



Sent via email

December 7, 2020

Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

Cobb County Board of Elections and Registration
736 Whitlock Ave. NW, Suite 400
Marietta, GA 30064

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

Dear Members of the Cobb County Board of Commissioners, Members of the Cobb County Board of Elections and Registration, and Director Eveler:

On behalf of the NAACP Legal Defense and Educational Fund, Inc., All Voting is Local Georgia, Georgia NAACP, the SPLC Action Fund, Black Voters Matter Fund, and the American Civil Liberties Union of Georgia, we write to express deep concern about advance voting access in Cobb County for the January 5, 2021 runoff election. We understand that you are planning to eliminate over half of the County's advance voting locations, transitioning from eleven locations used for the 2020 general election to only five locations for the upcoming runoff.¹ While these closures are likely to adversely affect many Cobb County voters, we are especially concerned that these closures will be harmful to Cobb County's Black and Latinx voters because many of the locations are in Black and Latinx communities. We urge you to maintain eleven advance voting locations for the upcoming runoff election.

¹ See Meris Lutz, *Cobb: Fewer Early Voting Sites than Neighbors for Senate Runoff*, Atlanta Journal-Constitution (Dec. 2, 2020), <https://www.ajc.com/news/atlanta-news/cobb-to-open-fewer-early-voting-sites-than-neighbors-for-senate-runoff/ZKPIYHF5BFCYDOXTDCADZBGS5U/>.

1. Advance Voting is Critically Important to the Ability of Cobb 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 Black and Latinx communities² 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.³

In Cobb County, advance voting is especially important. The County experienced among the longest advance voting lines in Georgia during the general election.⁴ Indeed, it was reported that the County initially designated nine advance voting locations for the general election, but added two additional advance voting locations (for a total of eleven locations) after experiencing record-breaking in-person voter turnout and extremely long lines at the start of the advance voting period.⁵ Even with eleven locations, Cobb County voters still endured wait times as long as ten hours at advance voting locations.⁶

² The Centers for Disease Control and Prevention has estimated that Black and Latinx people are respectively 3.7 and 4.1 more likely than White people to be hospitalized due to COVID-19 and 2.8 times more likely to die from COVID-19. See *COVID-19 Hospitalization and Death by Race/Ethnicity*, Centers for Disease Control and Prevent (Nov. 30, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

³ In the November 3 election, Georgia voters, including in Cobb County, voted in-person during the advance voting period in record numbers. Ryan Kolaowski, *Surge on Final Day of Early Voting Pushes Cobb Voter Total Over 300,000*, N.W. Georgia News (Nov. 1, 2020), https://www.northwestgeorgianews.com/region/surge-on-final-day-of-early-voting-pushes-cobb-voter-total-over-300-000/article_b7dbacfc-ef9f-54ce-a295-ea0b66efa712.html.

⁴ See Ken Tabous, *Voters Wait Up to 10 Hours in Line to Vote in Critical Georgia County*, Newsweek (Oct. 21, 2020), <https://www.newsweek.com/voters-wait-10-hours-line-vote-critical-georgia-county-1541132>. Cobb County experienced a dramatic increase in the number of ballots cast during the advance voter period compared to previous years. See Meris Lutz, *Cobb Sees Huge Jump in Early Voting From 2016*, Atlanta Journal-Constitution (Oct. 19, 2020), <https://www.ajc.com/news/atlanta-news/cobb-sees-huge-jump-in-early-voting-from-2016/YIOBQ7X57FDNROGX3OYGCCE2AA/>.

⁵ See Justin Gray, *Secretary of State Encouraging Counties with Long Wait Times to add More Polling Locations*, WSB-TV Channel 2 (Oct. 13, 2020), <https://www.wsbtv.com/news/local/atlanta/secretary-state-encouraging-counties-with-long-wait-times-add-more-polling-locations/W6GH2IGR7ZH27DQTTL6SULEYCM/>.

⁶ See *supra* note 4.

