



P.O. Box 77208, Atlanta, GA 30357  
770.303.8111 | syoung@acluga.org

March 8, 2019

Chairman Carla Jordan  
Ray Corbett  
Jackie Goolsby

Lowndes County Board of Elections  
2808 N. Oak St.  
Valdosta, GA 31601  
[elections@lowndescounty.com](mailto:elections@lowndescounty.com)

Via Fed Ex and E-mail

**Re: Reopening Polling Place at Valdosta State University**

Dear Ms. Jordan, Mr. Corbett, and Ms. Goolsby,

The ACLU of Georgia writes to respectfully request that the Lowndes County Board of Election reopen a polling place on the Valdosta State University campus so that its students, faculty, staff, and administrators, and the surrounding community at large may exercise their sacred and constitutional right to vote. Specifically, we ask that you work with the students, faculty, and staff of VSU to implement at least one polling location inside the Student Union that can be approved as soon as possible before the November 2019 elections, preferably by the April 2019 Board of Elections meeting.<sup>1</sup>

The VSU polling location, last operational in 2009, should be reopened for a variety of reasons.

**First**, students vote. And they are voting in greater numbers. From 2014 to 2018, there was a 147% increase in the percentage of young people exercising their right to vote.<sup>2</sup> Here in Georgia, the increase in voter engagement by young people during the 2018 midterm election

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<sup>1</sup> Any student, faculty, staff, or any other employee of VSU that supports this action are not expressing views that represent the views of the University System of Georgia.

<sup>2</sup> In the 2014 midterm elections, about 21% of eligible voters ages 18 to 29 cast a ballot. In the 2018 midterm elections, about 31% of the same cohort voted, an increase of 147%. See TeenVogue, *The 2018 Midterms Saw Big Youth Voter Turnout, but There's Still Room for Growth*, at <https://bit.ly/2VDu9X3>. Though young people have a long way to go, there is no question that they are voting in greater numbers.

cycle exceeded that of the general population.<sup>3</sup> The cynical assumption some may have that “students don’t vote” is incorrect and has no place in our democracy.

**Second**, the closest polling location for VSU students is nearing two miles away, and in excess of a 30-minute walk (one way, or over an hour round trip) off campus. That location is essentially unreachable for the many students without cars. No one should have to walk an hour just to exercise their right to cast their ballot.

**Third**, even with these transportation barriers, the closest polling location for VSU students is unable to handle current demand. During last November’s elections, that polling location was reportedly plagued with problems including unreasonably long lines to receive provisional ballots (approximately 40 people were in line when the polls closed) and administrative confusion surrounding them. Opening a polling location on campus will greatly reduce the pressure imposed on that polling site. Alleviating this pressure is especially important since Georgia will soon adopt new voting machines, likely increasing wait times while poll workers and voters alike take more time to adjust to the new system.

**Fourth**, any justifications for closing the VSU polling place in 2009 are inapplicable today. Back in 2009, Lowndes County had approximately 33 polling locations. Today, Lowndes County has only 9 polling places—a 75% reduction. Whatever voter turnout data justified the closure in 2009 is irrelevant given the more restrictive polling place configuration today.

**Fifth**, keeping the VSU polling location closed likely has a disproportionate impact on people of color, which could expose you to legal liability under Section 2 of the Voting Rights Act.<sup>4</sup> Fifty-two percent (52%) of the VSU student body are students of color, and sixty-one (61%) of students residing on campus are also students of color.<sup>5</sup>

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<sup>3</sup> The Center for Information and Research on Civic Learning and Engagement, *State by State Youth Turnout Estimates Confirm Trend of Increased Participation, Impact on 2018 Midterms*, Feb. 20, 2019, at <https://bit.ly/2VBZNEm>.

<sup>4</sup> Several courts have ruled that the closure of polling places in communities that are disproportionately people of color violates the Voting Rights Act. *See, e.g., Sanchez v. Cegavske*, 214 F. Supp.3d 961, 974 (D. Nevada Oct. 7, 2016) (likely violation of Voting Rights Act where “the distance [one] must travel [to polling location] are a material limitation that bears more heavily on members of [the Native American tribe]” compared to white voters, “especially given their relative difficulty in accessing transportation [and] affording travel”); *Spirit Lake Tribe v. Benson Cnty.*, No. 2:10-cv-095, 2010 WL 4226614, at \*3-\*4 (D.N.D. Oct. 21, 2010) (closure of polling place on Native American reservation likely violated Voting Rights Act, where Natives have “markedly lower socioeconomic status compared to the white population”); *Operation Push v. Allain*, 674 F. Supp. 1245, 1262-68 (N.D. Miss. 1987) (prohibition on satellite registration offices in disproportionately minority areas violated Voting Rights Act where there were “vast socio-economic disparities between blacks and whites in Mississippi”); *Brown v. Dean*, 555 F. Supp. 502, 504-05 (D.R.I. 1982) (“the use of polling places at locations remote from black communities, or at places calculated to intimidate blacks from entering (when alternatives were available)” violates Voting Rights Act).

