



August 19, 2018

Via Email, Mail, and Fax

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Adam Klein

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David Smith

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Randolph County Board of Elections and Registration

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Facsimile: 229-474-3279

Dear Members of the Randolph County Board of Elections and Registration:

On behalf of the Georgia Coalition for the Peoples' Agenda, the Georgia State Conference of the NAACP, the New Georgia Project, and the Lawyers' Committee for Civil Rights Under Law, we write to object to the proposed plan to eliminate more than 75 percent of Randolph County's polling places and voting precincts, which the Board of Elections and Registration (BOER) considered in hearings held on August 16 and 17, 2018. Because the consolidations would violate Section 2 of the Voting Rights Act of 1965 and the United States Constitution,¹ we strongly urge you to abandon this plan or face legal action from the aforementioned civic engagement and civil rights organizations.

Your proposed plan seeks to consolidate seven out of Randolph County's nine polling places and voting precincts, including the Cuthbert Middle School Precinct, in which nearly all of the registered voters are Black. If adopted, this change will leave voters with only two polling places countywide. These consolidations will severely burden many of the County's low-income residents, particularly those who live in rural areas, lack access to transportation, or work long or inflexible hours. These challenges are exacerbated by the fact that affected voters will have to travel significant distances to reach their new polling places. For example, voters in the Coleman Precinct will have to travel 10.3 miles away from their existing polling place, while voters in the Springvale Precinct will have to travel 8.3 miles further to their new location, the Randolph County Courthouse. Significantly, there is no public transportation from outlying areas of the county into Cuthbert and Shellman, so even shorter distances will cause difficulties for some voters.

The burden of these changes will be felt most heavily by the County's Black residents. Most of the precincts to be closed, such as Benevolence, Coleman, Cuthbert Middle

¹ Case law confirms that polling places closures that impose severe burdens on voters violate the Voting Rights Act and the Constitution. *See, e.g., Ury v. Santee*, 303 F.Supp. 119 (N.D. Ill. 1969); *Common Cause Ind. v. Marion Cty. Election Bd.*, 311 F. Supp. 3d 949 (S.D. Ind. 2018), *Sanchez v. Cegavske*, 214 F. Supp. 3d 961 (D. Nev. 2016); *Poor Bear v. Cty. of Jackson*, 2015 WL 1969760 (D.S.D. May 1, 2015); *Spirit Lake Tribe v. Benson Cty.*, 2010 WL 4226614 (D.N.D. Oct. 21, 2010).



School, and Springvale, include substantial numbers of Black voters. In the latter two precincts, approximately 96 percent and 60 percent of voters are Black, respectively. U.S. Census data shows that roughly 60 percent of Randolph County's residents are Black. Finally, minorities are more than three times as likely to lack access to a vehicle in the County, making it more likely that Black voters will be disenfranchised. For those who make it to one of the two remaining polling places, the lack of sufficient voting sites will lead to increased wait-times and delays, and exacerbate the effects of common inconveniences at polling places on Election Day, such as the breakdown of a voting machine.

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The rationale offered for the proposed consolidations does not withstand scrutiny. A PowerPoint presentation produced by the BOER states that the purpose is “to maximize Voter Turnout” and “to be a good steward of the Randolph County tax dollars.” *See* Exhibit A. Eliminating polling places, however, makes voting harder, not easier. It forces voters accustomed to casting ballots at nearby locations to travel longer distances to vote, or to vote absentee, although many voters believe that voting in person is more secure. Turnout for in-person early and Election Day voting greatly exceeds the use of mail-in absentee ballots in Randolph County, indicating that voters value the opportunity to vote in person.

Implementing the proposed consolidation, moreover, requires incurring new expenses. They include paying for a consultant, printing new precinct cards, and placing signage outside of the former polling places. The BOER will also need to devote additional resources at the remaining locations, the County Courthouse and the Shellman Train Depot, to prevent long lines, delays, parking issues, and other problems on Election Day.

Other purported justifications fare no better. The PowerPoint presentation offered to the voters says that “[c]onsolidation has come highly recommended by the Secretary of State,” even though Secretary of State Brian Kemp opposes the plan and has specifically advised you to abandon the proposal.² Finally, the presentation alludes to Americans with Disabilities Act compliance issues even though there is no evidence the BOER has investigated whether or not there are alternative locations available within the affected precincts. It is also unclear why the BOER concluded the soon-to-be-closed locations were suitable for the May primary and July runoff elections, but not the November 2018 general election. Forcing elderly, disabled, and other persons with mobility issues to travel lengthy distances to vote is out of place with the purported goal of ADA compliance.

