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June 14, 2019

By Email & Certified Mail

Jeff Davis County Board of Elections
Walt Swain, Chair
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Jeff Davis County Commission
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Re: Reiterating Our Support for Reopening the Precinct 1 Polling Place at 52 N. Williams

Dear Chairman Swain, Members of the Board of Elections, and County Commissioners:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes once again to urge you to approve the reopening of the Precinct 1 Polling Place, located at 52 N. Williams Street in Hazlehurst, beside the Johnson Office Supply Building.¹ We applaud the responsiveness and consideration that you have shown by scheduling this matter for discussion during recent meetings of the Board of Elections. We hope that the Board will now act promptly during its June 18, 2019 meeting to take this common-sense action, in light of its urgency as a voting-rights issue, importance to the fundamental rights of Black voters, and the fact that the Jeff Davis County Board of Commissioners has made clear that the County can easily afford to reopen this polling place. We believe that there are many reasons to restore the Precinct 1 Polling Place in Hazlehurst to service, and we write again to draw your attention to three of them.

First, reopening this polling place would remove an unnecessary burden on the predominantly Black voters in Precinct 1. Across Georgia, Black people are more likely to live in poverty and less likely to own cars than white people.² This unfortunate reality holds true in Precinct 1, where many Black voters are economically disadvantaged and do not own vehicles or

¹ On May 22, 2019, LDF sent a letter to the Jeff Davis County Board of Elections and County Commission, urging the reopening of this polling place (letter on file with LDF).

² *Poverty Status in the Past 12 Months of Families*, U.S. CENSUS BUREAU (2018), <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

have other viable transportation options (public or otherwise). For years, residents of the neighborhoods near 52 N. Williams Street relied on the Precinct 1 Polling Place as a lifeline for voting rights, a symbol of civic engagement, and a bedrock of the community—until it was abruptly closed in 2017. If the Precinct 1 Polling Place is reopened, this lifeline to participation in our democracy will be restored.

Second, reopening the polling place on North Williams Street may be necessary for Jeff Davis County to comply with Georgia law. Currently, Precinct 1 voters are required to travel to the Family Life Center in the Southside Baptist Church to vote. This polling place, located at 35 E. Jefferson Street, is more than a mile away from where many Precinct 1 voters reside. Moreover, it is *not located within Precinct 1*. Under Title 21 of the Georgia Code, polling places may not be located outside of the precincts that they serve unless “there is no suitable facility within the precinct which could be used as a polling place.”³ Here, that condition does not appear to be satisfied: our understanding is that the North Williams Street polling place is suitable and has successfully served as a polling place for Precinct 1 voters many times and for many years, as noted above. Indeed, we understand that it was built for that specific purpose.

Third, reopening the Precinct 1 Polling Place would signal that Jeff Davis County’s leaders are committed to the principle that all qualified voters should have equal access to the fundamental right to vote, regardless of their race or ethnicity. Sadly, polling-place decisions by Georgia counties in past years have often sent the opposite message. For example, in 2013, Baker County proposed closing four of five polling places in a county where 36% of residents live in poverty and that lacks a public transit system.⁴ In 2015, the Macon-Bibb County Board of Elections proposed closing more than half of its polling places, including a disproportionate number that were located in predominantly Black neighborhoods.⁵ In 2017, Irwin County proposed shuttering 75% of polling places (6 of 8) in the predominantly Black City of Ocilla.⁶ More recently, in August

³ Ga. Code Ann. § 21-2-265(e). The statute also requires a county’s election officials to “submit a report to the State Election Board to demonstrate that there is no suitable facility within the precinct prior to establishing the polling place outside the boundaries of the precinct.” *Id.*

⁴ NAACP Legal Defense & Educational Fund, Inc., *In the Wake of Shelby County Ruling, Local Officials Fly Under the Radar with Discriminatory Changes to Voting Rules*, <https://www.naacpldf.org/shelby-first-anniversary-countdown/shelby-first-anniversary-countdown-day-15>

⁵ NAACP Legal Defense & Educational Fund, Inc., *Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder As of May 30, 2019*, at 28 (May 30, 2019), <https://www.naacpldf.org/wp-content/uploads/State-local-responses-post-Shelby-5.30.19.pdf>.

⁶ Letter from Leah Aden, et al., LDF, and Sean J. Young, ACLU of Georgia, to Lincoln County Board of Elections and Registrations (Aug. 22, 2018) (on file with LDF).

Similarly, in 2017, after civil rights groups sued Fulton County’s Board of Registration and Elections, officials reversed a decision that would have changed polling locations in several majority-Black precincts, impacting more than 5,500 voters, ahead of the 2017 municipal elections and without giving adequate public notice. Kristina Torres, *Fulton County reverses controversial changes to polling sites*,

of 2018, Randolph County proposed eliminating seven of its nine polling locations, in areas where Black residents constitute more than 60% of the population.⁷ There are many other examples of the problem.⁸ And, in fact, Jeff Davis County's own record of polling place closures is far from spotless. But all election officials should commit themselves to making it easier, not harder, for qualified individuals to vote. By reopening the Precinct 1 Polling Place on North Williams Street, Jeff Davis County can demonstrate that it is part of the solution.

We hope that this information will assist you in reaching your decision during your June 18, 2019 meeting, and in continuing to develop voting practices that work for all Jeff Davis County voters. We would welcome the opportunity to discuss these matters further. If you have any questions, please contact Leah Aden at 212-965-7715.

Sincerely,



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ATLANTA JOURNAL-CONSTITUTION (Aug. 14, 2017), <https://politics.myajc.com/news/state--regional-govt-politics/fulton-county-reverses-controversial-changes-polling-sites/nhkAPa2MpmxGeEI3yC45iI/>

⁷ Greg Bluestein, *Ga. County Under Pressure to Reject 'Ugly' Plan to Close Precincts*, ATLANTA JOURNAL-CONSTITUTION (Aug. 16, 2018), <https://www.ajc.com/blog/politics/county-under-pressure-reverse-ugly-plan-close-precincts/5c2DSiLQO9fVUdxIOOcwEN/>.

⁸ *Democracy Diminished*, *supra* note 5, at 25-26.

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