



Georgia

P.O. Box 570738, Atlanta, GA 30357

July 7, 2023

Irwin County Board of Elections and Registration
225 East Fourth Street,
Ocilla, Georgia 31744
ethan.compton@irwincounty-ga.gov

Via Email and Publication

Re: Irwin County Plan to Consolidate Polling Locations

Members of the Irwin County Board of Elections and Registration:

The ACLU of Georgia writes in response to your proposal to eliminate two out of three existing precincts in Irwin County, leaving only one precinct open in Ocilla to serve the entire county. This proposal would make it significantly more difficult for voters to cast a ballot in the future and would likely be unlawful. **Therefore, we urge you to reject this proposal and maintain at least three precincts for Irwin County voters.**

This is not the first time that the Board has considered this type of proposal. In 2017, the Board introduced two plans to shut down precincts in the county. One of these plans would have shut down seven out of eight existing precincts, leaving only one precinct open in Ocilla.¹ The 2017 proposals were introduced in spite of a December 2016 report by the non-partisan Association of County Commissioners of Georgia (“ACCG”), which recommended that Irwin County preserve at least three polling locations in the county, leaving one “in or near Ocilla, Irwinville, and one somewhere in the eastern portion of the county,” which would ensure that “nearly every voter” would be “not more than 7-8 miles distant from a polling station.”² The ACLU of Georgia also sent a letter to the Board at the time, urging it to reject the 2017 proposals.³ After a groundswell of opposition, this Board ultimately elected to maintain three precincts in Ocilla, Holt, and Irwinville.

Six years later, this Board has resurrected a similarly ill-conceived and likely unlawful proposal. This proposal is even more harmful today than it was six years ago. Since 2017, it has become more difficult for voters to cast absentee ballots because of the effects of Senate Bill 202, which was enacted in 2021 and has introduced new restrictions to absentee voting and the use of

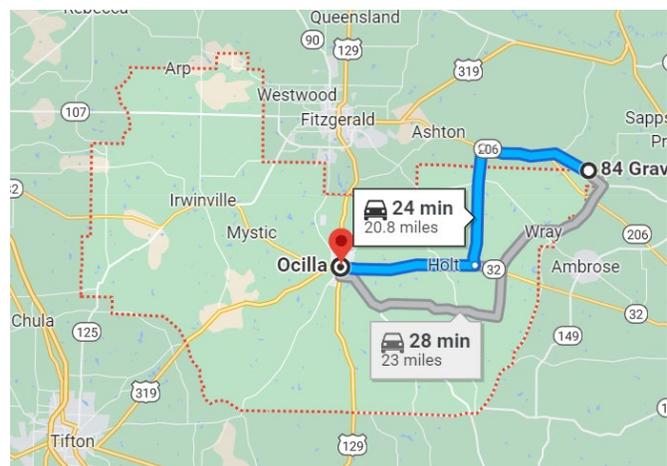
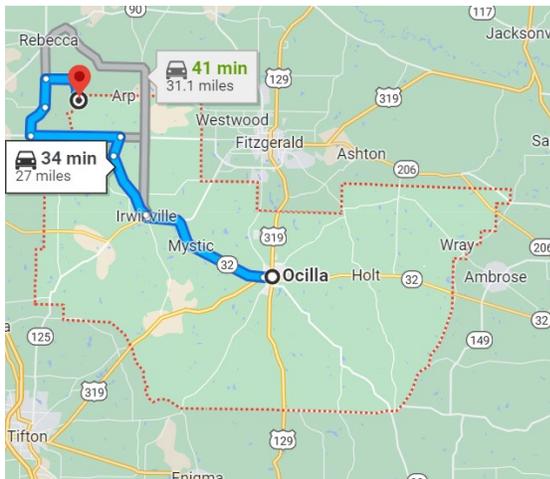
¹ The second proposal considered by the Board in 2017 would have shut down the Ocilla precinct as well as five other precincts, leaving only two precincts open in the county.

² Association of County Commissioners of Georgia, *A Financial and Management Analysis for Irwin County*, p. 48-49. Published December 7, 2016.

³ *ACLU of Georgia Letter to Irwin County Board of Elections & Registration*. April 21, 2017. Available at https://www.acluga.org/sites/default/files/irwin_county_polling_place_demand_letter.pdf.

drop boxes.⁴ As a result, voters in 2023 are even more reliant on in-person voting options than they were in 2017. In the November 2022 general election, for example, only 3.7% of all votes cast in Irwin County were by absentee ballot.⁵ Moreover, interest in elections in Georgia has risen significantly since 2017, and this trend is almost certain to continue in the 2024 presidential election cycle. Funneling nearly 6,000 active voters⁶ from three assigned precincts to one under these circumstances will likely overwhelm poll workers, create long lines at the polls on Election Day, and ultimately disenfranchise certain voters.

Shutting down two out of three precincts will impact voter access for all Irwin County voters. As the maps below show, Ocilla is over 20 miles away from the furthest reaches of Irwin County. The dearth of public transportation options in Irwin County means that voters who do not have ready access to a car, or who are unable to drive, may be disenfranchised. Such a burden is not just an inconvenience for voters— absent a compelling justification, it is also likely a constitutional violation.⁷ This is true even if the burdens fall on only a subset of the population.⁸ As a federal appeals court has noted in a similar context, “[t]he right to vote is personal” and it “is not defeated by the fact that 99% of other people [may be able to vote] easily.”⁹



Source: Google Maps

⁴ S.B. 202, 2021 Gen. Assemb., Reg. Sess. (Ga. 2021).

⁵ Office of the Georgia Secretary of State. *Data Hub – November 8, 2022 General Election – Irwin County*, available at <https://sos.ga.gov/data-hub-november-8-2022-general-election> (last accessed on July 6, 2023).

⁶ Office of the Georgia Secretary of State. *Election Data Hub – Irwin County*, available at <https://www.sos.ga.gov/election-data-hub> (last accessed on July 6, 2023).

⁷ See *Anderson v. Celebrezze*, 460 U.S. 780 (1983) (holding that an Ohio statute requiring independent candidates for President to file a statement of candidacy eight months before an election placed an unconstitutional burden on voting and associational rights of voters).

⁸ See, e.g., *Ohio State Conf. of NAACP v. Husted*, 768 F.3d 524, 544-45 (6th Cir. 2014), *vacated on other grounds*, 2014 WL 10384647 (Oct. 1, 2014) (finding no clear error with a district court’s assessment that limiting early voting opportunities would place a significant burden on Black, lower-income, and homeless voters).

⁹ *Frank v. Walker*, 819 F.3d 384, 387 (7th Cir. 2016).

For these reasons, we urge the Board to reject the proposal to consolidate three Irwin County precincts into just one. The ACLU of Georgia is happy to speak with you further to discuss these concerns.

Sincerely,



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Caitlin May
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Cory Isaacson
Legal Director

CC:

Irwin County Board of Commissioners

Scott Carver, Chairman

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