

**ATTORNEY GENERAL STATE OF NEW YORK
CIVIL RIGHTS BUREAU**

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In the matter of:

DUTCHESS COUNTY BOARD OF ELECTIONS

**MEMORANDUM OF
AGREEMENT (MOA)
CONCERNING MINORITY
LANGUAGE ACCESS**

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WHEREAS, the County of Dutchess, New York has a population of 297,488 people, 10.5 percent of whom are Hispanic and 4 percent of whom are Americans of Puerto Rican origin (hereinafter "minority language voters"), and includes the City of Beacon, which has a population of 15,541 people, of whom 20.7 percent are Hispanic and 11.1 percent of whom are Americans of Puerto Rican origin; the City of Poughkeepsie, which has a population of 32,736 people, of whom 19.5 percent are Hispanic and 4.3 percent are Americans of Puerto Rican origin; the Village of Fishkill, which has a population of 2,171 people, of whom 10.9 percent are Hispanic and 5.3 percent are Americans of Puerto Rican origin; and the Village of Wappingers Falls, which has a population of 5,522 people, of whom 26.2 percent are Hispanic and 7.3 percent are Americans of Puerto Rican origin;

WHEREAS, for minority language voters, language can be a barrier to exercising the right to vote;

WHEREAS, Section 4(e) of the Voting Rights Act of 1965 provides that no citizen educated in American Flag schools in Puerto Rico can be denied the right to vote because of his or her lack of English proficiency;

WHEREAS, the Dutchess County Board of Elections (BOE) recognizes the importance of ensuring that all eligible individuals of voting age have equal access to the political process; and

WHEREAS, the purpose of this MOA is to memorialize the BOE's cooperation with the New York State Attorney General's Office (OAG), and commitment to establishing and maintaining effective policies, procedures and training protocols to ensure that minority language voters are provided a meaningful opportunity to register to vote and cast an effective ballot on Election Day. This commitment includes not only ensuring that minority language voters have access to a bilingual ballot, but that all election-related materials, including voter registration details and deadlines, polling place notices, sample ballots, absentee ballot applications and materials, affidavit ballots, and other information disseminated in English are also made available in Spanish.

NOW, THEREFORE, the Dutchess County BOE agrees as follows:

STANDARDS OF PRACTICE

With respect to all elections conducted by the Dutchess County Board of Elections after January 1, 2013:

Election Day Information

1. At minimum, in designated polling places located in the Cities of Beacon and Poughkeepsie, the Town of Poughkeepsie, and the Villages of Wappingers Falls and Fishkill, as further described in Exhibit "A," the BOE shall provide or make available the following election-related materials in both English and Spanish:
 - a. The official ballot: The BOE shall have printed and distributed 50 official Spanish language ballots, at minimum, to each election district designated in Exhibit "A." The number of ballots printed in Spanish shall be reassessed following each election and any additional numbers printed for subsequent elections shall be based upon need and input received pursuant to Paragraph 6;
 - b. Sample ballots;
 - c. Affidavit ballots: The BOE shall cause 10 affidavit ballots to be printed in Spanish and distributed to each election district designated in Exhibit "A";
 - d. Any voter education materials provided by the BOE; and
 - e. Polling place signage and BOE notices, including signage informing voters about the availability of interpreters and/or bilingual assistance, to be posted in a prominent location on the door leading to or near the entrance of the polling place.

Translation of Other BOE Printed Materials

2. The BOE shall provide all "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" in both English and Spanish. 42 U.S.C. §1973b(f)(4).

At minimum, for voters residing in the election districts designated in Exhibit "A," the BOE shall distribute or make available the following election-related materials in both English and Spanish:

- a. Notices of polling place reassignment;
- b. Confirmations of voter registration;
- c. Notices of changes to voter registration;
- d. Election notices published in local newspapers;
- e. Absentee ballots and applications; and
- f. Voter registration cards and applications.

Translation of Information Provided on BOE Website

3. The BOE shall ensure that election-related information and materials provided in English on its website are available in equivalent form in Spanish. Such translation may be accomplished through the use of a website translator icon, provided that such icon is visible and easily identifiable.

Training and Development of Protocols on Bilingual Assistance

4. The BOE will continue to take reasonable steps to ensure that its employees, interpreters, and election inspectors are trained at least once during any year in which an election is scheduled and conducted, on the policies and procedures for effectively communicating with minority language voters and for providing timely and meaningful bilingual assistance. Such training shall include the development of written training materials, to be provided to the OAG, and a record or sign-in sheet reflecting the date of the training, and names of attendees and instructors.

Topics to be addressed in such training include, but are not limited to:

- a. Process for addressing the needs of and providing assistance to minority language voters;
- b. Availability of bilingual materials inside polling places on Election Day, including bilingual or Spanish language ballots, notices, signage, sample ballots, and affidavit applications and envelopes;
- c. Steps to be taken to secure additional Spanish language materials when necessary;
- d. Availability and role of interpreters and/or bilingual employees ;
- e. Availability of and procedure for accessing telephonic translation services as a secondary source of assistance; and
- f. The rights of minority language voters to receive assistance from the person of their choice, excluding an employer or union representative.

