



May 21, 2019
Via Mail and Email

Co-Chairs

Teresa Wynn Roseborough
Adam Klein

Secretary

Eleanor H. Smith

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Ms. Carla Powell, Esq.
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Ms. Christy N. Riner
Chief Registrar
Jeff Davis County Board of
Elections and Registrars
P.O. Box 552 Suite 107
14 Jeff Davis Street
Hazlehurst, GA 31539
jeffdaviselections@gmail.com

Dear Ms. Powell and Ms. Riner:

On behalf of the Georgia Coalition for the Peoples' Agenda, New Georgia Project, and the Lawyers' Committee for Civil Rights Under Law, we write to object to the maintenance of the consolidated polling place configuration in Jeff Davis County, in particular the Board of Elections and Registrars' refusal to reopen the Johnson's Office Supply location. First, we advise you that considering polling place changes is improper without the required published notice pursuant to O.C.G.A. § 21-2-265(a):

Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use at such primary or election, the superintendent of a county or the governing authority of a municipality shall not change any polling place until notice of the proposed change shall have been published for once a week for two consecutive weeks in the legal organ for the county or municipality in which the polling place is located.

Because Jeff Davis County kept nine voting precincts while consolidating down to four polling locations in 2017, we are concerned that the current plan violates O.C.G.A. § 21-2-265(e). Counties may only establish a polling place outside of a precinct if there is no suitable location within the precinct and if the outside polling location "would better serve the needs of the voters." Both conditions must be met. Otherwise, Georgia law requires that polling places be established within each precinct.

Finally, the elimination of the polling place in Jeff Davis County's majority-minority voting precinct, Hazlehurst Precinct, raises concerns under both the Voting Rights Act of 1965 and the United States Constitution.¹ We therefore strongly urge you to reconsider these consolidations and to reopen the Johnson's Office Supply polling place.

¹ Polling places closures that impose severe burdens implicate 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*



Please also take notice that pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70, et seq.), you, including the individual employees, members, staff, consultants, and agents of the Jeff Davis County Board of Elections and Registrars and of Jeff Davis County, 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 Jeff Davis County's voting precincts and polling locations since 2016.

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This open records act 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 Jeff Davis County's voting precincts and polling locations as of 2016.
2. All plans, maps, demographic profiles, drawings, photographs, GIS records, shapefiles, electronic files, lists, or other descriptions of Jeff Davis County's current and proposed voting precincts and polling locations.
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 Jeff Davis County's voting precincts or polling locations since 2016.
4. All records and communications evidencing all investigations since 2016 relating to proposed changes to Jeff Davis County's voting precincts or polling locations.
5. All records evidencing the driving distances and estimated driving times from the current Jeff Davis County polling places to communities outside of Hazlehurst, Graham, and Denton.
6. All records evidencing all public transit that is available in Hazlehurst and Denton, including transit schedules and the cost per ride.
7. All records evidencing the annual budgets for Jeff Davis County elections between 2016 and the present, including line items for poll workers, poll managers and supervisors, voting machines, polling site fees and rent, and any other budgeted costs.
8. All records evidencing the specific dollar amount of cost savings to Jeff Davis County as a result of the consolidation of voting precincts and polling places, including,

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).



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 Jeff Davis 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 any of the following: the Jeff Davis County Board of Commissioners and Board of Elections and Registrars, Chief Registrar's office, and the County Administrator and Clerk's office or their respective staff members, consultants and/or agents, concerning voting precinct or polling location changes since 2016, 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 Jeff Davis County resident.

11. All records evidencing the assignment of poll workers and voting machines to polling places for the 2018 election cycle, including the cost therefor.

12. All public notices or social media posts concerning proposed or actual Jeff Davis County voting precinct consolidation or polling location changes since 2016, including those in newspapers or on Facebook, Twitter, Medium, Tumblr, or other social media outlets.

13. All public notices of meetings held by the Jeff Davis County Board of Elections and Registrars since March 1, 2017.

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.

15. Any studies concerning whether current or former Jeff Davis County polling places are accessible for disabled or physically impaired voters.

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

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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.

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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.

Regards,

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