- Submissions related to the number or location of poll sites, or assignment of election districts to poll sites, should include:
 - A list of elections for which the proposed change will be in effect, including whether the change is intended to be temporary (e.g. for a single election cycle due to construction at the usual site);
 - Whether the change applies to Election Day, early voting, or both;
 - A list of all offices on the ballot and the jurisdictions or geographies impacted, and, for primary elections, an indication of the relevant parties and election districts for each office;
 - A list of all poll sites, including full addresses and any ID number or code associated with each poll site, that will be used in the election(s) affected by the proposed change, and the same information for the poll sites used in the benchmark election (this should be provided in spreadsheet format with columns for poll site name, ID, and address);
 - A list of election districts affected by the proposed change, and the election districts used in the benchmark election, including, where relevant:
 - Election district name (if applicable);
 - The ID(s) used to uniquely identify each election district, if applicable. If multiple IDs are needed (ward, LD, ED, AD, etc.), each should be in its own column;
 - Names and/or ID numbers, as applicable, of poll sites to which each election district is assigned both at the time of the proposed change and, if different, at the time of the benchmark election;
 - An indicator of whether the poll site assignment has changed since the benchmark election; and
 - The number of registered voters, both active and inactive, in each election district.
 - Shapefiles for all election districts, identified using district IDs as applicable, in the jurisdiction at the time of the proposed change and, if different, at the time of the benchmark election;
 - Any change to the provision of language assistance as a result of the proposed change, for example, if a proposed reassignment of election districts to poll sites would result in a reallocation of language assistance;
 - For poll site relocations made after initial site notifications for the affected election(s) have been published, a description of the measures that will be taken to inform affected voters, including LEP voters, of the change; and
 - An attestation that all poll site locations proposed in the submission will be established in compliance with all applicable federal, state, and local laws, including but not limited to the Americans with Disabilities Act and the

minimum requirements for voting machines and privacy booths set by the New York State Board of Elections.

- Submissions related to assistance offered to members of a language-minority group should include:
 - A list of elections for which the proposed change will be in effect, including whether the change is intended to be temporary;
 - Whether the change applies to Election Day, early voting, or both;
 - Any written materials, diagrams, or other materials used to describe, formalize, or facilitate the covered entity's current (benchmark) language assistance program;
 - A description of any steps necessary to facilitate or implement the proposed change, including, but not limited to, additional staff, contractors, or vendors that will need to be hired;
 - Where the proposed change concerns the provision of language assistance at a poll site (for example, in-person oral interpretation or translated voting materials, including ballots), details on the poll sites where those services will be provided and the voters assigned to those poll sites;
 - Any data collected, analyzed, or otherwise utilized in determining which types of assistance to provide and in which languages; and
 - For proposed changes to written assistance:
 - A list of all written materials produced by the covered entity, with details regarding:
 - Which materials are currently translated, and into which languages;
 - Which materials would be newly translated, and into which languages;
 - How and with whom the materials are currently shared;
 - How and with whom the materials would be shared following the proposed change;
 - Which materials will not be translated into covered languages, and an explanation of why the materials will not be translated (for example, if a ballot will not be translated into a particular language because the translated text will not be certified and tested in time for the next election)
 - A description of the existing process for getting written materials translated, and, if changing, a description of the changes to that process;
 - The name of any vendors or translation services used; and
 - The process, including names of any vendors or translation services used to verify the accuracy and completeness of any translated materials.
 - For proposed changes to oral assistance:

- A description of the existing recruitment process for individuals providing oral assistance to voters and the proposed changes to that process, including, but not limited to:
 - The criteria for selection and review of interpreters' qualifications;
 - Any training or testing done for interpreters (including the training materials provided);
 - A list of partners, consultants, and/or vendors who assist with the recruitment process; and
 - The policy for when insufficient interpreters have been recruited.
- A description of any training materials provided to election officials, BOE employees, poll workers, or other staff regarding the provision of oral language assistance at the poll site or otherwise, including, but not limited to, a copy of all materials and a schedule of trainings.
- For targeting schemes:
 - A list of the poll sites covered under the benchmark and proposed schemes;
 - A description of how the covered entity arrived at the numerical thresholds for the proposed targeting scheme, including, if applicable:
 - Details on prior usage of similar schemes;
 - Documents to demonstrate that the targeting scheme sufficiently serves other language-minority groups; and
 - Expert or community support for the proposed targeting scheme.
 - The number of voters of the targeted language-minority group captured and excluded by the benchmark and proposed targeting schemes.
- For community and ethnic media outreach:
 - A list of all current and proposed community-based organizations (CBOs) and ethnic media outlets used for language-minority group specific outreach, organized by language-minority group and including contact information;
 - A description of any policies or procedures, written or informal, regarding contact with CBOs or ethnic media outlets, including, but not limited to, the individuals or roles at the covered entity responsible for that contact; and
 - A description of any policies or procedures, written or informal, regarding the structure and maintenance of language advisory groups, including, but not limited to, covered entity personnel responsible for organizing the language advisory group, the organizations and individuals who are members of the language advisory group, the roles and responsibilities of member organizations and individuals, the languages and communities served by each language advisory group,

and the calendar for holding meetings with each language advisory group.

b. Timing Considerations

Considerations relevant to the timing of preclearance submissions are detailed in section 501.1(b) of OAG's regulations. Additional information regarding timing of submissions is provided in this section.

