

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF
COLORED PEOPLE, SPRING
VALLEY BRANCH, et al.,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL
DISTRICT, et al.,

Defendants.

ECF CASE

Case No. 7:17 Civ. 8943 (CS)(JCM)

DISTRICT JUDGE
CATHY SEIBEL

MAGISTRATE JUDGE
JUDITH C. McCARTHY

~~MEMORANDUM~~ **REMEDIAL ORDER**

THIS MATTER is before the Court after a bench trial. The Court, being fully advised in the premises and for the reasons stated on the record on October 9, 2020, hereby **ORDERS AND ADJUDGES** as follows:

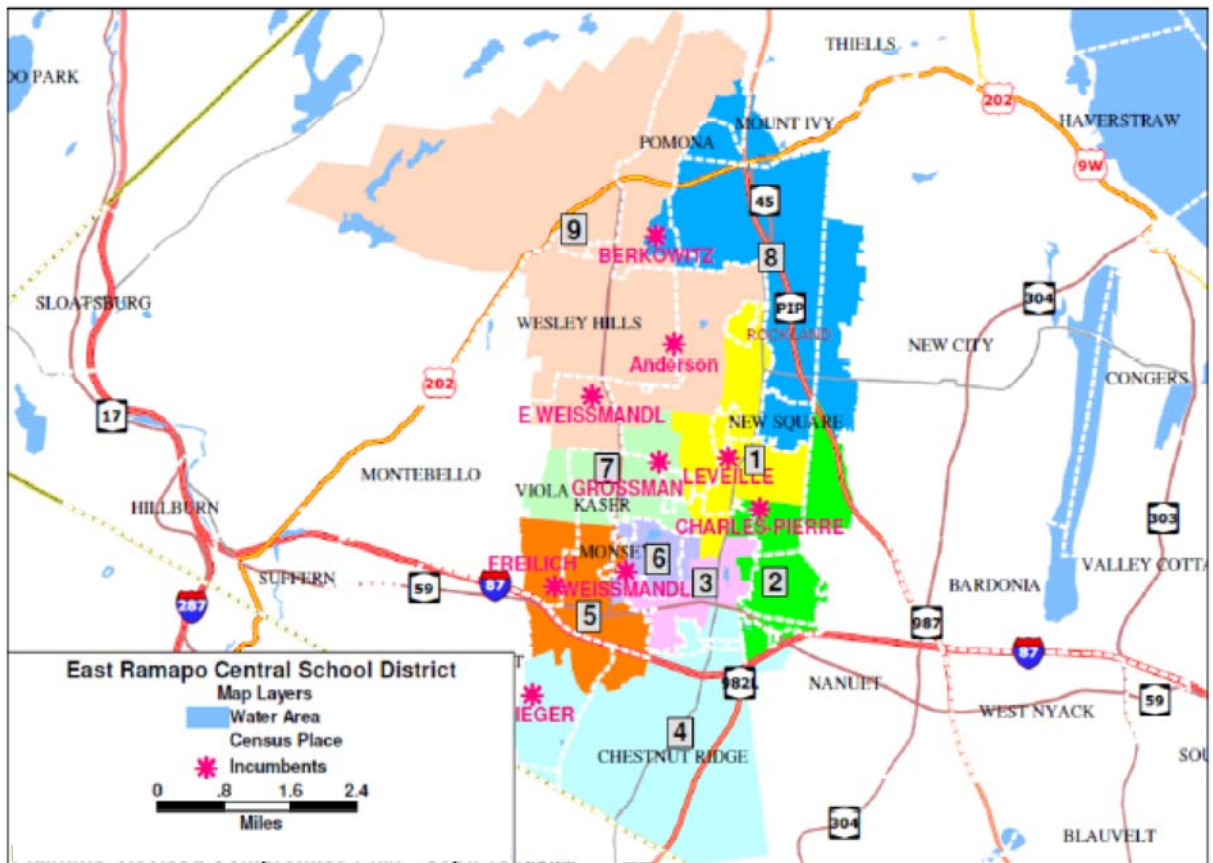
1. Beginning with a special election to be held on February 2, 2021, the East Ramapo Central School District ("District") is **ORDERED** that future elections for the District's School Board will be conducted using single-member districts, or wards;

2. It is **FURTHER ORDERED** that only candidates otherwise qualified under New York Education Law who reside in a particular ward will be eligible to run for trustee of that ward;

3. It is **FURTHER ORDERED** that only otherwise eligible voters residing in a particular ward will be eligible to vote for that ward's particular trustee and no other ward's trustee;

4. It is **FURTHER ORDERED** that the District shall be and hereby is divided into nine voting wards with three remedial minority-majority wards as illustrated in the following

figure, and as further illustrated in the maps attached at Exhibit 1 and in ECF No. 658, § 1 (“Compromise Ward Plan”), at 2–4 & Figs. 1-3:



