

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

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In the matter of:

SULLIVAN COUNTY BOARD OF ELECTIONS

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

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WHEREAS, the County of Sullivan, New York has a population of 77,547 people, 13.6 percent of whom are Hispanic and 6.8 percent of whom are Americans of Puerto Rican origin (hereinafter "minority language voters");

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 Sullivan 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 further 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 Sullivan County BOE agrees as follows:

STANDARDS OF PRACTICE

With respect to the November 6, 2012 general election, and all subsequent elections conducted by the Sullivan County Board of Elections:

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.

Translation of Other BOE Printed Materials

2. At minimum, in all 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 that are distributed to voters 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 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 or Spanish language ballot;
 - c. Availability of other bilingual materials inside polling places on Election Day, including notices, sample ballots, and affidavit applications;

- d. Availability of bilingual poll-workers;
- e. Availability of and procedure for accessing telephonic translation services; and
- f. 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 inspectors or volunteer interpreters, including through pursuing partnerships with local civic groups and educational institutions, and attempt to ensure that at least one bilingual election inspector or volunteer is assigned and available in all polling places that serve at least one census tract where the Puerto Rican population is greater than five [5] percent, with a concentration on initially placing a bilingual election inspector or volunteer in polling places where telephone service is not available.
- 6. In addition to those efforts described in Paragraph 5, the BOE will retain an interpreter to be stationed in a central location on Election Day to provide telephonic translation assistance for voters at polling places where a bilingual election inspector or volunteer is not available.
- 7. The BOE will utilize an assessment tool to measure the proficiency level of its bilingual staff, election inspectors and volunteers.

Use of Telephonic Translation Services

- 8. The BOE will have available and make use of a private telephonic translation service, such as Language Line, to respond to inquiries directed to the BOE office or to inquiries directed to poll workers when no bilingual staff person is available.

Periodic Reassessment of Language Needs

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

Publicizing Revised BOE Bilingual Voting Program

- 10. 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;
- c. Posting a notice in Spanish which states that the Sullivan 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.
- d. Placing an advertisement in local newspapers and on local radio to publicize the County's bilingual voting program, and the availability of bilingual materials and assistance.
- e. Distribution of both the English and Spanish language versions of the MOA to community organizations, schools, and service providers who serve minority language communities residing in the County of Sullivan; 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

11. This MOA shall be effective for five (5) years from the date of the last signature below.

DOCUMENTATION

12. At 3 months, 15 months, 28 months, 36 months, 48 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.
13. 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.

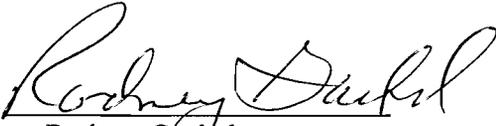
AND IT IS FURTHER UNDERSTOOD AND AGREED THAT this MOA is a public document. Upon request, a copy of this document or any information contained in it shall be made available to any person by the BOE or the Office of the Attorney General, in English and/or Spanish.

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:

SULLIVAN COUNTY BOARD OF ELECTIONS

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

By: 
Rodney Gaebel
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By: 
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Date: March 4, 2013

Date: 3/13/13

By: 
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Date: March 4 2013