

STATE OF NEW YORK
SUPREME COURT, COUNTY OF RENSSELAER

In the Matter of the Application of

Index No.: _____

**PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the State of
New York,**

Petitioner,

For an Order Pursuant to N.Y. C.P.L.R. 7086 and 6301

– against –

**JASON SCHOFIELD, individually and in his capacity
of Commissioner of the Rensselaer County Board of
Elections, EDWARD MCDONOUGH, individually
and in his capacity of Commissioner of the Rensselaer
County Board of Elections, and RENSSELAER
COUNTY BOARD OF ELECTIONS,**

Respondents.

AFFIDAVIT OF JESSE BARBER

I, Jesse Barber, being duly sworn, depose and say that:

1. I am employed as a Research Analyst at the New York Civil Liberties Union (the “NYCLU”). I have held this position since 2019. In the course of my job, I regularly work with US Census Bureau statistics and data regarding voting and elections. I have submitted affidavits about statistical facts in support of litigation on several occasions.¹

2. I graduated from Brown University with a bachelor’s degree in Urban Studies. During my course of study at Brown University, I received training in statistical methods

¹ See NAACP SPRING VALLEY V. EAST RAMAPO CENTRAL SCHOOL DISTRICT, No. 17-cv-8943 (S.D.N.Y.); BERGAMASCHI ET AL. V. CUOMO ET AL, No. 20-cv-2817 (S.D.N.Y.); ONOSAMBA-OHINDO V. BARR, No. 20-cv-20 (W.D.N.Y.).

applicable to social science research, including practical applications of geospatial and statistical analysis using computer software.

3. I am over eighteen years old. I am fully familiar with the facts and circumstances surrounding the data analysis in the above captioned action. All facts stated in this affidavit are true and correct to the best of my knowledge. If called upon to testify, I would do so competently.

Geocoding Early Voting Locations

4. The US Census Bureau maintains a tool named a “Geocoder” that allows a user to match addresses to census geographies (tracts, block groups, blocks, etc). The Geocoder is available on the US Census Bureau’s website at <https://geocoding.geo.census.gov/>.

5. Using the US Census Bureau’s Geocoder, I was able to match the addresses of the proposed and existing early voting locations (the “proposed and existing early voting locations”) referenced in the letter dated April 9, 2021 from the NYCLU, among other organizations (the “April 9, 2021 Letter”), to the Census Tracts where the polling sites are located. The April 9, 2021 Letter and its corresponding exhibits is attached hereto as Exhibit A.

6. The proposed and existing early voting locations are:

a. Existing early voting locations:

- i. Holy Cross Armenian Church, 255 Spring Ave, Troy, NY 12180
- ii. Brunswick Town Hall, 336 Town Office Road, Troy, NY 12180
- iii. Schodack Town Hall, 265 Schuurman Rd, Castleton, NY 12033

b. Proposed early voting locations:

- i. Unity House, 2431 Sixth Avenue, Troy, New York 12180.
- ii. Troy School #2, 470 10th Street, Troy, New York 12180

iii. Johnstone Supply, 2600 6th Avenue, Troy, New York, 12180

iv. Bethel Baptist Church, 2165 5th Avenue, Troy, New York 12180

7. Below is the name and corresponding Rensselaer County Census Tract code of the proposed and existing early voting locations:

Location	Proposed/ Existing	Census Tract Code	Ren. County Census Tract Name
Unity House	Proposed	36083040400	Census Tract 404
Johnstone Supply	Proposed	36083040400	Census Tract 404
Troy School #2	Proposed	36083040500	Census Tract 405
Bethel Baptist Church	Proposed	36083040700	Census Tract 407
Holy Cross Armenian Church	Existing	36083041200	Census Tract 412
Brunswick Town Hall	Existing	36083052004	Census Tract 520.04
Schodack Town Hall	Existing	36083052501	Census Tract 525.01

8. Additionally, the Census Tract Code for Corliss Park, 101 Corliss Park Road, Troy NY 12182, (hereinafter the “Corliss Park Census Tract”), referenced throughout this affidavit, is 36083040100 (Rensselaer County Census Tract 401).

US Census Bureau Statistics

9. The 2015-2019 American Community Survey (ACS), published by the US Census Bureau, contains population estimates of a multitude of demographic characteristics for every county, census-defined place, and Census Tract in the United States. The US Census Bureau’s website <https://data.census.gov/cedsci/> allows the public to search through and access this data.