² Greg Bluestein, “Plan to cut polling sites stirs protest,” Atlanta Journal-Constitution, Aug. 18, 2018, available at <https://epaper.ajc.com/html5/reader/production/default.aspx?pubname=&edid=c1c83900-5722-4b47-a70c-d3340d1525ef>. We note that your response to our Open Records Act request did not include any record of communications with the Secretary of State's office, even though that information was specifically requested in Request Nos. 11 and 14.



The timing of these consolidations, apparently considered under a veil of secrecy until this past week and a half, makes little sense given that turnout is generally much higher in November general elections, with this year promising to be no exception due to hotly contested interracial elections for Governor and Georgia State Representative in District 151. Under the circumstances, and in the interest of serving the voters, the BOER should continue to offer voting at the current locations until suitable alternative locations can be identified, instead of closing numerous polling sites permanently and risking depressing turnout in future elections.

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These facts are not lost on your constituents, who are overwhelmingly opposed to the proposed consolidations. The BOER's August 17, 2018, response to the Lawyers' Committee's open records request, which is attached as Exhibit B, confirms that every one of the many written comments received by the BOER expresses opposition to the proposal, while many voice a concern that it is discriminatory. The same sentiment was shared by nearly all of the County citizens who spoke at the BOER meetings held in Cuthbert and Shellman on August 16 and 17.

In short, the BOER has failed to address the significant burdens and the negative, disparate impact that the closure of these polling locations will have on many minority voters in Randolph County, particularly those who lack transportation and face challenges making it to the polls on Election Day because they live in rural areas, work long or inflexible hours, or face other impediments. Finally, holding the final vote on the proposed plan at a meeting held at 8 a.m. on Friday, August 24 (when people need to be traveling to work or dropping children off at school), and failing to provide written notice of that time in the newspaper not only evinces a desire to avoid public scrutiny but means that the published notice is legally deficient.

Therefore, the Georgia Coalition for the Peoples' Agenda, Georgia State Conference of the NAACP, New Georgia Project, and the Lawyers' Committee for Civil Rights Under Law strongly object to the adoption of this proposal and urge the Board to reject the proposal at its meeting on August 24, 2018.

Thank you for your attention and anticipated cooperation in this matter.

Regards,

John Powers
Counsel
Voting Rights Project
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005



**LAWYERS' COMMITTEE FOR
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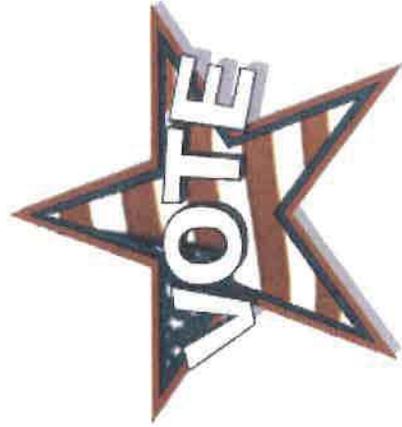
Tommy Coleman, Esq.
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Exhibit A

Randolph County BOER PowerPoint Excerpt

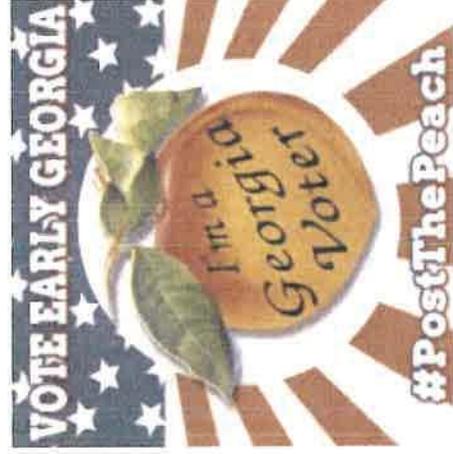
The Randolph County Board of Elections and Registration

“Consolidation Of Precincts” Presentation



Randolph County Board of Elections and Registration

- In an effort to maximize Voter Turnout and to be a good steward of the Randolph County tax dollars it is proposed that (2) two Precincts, Cuthbert and Shellman be used for all future elections.



Randolph County Board of Elections and Registration

Consolidation has come highly recommended by the Secretary of State and is already being adopted by several Counties and is being seriously considered and being worked on by many more.

“The trend in Georgia and other States is to reduce Polling Places to reduce Election costs and this is being accomplished by consolidating Polling Places into more combined Vote Centers”.

