



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

September 5, 2025

VIA EMAIL

Clava Brodsky
General Counsel
2025 New York City Charter Revision Commission
100 Church St. Rm 6-217
New York, NY 1007

Re: NYVRA Preclearance – New York City Submission ID # 701

Dear Attorney Brodsky,

This letter is in reference to the proposed shift in the timing of local elections (the proposed change) submitted by the New York City Charter Commission (the Commission) to the Civil Rights Bureau (CRB) of the Office of the New York State Attorney General for administrative preclearance pursuant to the John R. Lewis Voting Rights Act of New York (NYVRA). See N.Y. Elec. Law § 17-210. This letter constitutes the CRB's written report and determination concerning this submission. See N.Y. Elec. Law § 17-210(4)(d), (e); 13 N.Y.C.R.R. § 501.1(c)(5)(i). **Based on the information reviewed, preclearance of the proposed change is granted.** See N.Y. Elec. Law § 17-210(4)(e).

The proposed change consists of two key components. First, the Commission proposes submitting a ballot question which, if approved via referendum and subsequently authorized by a change to New York State's Constitution, would align the election cycles for New York City's municipal offices (mayor, City Council, comptroller, public advocate, and borough president) with the election cycle for the President of the United States. The proposed change also includes other attendant modifications to the electoral process to facilitate this shift.¹

¹ The proposed change also entails: the implementation of a one- or three-year transitional City Council term and a conforming change to the New York City Charter's provisions governing vacancies to account for this transitional term; the elimination of a periodic two-year City

Second, the Commission proposes submitting the ballot question to voters at the November 2025 general election, as opposed to the November 2026 general election or at a special election.

Pursuant to the NYVRA, “the enactment or implementation of a covered policy by a covered entity . . . shall be subject to preclearance by the civil rights bureau or by a designated court as set forth in [the NYVRA].” N.Y. Elec. Law § 17-210(1). New York City and, by extension, the Commission, are covered entities under sections 17-210(3)(b), (c), (d), and (e) of the Election Law. The proposal to align the election cycles for New York City municipal offices with elections for United States President is a covered policy under section 17-210(2)(h).

The CRB may grant preclearance to a submitted covered policy “only if it determines that the covered policy will not diminish the ability of members of a protected class to participate in the political process and to elect their preferred candidates to office.” N.Y. Elec. Law § 17-210(4)(e)(i). A covered policy will not diminish the ability of members of a protected class to participate in the political process and to elect their preferred candidates to office if it will not lead to retrogression in the position of protected class members (*i.e.*, it will not make members of such groups worse off than they had been before the change) with respect to their ability to participate in the political process and to elect their preferred candidates to office. 13 N.Y.C.R.R. § 501.2(c).

The proposed change was fully submitted on July 31, 2025. A public comment period on the submission was held through August 18, 2025. *See* N.Y. Elec. Law § 17-210(4)(f)(iii). The CRB received two comments—from the Brennan Center for Justice at New York University School of Law and from Citizens Union—both supporting a grant of preclearance as to the proposal to modify the timing of municipal elections.

The CRB finds that the Commission’s selection of the 2025 general election as the date to submit the ballot question is not a “covered policy” under the NYVRA and is thus not subject to preclearance. As such, the CRB makes no determination as to that component of the submission. *See* 13 N.Y.C.R.R. §501.1(c)(4)(i)(5).

With respect to the proposal to modify the timing of municipal elections, the CRB has carefully considered the information provided by the Commission, as well as from the public comments and other relevant sources. Based on an analysis of

Council term every twenty years and a resulting delay in when City Council elections would be held following the completion of the city’s redistricting process; and an adjustment in the timeline for the city to complete its redistricting process.

this information, the CRB finds that the proposed change does not diminish the ability of protected class members to participate in the electoral process or elect their preferred candidates to office. The CRB grants preclearance to the proposed change, and it may be enacted and implemented.

Please be aware that this grant of preclearance by the CRB does not bar subsequent litigation by other parties to enjoin the enactment or implementation of the covered policies. See 13 N.Y.C.R.R. § 501.1(c)(5)(iii).

If you have any questions, please reach out to the CRB's Voting Rights Section at votingcompliance@ag.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. McKenzie', is centered below the word 'Sincerely,'.

Lindsay McKenzie
Section Chief, Voting Rights
Civil Rights Bureau
Office of the New York State Attorney
General

cc: Alec Schierenbeck, Executive Director, New York City Charter Revision Commission