



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

APPROVAL #.8
CHAPTER # 226

June 20, 2022

MEMORANDUM filed with Senate Bill 1046-E, entitled:

“AN ACT to amend the election law, in relation to establishing the John R. Lewis Voting Rights Act of New York, establishing rights of action for denying or abridging of the right of any member of a protected class to vote, providing assistance to language-minority groups, requiring certain political subdivisions to receive preclearance for potential violations of the NYVRA, and creating civil liability for voter intimidation “

A P P R O V E D

The John R. Lewis New York Voting Rights Act reaffirms New York State’s commitment to ensuring that voters, particularly voters of color who have been more frequently disenfranchised, have free and unimpeded access to the polls. It builds upon years of progressive voting reforms in New York, and ensures that the state continues to move toward being a national leader in voting rights. As the federal government fails to fulfill its duty to uphold voting rights across the nation, it is now incumbent upon states to step-up and step-in, and this legislation ensures voting rights will be protected in New York.

This legislation requires that voting regulations, local laws and ordinances throughout the state must be construed liberally by courts in favor of protecting the right of voters to have their ballot cast and counted. The legislation creates new prohibitions against voter intimidation, deception or obstruction.

The legislation also provides several important new protections for eligible voters who are members of any race, color, or language-minority group. Language-minority groups are defined as people who are American Indian, Asian American, Alaskan Natives or of Spanish heritage. These voters will be protected under this legislation from voter dilution and voter suppression. Vote dilution is prohibited under this legislation when a method of election impairs the ability of members of a protected class to elect the candidate of their choice or influence the outcome of an election. Voter suppression is prohibited when a policy is enacted or implemented in a manner that results in a denial or abridgement of the right of members of a protected class to vote.

The legislation further requires language-assistance be provided to language-minority groups, greatly expanding on the requirements of the federal Voting Rights Act.

It also builds upon the federal Voting Rights Act’s vital preclearance scheme, which was gutted by the U.S. Supreme Court in *Shelby County v. Holder*. Now in New York, certain covered localities will be required to clear changes to election law practices before they can proceed to implementation.

Several provisions of this legislation as drafted are effective immediately, giving local governments and election officials no opportunity to prepare for implementation before certain requirements set in. Additionally, the legislation will impose new financial obligations on the counties, towns, villages and boards of education to comply with the legislation, as well as on the Office of the Attorney General, who will be primarily responsible for implementing the complex provisions of this legislation, and for enforcing the legislation’s new voting rights protections.

Therefore, I have reached an agreement with the Legislature to modify the effective date of this legislation until July 1, 2023. Postponing the effective date will give the state and localities the opportunity to identify implementation and financial challenges, and ensure that state and local units of government can properly turn this legislation into a law that fully benefits all New York's voters when it becomes active.

Based upon that agreement, I am pleased to sign this historic piece of legislation into law.

A handwritten signature in black ink, reading "Kathy Hochul". The signature is written in a cursive style with a large, prominent "K" and "H".