



September 9, 2022

Via Electronic Mail

To: North Carolina State Board of Elections
430 N. Salisbury St.
Raleigh, NC 27603

From: Taxpayers For Honest Elections *on behalf of Duplin County Voters*

CC: Adrian Arnett
Judy Arnett
Hilda Sutherland

Re: Memo in Support of Alternative Plan for Duplin County 2022 General Election

North Carolina State Board of Elections:

Like the majority of Americans, North Carolinians recognize the significance of voting in person in our democracy. As you are well aware, a majority of votes in this State are now cast before Election Day. However, a great number of eligible voters may be dissuaded from participating in America's democratic decision-making due to unnecessary obstacles. One such obstacle is the lack of reasonable access to polling sites during the Early Voting period.

Taxpayers for Honest Elections¹ ("TFHE") and the Duplin County voters we have spoken to believe the addition of early voting sites (1) is required to meet the North Carolina State Board of Elections ("State Board") statutory mandate and (2) will vastly improve voters' opportunities to cast a ballot in Duplin County. Whether a voting site is reasonably close in proximity makes a real difference to voters when considering when, where, and if they are going to cast their ballots. It is for those reasons that TFHE launched an initiative entitled the Equal Voting Access Project.

As part of the Project, TFHE conducted an Analysis of the Duplin BOE Proposed Early Voting Plan ("Duplin BOE Proposed Plan") for the 2022 General Election. *See*

¹ Taxpayers for Honest Elections is a non-profit 501(c)(4) organization incorporated in the State of North Carolina. Learn more about TFHE at <https://www.taxpayersforhonestelections.com/>.

Exhibit 1, Duplin Analysis. The Analysis shows the use of the Duplin BOE's Proposed Plan (a single site) would result in inadequate coverage of the Duplin County electorate and disproportionate favorability of one race, party, voters of one party, and candidates of one party. Specifically, the Duplin BOE's Proposed Plan places only 1% of the county's registered voters within a 5-minute drive of the voting site, 5.6% within a 10-minute drive and 21% within a 15-minute drive.

INTRODUCTION

One of the greatest barriers to voting is simply getting to the polls. Although absentee by-mail voting is an option, the majority of voters in North Carolina cast their ballots in person. Various studies have shown a decrease in voter likelihood between .64% – 5% per mile that a voter resides from a voting site.²

A fundamental component of a strong democracy is to encourage voter participation in elections and make access to voting suitable for all registered voters. Unfortunately, participatory inequalities have been reflected in policies that are biased against those who live a greater distance from the polls. Justin de Benedictis-Kessner & Maxwell Palmer, *Driving turnout: the effect of car ownership on electoral participation*, Political Science Research and Methods 1–9 (2021).

Although we will not address this issue in depth here—the effects of car access are exacerbated by the burden of longer travel time between potential voters' homes and polling locations. *Id.* Indeed, voters who lack automobile access or reliable/quick public transportation face a significant barrier to in-person voting, compared to those with a functional automobile at their disposal.

In North Carolina, every eligible citizen deserves the opportunity to cast their ballot in person and should have the opportunity to do so during the early voting period, regardless of their zip code, socioeconomic status, or lack of access to reliable transportation.

² See McGuire, W., Gonzalez O'Brien, B., Baird, K., Corbett, B. and Collingwood, L. (2020), Does Distance Matter? Evaluating the Impact of Drop Boxes on Voter Turnout. *Social Science Quarterly*, 101: 1789-1809; See also Voting Rights Lab, *Polling Place Consolidation: Negative Impacts on Turnout and Equity*, (2020).

For these reasons, TFHE and voters in Duplin County propose the attached Alternative Plan that would include the Duplin BOE's single site plus an additional three sites throughout the county. *See Exhibit 1 at 5.* The additional sites in the Alternative Plan have been used before as voting locations in Duplin County. The addition of those sites would increase the number of voters within a 5-minute drive from 1% to 11.4%, voters within the 10-minute drive from 5.6% to 36.8%, and voters in the 15-minute mark from 21% to 71.3%.