10. Using the US Census Bureau’s data portal, I was able to access the following population estimates of Rensselaer County, the City of Troy, and specific Rensselaer County Census Tracts, including where the proposed and existing early voting sites are located, using the Census Tract Code.

11. According to the 2015-2019 ACS table “DP05,” the percent of minority residents, defined as the percent of residents who are not both “White alone” and “Not Hispanic or Latino,” for Census Tracts within Rensselaer County is 16.8% (26,727 of 159,185).

12. According to the 2015-2019 ACS table “DP05,” the percent of minority residents, defined as the percent of resident who are not both “White alone” and “Not Hispanic or Latino,” for Census Tracts within the City of Troy is 36.5% (18,071 of 49,458).

13. Accordingly, the majority, 67.6 percent, of minority residents in Rensselaer County reside in the City of Troy.

14. According to the 2015-2019 ACS table “DP05,” below is the percent of minority residents, defined as the percent of resident who are not both “White alone” and “Not Hispanic or Latino,” for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	Percent Minority Residents
Unity House	Proposed	66.8%
Johnstone Supply	Proposed	66.8%
Troy School #2	Proposed	56.5%
Bethel Baptist Church	Proposed	42.9%
Holy Cross Armenian Church	Existing	13.5%
Brunswick Town Hall	Existing	5.0%
Schodack Town Hall	Existing	6.1%

15. According to the 2015-2019 ACS table “DP05,” the percent of minority residents, defined as the percent of resident who are not both “White alone” and “Not Hispanic or Latino,” for Corliss Park Census Tract is 33.3%.

16. Accordingly, minority residents are substantially more likely to reside in the Census Tracts of the proposed sites and the Corliss Park Census Tract than the Census Tracts of the existing sites.

17. According to the 2015-2019 ACS table “S0801,” the percent of workers 16 years and over whose means of transportation to work is driving in a “car, truck, or van” alone and the percent of workers 16 years and over whose means of transportation to work is “public transportation (excluding taxicab)” within Rensselaer County is 80.2% and 3.3%, respectively.

18. According to the 2015-2019 ACS table “S0801,” the percent of workers 16 years and over whose means of transportation to work is driving in a “car, truck, or van” alone and the percent of workers 16 years and over whose means of transportation to work is “public transportation (excluding taxicab)” within the City of Troy is 65.8% and 8.4%, respectively.

19. According to the 2015-2019 ACS table “S0801,” below is the percent of workers 16 years and over whose means of transportation to work is driving in a “car, truck, or van” alone and the percent of workers 16 years and over whose means of transportation to work is “public transportation (excluding taxicab)” for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/ Existing	% workers who commute by car, alone	% workers who commute by public transportation
Unity House	Proposed	67.4%	10.1%
Johnstone Supply	Proposed	67.4%	10.1%
Troy School #2	Proposed	56.8%	12.9%
Bethel Baptist Church	Proposed	48.5%	13.0%
Holy Cross Armenian Church	Existing	83.3%	0.5%
Brunswick Town Hall	Existing	90.5%	0.4%
Schodack Town Hall	Existing	88.8%	0.9%

20. According to the 2015-2019 ACS table "S0801," the percent of workers 16 years and over whose means of transportation to work is driving in a "car, truck, or van" alone and the percent of workers 16 years and over whose means of transportation to work is "public transportation (excluding taxicab)" for the Corliss Park Census Tract is 71.0% and 8.7%, respectively.

21. Accordingly, the percent of workers who commute to work using public transportation in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially higher than the percent of workers who commute to work using public transportation in the Census Tracts of the existing sites. Furthermore, the percent of workers whose means of transportation to work is driving alone in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially lower than the percent of workers whose means of transportation to work is driving alone in the Census Tracts of the existing sites.

22. According to the 2015-2019 ACS table "B25044," the percent of occupied households that have no access to vehicles within Rensselaer County is 10.1% (6,584 of 64,906).

23. According to the 2015-2019 ACS table "B25044," the percent of occupied households that have no access to vehicles within the City of Troy is 22.0% (4,368 of 19,899).

24. Accordingly, 66.3 percent of Rensselaer County households who do not have access to a vehicle live in the City of Troy.