1. Emergency Preclearance Review

In some instances, local jurisdictions may have an emergency or exigent circumstance occurring shortly before an election that warrants expedited preclearance review. If a covered entity needs to make a change within 35 days of the start of voting as a result of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack, other disaster, or other exigent circumstances, it may seek emergency preclearance. An exigent circumstance is one that the jurisdiction did not and could not reasonably have been expected to know about prior to the 35-day emergency period, that arose for reasons beyond the jurisdiction's control, for which no practicable solution is available aside from the covered policy being proposed. For example, if a poll site becomes suddenly and unexpectedly unavailable during the 35-day period, the designation of an alternative poll site should be submitted for emergency review. **Jurisdictions should inform the CRB as soon as they become aware of an emergency that may necessitate a covered policy change, even if they are not yet prepared to make a preclearance submission.**

If the covered policy involves designation or selection of poll sites or the assignment of election districts to poll sites, the CRB will issue a determination within 48 hours of receipt of the submission, or as soon after that as is reasonably practicable.

For any other covered policy, the CRB will issue a determination within 72 hours of receipt of the submission, or as soon after that as is reasonably practicable.

If an emergency arises within 24 hours of the start of voting or after voting has begun, the CRB may waive procedural requirements for preclearance submissions related to poll site locations or hours for that election. If those requirements are waived, the jurisdiction need only provide the CRB with notice of the change within one hour of making the change, or as soon thereafter as is reasonably practicable, and preclearance will be deemed preliminarily granted upon the CRB's receipt of the notice. The notice must contain:

- A description of the change, including the addresses of all affected poll sites and a list of all election districts assigned to those poll sites;
- A description of the emergency necessitating the change;
- A statement that the jurisdiction neither knew nor should have known of the need for the change before the 24-hour period began; and

- If the notice is submitted by a board of elections, a statement that the change has been agreed to by an authorized representative of each political party.

A grant of an emergency preclearance request is considered preliminary. This is a temporary determination, after which the CRB may deny preclearance of the proposed change within 60 calendar days from the date it received the submission. Any public comments received within 10 business days after a preliminary grant of emergency preclearance will be considered during this 60-day period.

2. Extension of Review Period

Additional information may extend the review period. The review period pauses if the CRB requests additional information necessary for its review. If the CRB receives new information that is material to a pending submission (a “resubmission”), or if the CRB receives a new submission that must be considered alongside a pending submission (“related submission”),¹⁴ the time periods for public comment and CRB review restart on the date that the CRB receives the new information or the last related submission. These provisions ensure that the public has an adequate opportunity to consider all relevant information when commenting, and that the CRB can consider all relevant information before making a determination.

For example, if the 55-day deadline for the CRB to issue a determination on a pending submission is May 1, and the CRB requests additional information on March 15, the time period for review pauses on March 15. If the covered entity submits the requested information on April 1, the CRB’s new review deadline becomes May 26 (55 days from April 1). The CRB will also post the new information to its website within ten days of April 1 and start a new public comment period beginning on the date of posting.

Consistent with the NYVRA, the CRB may also extend the review period for a preclearance submission if necessary to complete its review. For changes concerning the designation of poll sites or the assignment of election districts to poll sites, the CRB may extend the review period by up to 20 calendar days. For all other changes, the CRB may extend the review period by up to 180 calendar days.

If the CRB recalculates the time period for review, it will notify the covered entity in writing.

3. When to Submit Changes

In general, covered policies must be submitted for preclearance review as soon as possible after they become final. A change is considered to be made when the decision to make the change, and the discretion involved in that decision, is finalized, even if the change does not take effect until the next election.

¹⁴ A related submission is one that cannot be independently considered because the impact of the change can only be assessed in relation to the impact of another covered policy. For example, relocations of multiple early voting poll sites within the same area, if submitted as separate requests, could be related submissions.

For example, county BOEs exercise their discretion to designate poll sites for primary and general elections. See N.Y. Elec. Law §§ 4-104, 8-600. Once new sites are selected, the change has been “made” and should be submitted for preclearance review.

NOTE: As the Election Law requires county BOEs to designate Election Day poll sites by March 15 of each year, jurisdictions should plan ahead by submitting changes to Election Day poll site locations and allowing time for administrative preclearance review well in advance of that deadline. BOEs should similarly plan ahead for the requirements to designate general election early voting sites by May 1 and primary election early voting sites in early May.

If any poll site designations for the year are expected to change based on whether a primary will be held for a given office, the submission listing the proposed poll site designations for the year should explain those circumstances and, to the extent reasonably practicable, propose an alternative poll site list in the event that no primary is held in certain parts of the county. As soon as possible after the petitioning process is complete, BOEs should notify the CRB of their proposed poll site designations for the primary election; if those proposed designations are not consistent with the original submission, then a new submission must be made.

In some instances, a poll site that was to be used in an upcoming election may become unavailable. This will require preclearance for the use of an alternative poll site. In selecting an alternative site, BOEs should consider the impact on protected class members. Generally, a site that is equally accessible to the site that was previously precleared is less likely to impose a material burden on protected class members and raise potential concerns. To minimize issues, BOEs should select poll sites consistent with the procedural requirements set forth in section 4-104 of the Election Law, including consulting municipal officials on the designations and providing written notice to the site upon designation. See N.Y. Elec. Law § 4-104(1), (3). And, BOEs should designate sites consistent with their authority to require tax-exempt buildings to “make available a room or rooms in such building which are suitable for . . . voting” *Id.* § 4-104(3).

