

FOR IMMEDIATE RELEASE

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HISTORIC VICTORY FOR VOTING RIGHTS IN NEW YORK

Court of Appeals Unanimously Upholds New York Voting Rights Act; Rejects Municipal Attempts to Undermine Protections

New York, NY — In an important decision with significant implications for the future of fair representation in New York, the New York Court of Appeals unanimously held today that the Town of Newburgh **lacks the legal capacity** to facially challenge the NYVRA.

“I am thrilled that, finally, justice has weighed in our favor and hopefully we can get a chance to have a voice in our Town Government.”

— **Ernie Tirado, Plaintiff**

Abrams Fensterman, LLP — litigating alongside the **Election Law Clinic at Harvard Law School** — represents the plaintiffs in *Clarke v. Town of Newburgh*. Today’s ruling marks a **major victory for voters of color and for the integrity of the NYVRA**, arriving at a moment when voting rights protections are being rolled back across the country.

“This is a critical win for voting rights in New York,” said **David Imamura, Esq., Partner at Abrams Fensterman, LLP**. “At a time when states across the country are weakening safeguards against vote dilution, New York’s highest court has decisively rejected a baseless effort to undermine a law that protects every voter’s equal access to the democratic process.”

BACKGROUND: THE CASES

In *Clarke v. Town of Newburgh*, Black and Hispanic residents challenged the Town’s at-large method for electing Town Board members, alleging that the system unlawfully dilutes minority voting power. After the trial court incorrectly found the NYVRA unconstitutional, the Appellate Division reversed, concluding that the Town could not challenge the constitutionality of the NYVRA itself — and today the Court of Appeals affirmed that reversal, closing the door on Newburgh’s facial challenge.

A similar challenge brought by Latino residents against the Town of Mount Pleasant, also represented by Abrams Fensterman and the Election Law Clinic at Harvard Law School, had likewise been stalled pending today’s ruling.

THE COST TO TAXPAYERS

Despite claiming to defend taxpayers, both municipalities have spent significant sums attempting to dismantle the state’s strongest voting-rights protections. **To date, the Town of Newburgh has paid their counsel for this case \$2,085,950—roughly \$65 dollars per resident.**



“These towns spent millions of dollars of taxpayer money trying to strip voters of their rights,” said Imamura. “Today’s ruling confirms that the Town will have to substantively engage on the question of whether their electoral system unlawfully dilutes the power of Black and Latino voters.”

The Town of Mount Pleasant, facing a similar suit, brought by Latino plaintiffs, has paid **\$1,371,433.08 to their counsel for this case—roughly \$31 dollars per resident.**

SIGNIFICANCE OF THE RULING

New York enacted the NYVRA in 2022—the most comprehensive state-level voting rights law in the country—to prevent vote dilution and vote suppression, protect language minority communities, establish the first state level preclearance regime in the country, and strengthen enforcement against discrimination at a time when the federal Voting Rights Act has been weakened. Today’s ruling establishes that municipalities cannot obstruct these protections by asserting constitutional challenges they have no capacity to bring.

“This is what democracy looks like,” said Imamura. “Courts, communities, and advocates working together to ensure that every New Yorker has an equal voice.”

ABOUT ABRAMS FENSTERMAN, LLP

Abrams Fensterman, LLP is a full-service law firm with offices across New York State, dedicated to advancing justice, protecting voting rights, and ensuring equitable representation for all New Yorkers. Our Election Law practice is proud to partner with leading institutions such as the Election Law Clinic at Harvard Law School to defend and strengthen democratic participation.

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