25. According to the 2015-2019 ACS table “B25044,” below is the percent of occupied households that have no access to vehicles for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	% of Households with No Vehicle
Unity House	Proposed	26.9%
Johnstone Supply	Proposed	26.9%
Troy School #2	Proposed	38.4%
Bethel Baptist Church	Proposed	39.7%
Holy Cross Armenian Church	Existing	1.2%
Brunswick Town Hall	Existing	4.0%
Schodack Town Hall	Existing	0.5%

26. According to the 2015-2019 ACS table “B25044,” the percent of occupied households that have no access to vehicles for the Corliss Park Census Tract is 21.1%.

27. Accordingly, the percent of households who do not have access to a vehicle in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially higher than it is in the Census Tracts of the existing sites.

28. According to the 2015-2019 ACS table “B19013,” the median household income in the past 12 months (in 2019 inflation-adjusted dollars) within Rensselaer County is \$68,991.

29. According to the 2015-2019 ACS table “B19013,” the median household income in the past 12 months (in 2019 inflation-adjusted dollars) within the City of Troy is \$47,728.

30. Accordingly, the median household income in the past 12 months (in 2019-inflation-adjusted dollars) within the City of Troy is about 30 percent less than the median household income in Rensselaer County as a whole.

31. According to the 2015-2019 ACS table “B19013,” below is the median household income in the past 12 months (in 2019 inflation-adjusted dollars) for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	Median Household Income (\$)
Unity House	Proposed	\$33,380
Johnstone Supply	Proposed	\$33,380
Troy School #2	Proposed	\$27,204
Bethel Baptist Church	Proposed	\$30,469
Holy Cross Armenian Church	Existing	\$76,618
Brunswick Town Hall	Existing	\$95,339
Schodack Town Hall	Existing	\$79,266

32. According to the 2015-2019 ACS table “B19013,” the median household income in the past 12 months (in 2019 inflation-adjusted dollars) for the Corliss Park Census Tract is \$41,375.

33. Accordingly, the median household income in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially lower than the median household income in Census Tracts of the existing sites.

34. According to the 2015-2019 ACS table “S1701,” the poverty rate, defined as the percent of residents living below the poverty level in the past 12 months for Rensselaer County is 11.7%.

35. According to the 2015-2019 ACS table “S1701,” the poverty rate, defined as the percent of residents living below the poverty level in the past 12 months for the City of Troy is 24.4%.

36. Accordingly, residents of Troy are more than two times more likely to be below the poverty level than residents of Rensselaer County at large.

37. According to the 2015-2019 ACS table “S1701,” below is the poverty rate, defined as the percent of residents living below the poverty level in the past 12 months, for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	Poverty Rate
Unity House	Proposed	48.1%
Johnstone Supply	Proposed	48.1%
Troy School #2	Proposed	41.9%
Bethel Baptist Church	Proposed	32.0%
Holy Cross Armenian Church	Existing	12.4%
Brunswick Town Hall	Existing	4.6%
Schodack Town Hall	Existing	2.8%

38. According to the 2015-2019 ACS table “S1701,” the poverty rate, defined as the percent of residents living below the poverty level in the past 12 months for the Corliss Park Census Tract is 27.5%.

39. Accordingly, the poverty rate in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially higher than the poverty rate in the Census Tracts of the existing sites.

40. According to the 2015-2019 ACS table “S1810,” the percent of “total civilian noninstitutionalized population” with a “disability” for Rensselaer County is 14.0%.

41. According to the 2015-2019 ACS table “S1810,” the percent of “total civilian noninstitutionalized population” with a “disability” for the City of Troy is 15.9%.

42. According to the 2015-2019 ACS table “S1810,” below is the percent of “total civilian noninstitutionalized population” with a “disability” for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	% of people with a disability
Unity House	Proposed	19.4%
Johnstone Supply	Proposed	19.4%
Troy School #2	Proposed	16.7%
Bethel Baptist Church	Proposed	17.8%
Holy Cross Armenian Church	Existing	10.1%
Brunswick Town Hall	Existing	12.9%
Schodack Town Hall	Existing	10.8%

43. According to the 2015-2019 ACS table “S1810,” the percent of “total civilian noninstitutionalized population” with a “disability” for Corliss Park Census Tract is 16.2%.