Changes made by local law or resolution are considered final after the law or resolution has been enacted. Consistent with the NYVRA, implementation of the local law or resolution must await preclearance review.

In addition, changes that require approval by referendum, by a court, or by a state agency must be submitted before that approval is received, if:

- The content of the proposed change itself is set and would not be amended by that final approval, and
- All other action necessary for approval has been taken.

c. Other Procedural Information

Requirements for preclearance submission procedures are detailed in section 501.1(c) of OAG’s regulations. Additional information regarding those requirements is provided in this section.

1. Submitting Authority

Preclearance submissions must be made by the chief legal officer of the covered entity or someone authorized to act on the covered entity's behalf. Covered entities must notify the CRB of any change in the name or contact information of the person(s) responsible for making preclearance submissions within 30 days of the change.

A county or its BOE has authority to submit on behalf of any covered entities fully contained within the county's borders whose elections are administered by the county or its BOE, or any covered entities for which other circumstances warrant submission by the county or BOE (the submission must explain what those circumstances are).

2. Improper or Incomplete Submissions

If a submission does not include all the required information, or is not submitted in the proper format, it may be deemed improper or incomplete. See section 501.1(c)(4)(i) of OAG's regulations for examples of submissions that may be deemed improper.

If a submission is deemed **improper**, the CRB will inform the submitter and explain why. If new information renders the submission appropriate for review, a new submission must be made, including a description of the changed circumstances (for example, a notification that a covered policy previously determined to be premature has since been formally adopted).

A submission may be deemed **incomplete** if it does not include information required for the CRB to complete its review. If a submission is deemed incomplete, the CRB may request additional information. Preclearance may be denied if the information is not provided in a timely manner. As detailed above in the Timing Considerations section (see Section VI(b)), the CRB's time for review and the public comment period will pause when additional information is requested, and will restart when the information is received. If a sufficient response has not been received within 60 days of the request, preclearance may be denied.

NOTE: If you have questions regarding whether an anticipated submission or response to a request for additional information may be improper or incomplete, please contact the CRB at votingcompliance@ag.ny.gov.

3. Preclearance Determinations

The CRB will issue a determination granting or denying preclearance within the review period for the submission. If preclearance is denied, the determination will include the basis for the denial. These determinations will be posted on OAG's website.

If preclearance is denied, the determination may be appealed under Article 78 of the New York Civil Practice Law and Rules. Determinations granting preclearance are not reviewable.

Preclearance may be granted on a preliminary basis, even to non-emergency submissions, if warranted by the circumstances. As noted above, a preliminary grant of preclearance means that the covered policy may be enacted or implemented, but the CRB may subsequently deny preclearance within 60 days after receipt of the covered policy. If 60 days elapses without a denial and without further procedural updates (for example, a request for additional information, which would reset the time period for review), then the preliminary grant will be deemed a final grant.

d. NYVRA Portal

The New York Voting Rights Act Portal is an online tool that facilitates submission of administrative preclearance requests, public comments, and copies of judicial preclearance submissions.

The Portal can be accessed at <https://nyvra-portal.ag.ny.gov/>. Covered jurisdictions can contact votingcompliance@ag.ny.gov to create an account. Within the Portal, users can access the text of the NYVRA, OAG's regulations, a manual and frequently asked questions to assist with navigating the NYVRA Portal, previous preclearance submissions, and other resources by selecting the Additional Resources tab at the top of the screen.

VII. Preclearance Review

Administrative preclearance review will be based on a review of the information and analysis provided by the covered entity, any relevant information provided by third parties such as public comments, and any independent analysis conducted by the CRB.

The NYVRA sets the standard used to determine whether the CRB will approve or deny an administrative preclearance submission. The statute states that the CRB will grant preclearance only if a covered entity demonstrates that:

- The covered change will not diminish the ability of protected class members to participate in the political process; and
- The covered change will not diminish the ability of protected class members to elect their preferred candidates to office.

a. Retrogression

The CRB applies the “diminish” standard above by analyzing whether the proposed change will lead to “retrogression” in the position of members of one or more protected classes. For purposes of the CRB’s preclearance review, “retrogression” means that a change will make members of a group worse off than they had been before the change. A covered change will be considered “retrogressive” where it will negatively impact protected class members’ “ability to participate in the political process,” or their “ability to elect their preferred candidates to office.” Retrogression as to either the ability to participate in the political process, or the ability to elect preferred candidates, will result in a denial of preclearance.

Importantly, because preclearance review only considers whether a change leads to retrogression and therefore meets the standard above, a grant of preclearance does not necessarily mean that the change complies with all other laws, including other provisions of the NYVRA.

1. Participation in the Political Process

Participation in the political process generally refers to voters' ability to obtain a ballot and cast it freely and fairly. It also includes other activities beyond casting a ballot that are integral to the voting process, such as registering to vote.

With respect to changes that affect participation in the political process, retrogression occurs when members of one or more protected classes are likely to be burdened by the change, and when that burden is sufficiently material that it will likely cause some protected class members not to vote or otherwise participate in the political process. For example, if a covered entity moves a poll site in such a way that will likely cause voters who are members of a protected class to not exercise their right to vote, that change can be said to "retrogress" their ability to participate in the political process.

