



December 16, 2020

*Sent via email*

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***Re: Need to Maintain Eight Advance Voting Locations for the January Runoff Election***

Dear Members of the Hall County Board of Commissioners, Members of the Hall County Board of Elections and Registration, and Director Wurtz:

On behalf of the undersigned organizations, we write to express deep concern about advance voting access in Hall County for the January 5, 2021 runoff election. We understand that you have eliminated half of the County's advance voting locations, transitioning from eight locations used for the 2020 general election to only four locations for the 2021 runoff. While these closures are likely to adversely affect many Hall County voters, we are especially concerned that these closures harm Hall County's Latino and Black voters because many of the locations are in Latino and Black communities. We urge you to maintain eight advance voting locations for the runoff election.

### **Advance Voting is Critically Important to the Ability of Hall County Voters to Exercise the Franchise Safely and Securely.**

Advance voting opportunities are vital to ensuring voters can safely, securely, and freely participate in our democracy. The COVID-19 pandemic, which is ravaging the nation, has had extremely harsh effects in Latino and Black communities<sup>1</sup> and makes in-person voting on Election Day an untenable option for many voters. Moreover, due to widespread concerns with the reliability of the United States Postal Service, many voters are not comfortable requesting or casting absentee ballots by mail. As demonstrated by the record turnout during the advance voting period for the 2020 general election, advance voting is the only acceptable option for safe and secure voting for many voters.<sup>2</sup>

Reducing the number of advance voting locations for the runoff election, when turnout is expected to be high<sup>3</sup> and COVID-19 is raging,<sup>4</sup> has already had a foreseeable detrimental impact on Hall County's ability to provide smooth election operations and voters' ability to vote safely and securely. This impact is apparent in turnout data from the first two days of early voting published by the Georgia Secretary of State's Office. Hall County was among the counties with the highest turnout during the first two days of advance voting in the 2020 general election (when the County offered eight sites), but dropped to be among the counties with the lowest turnout during the first two days of advance voting in the 2021 runoff (when the County only offered four sites).<sup>5</sup> These dramatic poll closures have already created confusion and frustration among voters, many of whom have sought to vote at the same advance voting location they used in the general election.<sup>6</sup>

### **Restricting Advance Voting Access Harms Latino and Black Voters.**

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<sup>1</sup> The Centers for Disease Control and Prevention has estimated that Latino and Black people are respectively 1.7 and 1.4 times more likely than white people to contract COVID-19 and 4.1 and 3.7 times more likely to be hospitalized due to COVID-19. Latino and Black people are 2.8 times more likely to die from COVID-19. See *COVID-19 Hospitalization and Death by Race/Ethnicity*, Centers for Disease Control and Prevention (Nov. 30, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

<sup>2</sup> See B.J. Williams, *Hall County Early Voters Turn Out In High Numbers, Following Statewide Trend*, AccessWDUN (Oct. 17, 2020), <https://accesswdun.com/article/2020/10/947981/hall-county-voters>. Hall County Elections Director Lori Wurtz stated that “[w]e have seen over 15,000 voters in the first four days of early voting and that is a really big number for Hall County.”

