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May 6, 2024

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

State of New York Office of Attorney General
28 Liberty Street
23rd Floor
New York, New York 10005
(via email: preclearancefeedback@ag.ny.gov)

Attn: Civil Rights Bureau

RE: Preliminary Identification of Orange County as a Covered Entity Under
the New York Voting Rights Act

Dear Section Chief Lindsay McKenzie:

This letter is written in response to your letter dated April 17, 2024, requesting our views on whether *United States v. Orange County* qualifies Orange County as covered entity subject to preclearance. It is the position of Orange County that it does not.

United States v. Orange County involved an action to protect the voting rights of Spanish-speakers in Orange County who had limited English proficiency. In that matter the United States Department of Justice filed an action in the U.S. District Court for the Southern District of New York on April 18, 2012, against the Orange County Board of Elections. The plaintiffs alleged violations of section 4(e) of the Voting Rights Act because of the failure to provide ballots and voting information in Spanish and for not providing bilingual poll workers to assist Spanish speaking voters. Just six days after the filing of that complaint the Court signed a consent decree based upon the Board of Elections agreement to provide Spanish language election materials, appoint a bilingual election program coordinator and provide for bilingual

Orange County Government Center
255-275 Main Street, Goshen, NY 10924

*Service of Process by FAX is not accepted

election poll workers and inspectors. This agreement was entered into by the Board of Elections on consent without there being any finding of a Voting Rights Act violation.

Pursuant to Election Law section 17-210(3)(a) for Orange County to be qualified as a covered entity it has, within the last twenty-five years, to have been the subject of a court order or government enforcement action based upon a **finding** of a violation of the Federal Voting Rights Act. In *United States v. Orange County* there was no finding of a violation. Rather, there was an immediate agreement by Orange County upon commencement of the action to enter into a consent decree without the necessity of further litigation or the court having to issue a finding. The County did not admit to any violation of the Voting Rights Act in that consent decree and continues to maintain that no such violation of the Voting Rights Act ever occurred.

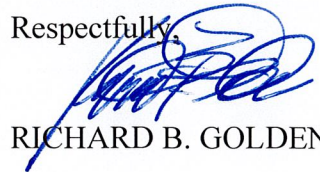
While there are other factors that could qualify a political subdivision as a covered entity pursuant to Election Law section 1710(3)(a)-(d) we believe those are inapplicable as well. If you believe that other factors qualify Orange County as a covered entity, please identify any such factor and we will respond.

Based upon the fact that Orange County falls outside New York Voting Rights Act's (NYVRA) preclearance coverage formula, its preliminary identification as a covered entity must be withdrawn.

We look forward to your Office's continued review of the preliminary identification of Orange County as a covered entity and request that the designation be removed so that Orange County not be subject to the NYVRA's preclearance requirement. If Orange County is not so removed by your Office, please advise if there are any administrative appeal opportunities from the denial of this request for reconsideration.

Thank you.

Respectfully,



RICHARD B. GOLDEN