



**SOUTHERN  
COALITION**  
for SOCIAL JUSTICE

VIA E-MAIL

June 15, 2020

Benjamin R. Ansbacher, Chair, Alamance County Board of Elections  
Dorothy Yarborough, Member of the Alamance County Board of Elections  
Noah Read, Secretary of the Alamance County Board of Elections  
Bryan Wesley Ray, Member of the Alamance County Board of Elections  
Dan Winslow Ingle, Member of the Alamance County Board of Elections

cc: Kathy Holland, Director of the Alamance County Board of Elections

**Recommendations for 2020 Early Voting Plan**

Dear Members of the Alamance County Board of Elections,

We write to you today to provide you with information that we believe will assist you in ensuring that the early voting plan that the Alamance County Board of Elections (“BOE”) has created is fully funded in order to best serve the constituents of your county. We recognize that the challenge that faces you and your staff—conducting a safe and fully participatory election during a global pandemic—is one of the greatest magnitude, and we want to help you confront that challenge with as many resources and as much support as possible.

*Executive Summary*

As discussed in more detail below, based on voting and demographic data specific to Alamance County and in anticipation of the challenges introduced by the ongoing public health crisis, we recommend for the upcoming general election that the Board (*i*) maintain at minimum 4 early voting sites as it did in 2016, and (*ii*) ensure that early voting sites at least include Holly Hill Mall, the Alamance County Government Complex, the Mebane Arts and Community Center, and a downtown Burlington location as used in the past, such as May Memorial Library, so that they are adequately geographically spaced.

Over the coming months, our team of advocates will work with civic engagement organizations, faith groups, and community leaders to solicit feedback on early voting sites. These individuals will attend Board of Election meetings, provide public comment, and may reach out to you with questions and requests. We will also incorporate this information into future early voting plan recommendations.

*The COVID-19 Pandemic and Potential Changes to State Law*

All North Carolinians—voters and election administrators alike—are facing unprecedented circumstances due to the COVID-19 pandemic. The North Carolina State Board of Elections has predicted that absentee-by-mail voting in this year’s general election could hit 40%, up from only 4% in 2016. Assuming that number is accurate for planning purposes, that means that a majority of voters will still vote in-person. However, unlike in previous years, election officials and poll workers now have social distancing and disinfectant procedures to take

into account when conducting early in-person voting. This means that, even if in-person voting during the early voting period will be lower than in 2016, offering more sites and days is more critical than ever to keep in-person voting safe and prevent voters who are socially distancing from leaving the polls due to long lines and crowding. For public health reasons, counties should be seeking to have enough sites and days for in-person voting to keep the rate of voters (voters per hour per site) low so that voters can maintain distance while waiting to vote and to ensure that poll workers have time to employ proper disinfecting procedures between voters. This will not be possible if there are too many voters seeking to use an early voting site at one time.

Additionally, we urge you to at least make contingency plans for an early voting period unencumbered by current state law, which is under challenge. Democracy North Carolina (“DemNC”) is a plaintiff (represented by the Southern Coalition for Social Justice (“SCSJ”) among others) challenging certain aspects of the current statutory election scheme as creating an unconstitutional burden on the right to vote in light of the current public health crisis. The part of that lawsuit most relevant here is our challenge to the uniform hours requirement, created by Senate Bill 325 in 2018 and in effect in the 2018 general election and 2020 primary elections (in addition to intervening municipal elections). We are seeking to have this law (and others) enjoined for the 2020 general election to allow county boards the flexibility to offer more sites when more voters are expected to turn out to vote (and thus reduce lines and wait times and increase the efficacy of public health measures) and not waste precious county resources keeping early voting sites open at hours it is known that voters will not utilize.

We understand that the imposition of the uniform hours requirement has made it more difficult for county boards, including yours, to craft an early voting plan that best serves the geographic and demographic needs of your county, and that maintaining sites when all sites have to be open the same days and hours can have a significant budgetary impact on your county. Indeed, Alamance County had to reduce its number of early voting sites from 4 in 2014 to 3 in 2018. In the litigation described above, our goal is to avoid this situation.

**That being said, even with those unnecessary restrictions, we believe that it still remains your duty to ensure that all voters in your county have easy access to one-stop early voting sites and times, regardless of the outcome of the litigation.** We recognize that by having to keep every site open a certain number of hours each day during the weekdays, and having to have all sites open if any site is open on the weekend, could create some financial challenges for the county, but the cost of a fair and accessible democracy can never be too high.

