

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

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In the matter of:

ULSTER COUNTY BOARD OF ELECTIONS

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

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WHEREAS, the County of Ulster, New York has a population of 182,493 people, 8.7 percent of whom are Hispanic and 3.9 percent of whom are Americans of Puerto Rican origin (hereinafter "minority language voters"), and includes the City of Kingston which has a population of 23,893 people, of whom 13.4 percent are Hispanic and 3.9 percent of whom are Americans of Puerto Rican origin; the Village of Ellenville which has a population of 4,135 people, of whom 27.9 percent are Hispanic and 20.1 percent of whom are Americans of Puerto Rican origin; and the Town of Plattekill which has a population of 1,260 people, 44.4 percent of whom are Hispanic and 26.0 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 Ulster 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 Ulster County BOE has made efforts to serve minority language voters by deploying Spanish speaking election inspectors to polling sites in Ellenville and Plattekill for several years; 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 Ulster County BOE agrees as follows:

STANDARDS OF PRACTICE

With respect to the November 6, 2012 general election, and all subsequent elections conducted by the Ulster 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.

2. With respect to the November 6, 2012 general election, the polling places that will be subject to this MOA are as follows:
 - a. In the City of Kingston:
 - i. The Everett Hodge Community Center, Ward 4, Districts 1 and 2; and
 - ii. The Midtown Neighborhood Center, Ward 5, Districts 1, 2, and 3.
 - b. In the Town of Plattekill: The Plattekill Firehouse, Districts 2 and 4.
 - c. In the Town of Wawarsing:
 - i. The Village Hall Government Center, Districts 1, 2, and 10; and
 - ii. The Wawarsing Town Hall, Districts 3 and 4.

Translation of Other BOE Printed Materials

3. 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.

Translation of Information Provided on BOE Website

4. 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

5. The BOE will take reasonable steps to ensure that its employees 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. 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

6. The BOE will continue to take steps to recruit, hire and retain sufficient numbers of bilingual staff and election inspectors, and ensure that at least two bilingual election inspectors, one representing each major political party, are 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. The BOE will also utilize an assessment tool to measure the proficiency level of its bilingual staff, election inspectors or judges.

Use of Telephonic Translation Services

7. 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

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

Publicizing Revised BOE Bilingual Voting Program

9. 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 Ulster 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. 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 Ulster; 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

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

DOCUMENTATION

11. By October 1 of each year from the effective date of this MOA, and for the effective duration 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.
12. Within 60 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 any admission of wrongdoing on the part of the BOE, or any violation of any laws, regulations or administrative pronouncements applicable to the BOE.

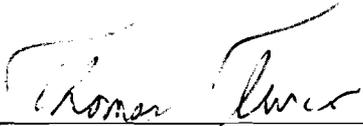
AND IT IS FURTHER UNDERSTOOD AND AGREED THAT no person or entity is intended to be a third-party beneficiary of the provisions of this MOA for purposes of any civil, criminal or administrative action. Nor shall any person or entity be permitted to assert any claim or right as a beneficiary or protected 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:

ULSTER COUNTY BOARD OF ELECTIONS

By: 
Thomas Turco
Commissioner
Ulster County Board of
Elections
284 Wall Street
Kingston, NY 12401

Date: 10/1/2012

By: 
Victor Work
Commissioner
Ulster County Board of
Elections
284 Wall Street
Kingston, NY 12401

Date: 10/2/2012

**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: 10/9/12