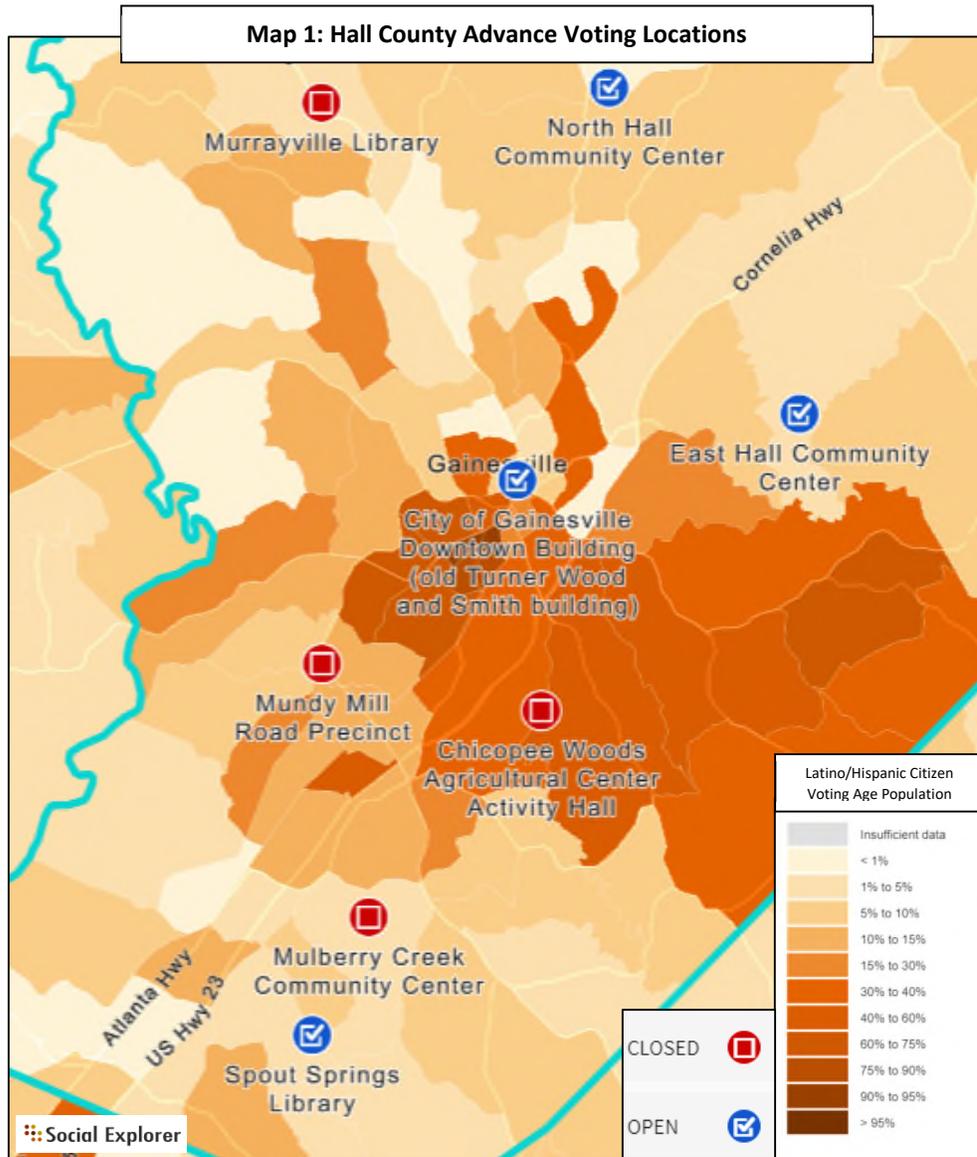
<sup>3</sup> See generally, Debbie Elliott, *‘Don’t Game Our System’: How the Race to Georgia Senate Runoff is Heating Up*, NPR (Nov. 20, 2020), <https://www.npr.org/2020/11/20/936826277/dont-game-our-system-how-the-race-to-georgia-senate-runoff-is-heating-up>.

<sup>4</sup> See Georgia COVID Map and Case Count, N.Y. TIMES (accessed Dec. 15, 2020), <https://www.nytimes.com/interactive/2020/us/georgia-coronavirus-cases.html>. “At least 22 new coronavirus deaths and 3,577 new cases were reported in Georgia on Dec. 14. Over the past week, there has been an average of 5,562 cases per day, an increase of 101 percent from the average two weeks earlier.” In Georgia, the COVID-19 mortality rate is 86.7 per 100,000 for Latino Georgians and 75.7 per 100,000 for white Georgians. See *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM Research Lab (accessed Dec. 15, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>.

<sup>5</sup> See Voter Absentee Files, Georgia Secretary of State, <https://elections.sos.ga.gov/Elections/voterabsenteefile.do>. The data ranked Hall County 21st out of 157 counties for voter turn out during the first two days of early voting during the 2020 general election. The data ranked Hall County 131st out of 157 counties for voter turn out during the first two days of early voting during the 2021 runoff election. Georgia has 159 counties but the Secretary of State did not have data for two counties.

<sup>6</sup> See Doug Ricards, *Early Voting Starts; Fewer Sites in Hall and Forsyth Counties*, 11ALIVE (Dec. 14, 2020) <https://www.11alive.com/article/news/politics/elections/early-voting-fewer-polling-locations-first-day-reaction/85-1985296f-74f6-4ec6-bb19-cc3f88f7f11e>.

Hall County’s Latino and Black voters are harmed by the elimination of half of the county’s advance voting locations. As shown in **Map 1** and explained in more detail below, advance voting locations in many of Hall County’s most populous Latino communities have been eliminated. Georgia’s Latino residents are nearly twice as likely to live in poverty compared to white residents<sup>7</sup> and will have more difficulty traveling long distances to access advance voting locations, especially because of the limited public transportation options in Hall County and the risk of contracting COVID-19 during ride shares.<sup>8</sup> As a result, the elimination of advance voting locations will discourage or prevent many of Hall County’s Latino and Black voters from participating in the runoff election.



