

October 21, 2022

Sent via email

Board of Voter Registration and Elections of Berkeley County
1003 N. Highway 52,
Moncks Corner, 29461
webvre@berkeleycountysc.gov

Subject: Additional Early Voting Centers in Berkeley County

Dear Chairman Saturday and Members of the Board:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes to encourage you to add additional early voting centers for the November 2022 election in Berkeley County, and to do so in locations that are more accessible for Black voters.

South Carolina law authorizes counties, including Berkeley County, to designate up to seven early voting centers for an election.¹ In doing so, counties “must consider geography, population, and ADA compliant accessibility.”² In addition, they “must distribute the locations throughout the county to maximize accessibility for all voters in the county to the greatest extent possible.”³ Under each of these criteria, as well as considerations of fairness and racial equity, Berkeley County’s current early voting plan falls short.

According to the 2020 Census, Berkeley County is home to 229,861 residents,⁴ who live across a geographical expanse of 1,103 square miles.⁵ 149,111 of Berkeley County’s residents are currently registered to vote.⁶ However, for the November 2022 election, Berkeley County has thus far

¹ S.C. Code § 7-13-25(D). While counties must identify early voting centers by March 10 before the primary election, *id.* § 7-13-25(G)(2), they may establish additional early voting centers after March 10 subject to the approval of the Executive Director of the State Election Commission, *id.* § 7-13-25(G)(3).

² *Id.* § 7-13-25(G)(1).

³ *Id.*

⁴ See U.S. Census Bureau, *QuickFacts: Berkeley County, South Carolina*, <https://www.census.gov/quickfacts/fact/table/berkeleycountysouthcarolina,SC/POP010220>.

⁵ *Id.*

⁶ S.C. Elec. Comm’n. *SC Voter Registration Demographics: Berkeley County*, <https://info.scvotes.sc.gov/Eng/VoterStatistics/VoterHistory/CountyAndPrecinct.aspx> (select “Berkeley” and “Totals” in drop-down menus) (last visited Oct. 21, 2022).

identified only three early voting centers.⁷ This decision would force each location to serve an average of 49,703 registered voters, over an average of 367 square miles each. It appears likely to result in long lines and crowding at the polls.⁸ As a matter of efficient election administration and sound governmental policy, therefore, Berkeley County’s decision to designate only three early voting centers is highly questionable.

Moreover, the three early voting centers that Berkeley County has designated to date⁹ do not appear to be equally accessible for the county’s communities of Black voters, raising concerns that Black voters in Berkeley County may be denied an equal opportunity to participate in the political process during early voting in the November 2022 election.¹⁰

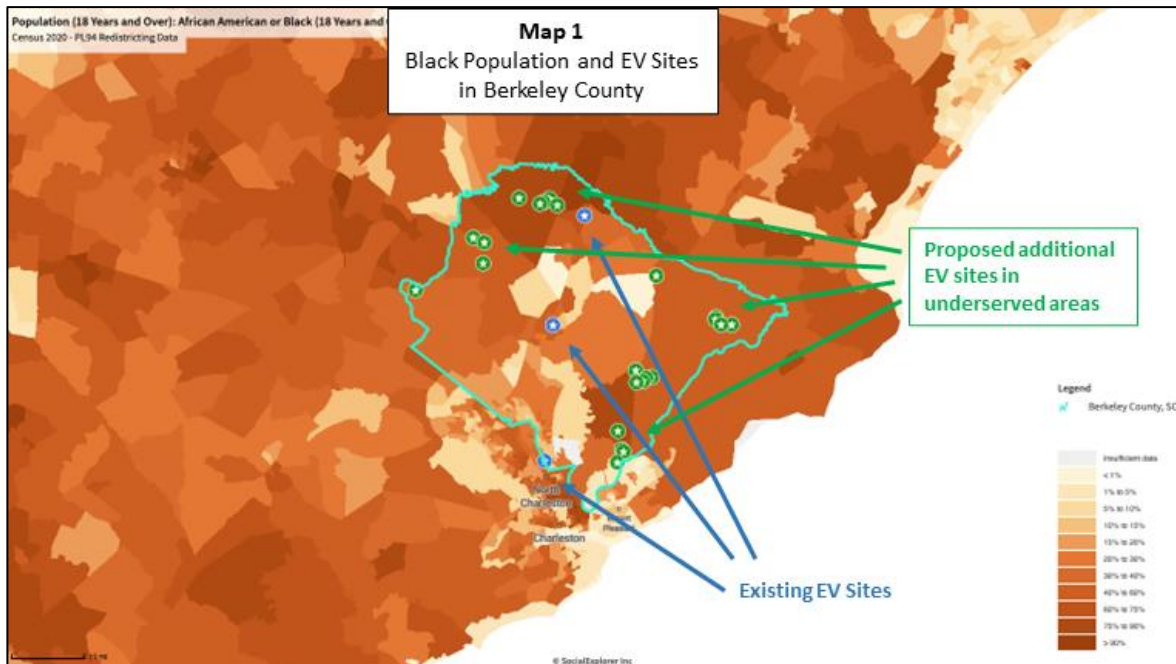
As Map 1 below reveals, the three early voting centers identified thus far by Berkeley County fall within a rough north-south axis running vertically through the center of the county. None of these centers is suitably located for Black voters in the county’s eastern or northwestern portions.

⁷ Berkeley County, S.C., *Berkeley County Announces Early Voting Locations for 2022 General Election*, <https://berkeleycountysc.gov/berkeley-county-announces-early-voting-locations-for-2022-general-election/> (last visited Oct. 21, 2022).

