

# New York AG Adopts Final Preclearance Rule and Prepares for the NYVRA to Take Effect

## WRITTEN BY

Misha Tseytlin | Carson A. Cox | Abigail Hylton

---

The [New York Voting Rights Act's](#) (NYVRA) preclearance section takes effect on September 22, 2024. The new rule requires covered jurisdictions to seek “preclearance” of certain covered policy changes to their election and redistricting procedures from the New York Office of the Attorney General (AG) or an appropriate court. The public comment period on the AG’s proposed preclearance rule is closed and resulted in the AG adopting the proposed rule as final without substantive changes. The final [rule](#) further clarifies the standards and processes for obtaining preclearance and will be published in the State Register on September 11, 2024.

## Summary of Requirements

The NYVRA’s preclearance rule applies to covered political subdivisions attempting to enact policies that address voting qualifications; prerequisites to voting; method of election; annexation, incorporation, or consolidation of political subdivisions; removal of voters from enrollment lists’ number, location, or hours of poll sites; dates of elections; voter registration; and assistance for language-minority groups. The AG will periodically publish a list of covered local jurisdictions.

New policies must be submitted in writing to the AG’s Civil Rights Bureau (CRB) and will be published for public comment before the CRB approves or rejects them. A covered jurisdiction’s change to a covered policy can only take effect with CRB approval. The CRB will reject policies that impose a burden on members of a protected class in a way that affects participation in the political process.

## Available Resources

The AG has made efforts to ensure that jurisdictions are aware of the new preclearance requirements. For example, the AG recently published [detailed guidance](#) explaining the preclearance process and listing the counties, cities, towns, villages, and school districts identified as falling within the Act’s definition of a covered entity subject to the preclearance provisions. Additionally, the CRB is hosting two webinars to discuss the preclearance process on September [17](#) and [19](#). Covered entities should consider taking advantage of these resources.

## Looking Ahead

With the NYVRA’s preclearance provisions taking effect soon, New York political subdivisions should evaluate whether they are NYVRA-covered entities and, if they are, consult with counsel regarding the preclearance rules

and procedures when proposing any change to their current election and redistricting practices.

## **RELATED INDUSTRIES + PRACTICES**

- [Business Litigation](#)
- [Election Law + Redistricting](#)
- [Regulatory Investigations, Strategy + Enforcement](#)
- [State Attorneys General](#)