Duplin BOE's Proposed Plan

#	Name	Address
1	Ed Emory Auditorium	165 Agriculture Drive Kenansville, NC 28349

Alternative Plan

#	Name	Address
1	Ed Emory Auditorium	165 Agriculture Drive Kenansville, NC 28349
2	Chinquapin Fire Department	2800 NC Highway 41, Chinquapin, NC 28521
3	Pleasant Grove VFD	1794 Red Hill Road, Mount Olive, NC 28365
4	American Legion Building	529 E Southerland Street, Wallace, NC 28466

For the reasons further expounded upon herein as well as in the Analysis, the State Board should reject the Duplin BOE's Proposed Plan and should instead adopt the proposed Alternative Plan, thereby providing the registered voters of Duplin County increased opportunities to participate in our democratic process.

AGGRIEVED VOTERS

Under the Duplin BOE's Proposed Plan nearly 80% of the registered voters (or 24,560) in Duplin County are without reasonable access to an early voting location.

Accordingly, TFHE proposes this Alternative Plan on behalf of all those Duplin County voters who would suffer were the Duplin BOE's Proposed Plan to be adopted. Moreover, TFHE submits this plan in conjunction with and on behalf of the specific aggrieved voters listed below.

The first Aggrieved Party is Duplin County voter Adrian Arnett. Mr. Arnett is registered to vote at 510 Pink Hill Road, in Pink Hill, North Carolina. Due to the location of this residence, Mr. Arnett is 19.2 miles and a 25-minute drive (one-way) to the County Board of Elections one early voting site at the Ed Emory Auditorium at 165 Agriculture Drive, Kenansville, NC 28349. Under the Alternative Plan, Mr. Arnett would be only 14.4 miles and around a 17-minute drive to the closest early voting site, the Chinquapin Fire Department at 2800 NC Highway 41, Chinquapin, NC 28521.

The second Aggrieved Party is Duplin County voter Judy Arnett. Mrs. Arnett is registered to vote at 510 Pink Hill Road, in Pink Hill, North Carolina. Due to the location of this residence, Mrs. Arnett is 19.2 miles and a 25-minute drive (one-way) to the County Board of Elections one early voting site at the Ed Emory Auditorium at 165 Agriculture Drive, Kenansville, NC 28349. Under the Alternative Plan, Mrs. Arnett would be only 14.4 miles and around a 17-minute drive to the closest early voting site, the Chinquapin Fire Department at 2800 NC Highway 41, Chinquapin, NC 28521.

The third Aggrieved Party is Duplin County voter Hilda Southerland. Ms. Southerland is registered to vote at 1613 NC-111, Chinquapin, North Carolina 28521. Due to the location of this residence, Ms. Southerland is 19.6 miles and a 25-minute drive (one-way) to the County Board of Elections one early voting site at the Ed Emory Auditorium at 165 Agriculture Drive, Kenansville, NC 28349. Under the Alternative Plan, Ms. Sutherland would be only 7.3 miles and around an 8-minute drive to the closest early voting site, the Chinquapin Fire Department at 2800 NC Highway 41, Chinquapin, NC 28521.

ANALYSIS

The State Board should reject the Duplin BOE's Proposed Plan as it (1) fails to provide adequate coverage of the Duplin County electorate and (2)

disproportionately favors one party, voters of one party, one race, and candidates of one party. In order to provide all registered voters of Duplin County the opportunity to participate in our democratic process as required by law, the State Board should instead adopt the Alternative Plan.