2. Ability to Elect Preferred Candidates

Retrogression in the ability to elect preferred candidates refers to electoral structures and practices that diminish representational strength. For example, a covered entity may elect its legislative body using five single-member districts, two of which allow members of a protected class to elect their preferred candidates to that legislative body. If that covered entity wishes to convert to an at-large system, and this switch would reduce the ability of voters of that protected class to elect their preferred candidates to office (for example, by reducing from two to one the number of seats to which they can elect their preferred candidate), then that change can be said to "retrogress" the protected class's ability to elect its preferred candidates.

While a protected class's ability to participate in the political process and its ability to elect preferred candidates can be related, a covered change may be relevant to one issue, but not both. For example, conversion from a district-based to an at-large electoral scheme could affect a protected class's ability to elect its preferred candidates. However, it may not, by itself, be a change that relates to a protected class's ability to participate in the political process, as it would not impact the ability to obtain a ballot and cast it freely and fairly.

b. Conducting the Retrogression Analysis

Preclearance submissions should include a statement of the anticipated effect of the change on members of race, color, or language-minority groups within the jurisdiction, supported by analysis. To evaluate the anticipated effect of a change, local jurisdictions beginning the preclearance process will need to identify and collect relevant information, and then use this information to support their position that the change will not be retrogressive. Covered entities with any questions regarding this aspect of a preclearance submission should feel free to contact the CRB at votingcompliance@ag.ny.gov.

1. Understanding the Proposed Change and Identifying Your Benchmark

Preclearance review starts with a covered entity's intention to enact and implement a proposed change that falls within one of the NYVRA's covered policy categories. It is therefore critical for a jurisdiction to clearly understand the change for which it seeks preclearance, and to clearly describe that change in its submission, including any information relevant to its scope and effects.

A covered entity's proposed change must be compared to the "benchmark." The benchmark is the status quo, i.e., "qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy" that is in force or effect at the time the change is to take place. Because the identification of the appropriate benchmark is a contextual inquiry, a number of considerations may be relevant for determining the benchmark.

For changes to poll site locations or assignment of election districts to poll sites, the benchmark is the most recent election held in the jurisdiction in which all voters who are eligible to vote in the election that is the subject of the submission were also eligible to vote.¹⁵ This will often be the most recent general election, but in some cases may be the general election prior to the most recent one. For example, for a submission proposing poll site designations for the 2030 primary and general elections, the benchmark will be the county's list of poll sites from the 2029 general election, unless there were no countywide¹⁶ offices on the ballot in 2029, in which case the benchmark will likely be the list from the 2028 general election.

Covered entities should carefully consider these issues when evaluating the anticipated effect of a change and contact the CRB before preparing a submission if they are uncertain about the appropriate benchmark to use for the analysis.

If the proposed policy does not represent a change from the benchmark, then no preclearance submission is necessary.

¹⁵ Given that voter populations inevitably evolve between elections, "voters" in this context refers to the relevant population at the time of the election, as determined by election district or other geographic unit, rather than specific individual voters. For example: Voters in Election Districts 1 and 2 had an election in 2028 but not 2029, and voters in Election District 3 had an election in both 2028 and 2029. If the 2030 election includes races for which Election Districts 1, 2, and 3 are all eligible to vote, then the CRB will consider the benchmark election year to be 2028, even though 2029 is more recent, because 2028 is the most recent election in which voters in all three election districts were eligible to vote. (If election districts are renumbered or their boundaries are modified between elections, that information should be included in the submission as part of the jurisdiction's explanation for its proposed benchmark selection.)

¹⁶ This includes any office for which all voters in a county are eligible to vote, including local offices, such as county executive; state offices, such as governor; and federal offices, such as president or senator. Offices for which only voters in certain districts are eligible to vote, such as county legislator, State legislator, and Congress member, are not considered countywide.

2. Collecting Information to Understand the Impact of the Proposed Change

As a local jurisdiction considers a proposed change and prepares it for preclearance review, along with identifying the appropriate benchmark, it should also collect and analyze information relevant to assessing the impact of the change on protected classes.

Demographic information will often be critical for this purpose. For example, if a covered entity is relocating its poll sites, it should be aware of the protected classes living in the affected areas, to consider the impact on members of those groups. As a useful starting point, a covered entity may look to publicly available census tract or block group data produced by the United States Census Bureau. Other types of information may be necessary depending on the context. For example, in relocating poll sites, information such as distance for members of protected classes to their poll site and their access to vehicles may be relevant for preclearance review. Similarly, public transit routes may also be important for preclearance review.

In some instances, additional analysis using data provided by the United States Census Bureau or other sources may provide more tailored demographic information.¹⁷

Input from stakeholders will also be crucial. In considering a proposed change, the CRB encourages covered entities to solicit feedback from voters and community groups.

In addition to the above, covered entities should consider what additional information, if any, could enhance their evaluation of a proposed change's impact, and seek to obtain and analyze that information.

We recognize that these types of analyses may be new to some jurisdictions. The CRB encourages all covered entities anticipating the need to submit preclearance requests to contact us at votingcompliance@ag.ny.gov to discuss those proposed changes and any anticipated challenges in obtaining relevant information.