<sup>5</sup> College factual, *Valdosta State University Undergraduate Ethnic Diversity Breakdown*, at <https://bit.ly/2EWWnqx>.

**Sixth**, any past polling location closures in Lowndes County may have been tainted by the influence of Mike Malone, a now widely-discredited “consultant” who was recently fired by Randolph County for his improper closure recommendations,<sup>6</sup> and who claims that he once recommended polling place closures in Lowndes County. We urge you not to rely on past polling location closures as a reliable indicator of whether any particular closure should remain in place today.

It is true that reopening a polling location requires additional poll workers and some additional administrative tasks. But it should not be difficult to recruit students to serve as poll workers. Many college students, particularly those in the social science disciplines (political science, sociology, psychology, criminal justice) would welcome the experience and additional income. And elections officials cannot prevent people from voting just because higher voter turnout makes their job slightly more difficult. You cannot put a price on democracy.

Any concerns about whether VSU satisfies ADA-accessibility requirements also do not justify closure. Incidentally, this was the very excuse that Mr. Malone offered for closing polling places in Randolph County. As then-Secretary of State Brian Kemp has stated, however, “The solution to a noncompliant polling place in terms of the ADA is not just to shut it down for everyone. It’s to fix it.”<sup>7</sup> We can provide resources on cost effective and easy ways to ensure ADA compliance on Election Day. VSU students and faculty would be happy to work with you on any accessibility issues, and the ACLU of Georgia can also connect you with architecture firms who may be able to provide help on a *pro bono* basis.

Lastly, it is inappropriate to close polling places simply because absentee voting-by-mail is available. Voting by mail is not an adequate substitute for voting in-person, as courts have repeatedly ruled.<sup>8</sup> Absentee voting by mail can be a cumbersome procedure that disenfranchises

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<sup>6</sup> Atlanta Journal Constitution, *Elections consultant fired over proposal to close Georgia precincts*, Aug. 23, 2018, at <https://on-ajc.com/2Hj4GOK>.

<sup>7</sup> See Atlanta-Journal Constitution, *Kemp distances himself from proposed Georgia precinct closures*, Aug. 20, 2018, at <https://on-ajc.com/2XL1Ea>.

<sup>8</sup> “[Though mail-in voting] represents an important bridge for many who would otherwise have difficulty appearing in person, . . . it is not the equivalent of in-person voting for those who are able and want to vote in person. Mail-in voting involves a complex procedure that cannot be done at the last minute. It also deprives voters of the help they would normally receive in filling out ballots at the polls . . . . Elderly [voters] may also face difficulties getting to their mailboxes . . . , the increased risk of fraud because of people who harvest mail-in ballots from the elderly, [and] with mail-in voting, voters lose the ability to account for last-minute developments, like candidates dropping out of a primary race, or targeted mailers and other information disseminated right before an election.”

*Veasey v. Abbott*, 830 F.3d 216, 255-56 (5th Cir. 2016) (en banc); see also *Ohio NAACP v. Husted*, 768 F.3d 524, 542 (6th Cir. 2014) (“associated costs and more complex mechanics of voting by mail” do not make voting by mail a “suitable alternative for many voters,” especially “African Americans, lower income individuals, and the

voters even when they submit their absentee ballot application on time, due to delayed processing times.

For these reasons, we respectfully ask that the Lowndes County Board of Elections work with VSU students and faculty to reopen a polling location on campus well in advance of the November 2019 elections.

Sincerely,



Sean J. Young  
Legal Director  
ACLU of Georgia



Aklima Khondoker  
Staff Attorney  
ACLU of Georgia

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homeless”); *League of Women Voters of N.C. v. N.C.*, 769 F.3d 224, 243 (4th Cir. 2014) (rejecting argument that restrictions on voting mitigated by the option of voting by mail).