44. Accordingly, the percent of people with a disability in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially higher than the percent of people with a disability in the Census Tracts of the existing sites.

Analysis of 2020 General Election Turnout Rate

45. The New York State Board of Elections (NYSBOE) allows access to statewide “Public Voter Registration Data” (the “Statewide Voterfile”) via their website <https://www.elections.ny.gov/FoilRequests.html>. On March 1, 2021, I requested access to the Statewide Voterfile via their online portal on behalf of my employer the NYCLU. I received the Statewide Voterfile updated through March 3, 2021 from the NYSBOE in the mail. In my capacity as a Research Analyst at the NYCLU, I regularly work with voter files generated by boards of elections in New York State, including the NYSBOE.

46. The Statewide Voterfile includes various information about each person registered to vote in New York State (name, residence, party affiliation, registration date, year last voted, etc.). A full list of Statewide Voterfile information is available on the NYSBOE website.² I used the following variables that originated from the voter files in my analysis:

- a. County of residence.
- b. Voter registration status. The Three possibilities are as follows:
 - i. "Active;"
 - ii. "Inactive;"
 - iii. "Purged;"
- c. Last election date in which the person cast a vote. As of March 3, 2021 when the data was produced, the most recent election was the 2020 General Election. Therefore, if a voter record contained the value "20201103" (November 3, 2020), the registered voter cast a vote in the 2020 General Election. If the value was a different value or blank, the registered voter did not cast a vote in the 2020 General Election
- d. Unique NYS Voter ID.
- e. House number of residence.
- f. Street name of residence.
- g. City of residence.
- h. Zip code of residence.

² https://www.elections.ny.gov/NYSBOE/Forms/FOIL_VOTER_LIST_LAYOUT.pdf

47. Using the “county of residence” and the “voter registration status” variables, I was able to filter the Statewide Voterfile to 103,192 “Active”, Rensselaer County enrollment records.

48. ArcGIS Pro (“ArcGIS”) is a geographic computer software system used by researchers and geographers working with geospatial data and maps. Using ArcGIS, I was able to match the addresses (a compilation of “house number,” “street name,” “city,” and zip code”) of active enrollment records to US Census Bureau Census Tract boundaries used for the 2015-2019 ACS available on the US Census Bureau website <https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.2019.html>.

49. The matching process failed in 27 of 103,192 instances. The non-matched records comprised less than .02% of total records.

50. Using the “last election date” variable, I was able to determine the number and percentage (“turnout rate”) of registered voters residing in each Rensselaer County Census Tract who cast a ballot in the 2020 General Election.

51. According to the Statewide Voterfile, 79,067 (76.6%) of 103,192 actively enrolled voters in Rensselaer County cast a ballot in the 2020 General Election.

52. According to the Statewide Voterfile, 16,180 (67.2%) of 24,077 actively enrolled voters in the City of Troy cast a ballot in the 2020 General Election.

53. Below is the 2020 General Election turnout rate for the Census Tracts in which the proposed and existing early voting sites are located:

Location	Proposed/Existing	2020 General Election Turnout Rate (%)
Unity House	Proposed	46.8%
Johnstone Supply	Proposed	46.8%
Troy School #2	Proposed	57.9%
Bethel Baptist Church	Proposed	63.8%
Holy Cross Armenian Church	Existing	76.3%
Brunswick Town Hall	Existing	81.9%
Schodack Town Hall	Existing	81.3%

54. The 2020 General Election turnout rate for the Corliss Park Census Tract is 63.5%.

55. Accordingly, the 2020 General Election turnout rate in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially lower than the 2020 General Election turnout rate in the Census Tracts of the existing sites.

Calculate Population Density

56. According to the US Census Bureau website <https://www.census.gov/quickfacts/fact/table/rensselaercountynewyork,troycitynewyork/PST045219>, the “land area in square miles” of Rensselaer County and the City of Troy is 652.43 square miles and 10.36 square miles, respectively.

57. According to the 2015-2019 ACS table “B01003,” the total population of Rensselaer County and the City of Troy is 159,185 and 49,458, respectively.

58. By dividing the total population by the land area in square miles, I was able to calculate that the population density (per square mile) of Rensselaer County is 244 and the population density (per square mile) of the City of Troy is 4,774.