¹⁷ As an example, one method of determining the demographic makeup of voters within a smaller geography, such as an election district, is to conduct an analysis called Bayesian Improved Surname Geocoding (“BISG”). “In broad strokes, BISG can provide a probability assessment of an individual’s race based on the individual’s surname and location. BISG does this by using Census Bureau data to determine what percentage of the national population with the individual’s surname is black, white, Latino, Asian, or other. That national data is then combined with Census Bureau data pertaining to the individual’s census ‘block’ (which often covers the geographic area of roughly one city block) to see what percentage of the residents in that block area is black, white, Latino, Asian, or other. Combining these datapoints provides a probabilistic prediction of individual ethnicity.” *Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213, 225 (2d Cir. 2021). This data can be aggregated up to the election district level, or higher (for example, up to the county level), to estimate the demographic makeup of that geography.

3. Standard of Review and Burden of Proof

Preclearance review is highly fact-specific and contextual.¹⁸ Each submission will require a case-by-case review of the circumstances.

Analyzing retrogression for changes involving participation in the political process is a two-part test. A change is retrogressive as to the ability to participate in the political process where:

- (i) the individuals who will be burdened by the change are disproportionately likely to be members of one or more protected classes; and
- (ii) the change imposes a burden material enough that it will likely cause some members of such protected classes not to vote or otherwise participate in the political process.

At the first step of the analysis, covered entities must consider the effect of a change on the relevant protected classes. Doing so begins with identifying the pool of individuals who are implicated by the change.¹⁹ If the change imposes a burden on one or more protected classes, it satisfies the first step of this analysis.

At the second step of the analysis, we consider the nature of the burden and whether it is sufficiently “material.” A burden satisfies this test if it will likely cause some members of a protected class to not vote or otherwise participate in the political process. For example, as discussed in further detail below, a protected class may be materially burdened if a change in poll sites would significantly increase the distance or time a typical voter of that protected class would need to travel to vote.

In assessing materiality, political subdivisions may properly consider mitigating and exacerbating circumstances. For example, if a political subdivision is relocating a poll site along a major thoroughfare, it may be a mitigating factor that affected protected class members have high rates of vehicle ownership. Conversely, a poll site relocation that may not be materially burdensome in an area with high rates of vehicle ownership or robust public transportation may be materially burdensome in areas that lack such characteristics. A poll site’s quality and history of serving voters may also be a relevant consideration.

In contrast to analyzing retrogression for changes involving participation in the political process, analyzing retrogression for changes involving the ability to elect involves comparing the extent to which members of a protected class are currently able to elect their preferred candidates to office, and the extent to which they would be able to do so under the proposed change. This will often involve an analysis of the number of seats to which a protected class is currently able to elect its preferred candidates, as compared to the number of seats to which a protected class would likely be able to elect its preferred candidates if the proposed change were to take effect.

¹⁸ See, e.g., *Texas v. United States*, 831 F. Supp. 2d 244, 260 (D.D.C. 2011) (“[A]ssessing retrogression is a multifaceted, fact-specific inquiry.”).

¹⁹ If a protected class is not represented within a jurisdiction, no analysis as to that protected class is necessary.

The covered entity bears the burden of proof to demonstrate that a covered change will not lead to retrogression and that preclearance should therefore be granted.

c. Illustrative Examples

This section provides simplified, illustrative examples of changes analyzed for preclearance review, based on fictional cases. It describes covered changes involving the location of poll sites, for both early voting and Election Day.

As noted above, preclearance review is highly contextual and done on a case-by-case basis. While this section provides covered entities with important considerations when evaluating the potential retrogressive effect of these changes, it is not intended to provide a fully comprehensive list of the types of issues that may be relevant.

1. Election Day Poll Site Change

Doe Village is a covered entity and therefore subject to preclearance. Under the benchmark plan, Doe Village has two poll sites, Poll Sites A and B, and two election districts (“EDs”), ED 1 and ED 2. ED 1 is assigned to Poll Site A while ED 2 is assigned to Poll Site B.

Doe Village seeks preclearance to reassign ED 1 to Poll Site C, a new poll site location within ED 1. Table 1 describes the benchmark and proposed plans.

Table 1

Election District	Benchmark Election Day Poll Site Assignment	Proposed Election Day Poll Site Assignment
Doe Village ED 1	Poll Site A: 123 D St.	Poll Site C: 789 F Pl.
Doe Village ED 2	Poll Site B: 456 E Ave.	Poll Site B: 456 E Ave.

Because only Poll Site A is being replaced, and therefore only voters in ED 1 would be impacted by the proposed change, neither the location of Poll Site B nor the voters it serves is subject to or considered in our preclearance review.

The first step of the material burden part of the retrogression analysis is to identify the protected class members who may be burdened by the change. Because members of Protected Class X and Protected Class Y live and are registered to vote in ED 1, we proceed by looking at how the relocation will change access for members of these groups specifically in ED 1. Table 2 describes the population and demographics of ED 1 in Doe Village.

Table 2

	Total Population (ED 1)	Protected Class X (ED 1)	Protected Class Y (ED 1)
Citizen Voting Age Population (CVAP)	2,800	1,820	980
Registered Voters	1,800	1,170	630

If any protected class members would be burdened by the change, the second step of this part of the analysis looks to whether that burden is material such that the change would likely cause some members of the protected class not to vote or otherwise participate in the political process. As noted above, changes in distance and time traveled for these groups are important measures of burden. The most relevant distance and travel time metrics are for walking, driving, and taking public transit, but other metrics, such as distance “as the crow flies” (i.e., distance in a straight line from point A to point B), may also be relevant. Table 3 compares distance measures between the benchmark poll site and the proposed poll site for each group. As shown below, the change will result in Poll Site C being closer to the typical voter of both protected classes than Poll Site A, regardless of whether those voters walk, drive, or take public transit.

