



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**CITY ATTORNEYS FILE “PRECLEARANCE” SUBMISSION
WITH THE U.S. DEPARTMENT OF JUSTICE (DOJ)
FOR TERM LIMITS LAW**

***FILING MADE PURSUANT TO THE VOTING RIGHTS ACT IS AN IMPORTANT STEP
IN THE TIMELY IMPLEMENTATION OF LOCAL LAW 51***

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New York, Jan. 16, 2009 – City attorneys made a submission this morning with the U.S. Department of Justice (DOJ) in Washington, D.C., to “preclear” Local Law 51 of 2008 (LL 51) pursuant to section 5 of the Voting Rights of 1965, as amended. Earlier this week, a federal district court judge dismissed a challenge to the local law, which extended term limits for the City’s elected officials from two full terms to three.

Under Section 5 of the Voting Rights Act, which is applicable to three of the five boroughs in New York City, the preclearance applicant must demonstrate to the DOJ that the proposed voting change does not have the purpose or effect of discriminating based on race or membership in a language minority group. With its submission completed, the City will wait for a response from the Justice Department. This could take up to 60 days, or in some cases longer. The City has requested expedited review of the submission to provide voters and candidates with clear guidance for the upcoming election cycle. LL 51 cannot take effect until preclearance is provided.

“We are confident that the Department of Justice will agree that the standards of section 5 of the Voting Rights Act have been met,” said Corporation Counsel Michael A. Cardozo of the New York City Law Department. “This will give the voters of New York City the chance to express their preferences at the ballot box and elect officials of their choosing.”

The City’s preclearance submission follows a 64-page decision by Eastern District Senior Judge Charles P. Sifton in Brooklyn on Tuesday (Jan. 13th) in which he dismissed a federal and state challenge to LL 51.

Issued just eight days after the case was argued in court, the decision held that there was no merit to the plaintiffs’ contention that their constitutional rights were violated when the Council amended the term limits law. Moreover, the Court said that under state law, the Council was not required to conduct a referendum before adopting the term limits amendment. The Court also rejected the plaintiffs’ contention that New York City’s conflict of interest law was violated by the Council’s adoption of the term limits amendment.

Copies of the City’s preclearance submission can be viewed by the public and press on the Law Department’s web site under the 2009 Press Releases section. A reference copy of the full submission is also being made available at the City Hall Library at 31 Chambers Street in Manhattan.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and one of the largest public law offices in the country. Tracing its roots back to the 1600's, the Department has an active caseload of 90,000 matters and transactions in 17 legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's 690 attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. For more information, please visit nyc.gov/law.

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