Reducing the number of advance voting locations for the runoff election when turnout is expected to be high⁷ and COVID-19 is raging⁸ will have a foreseeable detrimental impact on Cobb County's ability to provide smooth election operations and voters' ability to vote safely and securely. These dramatic changes just weeks before the election are also highly likely to create confusion and frustration among voters, many of whom will seek to vote at the same advance voting location they used in the general election. No other major metro county in Georgia has plans to drastically reduce the number of advance voting locations available to voters for the runoff election.⁹

2. Restricting Advance Voting Access Harms Black and Latinx Voters.

Cobb County's Black and Latinx voters will be harmed by the elimination of over half of Cobb County's advance voting locations. As shown in Map 1 and explained in more detail below, advance voting locations in many of Cobb County's most populous Black and Latinx communities will be eliminated. Georgia's Black and Latinx residents are more likely to live in poverty than other residents¹⁰ and will have more difficulty traveling long distances to access advance voting locations, especially because of the limited public transportation options in Cobb County.¹¹ As a result, the elimination of advance voting locations will discourage or prevent many of Cobb County's Black and Latinx voters from participating in the runoff election.

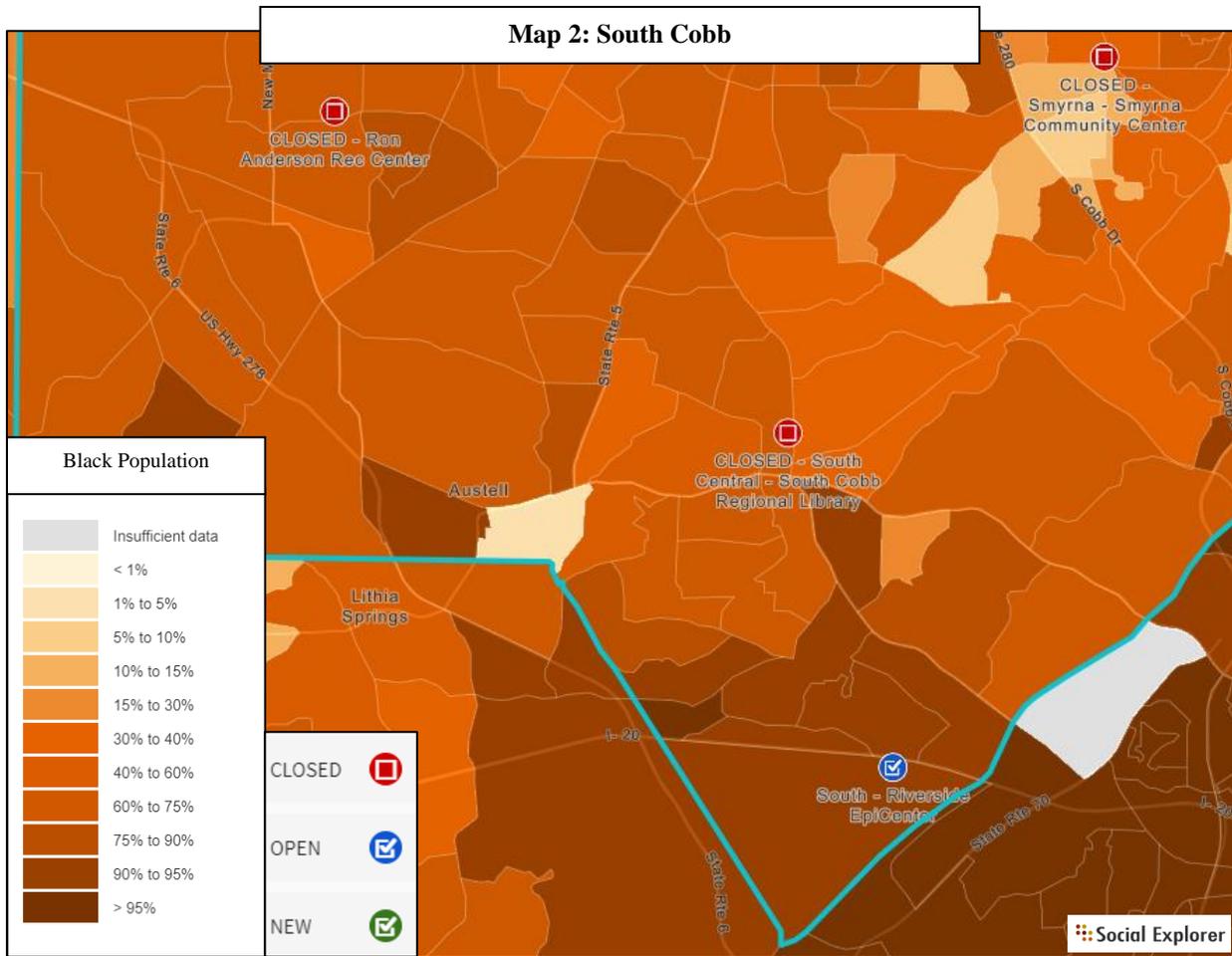
⁷ See generally, Debbie Elliott, 'Don't Game Our System': How the Race to Georgia Senate Runoff is Heating Up, NPR (Nov. 20, 2020), <https://www.npr.org/2020/11/20/936826277/dont-game-our-system-how-the-race-to-georgia-senate-runoff-is-heating-up>. It was recently reported that over \$125 million has already spent on advertising for this election. *Millions of dollars pour into Georgia ahead of Senate runoff elections*, CBS News (Nov. 25, 2020), <https://www.cbsnews.com/video/millions-of-dollars-pour-into-georgia-ahead-of-senate-runoff-elections/>.