Table 3

	<u>Benchmark</u> (Poll Site A)	<u>Proposed</u> (Poll Site C)
Protected Class X		
Median Transit Distance / Time Walking	.5 mi / 10 min.	.25 mi / 5 min.
Median Transit Time by Public Transportation	30 min.	10 min.
Median Transit Distance / Time by Vehicle	1.25 mi. / 10 min.	.8 mi. / 5 min.
Protected Class Y		
Median Transit Distance/Time Walking	1.5 mi. / 30 min.	.75 mi. / 15 min.
Median Transit Time by Public Transportation	40 min.	15 min.
Median Transit Distance / Time by Vehicle	1.75 mi. / 35 min.	1 mi. / 10 min.

Because the typical voters of both protected classes are required to travel a shorter distance under the proposed change, in the absence of any exacerbating factors, it is unlikely that members of either protected class would be burdened by this change. Accordingly, while the analysis should look beyond distance and travel time and consider any other context-specific factors that could be probative of whether the change would likely cause some

protected class members to not vote, preclearance is likely to be granted in the absence of any other concerns.

Generally, a poll site relocation is likely to be materially burdensome for voters of a protected class if it has moved meaningfully farther away and is less accessible as a result. In this instance, it is unlikely that the change poses a material burden on voters because the distance and travel time would decrease for voters affected by the change. However, considering the materiality of the burden also warrants consideration of other circumstances that may mitigate or exacerbate the burden of a proposed change, such as the likelihood that affected voters have access to a vehicle.

2. Early Voting Poll Site Change

Doe County is a covered entity and subject to preclearance. Doe County has three early voting poll sites: Poll Sites 1, 2, and 3. Consistent with the Election Law, any voter within Doe County may vote early at any of the three sites. Doe County seeks preclearance to move Poll Site 2 to a new location, from 456 B Boulevard to 1010 D Avenue.

Table 4 describes the benchmark plan and proposed plans.

Table 4

Benchmark Early Voting Plan	Proposed Early Voting Plan
<u>Poll Site 1: 123 A St.</u>	<u>Poll Site 1: 123 A St.</u>
<u>Poll Site 2: 456 B Blvd.</u>	<u>Poll Site 2: 1010 D Ave.</u>
<u>Poll Site 3: 789 C Rd.</u>	<u>Poll Site 3: 789 C Rd.</u>

Having identified the benchmark and proposed change, we now identify the protected class members who may be burdened by the change. Our analysis pays special attention to voters for whom the early voting site closest to their registered address would be different as a result of the proposed change. We describe such voters as “impacted” by the proposed change.²⁰ Moreover, our analysis also focuses on the “typical”²¹ experience of voters affected by the change.

Table 5 describes the demographics of voters in Doe County whose closest early voting poll site would be different as a result of the proposed change.

²⁰ While an early voting site nearest a voter’s registered address is an important consideration in a retrogression analysis, because voters can vote at any early voting site within Doe County, a voter’s distance to other sites (in addition to the site closest to their registered address) may still be relevant depending on the circumstances.

²¹ Understanding the experience of the typical voter may involve multiple calculations, including but not limited to calculating the median and mean distances traveled by protected class members, as well as determining the percentage of members of each protected class who would be required to travel an increased or decreased distance as a result of the proposed change.

Table 5

	Voters Whose Closest EV Poll Site Has Changed	Protected Class X Whose Closest EV Poll Site Has Changed	Protected Class Y Whose Closest EV Poll Site Has Changed
Citizen Voting Age Population (CVAP)	70,000	36,500	33,500
Registered Voters	60,000	32,000	28,000

As noted above, the second step of the analysis considers whether any burden imposed on members of a protected class is material such that the change will likely cause some members of the protected class not to vote or otherwise participate in the political process. Tables 6 and 7 provide a snapshot of certain measures comparing the benchmark plan and the proposed change for members of Protected Classes X and Y, respectively. As shown below, the change will require the typical “impacted” voter in Protected Class X and Protected Class Y to travel farther to their closest poll site.

Table 6

	Benchmark (Old Site)	Proposed (New Site)
Protected Class X		
Median Transit Distance / Time Walking	0.75 mi. / 15 min.	3 mi. / 40 min.
Median Transit Time by Public Transportation	15 min.	75 min.
Median Transit Distance / Time by Vehicle	.8 mi. / 5 min.	3.5 mi. / 45 min.

As shown in Table 6, the relocation of Poll Site 2 may impose a material burden on members of Protected Class X. As shown in Table 6, for impacted voters who are members of Protected Class X, the overall median distance to the nearest site would increase from 0.75 miles walking (approximately 15 minutes) to 3 miles walking (approximately 40 minutes) each way. In addition, the median distance for such voters using public transportation would quadruple from 1 to 4 miles to their nearest site, and traveling by public transit would now take five times longer (15 minutes to 75 minutes). The median distance for such voters traveling by vehicle would increase from 0.8 miles to 3.5 miles, and it would now take nine times longer by vehicle (5 minutes to 45 minutes). Other data may affirm the materiality of this burden. For example, U.S. Census Bureau data might indicate that members of Protected Class X generally have low access to vehicles, suggesting that members of Protected Class X may be more likely to rely on walking or public transit, and would likely have a materially more burdensome travel experience to reach their closest poll site than is the case under the benchmark plan.