Exhibit B

LCCRUL Request Under the Georgia Open Records Act



August 14, 2018

Via Email

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Re: Georgia Open Records Act Request Concerning the Proposed Elimination, Consolidation, or Other Changes to Voting Precincts and Polling Places

Dear Madams and Sirs:

Please take notice that pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70, et seq.), you, which includes the individual members and employees of the Randolph County Board of Commissioners and Board of Elections and Registration, Election Supervisor's office, County Administrator and Clerk's office, and the Cuthbert and Shellman City Councils, City Clerks and Mayors, as well as these bodies collectively and any staff, consultants, and agents, are hereby requested to make available for review and copying all records (as defined by O.C.G.A. § 50-18-70(b)(2)) relating to all proposals, plans, investigations, or other activities relating to the elimination, consolidation, or other changes to Randolph County's voting precincts and polling locations during the past 12 months.

This request includes, but is not limited to, the following categories of documents, writings, electronically created and stored data, or other records:

1. All plans, maps, demographic profiles, drawings, photographs, GIS records, shapefiles, electronic files, lists, or other descriptions of Randolph County's existing voting precincts and polling locations.



2. All plans, maps, demographic profiles, drawings, photographs, GIS records, shapefiles, electronic files, lists, or other descriptions of Randolph County's proposed voting precincts and polling locations.

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3. All agendas, minutes, public notices, video or audio recordings, transcriptions, social media posts, or other records relating to public meetings or discussions of changes to Randolph County's voting precincts or polling locations during the past 12 months.

4. All records and communications evidencing all investigations during the past 12 months relating to proposed changes to Randolph County's voting precincts or polling locations.

5. All records evidencing the driving distances and estimated driving times from the current Randolph County polling places to the Randolph County Courthouse and the Shellman Train Depot.

6. All records evidencing all public transit that is available in Cuthbert and Shellman, including transit schedules and the cost per ride.

7. All records evidencing the 2018 budget for Randolph County elections, including line items for poll workers, poll managers and supervisors, voting machines, polling location fees and rent, and any other budgeted costs.

8. All records evidencing the specific dollar amount of expected cost savings to Randolph County as a result of the consolidation of voting precincts and polling places, including, but not limited to, the specific sources and amounts of such savings by category (i.e., staff, equipment, facilities, rent, utilities, etc.).

9. All records evidencing the staffing of each Randolph County poll location during the 2016 primary, runoff, and general elections, and the 2018 primary and runoff elections, including the number of poll workers, poll managers, and other staff for each shift and the hourly rates for each category of staff assigned to the polls.

10. All records of communications during the past 12 months involving members of the Randolph County Board of Commissioners and Board of Elections and Registration, Election Supervisor's office, County Administrator and Clerk's office, and the Cuthbert and Shellman City Councils, or their respective staff members, consultants and/or agents, concerning voting precinct or polling location changes during the past year, including, but not limited to, all emails, letters, text messages, notes, correspondence, or other electronic communications. This includes, but is not limited to, internal communications as well as those with the employees, liaisons, agents, consultants and servants of any



regional or other planning agency, the Georgia Secretary of State's office, any political party or candidate, or any Randolph County resident.

11. All records evidencing the assignment of poll workers and voting machines to the Randolph County Courthouse and the Shellman Train Depot following the consolidation of voting precincts in Randolph County for the November 2018 general election, including the cost therefor.

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12. All public notices or social media posts concerning proposed or actual Randolph County voting precinct consolidation or polling location changes during the past 12 months, including those in newspapers or on Facebook, Twitter, Medium, Tumblr, or other social media outlets.

13. All public notices of meetings held by the Randolph County Board of Elections and Registration since March 1, 2018.

14. All documents, writings, and other records evidencing all trainings, advice, recommendations, guidelines, rules, regulations, or other communications involving the Georgia Secretary of State or the Georgia Director of Elections or their employees, agents, and servants since June 25, 2013, relating to or involving polling location or voting precinct changes and consolidations.

Please note that we are prepared to pay reasonable costs incurred in the production of the requested records pursuant to this GORA, but we request that you provide us with a good faith estimate of the charges for producing these records in advance by contacting me at 202-662-8389 for authorization if the anticipated costs exceed \$50.00. If this request is denied in whole or in part, we ask that you cite in writing the specific statutory exemption upon which you have relied as required by O.C.G.A. § 50-18-71(d).

Please note that we are amenable to receiving the records via email in electronic formats to save the cost of reproducing them in paper form or on DVDs. Acceptable formats include PDFs of paper documents, the native electronic format of shapefiles and GIS records, or other commonly used electronic formats.

To the extent that you intend to comply with this request but anticipate that it may take longer than three business days to produce some of the records, we request that you produce records as they become available rather than delaying production until all responsive documents have been gathered.

Thank you for your attention and anticipated cooperation in this matter.



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Regards,

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