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Chambers of Hon. Paul B. Wojtaszek
Supreme Court, Erie County
25 Delaware Avenue, Second Floor
Buffalo, New York 14202

Re: *Young v. Town of Cheektowaga*
Index No. 803989/2024

Dear Judge Wojtaszek:

I write to inform the Court of an opinion issued by the Appellate Division, Second Department in *Clarke v. Newburgh* (Orange County Sup. Ct. Index No. 2460/24). The opinion is attached to this letter.

The Second Department upheld the constitutionality of the New York Voting Rights Act (NYVRA)'s vote dilution provisions against the Town of Newburgh's facial equal protection challenge. The Court held that Newburgh had failed to show that its compliance with these provisions would force it to violate the Equal Protection Clauses of the U.S. and New York State Constitutions. (Slip Op. at 21.) Because this opinion is the only appellate authority on the facial constitutionality of NYVRA's vote dilution provisions, it is binding on this Court with respect to that issue. *See, e.g., People v. Turner*, 5 N.Y.3d 476, 482 (2005).

Respectfully submitted,



BEEZLY J. KIERNAN
Assistant Solicitor General

cc: Counsel of record (via NYSCEF)

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