The Law

The State Board is tasked with approving each county's early voting plan. In approving a county plan, the State Board must adhere to the law prescribed by the North Carolina General Assembly. [N.C. Gen. Stat. § 163-227.6\(a\)](#) provides, in part:

[T]he State Board may approve that proposal in a Plan *only if* (emphasis added) the Plan includes at least one site reasonably proximate to the county board of elections office *and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate* The State Board, [in determining which plan to adopt], *shall take into consideration whether the Plan disproportionately favors any party, racial or ethnic group, or candidate.*

(emphasis added). Moreover, the State Board has recognized that if a county board of elections moves a site from their office “to a different area of town, the county board must consider whether an additional site or sites are necessary to reduce the driving or commuting time for voters for whom the in lieu of site is less convenient than the previous office location.”³

The North Carolina General Assembly has made it very clear that the State Board should not approve any one-stop plans that do not provide adequate coverage of the county's electorate or that disproportionately favor one party, voters of one party, one race, and candidates of one party. This is especially true in a General Election for local, state, and federal offices.

As the State Board has done in the past, it should correct the legal inadequacies of the Duplin BOE's Proposed Plan.⁴

³ [NCSBE Numbered Memo 2020-13](#).

⁴ See NCSBE June 9, 2022 Meeting Minutes, at 11–19 (unanimously adopting the Franklin County Minority Plan—which doubled the number of early voting sites for the second primary—after

Recent Duplin County Election History

In 2016, Duplin County had only one early voting site, with 143 total hours of early voting. In 2020, Duplin County had six early voting sites, with 842 total hours of early voting. These additional sites provided a great increase in early voting, with 4,184 more voters casting their ballots early in 2020 than in 2016. That represented a 38.41% increase in early voting.

Since the 2020 election, the number of registered voters in Duplin County has increased. Specifically, from November 7, 2020 to September 3, 2022, the number of registered voters grew from 30,501 to 31,078.

This increase of voter participation was largely due to the extended hours and additional sites provided to the registered voters of Duplin County.

Failure to Provide Adequate Coverage of the Electorate

The Duplin BOE met on July 5, 2022, at which time the Duplin BOE voted on the one-stop early voting plan for the 2022 General Election. The Duplin BOE voted unanimously to approve their plan. The Duplin BOE Proposed Plan includes only one early voting site in the county for the General Election.

presentation and discussion of the inadequacies of the Franklin Board of Elections Majority Plan), accessed at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2022-06-30/DRAFT_SBE%20Minutes%206.9.22.pdf; NCSBE August 17, 2021 Meeting Minutes at 2 (unanimously adopting the Durham County Minority Plan—which added a site to the overall plan—after consideration of “whether the plan as a whole disproportionately favors any party, racial, or ethnic group, or candidate”), accessed at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2021-09-10/DRAFT_SBOE%20Minutes%208.17.21.pdf.

In 2022, Duplin County has multiple races⁵ on the ballot and it is necessary to ensure every registered voter within the county has the ability to vote for all the candidates they so choose. Simply put, the use of only one early voting site for the 2022 general election does not provide the more than 31,000 registered voters in Duplin County a reasonable opportunity to make their voices heard- a fundamental principle of our democracy.

The single site proposed would not be at the Duplin BOE office, but rather in Kenansville at the Ed Emory Auditorium. This site is located in the Central-Western portion of Duplin County. *See Exhibit 1 at 3.*

The placement of the only early voting site within Duplin County being in the central-west portion severely alienates both the northern and south-eastern population. For example, a voter located in Cyprus Creek, North Carolina would be forced to drive up to 34 minutes to participate in the elections process. Additionally, a voter in Calypso, North Carolina would have no option but to drive up to 26 minutes to cast their ballot.

Under the Duplin BOE's Proposed Plan, only 297 voters (1%) are within a 5-minute drive, 1,741 voters (5.6%) are within a 10-minute drive, and 6,551 voters (21.1%) are within a 15-minute drive from their pole site. *See Exhibit 1 at 6.*

Moreover, the Duplin BOE's Proposed Plan decreases the hours of early voting to only 149 hours—an 82.3% reduction from 2020 when there were 842 hours of early voting in the county.

