



February 19, 2021

Via email and post

Commissioner Erik J. Haight
Commissioner Hannah Black
Dutchess County Board of Elections
47 Cannon Street
Poughkeepsie, New York 12601

Re: Designation of Polling Site for District 5 in the Town of Red Hook

Dear Commissioner Haight and Commissioner Black:

We are writing concerning the Board of Election's impending designation of polling sites in Dutchess County. As explained below, we ask that you designate the Bard College Bertelsmann Campus Center (the "Campus Center") as the polling site for District 5 in the Town of Red Hook.

Bard College promotes student voting and other forms of electoral participation and civic engagement as an essential part of its educational mission. Beyond fulfilling its duties under the Higher Education Act and the Higher Education Opportunity Act in terms of providing students with voter registration forms and opportunities, Bard works with student groups and outside partners to ensure student voting rights at Bard and across the county. Over the past several years, Bard has partnered with the Andrew Goodman Foundation to promote youth leadership development, voting accessibility, and social justice initiatives. The Andrew Goodman Foundation is a national organization on nearly 100 campuses across the country, including Bard, dedicated to making youth voices and votes a powerful force in democracy.

Due to our combined efforts, on November 3, 2020, the Campus Center successfully served as a polling place. In unprecedented circumstances, the Campus Center proved to be safe and convenient for voters and poll workers. Democratic and Republican poll workers, who spent the entire day there, thanked Bard at the end of the day for being what they called a "model host."

We ask the Board of Elections to designate the Campus Center to serve again as the polling location for the 5th District. In addition to its proven track record, the Campus Center complies with the NYS Election Law. Specifically:

- the Campus Center is in close proximity to the Dutchess County LOOP bus stop (a .2-.3-mile, 4-minute walk on well-lit sidewalks);
- the Campus Center is accessible for those with disabilities and has satisfied the ADA-compliance survey required under the Election Law;
- the Campus Center is in the heart of the Bard campus, and thus is within easy walking distance to the majority of voters in District 5, who live or work on campus;
- the Campus Center provides a large quantity of parking – including several designated accessible parking places – within the immediate vicinity of the Campus Center;
- the Campus Center has large, open spaces which allow for socially-distant polling and adequate queuing as we continue to battle the COVID-19 pandemic; and
- the Campus Center allows for queuing inside the building, mitigating the impacts of inclement weather on elections.

On February 9, 2021, the Red Hook Town Board unanimously reaffirmed previous (unanimously approved) resolutions (including two from 2020) supporting the Campus Center as the polling site for District 5. The Town Board's input is critical, because state election law mandates consultation with the Town in this process.

The Bard College administration also endorses the Campus Center as the best polling place on campus. It is far preferable to the Performing Arts Center, which was briefly designated as a polling site in the now-rescinded resolution of November 30, 2020, because:

- The Campus Center is much closer to public transport than the Performing Arts Center.
- The Campus Center is at the center of the campus; the Performing Arts Center is nearly a mile from the center of campus, situated at the northern-most edge of a 600-acre main campus;
- The Campus Center has more proximate access to parking, including handicap parking, than the Performing Arts Center.
- The Campus Center has far better handicap accessibility and more and better situated handicap parking than other potential sites, like the Stevenson Gymnasium, which has little adjacent handicap parking and whose main floor is not on the same level of any entrance and thus requires the use of stairs or a single seated lift to access a polling location.
- The Campus Center is not regularly used as a core teaching facility and thus using it for polling is less disruptive to the day-to-day educational activities of the College than the Performing Arts Center, which regularly holds classes, rehearsals and student and public performances.
- The Campus Center is a substance-free building and has no liquor license, so alcohol is not sold or served there.
- The Campus Center, like other Bard facilities, is regularly used by the public: it contains a fully functioning United States Postal Service post office and hosts regular public events, including regular annual meetings of Bard's senior learners in its Lifetime Learning Institute.

