



United States Attorney
Southern District of New York

100 Church Street
New York, New York 10007

June 29, 2001



Via Federal Express

Richard A. Falanka
Village Clerk
Municipal Hall
10 Pearl Street
Port Chester, New York 10573

Dear Mr. Falanka:

This Office is conducting an investigation to determine whether the at-large voting system the Village of Port Chester (the "Village") uses to elect its Board of Trustees and School Board complies with Section 2 of the Voting Rights Act of 1965. 42 U.S.C. § 1973 (1994). Section 2 of the Voting Rights Act provides that no voting procedure "shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color. . . ." Id. We have been informed that a substantial segment of the Village's population is Hispanic, yet there have never been any Hispanics elected to the Village's Board of Trustees despite attempts by several candidates.

The United States Department of Justice is authorized to investigate possible violations of Section 2 of the Voting Rights Act of 1965, and if necessary, to institute legal action in an appropriate federal court to insure compliance. 42 U.S.C. § 1973a(a).

We do not have sufficient information at this time to enable us to fully assess this matter. Accordingly, we would appreciate your cooperation in providing us with information and documents necessary for a thorough evaluation. Toward that end, we ask that you provide us with the following:

1. The name of the designated contact person from the Village for purposes of this investigation. If you are represented by an attorney in this matter, please provide the name, address, and telephone number of that attorney.

2. Provide all election returns for all primary and general elections, organized by voting precinct, for all Port Chester village-wide elections since 1980, including but not limited to:

- a. the number of citizens registered to vote in the Village of Port Chester, organized by voting precinct, at the time of each election;
- b. the total number of votes cast, by voting precinct, for each office; and
- c. the total number of ballots cast, by voting precinct, for each candidate.

Please provide the information requested above in computer-readable form, preferably in an Access, Paradox, or Concordance database, or in an ASCII-delimited file (with Tab delimiters).

3. Provide maps depicting the voting precinct boundaries in effect at the time of each of the elections requested in #2 above, including a map of the current voting precinct boundaries.

4. Provide a copy of the Village's Charter and Administrative Code.

5. Provide a copy of all registration or voting notices, forms, instructions, or other materials or information relating to the electoral process, including ballots, utilized by the Village since 1993.

6. State whether any literacy tests or other devices have ever been used by the Village to determine eligibility to vote. If any such tests or devices have ever been used, describe them in detail, including the dates on which they were used, how they were developed and implemented, and when such tests or devices were abolished.

7. State whether the Village has ever purged voters from the Village's voting rolls. If such purging took place, describe it in detail, including but not limited to, the dates on which it occurred, and which voters were purged from the rolls.

Please forward your written responses as well as responsive documents to us at the address listed above within the next thirty (30) days.

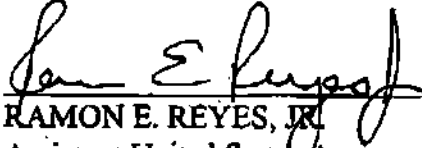
Thank you in advance for your cooperation with our investigation. We assure you that all the information you provide will be carefully considered as we attempt to determine

whether any violations of the Voting Rights Act exist. In the event that any violations are found, we look forward to conferring with you concerning the appropriate corrective actions.

Very truly yours,

MARY JO WHITE
United States Attorney

By:


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