We understand that for many counties, one of the consequences of the COVID-19 pandemic has been budget concerns and potential shortfalls. Without dismissing the challenge that presents you as an election board, we urge you to remember that access to the franchise is both the central service offered by counties and mandated by state and federal law. If counties do not conduct an election that allows full and safe participation, accountability and oversight on other budgetary decisions will be impeded. We know that the county boards of elections do not set budgets, but your county commission is obligated to fully fund your efforts to conduct an election compliant with all federal and state constitutional and statutory demands. *See* N.C.G.S. § 163-37 (requiring the county commission to “appropriate reasonable and adequate funds necessary for the legal functions of the county board of elections, including reasonable and just compensation of the director of elections”); *see also*, NC SBOE Numbered Memorandum 2016-06; *Graham County Board of Elections v. Graham County Board of Commissioners*, 212 N.C. App. 313, 712 S.E.2d 372 (N.C. App. June 7, 2011) (holding that the grant of authority to the county commission on budget issues is limited by more specific statutory delegations of authority to the county board of elections). If the county commission provides inadequate funding, they are in violation of state law and can be forced to make the necessary appropriations. And, while the county board of elections can go back to the county commission with further evidence of financial shortfalls in conducting elections and request further appropriations, *see* N.C.G.S. § 159-15, the burden of doing so while conducting an election during a

pandemic is significant. To the extent the Board of Elections is predicting near-certain costs now, the county commission should make appropriations to address those needs rather than burden the Board of Elections later.

As of June 8, 2020, the County Manager proposed an approximate 54% cut to the BOE FY 2020-2021 Budget. These proposed budget cuts include cuts to non-permanent salaries, contracted services (which includes maintenance and coding of voting machines), polling place supplies, and printing. The County Commissioners have a statutory duty to ensure that each precinct has adequate voting machines and adequate ballots. N.C.G.S. § 163-165.10. Given the fact that epidemiologists are predicting that there will be a second outbreak of COVID-19 in the fall, steps must be taken now to avoid the shortages in polling place supplies and adequate printing costs—otherwise, the County could be responsible for the massive disenfranchisement of many potential voters. As stated above, Executive Director Karen Brinson Bell is already predicting a 10-fold increase in the number of absentee voters this year, so there is going to be a dire need for printed absentee request forms and ballots this year. The BOE is already entitled to close to \$250,000 that has already been pre-allocated. But even with the addition of this pre-allocated money that will have to be individually requested for each expense at inefficient intervals, under the County Manager’s recommendations, the BOE will still have an over \$450,000 budget deficit in a year where ensuring that people are able to vote safely is of paramount importance.<sup>1</sup> Further, it is important that the County Commissioners have enough secured funds to fund the BOE regardless of any money that stems from grants or other sources of potential funds. Even if those funds are not received, the County Commissioners still have a statutory duty to ensure that there is adequate funding for early voting for the November 2020 general election.

**We strongly urge that, notwithstanding the additional cost, the county treat the 4 sites offered during the 2016 election as the baseline number of sites that should be offered this election.** We recognize that this may require going back to the County Commissioners to readdress the proposed budget for this election; but, please keep in mind that we believe the North Carolina State Board of Elections has the authority to force you to offer additional voting sites and hours if there is no unanimous plan and the plans under consideration by the county board offer too few voting opportunities in ways that may, for instance, disproportionately disadvantage voters of color. The more prudent course of action is to plan on offering a fulsome early voting plan now, and not be forced to scramble at the last minute to cover costs if the State Board requires you to offer more hours or sites. Additionally, we also strongly urge you to request a calendar of events for early voting sites to ensure you are able to prepare for any overlapping events, and specifically to mitigate any potential impact those events may have on voter turnout.

However, we do recognize that budgetary concerns may still come into play. With that in mind, we think there are several priorities this Board should embrace in any reconsideration of an early voting plan for the November 2020 election, particularly as public health, financial and litigation situations become more clear.

