



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

[nyc.gov/law](http://nyc.gov/law)

*For Immediate Release*

**U.S. DEPARTMENT OF JUSTICE (DOJ)  
APPROVES TERM LIMITS LAW**

***DOJ AGREES THAT LOCAL LAW 51 WILL NOT DIMINISH MINORITY VOTING OPPORTUNITIES***

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, [media@law.nyc.gov](mailto:media@law.nyc.gov)

New York, March 17, 2009 – The U.S. Department of Justice (DOJ) in Washington, D.C., today officially approved (“precleared”) under section 5 of the Voting Rights of 1965, the City law (Local Law 51 of 2008 (LL 51)) that extended term limits from two to three terms for City elected officials. Earlier this year, City attorneys filed legal papers with the DOJ seeking approval of the legislation.

Section 5 of the Voting Rights Act, which is applicable to three of the five boroughs in New York City, required the City to demonstrate to the DOJ that the local law does not have the purpose or effect of discriminating based on race or membership in a language minority group. By providing preclearance, the DOJ has indicated that the City met its burden.

“We are very pleased that the Department of Justice has agreed 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 approval ensures that the City can move forward with timely implementation of the law in preparation for the upcoming elections.”

The City’s preclearance submission (filed on Jan. 16th) and the DOJ preclearance letter (issued today) are both available on the Law Department’s website. As the DOJ letter notes – and as is done in any decision such as this – the preclearance does not preclude additional litigation under different sections of the Voting Rights Act.

The Law Department’s January submission had emphasized that LL 51 does not diminish the opportunities afforded New York City voters to elect their candidates of choice. DOJ approval now provides voters and candidates with clear guidance for the upcoming election cycle. DOJ’s decision follows a court decision earlier this year dismissing a federal and state challenge to LL 51.

The court decision, issued by Eastern District Senior Judge Charles P. Sifton in Brooklyn, held that there was no merit to the plaintiffs’ contention that their constitutional rights were violated when the City 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 and rejected the plaintiffs’ contention that New York City’s conflict of interest law was violated by the Council’s adoption of the law. The decision is currently being litigated on appeal.

Attorneys working on this matter and the related litigation for the New York City Law Department include Brad Snyder (who was critical to the preparation of the submission), Spencer Fisher, Janeen Hayat, Jonathan Pines, Stephen Kitzinger, Alan Krams, Michael Pastor, Elizabeth Wells, Steven Weber and Scott Shorr.

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](http://nyc.gov/law).

# # #