The Campus Center is also a far better location than St. John's Episcopal in Barrytown, the previous exclusive polling site in District 5, because:

- To support youth voters, who comprise 65-70% of the registered voters in District 5, it is important that the polling site be viewed as safe and accessible. These youth voters include a large number of Bard students from underrepresented communities, representing the largest concentration of youth voters and voters of color in Red Hook
- A significant majority of District 5 voters live near the center of the Bard campus, within easy walking distance of the Campus Center. St. John's is not accessible by foot, because it is situated on a dangerous windy and unlit county road with no sidewalk or walkable verge. Notably, Bard prohibits Bard-operated transportation from using this county road due to the dangerous driving conditions.
- The Campus Center is close to the Dutchess County LOOP bus stop; St. John's is not.
- The Campus Center has ample parking. St. John's has limited parking, consisting of two small lots that require either walking up or down an incline to get to the Church's entrances, creating a challenge for mobility-impaired voters.
- The Campus Center has handicap accessible parking. Neither of St. John's two small lots has designated handicap parking spaces.
- St. John's is not handicap accessible and fails to meet Americans with Disability Act guidelines for access (contrary to the erroneous conclusions of the Board of Elections' previous incomplete ADA assessment).
- The Campus Center is spacious; St. John's is too small for social distancing.
- The Campus Center has ample space for queuing inside the building, whereas the que at St. John's has forced voters to stand out in the pouring rain.¹

If the Board proposes a location other than the Campus Center, we trust we will receive reasonable advance notice of the meeting considering such a proposal (as required by the New York State Open Meeting Law) and an opportunity to submit additional written comments.

In 2000 a bipartisan county legislative committee, on which current-County Executive Mark Molinaro served, was asked to review relevant legislation when Bard students, and students across the county, were systematically denied voting rights across the county by then Election Commissioner William Paroli Sr. The committee concluded unanimously that not only do students have the right to vote locally, but "[t]he Dutchess County Board of Elections should encourage the use of voting franchise among students." Our request that you designate the Campus Center as the polling location for District 5 is in that spirit.

Our request is in the spirit of this year, which marks the 50th anniversary of the 26th Amendment to the U.S. Constitution. That amendment provides: "The right of citizens of the United

¹ At some point during our prior advocacy efforts for an on-campus polling place, Commissioner Haight raised a concern about the adequacy of the Bertelsmann Campus Center due to the supposed placement of political signs in the environs. Having surveyed the area and then consulted Bard Security, student life staff, and staff at Bard's Center for Civic Engagement, we found no such evidence.

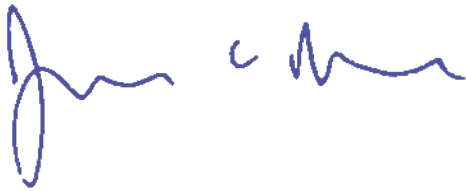
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States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” Of note, in ratifying the 26th Amendment, Congress explicitly contemplated the unconstitutionality of forcing students to undertake special burdens such as travelling off-campus to vote. The 26th Amendment is one of many steps taken to extend voting rights since the founding of the republic. These extensions have removed barriers to voting for previously disenfranchised communities, including African Americans, women, and non-property owners.

It is well documented, if less well known, that youth voters have long been subjected to such barriers as well. Sadly, these barriers have existed in Dutchess County, as evidenced by the lawsuits that Bard students have had to pursue (successfully) over several decades. We write in the hope that this year the Board of Elections will designate the Campus Center, a polling site that comports with state and federal law, complies with the wishes of the Town of Red Hook, and which, most importantly, promotes youth voter participation.

Thank you for your consideration of this important matter.

Yours sincerely,



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The Andrew Goodman Foundation

cc: Honorable Marcus J. Molinaro, County Executive-Dutchess County
Honorable Kevin A. Cahill, Assembly Member, Assembly District 103

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Honorable Sue Serino, State Senator, Senate District 41
Honorable Kristofer Munn, County Legislator
Honorable Robert McKeon, Supervisor, Town of Red Hook
New York State Board of Elections, Co-Chairs Peter S. Kosinski and Douglas A. Kellner;
Commissioner Andrew J. Spano; Commissioner Anthony J. Casale
Michael Volpe, Esq., Venable LLP