### **1. Prioritizing Highly Used Sites with Near High Concentrations of Voters**

It will be very important that the BOE is completely funded such that it may offer voters the same four early voting sites that were offered in 2016. However, if current budget projections remain the same, only one early voting site will be open (the Court Services early voting site). This is unacceptable and will disenfranchise many voters. We ask that this Board take efforts to secure as much funding as possible to continue operating as many early voting sites as possible. Additionally, we request that the Board undertake both a data-driven and

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<sup>1</sup> See Alamance County FY 2020-2021 Proposed Budget, <https://www.alamance-nc.com/finance/wp-content/uploads/sites/10/2020/06/Managers-Recommended-Budget-2020-21-Message-Ordinance.pdf>; *Madison’s Avenue* (June 10, 2020), <https://mtaylor.blog/2020/06/10/now-is-not-the-time-to-cut-funding-for-an-election/?fbclid=IwAR03uvarmRtmxTHF3JEG5ZDr3f5xVuCWLNmXluCOogkFnoaAuMU0947OGTE>.

community-informed process in deciding which sites to open or to remain open if necessary. Attached, in Exhibit A, is a chart that details the early voting sites utilized in the 2016 general election, and in Exhibit B, a chart that details the early voting sites in 2018. While of course some sites available in 2016 or other previous elections may no longer be available, either due to COVID-19 or other extenuating circumstances, the popularity of certain sites is still informative.

Based on sheer usage alone, it is clear that the Board must certainly continue to at least offer the Holly Hill Mall and the Alamance County Government Complex (either the court services building or the County Office Annex Building) as satellite early voting sites. But the usage numbers ought to be further informed by community perspectives.

Finally, looking at the attached geographic dispersal of the Alamance County early voting sites in 2016 (Exhibit C) and 2018 (Exhibit D), when compared to the precincts with the highest number of voters in 2016 (Exhibit E) and 2018 (Exhibit F), Alamance Black Voters by Precinct in 2016 (Exhibit G) and 2018 (Exhibit H) and Alamance LatinX Voters by Precinct in 2016 (Exhibit I), and 2018 (Exhibit J), it is important that at least, the Holly Hill Mall, the Alamance County Government Complex, and the Mebane Arts and Community Center, are utilized as early voting sites. Based on population density and voting patterns, these three early voting sites would help to ensure that as many voters as possible have access to an early voting site without having to travel enormous distances to get to a polling site. Holly Hill Mall is in the western part of the county, the Alamance County Government Complex is in the middle of the county, and the Mebane Arts and Community Center is in the eastern part of the county.

**2. Prioritizing Days that Alamance County Voters Have Shown to Prefer and that Have Black Voter Usage**

Secondly, we also strongly recommend that you prioritize offering fulsome voting hours on days that are both highly utilized by voters in the county overall and that Black voters disproportionately use. This does two things: (1) ensures that the county is not wasting money and is operating early voting sites in a manner likely to reduce lines and wait times on Election Day, and (2) minimizes any burden on Black voters that might give rise to claims under the Voting Rights Act.

It is important to note that the more early voting sites there are, the less time people have to stand in line potentially exposing themselves to COVID-19. Additionally, below is a table noting the percentage of Black voters during each day of early voting during the 2016 election. This data shows that Black voters consistently voted during each day of early voting.

Day	Th Oct 20	F Oct 21	Sa Oct 22	Su Oct 23	M Oct 24	T Oct 25	W Oct 26	Th Oct 27	F Oct 28	Sa Oct 29	Su Oct 30	M Oct 31	T Nov 1	W Nov 2	Th Nov 3	F Nov 4	Sa Nov 5
Total Voters	1137	1118	0	0	1120	1075	1049	3664	3829	3045	0	3904	4213	4246	4170	4595	2844
% Black Voters	32.5	25.9	0	0	28.9	26.9	25.8	23.2	20.4	22.3	0	21.2	19.2	18.2	20	20	31.6

As the chart above demonstrates, the majority of voters voted during the last 9 days of early voting, but Black voters utilized each day of early voting in near similar numbers. Thus, the BOE should push for as many early voting sites as possible as well, especially during the last 9 days of early voting.

If you have any questions as you consider early voting plans (for the first time or revising them in light of litigation), or should you be unable to agree on a unanimous plan, please do not hesitate to reach out to us. Our

goal is to ensure that the one-stop early voting plan adopted by or ordered into effect for Alamance County is one that ensures that voters are able to safely access their fundamental right to vote notwithstanding the current public health crisis.

Sincerely,

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