



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

VIA NYSCEF

November 8, 2024

Hon. Maria S. Vazquez-Doles
New York Supreme Court, Orange County
285 Main Street
Goshen NY 10924

Re: *Oral Clarke, et al. v. Town of Newburgh, et al.*, Index No. EF002460-2024

Dear Justice Vazquez-Doles:

The New York State Attorney General, in her capacity as *amicus curiae* in this action,¹ respectfully submits this letter in support of plaintiffs' request for clarification of the Court's Decision & Order of November 7, 2024 (the "Order"). Specifically, the Attorney General respectfully requests clarification that the Order does not bar enforcement, by any party, of any section of the New York Voting Rights Act ("NYVRA") other than Election Law § 17-206(2)(b)(i), which was the only section of the NYVRA at issue in this case.

The NYVRA is a comprehensive voting rights statute that extends far beyond the vote dilution provisions concerning at-large electoral systems codified at Election Law § 17-206(2)(b)(i). For example, the NYVRA contains provisions concerning language assistance, Election Law § 17-208, preclearance, *id.* § 17-210, and voter intimidation, deception, and obstruction, *id.* § 17-212, that are not impacted by the Court's analysis of § 17-206(2)(b)(i)'s constitutionality. Indeed, the NYVRA's severability provision contemplates that "[i]f any provision of this title or its application to any person, political subdivision, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without the invalid provision or application." *Id.* § 17-222.

We write to clarify that in issuing the Order, the Court intended to strike down the specific section of the NYVRA at issue, § 17-206(2)(b)(i), and not any other section of the statute. Nevertheless, the decretal language in the Order states that "the NYVRA is hereby

¹ The Court orally granted the Attorney General's motion for leave to participate as *amicus curiae* (Mot. Seq. No. 3) at an earlier stage of this proceeding. The Attorney General respectfully requests that the Court accept this submission pursuant to that grant of leave.

Hon. Maria S. Vazquez-Doles
November 8, 2024
Page 2

STRICKEN in its entirety.” (NYSCEF Doc. No. 147 at 25.) Accordingly, the Attorney General respectfully requests clarification that the Order applies solely to § 17-206(2)(b)(i).

Respectfully submitted,

LETITIA JAMES
Attorney General
State of New York
Attorney for Amicus Curiae

By: 

Derek Borchardt
Assistant Attorney General
28 Liberty Street
New York NY 10005
(212) 416-8819
derek.borchardt@ag.ny.gov

cc: all counsel of record (via NYSCEF)

RETRIEVED FROM DEMOCRACYDOCS.COM