⁸ See Hannah Klain, Kevin Morris, Max Feldman, and Rebecca Ayala, *Waiting to Vote: Racial Disparities in Election Day Experiences* 10, Brennan Center for Justice (June 3, 2020), <https://www.brennancenter.org/our-work/research-reports/waiting-vote> (examining nationwide data from the 2018 election and concluding that “voters in counties with the most voters per polling place waited more than twice as long as voters in counties with the fewest voters per polling place”); see also Christopher Famighetti, *Long Voting Lines: Explained* 6, Brennan Center for Justice, https://www.brennancenter.org/sites/default/files/analysis/Long_Voting_Lines_Explained.pdf (reporting that “the strongest predictor of delays is the number of eligible voters each center serves”).

⁹ The three sites are: Berkeley County Voter Registration & Elections Office, 1003 N. Highway 52, Moncks Corner, SC 29461; Hanahan Library, 1216 Old Murray Court, Hanahan, SC 29410; and St. Stephen Library, 113 Ravenell Drive, St. Stephen, SC 29479. Berkeley County, S.C., *supra* note 7.

¹⁰ See 52 U.S.C. § 10301(b) (explaining that Section 2 of the Voting Rights Act of 1965 is violated if “the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [racial or language minority group] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice”).



The communities of Pineville and Cross, in the northwestern portion of Berkeley County; and Jamestown and Huger, in the eastern portion of county, stand out as particularly underserved. These communities, although they are not census-designated places, are each located in Census block groups with a significantly higher proportion of Black residents than Berkeley County as a whole. The county’s overall population is 24.9% Black, but the Census block groups where Pineville, Cross, Jamestown, and Huger are located have populations ranging from 41% Black to 81% Black.¹¹ Currently, no early voting center designated by Berkeley County adequately or equally serves Black voters in these communities.

The inequity in access created by Berkeley County’s initial early voting plan can and should be addressed. As discussed above, South Carolina law gives you explicit statutory authority to designate up to seven early voting centers.¹² And you are under an obligation, as discussed above, to “consider geography” and “population” in designing your early voting plan, in order to appropriately

¹¹ Cross is located in Block Group 1, Tract 201.01 (66% Black population); Block Group 2, Tract 201.01 (47% Black population); and Block Group 3, Tract 201.01 (55% Black population). Pineville is located in Block Group 2, Tract 202.02 (80% Black population), and Block Group 3, Tract 202.02 (81% Black population). Jamestown is located in Block Group 1, Tract 204.01 (43% Black population). Huger is located in Block Group 1, Tract 204.05 (41% Black population), and Block Group 2, Tract 204.05 (62% Black population). See U.S. Census Bureau, *2020 Decennial Census*.

¹² S.C. Code § 7-13-25(D).

“distribute the locations throughout the county to maximize accessibility for all voters[.]”¹³

Therefore, to provide reasonable and fair accessibility to early voting for Berkeley County’s Black voters, and to more equitably distribute locations geographically throughout the county, we urge you to designate four additional early voting centers in convenient range of Pineville, Cross, Jamestown, and Huger. There are numerous viable options that you could explore for these additional locations, including the following:

1. North Berkeley Fire Station 7, 1037 Fortview Rd, Jamestown, SC 29453
2. Jehovah Holiness Church, 2613 French Santee Rd, Jamestown, SC 29453
3. New Emmanuel AME Church, 3664 N Highway 17A, Jamestown, SC 29453
4. Wesley A.M.E. Church, 2883 French Santee Rd, Jamestown, SC 29453
5. New Hope Community Life Center, 152 Heywardridge Ln, Huger, SC 29450
6. Hopewell Baptist Church, 118 Unicorn Ln, Huger, SC 29450
7. St Phillips AME Church, 3205 Steed Creek Rd, Huger, SC 29450
8. Johnson Temple Church-The Living, 109 Woodling Ln, Huger, SC 29450
9. St James Reformed Episcopal, 1254 Sawmill Rd, Huger, SC 29450
10. Mount Zion United Methodist Church, 910 Wilsonhill Pl, Jamestown, SC 29453
11. Philip Simmons High School, 3080 River, Village Crossing Dr, Charleston, SC 29492
12. Cainhoy Rural Vol. Fire Dept. Station 2, 1062 Cainhoy Rd, Wando, SC 29492
13. Charleston Fire Station 21, 1155 Cainhoy Rd, Charleston, SC 29492
14. Faith Mission Holiness Church, 118 Ike Rd, Huger, SC 29450
15. Pilgrim Baptist Church, 1339 Colonel Maham Dr, Pineville, SC 29468
16. Daydawn Baptist Church, 2057 Highway 45, Pineville, SC,
17. Redeemer RE Church, 2173 SC-45, Pineville, SC 29468
18. Cross High School, 1293 Old Hwy 6, Cross, SC 29436
19. Berkeley County EMS Station (Medic 4), 1659 Old Hwy 6, Cross, SC 29436

¹³ *Id.* § 7-13-25(G)(1).

20. Cross Rural Fire Department, 1980 SC-6, Cross, SC 29436
21. Mount Nebo United Methodist, 2907 Highway 45, Pineville SC 29468.
22. J K Gourdin Elementary School, 1649 South Carolina 45, Pineville, SC 29468
23. Ebenezer Zion AME Church, 5046 State Rd, Holly Hill, SC 29059

We urge you to act promptly in addressing this inequity. We understand that the decision to establish early voting centers involves a nuanced set of considerations regarding funding, accessibility, and compliance with state law. But it is important for you to act to address the access disparities we have identified above. This matter is urgent—as you know, early voting begins on Monday, October 24. To discuss these recommendations further, please feel free to contact Steven Lance at slance@naacpldf.org.

Sincerely,

/s/ Steven Lance

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