59. Using the 2015-2019 ACS US Census Bureau Census Tract boundaries available on the US Census Bureau website <https://www.census.gov/geographies/mapping-files/time->

[series/geo/tiger-line-file.2019.html](#), it is possible calculate the area (in square miles) of each Census Tract where a proposed or existing early voting site is located using the “sf” package of R Studio, a computer software package used for statistical analysis.

60. Dividing the total population of each Census Tract, according to the 2015-2019 ACS table “DP05,” by the calculated area in square miles yields the population density (population per square mile) for each Census Tract where a proposed or existing early voting site is located (see below):


Location	Proposed/Existing	Population Density (per sq. mile)
Unity House	Proposed	6,343
Johnstone Supply	Proposed	6,343
Troy School #2	Proposed	6,316
Bethel Baptist Church	Proposed	7,579
Holy Cross Armenian Church	Existing	2,994
Brunswick Town Hall	Existing	537
Schodack Town Hall	Existing	192

61. The population density (per sq. mile) for the Corliss Park Census Tract is 5,636.

62. Accordingly, the population density in the Census Tracts of the proposed sites and the Corliss Park Census Tract is substantially higher than the population density in the Census Tracts of the existing sites.


JESSE BARBER

Sworn to me before this
26th of May 2021


Notary Public

COLLEEN K. FAHERTY
Notary Public, State of New York
No. 02FA6319041
Qualified in Orange County
Commission Expires February 9, 2023

Exhibit A



April 9, 2021

Commissioner Edward G. McDonough
Commissioner Jason Schofield
Rensselaer County Board of Elections
1600 7th Avenue
Troy, New York 12180

Dear Commissioners McDonough and Schofield,

We write to urge the Board of Elections to adopt a plan that offers equitable access to early voting for all voters in Rensselaer County and remediates the failure of prior early voting plans to provide equitable access to early voting to Black and Latinx voters. To that end, we provide here several options for early voting polling locations that would each offer a significant improvement over prior early voting plans in terms of meeting the requirements for equitable access defined in Election Law § 8-600(2)(b).

Election Law 8-600(2)(b) provides that early voting sites “shall be located so that voters in the county have adequate and equitable access.” Determining whether early voting sites offer adequate and equitable access requires the Board of Elections to take into consideration “population density, travel time to the polling place, proximity to other voting poll sites, public transportation routes, commuter traffic patterns” among other unenumerated factors. To date, the Board of Elections’ early voting site plans have included early voting locations at Brunswick Town Office, Schodack Town Office, and Holy Cross Armenian Church (the “Existing Sites”)—all sites either outside the City of Troy or on the far outskirts of the city. As we previously wrote on several occasions,¹ prior early voting plans did not meet the criteria of Election Law and failed to provide “adequate and equitable access for many Rensselaer County residents, especially minority and low-income voters living in the City of Troy.” We write now to propose several potential early voting sites in the City of Troy (the “Proposed Sites”), each of which would present a significant improvement in terms of equitable access over any of the existing sites.

1. Unity House, 2431 Sixth Avenue, Troy, New York 12180.
2. Troy School #2, 470 10th Street, Troy, New York 12180
3. Johnstone Supply, 2600 6th Avenue, Troy, New York, 12180
4. Bethel Baptist Church, 2165 5th Avenue, Troy, New York 12180

¹ We have previously written concerning the Rensselaer County Board of Elections’ early voting plan in letters dated July 22, 2019; September 11, 2019; and July 28, 2020.

The management of each of the Proposed Sites have expressed willingness to cooperate with the Board of Elections and to make these locations available for the full early voting periods for the 2021 election cycle. Each of the Proposed Sites offers the substantial floor space necessary to accommodate robust early voting. Each of the Proposed Sites complies with the published guidance from the Civil Rights Division of the United States Department of Justice on compliance with the accessibility standards for polling places required by the Americans with Disabilities Act.² Each of the Proposed Sites are hosted by well-established and inclusive community institutions. Most critically, each of these Proposed Sites would offer a more favorable early voting location for all residents of Rensselaer County and especially for Troy residents based on the criteria provided by Election Law § 8-600.