Table 7

	<u>Benchmark (Old Site)</u>	<u>Proposed (New Site)</u>
Protected Class Y		
Median Transit Distance / Time Walking	1 mi. / 20 min.	1.2 mi. / 24 min.
Median Transit Time by Public Transportation	30 min.	40 min.
Median Transit Distance / Time by Vehicle	1.25 mi. / 10 min.	1.5 mi. / 12 min.

As shown in Table 7, in contrast to Protected Class X, it is unlikely that impacted voters who are members of Protected Class Y would be materially burdened by the change. While the distance that the typical member of Protected Class Y impacted in this manner must travel would increase, the differences are marginal and, in the absence of any exacerbating factors, unlikely to be materially burdensome.

VII. Conclusion

If you have any questions about administrative preclearance, please feel free to contact us at votingcompliance@ag.ny.gov, our dedicated email address for covered entities. You can also visit OAG's [New York Voting Rights Act page](#) on our website, where we provide updates about the NYVRA and the voting rights of New Yorkers.

If you would like to receive notifications of preclearance submissions, determinations, and other important updates, please sign up for our preclearance notification registry [here](#).



Office of the New York State
Attorney General

Letitia James
Attorney General

NYVRA Administrative Preclearance Submission Form

Updated January 20, 2026

This form has been prepared by the Civil Rights Bureau (“CRB”) of the Office of the New York State Attorney General (“OAG”) to facilitate administrative preclearance submissions under the New York Voting Rights Act, N.Y. Elec. Law § 17-210(4); 13 NYCRR § 501.1(a). Use of this form is **optional**; covered entities may contact the CRB to discuss alternative submission formats. Please note that this form does not include all supplemental information that may be requested by the CRB.

Please provide all other documents aside from this form digitally and, as appropriate, in Word (.docx) format, or a spreadsheet in Excel (.xlsx), comma-separated (.csv), text (.txt), or parquet format. Please provide documents as a .pdf file only where unable to provide them in another format. Please include data documentation for all files, including data definitions and information about column headers and file formats. Any linked, appended, or otherwise attached documents and records should be produced along with the requested records. Additionally, where documents rely on external support, such as a study conducted by a demography expert, please include all supporting documents.

Documents may be uploaded to the [NYVRA Portal](#) or sent to votingcompliance@ag.ny.gov.

For any questions or emergency requests, please contact votingcompliance@ag.ny.gov.

1. Describe the change for which preclearance is requested.

What do you propose to change, who will be impacted, and how will they be impacted?

2. Describe the current policy that is being changed (i.e., the benchmark against which to compare the change submitted for preclearance) with an indication of why the proposed benchmark is the proper point of comparison.

This may be the status quo or current policy; alternatively, the benchmark may be the policy in effect for a recent election. For more information on identification of the appropriate benchmark, see p. 27 of the [Preclearance Handbook](#).

3. Explain the reason(s) for the change(s) and its anticipated effect on members of protected classes.

Please include any information or data used to determine that the proposed change will not diminish the ability of members of any protected class to participate in the election or elect their preferred candidates to office. For supporting analysis, you may submit separate files through the NYVRA Portal or email them to votingcompliance@ag.ny.gov. If any relevant information cannot be obtained, please explain why and describe any efforts to obtain it.

If you have identified potential concerns regarding any poll site changes proposed in the submission (e.g. a poll site relocation made for reasons of administrability may increase the distance voters must travel compared with the benchmark site), please explain why these concerns do not render the proposed change retrogressive. Please describe any data or other information relied upon to reach this conclusion.

4. Identify any legal or other authority for the change(s), and describe the process for undertaking the change(s) within such provisions.
5. Identify the person or body responsible for implementing the change(s), if different from the body requesting preclearance.
6. Identify any other changes that are related to the change being submitted (even if not themselves subject to preclearance).

For example, if poll sites are being assigned to different election districts because of a recent redistricting, please note that and include the new maps, even though redistricting is not itself a covered policy.

7. Identify any past or pending litigation, in which the covered entity is a party, concerning the change(s) or any related voting practice.

If past, only identify litigation initiated or resolved within your coverage period.

8. For proposed changes related to poll site locations or assignment of election districts to poll sites, please provide the following:

- i. A list of the elections for which the proposed change will be in effect, including whether the change is intended to be temporary (e.g. for a single election cycle due to construction at the usual site);
- ii. Whether the change applies to Election Day, early voting, or both;
- iii. A list of all offices on the ballot and the jurisdictions or geographies impacted, and, for primary elections, an indication of the relevant parties and election districts for each office;
- iv. A list of all poll sites, with full addresses and any ID number or code associated with each poll site, that will be used in the election(s) affected by

the proposed change, and the same information for the poll sites used in the benchmark election; for example, a spreadsheet with the following columns:

Poll site name	Poll site ID, if applicable	Full address, including city and postal code

- v. A list of election districts affected by the proposed change, and the election districts used in the benchmark election, including, where relevant:
 - a. Election district name (if applicable)
 - b. The ID(s) used to uniquely identify each election district, if applicable. If multiple IDs are needed (ward, LD, ED, AD, etc), each should be in its own column.
 - c. Names and/or ID numbers, as applicable, of poll sites to which each election district is assigned both at the time of the proposed change and, if different, at the time of the benchmark election;
 - d. An indicator of whether the poll site assignment has changed since the benchmark election
 - e. The number of registered voters, both active and inactive, in each election district

This information should be provided in a spreadsheet with columns corresponding to the categories listed above.

