

NEW YORK COMMUNITIES WITH AT-LARGE ELECTION METHODS FACING CHALLENGES UNDER VOTING RIGHTS ACT

INSIGHT

With the John R. Lewis Voting Rights Act of New York (NYVRA) taking effect this summer, some of the cities, towns, villages and school districts throughout New York state that could be impacted by the legislation are already receiving challenges.

Harris Beach represents the Town of Mount Pleasant, which was recently lauded for its handling of a challenge under the NYVRA. Perry Grossman, director of the Voting Rights Project, New York Civil Liberties Union, lauded Mount Pleasant on LinkedIn:

"This is how the John R. Lewis Voting Rights Act of NY (NYVRA) is designed to work," he wrote. "A town is notified of a potential violation, takes it seriously, avails itself of the Safe Harbor provision, hires real experts to explore a remedy, and avoids litigation by using a public process to institute an electoral system that provides fair representation to voters of color. Kudos to the Town of Mt. Pleasant for doing the right thing."

The indicated legislative purpose of the NYVRA is to maximize voter participation and ensure all eligible voters have an equal opportunity to participate in the political process. Among other things, the NYVRA contains prohibitions against vote dilution and specifically targets political subdivisions (e.g., towns, villages, school districts, etc., *see* Elec Law § 17-204[4]) that utilize an "at-large" method of election.

An "at-large" method of election is defined as "a method of electing members to the governing body of a political subdivision: (a) in which all of the voters of the entire political subdivision elect each of the members to the governing body; (b) in which the candidates are required to reside within given areas of the political subdivision and all of the voters of the entire political subdivision elect each of the members to the governing body; or (c) that combines at-large elections with district-based elections, unless the only member of the governing body of a political subdivision elected at-large holds exclusively executive responsibilities. For the purposes of this title, at-large method of election does not include ranked-choice voting, cumulative voting, and limited voting." Elec Law § 17-204(1).

Most of the 933 towns throughout New York State utilize an at-large system rather than a ward system. Most villages and school districts do, too.

In the case of Mount Pleasant, the challenge to their system noted that, while the town's population was 19% Hispanic or Latino, the Sleepy Hollow area of the town was 47% Hispanic or Latino, and the town's at-large system possibly deprived that area of Hispanic or Latino representation. The town responded to the challenge by hiring experts to assess the at-large method of election that has been utilized for decades and whether it somehow violates the NYVRA.

Not all political subdivisions will handle NYVRA challenges the same way. If you have questions or need assistance on this subject, please reach out to attorney Jared A. Kasschau at (516) 880-8106 and jkasschau@harrisbeach.com, attorney Darius P. Chafizadeh at (914) 683-1212 and dchafizadeh@harrisbeach.com, or the Harris Beach attorney with whom you most frequently work.

This alert is not a substitute for advice of counsel on specific legal issues.

Harris Beach has offices throughout New York state, including Albany, Buffalo, Ithaca, Long Island, New York City, Rochester, Saratoga Springs, Syracuse and White Plains, as well as Washington D.C., New Haven, Connecticut and Newark, New Jersey.

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