1. **Population density:** As you can see from the map attached as Exhibit 1, the most densely populated areas of the County are situated in neighborhoods located on the west side of the City of Troy. As you can see from the map attached as Exhibit 2, each of the proposed sites is located in or near these most densely populated areas of Rensselaer County. This area includes the neighborhoods of Lansingburgh, North Central, Hillside, Downtown, and South Troy. These neighborhoods are home to the vast majority of the County's Black and Latinx residents. The map attached as Exhibit 3 also shows that the proposed sites are located in the most racially and ethnically diverse parts of Rensselaer County. By contrast, Exhibits 1-3 each also show that the existing early voting sites are located in low-density, predominantly white neighborhoods.

Table 1 shows the population density and percentage of minority residents for the Census Tracts around the Proposed Sites compared to the Existing Sites based on the most recent available data from the U.S. Census Bureau's American Community Survey (ACS):

Location	Proposed/Existing	Population Density (per sq. mile)	Percentage of Minority Residents
Unity House	Proposed	6,343	66.8%
Troy School #2	Proposed	6,316	56.5%
Johnstone Supply	Proposed	6,343	66.8%
Bethel	Proposed	7,579	42.9%
Holy Cross	Existing	2,994	13.5%
Brunswick	Existing	537	5%
Schodack	Existing	192	6.1%

2. **Commuter traffic patterns:** Rensselaer County residents typically commute into Troy or across the Hudson River to Albany County or Schenectady County. Each of the proposed early voting sites are located near several of the most popular car commuter routes. The proposed sites are no less convenient to Rensselaer County voters living outside of Troy than the existing polling sites. However, the proposed sites are much more convenient for Troy residents because the existing early voting sites generally require Troy voters to travel east, against prevailing commuter patterns. The proposed sites also each offer convenient parking. For example, Unity House has ample parking available, including 40 spaces on site and four dedicated for the handicapped, which exceeds the 32 total spaces at Holy Armenian Church with only two for the

² U.S. Dep't of Justice, Civil Rights Division, Disability Rights Section, ADA Checklist for Polling Places, <https://www.ada.gov/votingchecklist.htm>.

handicapped). Unity House also has access to a public parking lot across the street, and many parking spaces available on the streets close by. Both Troy School #2, Johnstone Supply, and Bethel Baptist Church also have sizeable dedicated parking lots, as well as convenient street parking. Johnstone Supply has been an election day polling site in recent elections.

3. **Travel Time to Polling Place and Public Transportation:** The proposed early voting sites are each located near multiple public lines. For example, travel time to Unity House is centrally located at 6th Avenue and Hoosick St., along prevailing commuter traffic patterns and close to bus stops for buses 80, 85, 87, 96 as well as express bus 522. Unity House is one bus stop away from Rensselaer Polytechnic Institute, the second largest employer in Rensselaer County and home to approximately 7,900 students, and 10 minutes by public transportation from Russell Sage College, home to approximately 950 students. All of the other proposed early voting sites are similarly situated near multiple public transportation options, most within a 10 minute walk of Unity House. By contrast, to travel to Schodack Town Hall via public transportation, voters living in Troy would have to travel to Albany and back on a 60-90 minute bus ride, on a bus that only runs twice a day. Similarly, to travel to Brunswick Town Office, Troy voters would have to walk for over 2 miles from the last bus stop, on a highway with no sidewalks. Finally, by bus from Lansingburgh in the north, it takes nearly an hour (one-way) to travel to the Holy Cross Armenian Church with one transfer and from South Troy, 30 minutes.

The accessibility of early voting sites by public transportation matters because County voters living in the Census tracts near the Proposed Sites are substantially more likely to commute by public transportation than those living near the Existing Sites. Similarly, voters living near the Proposed Sites are much less likely to commute alone by car—and therefore less likely to have transportation flexibility—than voters living near the Existing Sites.

Table 2 shows the percentage of households commuting alone by car and commuting by public transportation for the Census Tracts around the Proposed Sites compared to the Existing Sites based on the most recent ACS data:

Location	Proposed/Existing	Percentage commuting by car, alone	Percentage commuting by public transport
Unity House	Proposed	67.4	10.1
Troy School #2	Proposed	56.8	12.9
Johnstone Supply	Proposed	67.4	10.1
Bethel	Proposed	48.5	13
Holy Cross	Existing	83.3	0.5
Brunswick	Existing	90.5	0.4
Schodack	Existing	88.8	0.9

4. **Other Considerations Relevant to Equitable Access.** The proposed sites would substantially improve access for low-income voters as well as voters of color, without reducing access for all other voters in the County.

