



March 30, 2016

Helen Purcell  
Maricopa County Recorder  
Main Downtown Office  
111 S. Third Avenue  
Phoenix AZ 85003

*Via Email*

Dear Ms. Purcell:

On behalf of a coalition of civic engagement organizations, we are writing to express our grave concern regarding the recent presidential primary election in Maricopa County. As you know, there has been significant public outcry in response to the problems voters experienced in the recent March 4, 2016 presidential primary election. Our information indicates that voters faced wait times as long as five hours at certain vote centers. We also understand that some voters were unable to endure this wait because of work or family obligations and were therefore unable to cast a ballot. We request that your office take immediate remedial action to ensure that election officials are prepared for increased voter turnout and to ensure that voters do not face restrictive and burdensome wait times at the polls in any future election.

The problems that occurred during the March 22<sup>nd</sup> election appear to be the direct result of your office's decision to switch to mega vote centers and reduce the number of polling places from approximately 400 in 2008 to 210 in 2012 to 60 this year. The dramatic reduction in polling sites has created significant burdens and barriers for many voters seeking to participate in the electoral process. We are also concerned that the County's decision to switch to mega vote centers and substantially reduce the number of polling places within the County disproportionately impacts minority voters and may violate Section 2 of the Voting Rights Act. In addition to the reduction in polling places, we are concerned about reports suggesting that there were disproportionately fewer polling places located in minority communities. We appreciate your public acknowledgement that the reduction to 60 polling places was a mistake. However, additional steps must be taken to ensure that the allocation of resources – including polling place equipment, poll workers, and ballots - and the location of vote centers in the County are in compliance with the law.

Hispanic, African American, and Native American residents of Maricopa tend to be lower-income and are more likely to lack access to reliable transportation. For instance, census data show that white households are more likely to have access to a vehicle, than Hispanic, African American or Native American households in Maricopa County. In addition, Hispanic, African American and Native American residents of Maricopa are more likely to use public transportation or rely on a carpool to commute to work than are white residents.<sup>1</sup> The decision to reduce the number of polling sites in the context of these racial disparities raises serious concerns.

A voting practice which has the purpose or result of not providing minority voters with an equal opportunity, as that of white voters, to participate in the electoral process violates Section 2 of the Voting Rights Act. In *Spirit Lake v. Benson County*, the United States District Court for the District of North Dakota found that the decision by Benson County to move towards a mail-in voting process and close seven of eight voting places had a disproportionate impact on American Indian residents in violation of Section 2. The court noted that a number of factors contributed to the inability of American Indian voters to access the sole remaining polling place in the county. These factors included: a “lack of reliable vehicles,” a “lack of sufficient buses to transport voters,” and a “lack of sufficient funds to pay for transportation.”<sup>2</sup> As discussed above, there are similar factors present in Maricopa County.

Given the socio-economic status of Maricopa’s minority communities, we believe your office’s switch to a mega vote center model that substantially reduces the number of polling places within or proximate to these communities raises serious questions regarding the County’s compliance with federal civil rights law. In addition, the mega vote center model used in the presidential preference elections appears to be out of compliance with the Arizona Elections Procedures Manual which provides for a maximum wait-time of one hour to vote and requires counties to have a contingency plan ready for immediate implementation when long waits or other problems arise.

Because turnout is generally higher for general elections than primary elections, we are particularly concerned that the problems experienced by voters last week will result in even greater levels of voter disenfranchisement in November if Maricopa County retains the same mega vote center model.<sup>3</sup> In order to help ensure all voters in Maricopa have equal access to the ballot, we urge you to contact our office immediately to discuss remedial actions and a contingency plan that should be put in place to address the issues that arose during the recent March 22 election. We request that you provide information on: (1) the method used to determine vote center locations and consideration given, if any, to minority voters’ ability to access such centers, (2) the number of voting machines, poll workers and ballots allocated to each vote center, and (3) plans for the upcoming May 2016 election.

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<sup>1</sup> 2011-2013 American Community Survey 3-Year Estimates, SELECTED POPULATION PROFILE IN THE UNITED STATES, S0201

<sup>2</sup> *Spirit Lake Tribe v. Benson Cnty.*, N.D., No. 2:10-CV-095, 2010 WL 4226614, at \*3 (D.N.D. Oct. 21, 2010).

<sup>3</sup> Drew Desilver, *So far, turnout in this year’s elections rivals 2008 record*, PEW RESEARCH CENTER (March 8, 2016), <http://www.pewresearch.org/fact-tank/2016/03/08/so-far-turnout-in-this-years-primaries-rivals-2008-record>.

The right to vote is the most important right in our democracy. Long lines and other burdens that impair the ability of minority voters seeking to exercise that right raise grave concerns. Please contact Maria Peralta ([mperalta@lawyerscommittee.org](mailto:mperalta@lawyerscommittee.org)) or Arusha Gordon ([agordon@lawyerscommittee.org](mailto:agordon@lawyerscommittee.org)) by April 8th, 2016 to schedule a time to discuss this matter.

Sincerely,

Kristen Clarke  
President and Executive Director  
Lawyers' Committee for Civil Rights Under Law

Ian Danley  
Executive Director  
One Arizona

Petra Falcon  
Executive Director  
Promise Arizona

Penda Hair or Judith Browne Dianis  
Co-Director  
Advancement Project

Samantha Pstross  
Executive Director  
Arizona Advocacy Network