⁸ See Georgia COVID Map and Case Count, N.Y. Times (accessed Dec. 5, 2020), <https://www.nytimes.com/interactive/2020/us/georgia-coronavirus-cases.html>. In Georgia, the COVID-19 mortality rate is 99.7 per 100,000 for Black Georgians and 77.1 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. 5, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>.

⁹ See *supra* note 1.

¹⁰ 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>.

¹¹ In a recent survey, 61% of Cobb County voters—and 70% of Black voters—believe Cobb County should spend more on transit than it does now. See *Transit Survey of General Election Voters*, McLaughlin & Associates (Jan. 10, 2018), https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2019-02/GA_CobbCounty_GEN_CDOT_1_10_19_Presentation_pm_Meeting.pdf.



i. Ron Anderson Recreational Center

The Ron Anderson Recreational Center advance voting location serves voters in the city of Powder Springs, which is almost 60% Black, as well as the surrounding community, which also has a significant Black and Latinx population. If this location is eliminated, the next closest advance voting locations are the Ward Recreational Center (4845 Dallas Hwy, Powder Springs, GA 30127), over six miles away, and the Riverside EpiCenter (135 Riverside Parkway, Austell, GA 30168), over twelve miles away. The public transportation options in this community are severely limited and insufficient. As a result, if the Ron Anderson Recreational Center advance voting location is eliminated, it will be difficult, if not impossible, for many Black and Latinx voters in and around Powder Springs to access an advance voting location.

ii. South Cobb Regional Library

The South Cobb Regional Library advance voting location serves voters in the city of Austell and the Mableton neighborhood, both of which are majority-Black, as well the surrounding communities, which have significant Black and Latinx populations. If this location is eliminated, the next closest advance voting location is the Riverside EpiCenter (135 Riverside Parkway,

Austell, GA 30168), which is over five miles away and not within walking distance. Moreover, there is no direct public transportation from Austell or Mableton to the Riverside EpicCenter.¹² As a result, if the South Cobb Regional Library advance voting location is eliminated, it will be difficult, if not impossible, for many Black and Latinx voters in and around Austell and Mableton to access an advance voting location.