Recruitment and Hiring of Bilingual Personnel and Election Inspectors

5. The BOE will continue to take steps to recruit, hire, and retain sufficient numbers of bilingual staff and election day interpreters or bilingual election inspectors and ensure that such interpreters or inspectors are assigned and available in, at minimum, the polling places designated in Exhibit "A". The BOE will also endeavor to determine the proficiency level of its bilingual staff, interpreters, and election inspectors.

Periodic Reassessment of Language Needs

6. The BOE will undertake a periodic reassessment of the numbers of minority language voters and location of the need for bilingual election materials once every five years using information provided by U.S. Census Bureau mid-decade population estimates and/or other information provided by residents of and community-based organizations within Dutchess County to determine whether new polling places should be designated for bilingual materials in future elections. No less than once a year, the BOE will solicit input and feedback from residents and community organizations regarding its bilingual voting program, to help ensure the continuing effectiveness of its efforts.

In consultation with the OAG, the BOE may adjust the requirements set forth in this MOA based on reliable information regarding the need for language assistance in a particular election district, polling place or community.

Publicizing BOE Bilingual Voting Program

7. The BOE will take the following steps with respect to the Memorandum of Agreement (“the MOA”) within 60 days of its effective date:
 - a. Distribution of the MOA to all BOE staff;
 - b. Creating a link on the homepage of the BOE’s website to both the English and Spanish language versions of the MOA, which shall be provided by the OAG;
 - c. Posting a notice in Spanish which states that the Dutchess County Board of Elections provides Spanish language materials and language assistance for voters, and such assistance is available at the BOE and at the polls on Election Day. Such notice will be posted in a prominent location in a visually conspicuous location in the public area of the BOE office and on the homepage of the BOE website, and distributed to any other agency or site at which the BOE makes voter registration opportunities available.
 - d. Distribution of both the English and Spanish language versions of the MOA to community organizations and service providers who serve minority language communities residing in the County of Dutchess;
 - e. Including reference to the availability of a bilingual assistance program in future BOE mailings issued to Dutchess County voters, to the extent both financially feasible and practicable; and
 - f. Conducting any additional publicity as may be necessary to educate the public on the scope and contours of the BOE’s language access program.

EFFECTIVE PERIOD

8. This MOA shall be effective for five (5) years from the date of the last signature below ("Effective Period").

REPORTING

9. Within 90 days of the effective date of this MOA, the BOE will provide the OAG with copies of all forms and documents translated pursuant to Paragraph 1 above.
10. The BOE shall either submit or make a report to the OAG summarizing the actions taken to implement this MOA three (3) months and six (6) months after the effective date of this MOA and every six months thereafter, or more often upon request of the OAG.
11. Upon request, the BOE shall submit to the OAG documentary evidence of its efforts to comply with the MOA.
12. If, at the time of the reports specified above, the OAG has made a good-faith determination that the BOE has not complied with the terms of this MOA, the Bureau will discuss such non-compliance and provide the BOE the opportunity to cure any non-compliance before further action is taken by the OAG.

IT IS FURTHER UNDERSTOOD AND AGREED THAT the acceptance of this MOA does not constitute an admission of wrongdoing on the part of the BOE, or any violation of any laws, regulations or administrative pronouncements applicable to the BOE.

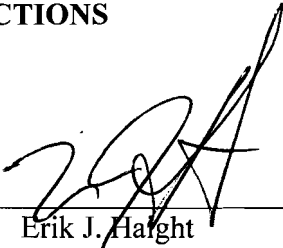
AND IT IS FURTHER UNDERSTOOD AND AGREED THAT no person or entity is intended to be a third-party beneficiary of the provisions of this MOA for purposes of any civil, criminal or administrative action. Nor shall any person or entity be permitted to assert any claim or right as a beneficiary or protected class under this MOA. Nothing contained in this MOA shall be construed to deprive any person, corporation, association, agency or other entity of any right provided by law, regulation or administrative pronouncement.

AND IT IS FURTHER UNDERSTOOD AND AGREED THAT this MOA is a public document. Upon request, a copy of this document or any information contained in it shall be made available to any person by the BOE or the Office of the Attorney General, in English and/or Spanish.

AND IT IS FURTHER UNDERSTOOD AND AGREED THAT this MOA sets forth the entire agreement of the parties and may be modified only by the subsequent execution of a written agreement by its parties.


WHEREFORE, the following signatures are affixed hereto:

DUTCHESS COUNTY BOARD OF ELECTIONS


By: 
Erik J. Haight
Commissioner
Dutchess County Board of Elections
47 Cannon Street
Poughkeepsie, NY 12601

Date: 1/11/13

**ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL OF THE
STATE OF NEW YORK**

By: 
Kristen Clarke
Civil Rights Bureau Chief
120 Broadway, 23rd Floor
New York, New York 10271

Date: 1/14/13

By: 
Frances A. Knapp
Commissioner
Dutchess County Board of Elections
47 Cannon Street
Poughkeepsie, NY 12601

Date: 1/10/13

Town of Poughkeepsie

3rd Ward 4th
 District

5th Ward 3rd
 District

Arlington Middle School
601 Dutchess Turnpike
Poughkeepsie, NY

Nassau Elementary School
7 Nassau Road
Poughkeepsie, NY