5. It is **FURTHER ORDERED** that the District shall hold a special election for all nine of the District’s School Board trustees under the new ward system on Tuesday, February 2, 2021;

6. It is **FURTHER ORDERED** that the February 2, 2021 special election shall be in place of the regularly scheduled trustee election for 2021, currently set for May 18, 2021, such that no trustee election need occur in May 2021;

7. It is **FURTHER ORDERED** that the February 2, 2021 special election should be, except as otherwise inconsistent with this order, conducted to the greatest extent feasible in a

manner consistent with the procedures of Governor Cuomo's Executive Order Nos. 202.26 and 202.39, including that:

- a. The District shall provide notice of such special election to the qualified voters—including all voters residing in the District who are registered to vote with the Rockland County Board of Elections ("Registered Voters")—in the manner prescribed for notice of the annual meeting except that the number of required publications shall be a minimum of two and the first publication must be no later than 28 days before the election;
- b. The special election shall take place remotely, and qualified voters—including all Registered Voters—shall vote in the special election only by absentee ballot, to be provided to all qualified voters by ~~each school district~~ ^(the District), except as otherwise inconsistent with the terms of this order;
- c. The District shall provide every voter with a postage pre-paid envelope in which to return their absentee ballot;
- d. Candidates shall not be required to meet any minimum signature threshold to be placed upon the ballot, provided, however, an individual must meet any other requirements necessary to be placed upon the ballot, including any applicable residency and age requirements;
- e. Candidates shall be required to submit their notice of intention of candidacy to the District Clerk by 5:00 PM on Monday, December 21, 2020;
- f. The District shall send out a postcard notice which details the date of the special election, a description of the definition of qualified voter, a description of the procedure for voting under the ward system, and an absentee ballot;

g. The District shall also provide at least one location at which voters may hand deliver absentee ballots to be cast prior to 5:00 PM on February 2, 2021.

h. The District shall canvass any ballots postmarked on or before February 2, 2021 and received by February 9, 2021.

If the District determines that compliance with any of the above procedures is not feasible, the District shall inform the Court and Plaintiffs as soon as practicable and no later than seven (7) business days prior to the implementation of any modification to the procedures described above.

8. It is **FURTHER ORDERED** that counsel for the District shall provide counsel for Plaintiffs a draft of any proposed voter education materials seven (7) calendar days prior to printing such materials. The parties shall have three (3) days to resolve any reasonable objections to the draft proposed voter education materials before either party may seek judicial intervention by letter motion. In the event that the District designates polling places for future elections with voting to be conducted in-person, counsel for the District shall provide counsel for Plaintiffs a draft of any proposed plan for polling locations in each ward thirty (30) days prior to the Board adopting the plan for such polling places. The parties shall have fifteen (15) days to resolve any reasonable objections to the proposed plan for polling locations in each ward before either party may seek judicial intervention by letter motion. The parties are each advised as to the standards for the voter education materials and any objections to those materials, as stated by the Court during the October 9, 2020 conference with the parties.

9. It is **FURTHER ORDERED** that the terms for each seat in the special election be selected randomly by the District Clerk to be one-year seats, two-year seats, or three-year seats. In conducting the random selection, the three majority-minority wards will be their own pool and the six majority wards will also be their own pool, such that within Wards 1, 2, and 3, one seat will

be randomly selected as having a one-year and three month term, one seat will be selected as having a two year and three month term, and one seat will be randomly selected as having a three-year and three month term. Within Wards 4 through 9, two seats will be randomly selected as one-year and three month term, one seat will be selected as having a two year and three month term, and one seat will be randomly selected as having a three-year and three month term. Board members elected in the special election shall be administered the oath of office within 30 days of the last date upon which absentee ballots may be received for the February 2, 2021 special election, or no later than March 2, 2021. The term of a board member elected in the special election to a one-year and three month term shall expire on June 30, 2022 or whenever a succeeding board member shall be administered the oath of office after the annual district meeting currently scheduled to take place on May 17, 2022, whichever is later. The term of a board member elected in the special election to a two-year and three month term shall expire on June 30, 2023 or whenever a succeeding board members shall be administered the oath of office after the annual district meeting currently scheduled to take place on May 16, 2023, whichever is later. The term of a board member elected in the special election to a three-year and three month term shall expire on June 30, 2024 or whenever a succeeding board member shall be administered the oath of office after the annual district meeting currently scheduled to take place on May 21, 2024, whichever is later.

10. It is **FURTHER ORDERED** that Elections for board of education trustees that are held subsequent to the special election shall proceed according to the New York Education Law except as otherwise inconsistent with this Order.

11. It is **FURTHER ORDERED** that nothing in this order should be construed to waive, abrogate, or otherwise affect the District's pending appeal or any of its appellate rights.

12. It is **FURTHER ORDERED** The Court will retain jurisdiction to enforce this Order.

SO-ORDERED this 14th day of October 2020.



HONORABLE CATHY SEIBEL
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