- a. *Income*: The Proposed Sites would improve access for low-income voters compared to the existing sites.

Table 3 compares the Median Household Income and Poverty Rates for the Census Tracts around the Proposed Sites compared to the Existing Sites based on the most recent available ACS data:

Location	Proposed/Existing	Median Household Income (\$)	Poverty Rate
Unity House	Proposed	\$33,380	48.1%
Troy School #2	Proposed	\$27,204	41.9%
Johnstone Supply	Proposed	\$33,380	48.1%
Bethel	Proposed	\$30,469	32%
Holy Cross	Existing	\$76,618	12.4%
Brunswick	Existing	\$95,339	4.6%
Schodack	Existing	\$79,266	2.8%

- b. *Mobility*: The Proposed Sites would improve access for people who lack access to cars, as well as people with disabilities compared to the existing sites

Table 4 compares the percentage of households without vehicle access for the Census Tracts around the Proposed Sites compared to the Existing Sites based on the most recent available ACS data:

Location	Proposed/Existing	Percentage of Households Without Vehicles	Percentage of People with a Disability
Unity House	Proposed	26.9%	19.4%
Troy School #2	Proposed	38.4%	16.7%
Johnstone Supply	Proposed	26.9%	19.4%
Bethel	Proposed	39.7%	17.8%
Holy Cross	Existing	1.2%	10.1%
Brunswick	Existing	4%	12.9%
Schodack	Existing	0.5%	10.8%

- c. *Turnout*: The Proposed Sites would expand opportunities to vote in neighborhoods where voter turnout has been lower compared to the Existing Sites. According to the United States Elections Project, the statewide turnout rate for New York's voter-eligible population in the November 2020 general election was 63.4%.³ The Existing Sites are located in areas that exhibited turnout levels substantially above the statewide rate. By contrast, the areas around the Proposed Sites exhibited substantially lower turnout than the statewide rate.

Table 5 compares voter turnout rates for the November 2020 general election in Census Tracts around the Proposed Sites compared to the Existing Sites based on the recent voter file data.

³ United States Elections Project, 2020 November General Election Turnout Rates, <http://www.electproject.org/2020g>.

Location	Proposed/Existing	2020 Election Turnout Rate
Unity House	Proposed	46.8%
Troy School #2	Proposed	57.9%
Johnstone Supply	Proposed	46.8%
Bethel	Proposed	63.8%
Holy Cross	Existing	76.3%
Brunswick	Existing	81.9%
Schodack	Existing	81.3%

In conclusion, the Proposed Sites comport with all of the criteria for early voting sites set by Election Law § 8-600 significantly better than the Existing Sites. The Board of Elections should designate at least one of the Proposed Sites as an early voting location. One of the proposed sites could be adopted in lieu of either the Brunswick Town Hall site or the Holy Cross Armenian Church site. Or, consistent with other counties in the region, the Board of Elections could designate one of the Proposed Sites in addition to the Existing Sites. The neighboring counties of Albany and Schenectady each offer two more sites than the minimum currently required by Election Law § 8-600.

We encourage the Commissioners and staff of the Board of Elections to visit the proposed sites and to inspect the premises at their earliest convenience.

Sincerely,

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Melanie Trimble, Chapter Director
 NYCLU Capital Region Chapter




Perry Grossman, Senior Staff Attorney
 Voting Rights Project
 New York Civil Liberties Union

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Judy Meyer and Shirley Buel, Co-Presidents
 League of Women Voters of Rensselaer County

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 Chris Burke, Chief Executive Officer
 Unity House of Troy

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 NAACP Troy Branch

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 Reverend Donna Elia, Executive Director
 Troy Area United Ministries (TAUM)

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cc:
Office of the Attorney General, Civil Rights Bureau
Governor Andrew M. Cuomo
Assemblymember Latrice Walker, Chair, Standing Committee on Election Law
Senator Zellnor Myrie, Chair, Committee on Elections
Assemblymember John McDonald
Assemblymember Jake Ashby
Senator Daphne Jordan
Senator Neil Breslin
Mayor Patrick Madden
Troy City Council Members
County Executive, Steve McLaughlin
County Legislature Majority Leader, Kenneth Herrington
County Legislature Minority Leader, Peter Grimm