<sup>7</sup> See *Poverty Status on the Past 12 Months of Families*, U.S. Census Bureau (2010), <https://data.census.gov/cedsci/table?q=poverty%20status%20in%20the%20past%2012%20months%20of%20families&g=0400000US13&tid=ACSST1Y2019.S1701&hidePreview=true>.

<sup>8</sup> See Gainesville Hall Metropolitan Planning Organization, *Hall Area Transit Development Plan*, at 19 (Mar. 2017), <https://www.ghmpo.org/wp-content/uploads/2019/11/Hall-Area-Transit-Development-Plan-Update.pdf>. The SR 60 corridor south of Gainesville is a significant concentration of low-income populations not served by the fixed route bus service system; Jeff Gill, *Hall Area Transit’s New WeGo Service May Be a No Go*, Gainesville Times (Aug. 31, 2020), <https://www.gainesvilletimes.com/news/transportation/hall-area-transits-new-wego-service-may-be-a-no-go-until-december-heres-why/>. Voters are less likely to feel safe taking public transportation during the COVID-19 pandemic.

**Latino Voters In Gainesville and Oakwood Are Severely Harmed by the Closure of the Chicopee Woods Agricultural Center Activity Hall Advance Voting Location.**

As shown in **Map 1**, the elimination of the Chicopee Woods Agricultural Center Activity Hall early voting site in Gainesville has disproportionately and severely limited the accessibility of advance voting options to Hall County’s Latino voters. This advance voting location not only serves voters in the city of Gainesville, which is over 40% Latino, but also serves the voters in the city of Oakwood, which is over 30% Latino and does not have an early voting site of its own. The elimination of this location means that voters must travel to the next closest advance voting locations, which are the City of Gainesville Downtown Building (100 Brenau Avenue, Gainesville, Georgia 30501), over four miles away, without a public transportation route, and limited parking; or the Spout Springs Library (6488 Spout Springs Road, Flowery Branch, Georgia 30542), over twelve miles away and without a public transportation route. The public transportation options in this community are severely limited and insufficient.<sup>9</sup> The elimination of the Chicopee Woods Agricultural Center Activity Hall advance voting location makes it difficult, if not impossible, for many Latino and Black voters in South Gainesville, Oakwood, and elsewhere around the SR 60 corridor to access an advance voting location.

**Latino Voters Living and Working Near Fieldale Farms Corporation in Murrayville Are Severely Harmed by the Closure of the Murrayville Library Advance Voting Location.**

A substantial number of Black and Latino voters work at or live nearby Fieldale Farms Corporation in Murrayville, Georgia. The Murrayville Library advance voting location is a four-minute drive from Fieldale Farms Corporation. The elimination of this location means that voters must travel to the next closest advance voting location, which is the North Hall Community Center (4175 Nopone Road, Gainesville, Georgia 30506), over seven miles away and without a public transportation route. The elimination of the Murrayville Library advance voting location makes it difficult, if not impossible, for many Latino and Black voters who live and work near the Fieldale Farms Corporation in Murrayville to access an advance voting location.

**The County Should Reopen at Least Two More Advance Voting Locations for the Runoff Election.**

For the reasons set forth above, the elimination of half of Hall County’s advance voting locations disproportionately impacts Hall County’s Latino and Black voters and exposes Hall County to litigation. To ensure all voters have equitable and safe access to advance voting—and ensure that Hall County complies with Section 2 of the Voting Rights Act, as well as the U.S. Constitution and other laws protecting the right to vote—we urge you to maintain eight advance voting locations for the remainder of the 2021 runoff election, including at the Chicopee Woods Agricultural Center Activity Hall, Mundy Mill Road Precinct, Mulberry Creek Community Center, and Murrayville Library.

Our organizations stand ready to provide you with any assistance you require, including help recruiting and training poll workers or poll managers. In acknowledgement that early voting has already begun, we would consider the restoration of the Chicopee Woods Agricultural Center Activity Hall and Murrayville Library early voting sites by Wednesday, December 23, 2020 to be an acceptable response to this letter.

We ask that you respond in writing by the close of business on Monday, December 21, 2020 to inform us of the steps you will take to address the concerns raised in this letter. Alternatively, we are willing to receive a written response at a later time if you are available for a call before 12:00 p.m. on Monday, December 21, 2020. We appreciate your time and consideration to this urgent matter.

Sincerely,

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<sup>9</sup> See, *id.*

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