iii. Smyrna Community Center

The Smyrna Community Center advance voting location primarily serves voters in the city of Smyrna and surrounding neighborhood, which has a significant Black and Latinx population. If this location is eliminated, the next closest advance voting locations are the Cobb County Board of Election main office (736 Whitlock Ave NW, Marietta, GA 30064), the Riverside EpiCenter (135 Riverside Parkway, Austell, GA 30168), and the East Cobb Government Service Center (4400 Lower Roswell Road, Marietta, GA 30068)—all of which are over seven miles away and not within walking distance.¹³ The Riverside EpiCenter advance voting location might be accessible to some Smyrna voters by public transportation, but it would take approximately an hour and a half for voters to travel from the Smyrna Community Center to the Riverside EpiCenter advance voting location.¹⁴ As a result, if the Smyrna Community Center advance voting location is eliminated, it will be difficult, if not impossible, for many Black and Latinx voters in and around Smyrna to access an advance voting location.

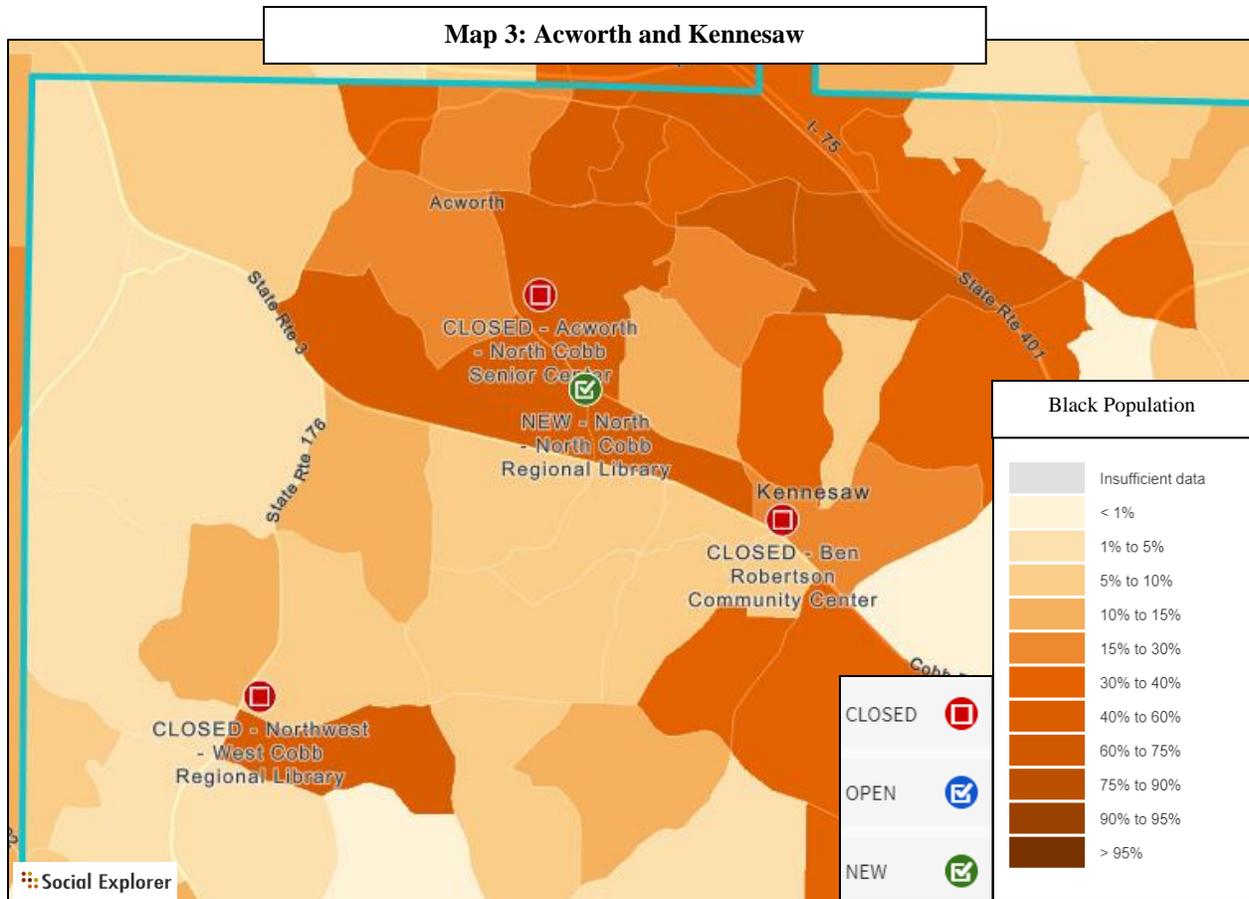
B. Black and Latinx Voters in Acworth and Kennesaw Are Harmed by the Closure of Advance Voting Locations.

