

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

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In the matter of:

MONTGOMERY COUNTY BOARD OF ELECTIONS

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

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WHEREAS, the County of Montgomery, New York has a population of 50,219 people, 11.3 percent of whom are Hispanic and 8.6 percent of whom are Americans of Puerto Rican origin (hereinafter "minority language voters"), and includes the City of Amsterdam, which has a population of 18,620 people, of whom 26.2 percent are Hispanic and 21.1 percent of whom 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 Montgomery County Board of Elections (BOE) recognizes the importance of ensuring that all eligible individuals of voting age have equal access to the political process;

WHEREAS, the Montgomery County BOE has made efforts to serve minority language voters by partnering with at least one community organization in the City of Amsterdam to recruit and deploy bilingual interpreters in the City of Amsterdam and by targeting voter registration efforts to the minority language community; 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 strengthening 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 Montgomery County BOE agrees as follows:

STANDARDS OF PRACTICE

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

Election Day Information

1. At minimum, in all polling places located in census tracts where the Puerto Rican population is five [5] percent or greater, the BOE shall provide or make available the following election-related materials in both English and Spanish:
 - a. The official ballot;
 - b. Sample ballots;
 - c. Affidavit ballots;
 - d. Voter registration cards and applications;
 - e. Any voter education materials provided by the BOE; and
 - f. Polling place signage and BOE Notices, including signage informing voters that interpreters are available, 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. At minimum, to voters located in census tracts where the Puerto Rican population is five [5] percent or greater, the BOE shall provide 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; and
 - e. Absentee ballots and applications.

Translation of Information Provided on BOE Website

3. The BOE shall ensure that election-related information and services 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 and election inspectors or judges 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. 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, sample ballots, and affidavit applications;
 - c. Availability and role of bilingual poll-workers;
 - d. Availability of and procedure for accessing telephonic translation services as a secondary source of assistance; and
 - e. The rights of minority language voters to receive assistance from the person of their choice.

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 election inspectors and ensure that interpreters or bilingual election inspectors are assigned and available in all polling places that serve, at minimum, all census tracts where the Puerto Rican population is five [5] percent or greater. The BOE will also utilize an assessment tool to measure the proficiency level of its bilingual staff, election inspectors or interpreters.

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 Montgomery County to determine whether new polling places should be designated for bilingual materials in future elections.

Publicizing Revised 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 employees;
- 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 Montgomery 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 visually conspicuous location in the public area of the BOE office and on the homepage of the BOE website.
- 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 Montgomery; and
- e. 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.

DOCUMENTATION

9. At 6 months, 12 months, 21 months, 36 months, 45 months, and 60 months from the effective date of this MOA, the BOE will submit or make a report to the Office of the Attorney General's Civil Rights Bureau (hereinafter "Bureau") summarizing the actions taken to implement this MOA.
10. Within 90 days of the effective date of this MOA, the BOE will provide the Bureau with copies of all forms and documents translated pursuant to Paragraph 1 above.

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:

MONTGOMERY COUNTY

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

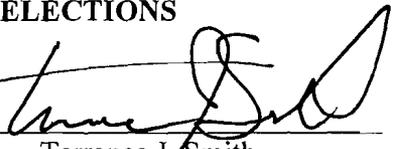
By: 
John W. Thayer
Chairman
Montgomery County Board of
Supervisors
County Annex Building
P.O. Box 1500
20 Park Street
Fonda, NY 12068-1500

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

Date: 29 mar 13.

Date: 4/12/13

**MONTGOMERY COUNTY BOARD
OF ELECTIONS**

By: 

Terrance J. Smith
Commissioner
Montgomery County Board
of Elections
9 Park Street
Old Courthouse
P.O. Box 1500
Fonda, NY 12068-1500

Date: 4/8/13

By: 

Jamie M. Duchessi
Commissioner
Montgomery County Board
of Elections
9 Park Street
Old Courthouse
P.O. Box 1500
Fonda, NY 12068-1500

Date: Apr. 18, 2013