



February 20, 2024

Office of the New York State Attorney General  
Civil Rights Bureau  
The Capitol  
Albany, NY 12224-0341  
preclearancefeedback@ag.ny.gov

To Whom It May Concern:

We write in response to your invitation to comment on the Civil Rights Bureau's initial identification of covered entities and policies under the New York Voting Rights Act ("NYVRA") preclearance provision.<sup>1</sup> Specifically, we write to bring your attention to Dutchess County, where the Board of Elections has repeatedly attempted to disenfranchise eligible voters in violation of the law. We respectfully request that your office conduct additional investigation to determine whether Dutchess County should be subject to preclearance coverage under the NYVRA.

In recent years, the Dutchess County Board of Elections has repeatedly violated New York and federal law. In particular:

- In 2022, the Republican commissioner on the Dutchess County Board of Elections refused to agree to a polling location on the Vassar College campus, in clear violation of state law. Five days before the 2022 midterm elections, the Dutchess County Supreme Court granted a writ of mandamus ordering the Dutchess County Board of Elections to set up a polling location on the Vassar College campus.<sup>2</sup>
- In 2020 and 2021, the Dutchess County Board of Elections was sued for failing to provide for a polling place on the campus of Bard College.<sup>3</sup> Although petitioners prevailed in both cases, the Dutchess County Board of Elections then apparently

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<sup>1</sup> See Office of the Attorney General, The New York Voting Rights Act: Preliminary Identification of Covered Entities and Covered Policies Subject to Preclearance (To Take Effect on September 22, 2024) (last accessed Feb. 18, 2024), <https://ag.ny.gov/sites/default/files/regulatory-documents/nyvra-preliminary-identification-of-covered-entities-and-covered-policies-subject-to-preclearance.pdf>.

<sup>2</sup> See Decision, Order and Judgment, *League of Women Voters of the Mid-Hudson Region v. Dutchess Cnty. Bd. of Elections*, Index No. 2022-53491 (Dutchess Cnty. Sup. Ct. Nov. 3, 2022), Doc. No. 21.

<sup>3</sup> See Verified Pet., *Bard College v. Dutchess Cnty. Bd. of Elections*, Index No. 2021-52777 (Dutchess Cnty. Sup. Ct. July 15, 2021), Doc No. 1.



attempted to skirt its legal obligations under a court order by understaffing and providing insufficient voting equipment to the Bard College polling location.<sup>4</sup>

- In 2012, the Southern District of New York granted a motion for preliminary injunction requiring the Dutchess County Board of Elections and its commissioners to accept student voter registration applications that did not include a dorm name or number, which it had refused to do despite a State Board of Elections advisory letter.<sup>5</sup> The Dutchess County Board of Elections later settled the case and entered into a consent decree.<sup>6</sup>

This pattern of voting rights violations raises serious concerns. In light of this, it is vital that your office take steps to ensure Dutchess County maintains equal access for all eligible voters both in this year's election and beyond. We therefore ask that, prior to finalizing the list of covered entities, your office further investigate whether Dutchess County qualifies for preclearance coverage under the NYVRA.

Thank you once again for your hard work on behalf of New York voters.

Sincerely,

Kate Magill

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<sup>4</sup> See Decision and Order, *Rosa v. Dutchess Cnty. Bd. of Elections*, Index No. 52737/20 (Dutchess Cnty. Sup. Ct. Sept. 4, 2020), Doc. No. 1; Decision, Order, and Judgment at 3–4, *Bard College v. Dutchess Cnty. Bd. of Elections*, Index No. 2021-52777 (Dutchess Cnty. Sup. Ct. Sept. 23, 2021), Doc. No. 68; see also Letter from Bard College to N.Y. State Bd. of Elections Enforcement Counsel (Aug. 15, 2022), <https://tools.bard.edu/wwwmedia/files/8850342/99/Complaint%20to%20State%20BOE%20August%2015,%202022.pdf>.

<sup>5</sup> Preliminary Injunction Order, *Pitcher v. Dutchess Cnty. Bd. of Elections*, No. 7:12-cv-08017 (S.D.N.Y. Nov. 5, 2012), ECF No. 6.

<sup>6</sup> Stipulation of Settlement and Consent Decree, *Pitcher v. Dutchess Cnty. Bd. of Elections*, No. 7:12-cv-08017 (S.D.N.Y. May 14, 2013), ECF No. 18.