As shown in Map 3 below, Black and Latinx voters in the cities of Acworth and Kennesaw are primarily served by two advance voting locations: The Ben Robertson Community Center and the North Cobb Senior Center. You are planning to eliminate these locations, along with the West Cobb Regional Library, and instead provide just one advance voting location in this region at North Cobb Regional Library. Many Black and Latinx voters in these communities, who previously had access to either the Ben Robertson Community Center or the North Cobb Senior Center, will now only have one option, making it more difficult for many Black and Latinx voters in Acworth and Kennesaw to access an advance voting location.

¹² The only public transportation is Route 30 of the Cobb Transit Service (“CobbLine”). <https://www.cobbcounty.org/transportation/cobblinc/routes-and-schedules/route-30>. Bus service, however, increases the risks of COVID-19 exposure.

¹³ All travel calculations originate from the Smyrna Community Center.

¹⁴ The only public transportation is Route 25 of the Cobb Transit Service (“CobbLine”). <https://www.cobbcounty.org/transportation/cobblinc/routes-and-schedules/route-25>.



3. The County Should Maintain Eleven Advance Voting Locations for the Runoff Election.

For the reasons set forth above, the plan to eliminate over half of Cobb County’s advance voting locations will disproportionately impact Cobb County’s Black and Latinx voters and exposes Cobb County to litigation. To ensure all voters have equitable and safe access to advance voting—and ensure that Cobb 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 eleven advance voting locations for the upcoming runoff election, including at the Ron Anderson Recreational Center, the South Cobb Regional Library, and Smyrna Community Center, the Ben Robertson Community Center, and the North Cobb Senior Center

We understand that Director Eveler had expressed certain concerns about maintaining eleven advance voting locations, including limited availability of trained poll workers and poll managers, during the December 3, 2020 meeting of the Cobb County Board of Elections and Registration. These concerns can be easily addressed and our organizations stand ready to provide you with any assistance you require, including help recruiting and training poll workers or poll managers.

We ask that you respond in writing by the close of business on Tuesday, December 8 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 Tuesday, December 8. We appreciate your time and consideration to this urgent matter.

Sincerely,

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NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that prohibit voter discrimination, intimidation, and suppression and increase access to the electoral process.

All Voting Is Local

All Voting is Local works to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all. It is a collaborative campaign housed at The Leadership Conference Education Fund, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers’ Committee for Civil Rights Under Law.

SPLC Action Fund

The SPLC Action Fund is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.

Georgia NAACP

The National Association for the Advancement of Colored People (NAACP) has had an unbroken presence in Georgia since 1917. The Georgia NAACP maintains a network of branches throughout Georgia, from cities to small rural counties. The Georgia NAACP has been the most effective and consistent advocates for African American civil rights in Georgia.

Black Voters Matter Fund

Black Voters Matter Fund works to increase power in marginalized, predominantly Black communities through effective voting and electoral organizing, and by supporting community based organizations working on a wide range of issues such as mass incarceration, gentrification, redistricting, food security, health care, education, environmental justice, and economic empowerment in 11 states.

The American Civil Liberties Union Foundation of Georgia (“ACLU-GA”)

The ACLU of Georgia envisions a state that guarantees all persons the civil liberties and rights contained in the United States and Georgia Constitutions and Bill of Rights. ACLU-GA enhances and defends the civil liberties and rights of all Georgians through legal action, legislative and community advocacy, and civic education and engagement. We are an inclusive, nonpartisan, and statewide organization powered by our members, donors and active volunteers.