- vi. Shapefiles for all election districts, identified using district ID(s) as applicable, in the jurisdiction at the time of the proposed change and, if different, at the time of the benchmark election;
- vii. Any change to the provision of language assistance as a result of the proposed change, for example, if a proposed reassignment of election districts to poll sites would result in a reallocation of interpreters or translated voting materials; and
- viii. For poll site relocations made after initial site notifications for the affected election(s) have been published, a description of the measures that will be taken to inform affected voters, including voters with limited English proficiency (“LEP”), of the change.

9. For proposed changes related to assistance offered to members of a language-minority group, please provide the following:

- i. A list of the elections for which the proposed change will be in effect, including whether the change is intended to be temporary;
- ii. Whether the change applies to Election Day, early voting, or both;
- iii. Any written materials, diagrams, or other materials used to describe, formalize, or facilitate the covered entity's current (benchmark) language assistance program;
- iv. A description of any steps necessary to facilitate or implement the proposed change, including, but not limited to, additional staff, contractors, or vendors that will need to be hired;
- v. Where the proposed change concerns the provision of language assistance at a poll site (for example, in-person oral interpretation or translated voting materials, including ballots), details on the poll sites where those services will be provided and the voters assigned to those poll sites;
- vi. Any data collected, analyzed, or otherwise utilized in determining which types of assistance to provide and in which languages; and
- vii. For proposed changes to written assistance:
 - a. A list of all written materials produced by the covered entity, with details regarding:
 1. Which materials are currently translated, and into which languages;
 2. Which materials will be newly translated, and into which languages;
 3. How and with whom the materials are currently shared;
 4. How and with whom the materials would be shared following the proposed change;
 5. Which documents will not be translated into covered languages, and an explanation of why the document(s) will not be translated (for example, if a ballot will not be translated into a particular language because the translated text will not be certified and tested in time for the next election)
 - b. A description of the existing process for getting written materials translated, and, if changing, a description of the changes to that process;
 - c. The name of any vendors or translation services used; and

- d. The process, including names of any vendors or translation services used to verify the accuracy and completeness of any translated materials.

viii. For proposed changes to oral assistance:

- a. A description of the existing recruitment process for individuals providing oral assistance to voters and the proposed changes to that process, including, but not limited to:
 1. The criteria for selection and review of interpreters' qualifications;
 2. Any training or testing done for interpreters (including the training materials provided);
 3. A list of partners, consultants, and/or vendors who assist with the recruitment process; and
 4. The policy for when insufficient interpreters have been recruited.
- b. A description of any training or other education provided to election officials, BOE employees, and poll workers regarding the provision of oral language assistance at the poll site or otherwise, including, but not limited to, a copy of all materials and a schedule of trainings.

ix. For targeting schemes:

- a. A list of the poll sites covered under the benchmark and proposed schemes;
- b. A description of how the covered entity arrived at the numerical thresholds for the proposed targeting scheme, including, if applicable:
 1. Details on prior usage of similar schemes;
 2. Documents to demonstrate that the targeting scheme sufficiently serves other language-minority groups; and
 3. Expert or community support for the proposed targeting scheme.
- c. The number of voters of the targeted language-minority group captured and excluded by the benchmark and proposed targeting schemes.

x. For community and ethnic media outreach:

- a. A list of all current and proposed community-based organizations (CBOs) and ethnic media outlets used for language-minority group specific outreach, organized by language-minority group and including contact information;
- b. A description of any policies or procedures, written or informal, regarding contact with CBOs or ethnic media outlets, including, but

not limited to, the individuals or roles at the covered entity responsible for that contact; and

c. A description of any policies or procedures, written or informal, regarding the structure and maintenance of language advisory groups, including, but not limited to, covered entity personnel responsible for organizing the language advisory group, the organizations and individuals who are members of the language advisory group, the roles and responsibilities of member organizations and individuals, the languages and communities served by each language advisory group, and the calendar for holding meetings with each language advisory group.

Please attest to the following statements by checking these boxes:

10. The policy currently in effect, and the procedure for adopting the proposed change, have both previously been precleared. Yes No

10 (a). If no, please explain why (for example, because the policy currently in effect and the procedure for adopting the change were both in place prior to September 22, 2024).

11. The proposed change has not yet been enforced or administered. Yes No

11 (a). If unable to attest that the change has not been enforced or administered, please explain why.

12. *If the covered entity is legally bipartisan:* The proposed change has been approved by authorized members of both political parties. Yes No

13. *If the covered policy involves a proposed poll site location:* All poll site locations proposed in this submission will be established in compliance with all applicable federal, state, and local laws, including but not limited to the Americans with Disabilities Act and the minimum requirements for voting machines and privacy booths set by the New York State Board of Elections. Yes No

13 (a). If unable to attest compliance with these requirements, please explain why.

I affirm on this date, under the penalties of perjury under the laws of New York, that the information included in this submission is true and accurate to the best of my knowledge, and I understand that the file(s) contained in this submission may be filed in an action or proceeding in a court of law.

Name

Email

Signature

Date

Name

Email

Signature

Date