Under the Duplin BOE's Proposed Plan, lower turnout would be expected among voters from all over Duplin County because those voters would have to travel

⁵ (1) U.S. Senate, (2) U.S. House District 03, (3) N.C. Supreme Court Seat 03, (4) N.C. Supreme Court Seat 05, (5) N.C. Court of Appeals Seat 08, (6) N.C. Court of Appeals Seat 09, (7) N.C. Court of Appeals Seat 10, (8) N.C. Court of Appeals Seat 11 (9) N.C. Senate District 09, (10) N.C. House District 004, (11) N.C. Superior Court Judge District 04 Seat 02, (12) N.C. District Court Judge District 04 Seat 01, (13) N.C. District Court Judge District 04 Seat 02, (14) District Attorney District 05, (15) Duplin County Board of Commissioners, (16) Duplin County Board of Education, (17) Duplin County Clerk of Superior Court, (18) Duplin County Sheriff, and (19) Duplin County Soil & Water Conservation District Supervisor.

farther to reach the sole voting location and would have limited hours in which to cast their ballots. *See* Exhibit 1 at 3.

The Duplin BOE's Proposed Plan severely cripples voters' opportunity to participate in the elections process and in no way provides adequate coverage of the electorate.

Disproportionate Favorability

Under the Duplin BOE's Proposed Plan, there are alarming disparities for protected classes and their access to early voting as compared to their proportion of the population of the voters in Duplin County. The Duplin BOE's Proposed Plan is in no way representative of the electorate in Duplin County and, in fact, disproportionately favors one race, one party, one party's voters, and one party's candidates.

Specifically, the Duplin BOE's Proposed Plan would disproportionately favor Black voters over voters of other races. While Black voters represent 26.5% of the Duplin County electorate, 44.40% of voters covered at the Duplin BOE Proposed Plan 15-minute mark would be Black—an overrepresentation of 17.9%. *Id.* In contrast, White voters represent 58.9% of the electorate, but only 38.9% of voters covered at the Duplin BOE Proposed Plan 15-minute mark would be White—an underrepresentation of 19.9%. *Id.*

Moreover, the Duplin BOE's Proposed Plan would disproportionately favor the Democrat Party over other parties. While Democrat voters represent 36.62% of the Duplin County electorate, 50.50% of voters covered at the 15-minute mark under the Duplin BOE's Proposed Plan would be Democrats. *Id.* In contrast, Republican voters represent 30.44% of the electorate, but only 19.78% of voters covered at the Duplin BOE's Proposed Plan 15-minute mark would be Republicans. *Id.* In sum, the Duplin BOE's Proposed Plan would have a 24.54% variance in favor of Democrats over Republicans. *See id.*

Furthermore, Unaffiliated voters represent 32.52% of the Duplin County electorate, but only 29.31% of voters covered at the 15-minute mark would be Unaffiliated under the Duplin BOE's Proposed Plan. *Id.*

The Duplin BOE's Proposed Plan would provide easier access to Democrat voters while forcing Republican voters, and to a lesser extent Unaffiliated voters, to travel longer distances to cast their ballot. Accordingly, the Duplin BOE's Proposed Plan disproportionately favors the Democrat Party and Democrat voters.

ALTERNATIVE PLAN

As explained *supra*, the Duplin BOE's Proposed Plan fails on multiple fronts. Namely, it fails to provide adequate coverage of the electorate while also providing disproportionate favorability to one race of voters, the Democrat party, and Democrat voters. That Plan should be outright rejected by the State Board.

To ameliorate the issues present in the Duplin BOE's Proposed Plan, TFHE and the Duplin County voters included herein offer the attached Alternative Plan. The Alternative Plan vastly improves coverage of the Duplin county electorate and corrects the disproportionate favorability issues.

Adoption of the Alternative Plan will substantially increase accessibility for all registered voters within Duplin County. Specifically, our proposal seeks to increase the early voting sites from 1 to 4, which will reduce travel burdens currently placed on the voters of Duplin County.

The Alternative Plan would cover the entire County by including the Duplin BOE's Kenansville Site and additional sites in the towns of Chinquapin, Mount Olive, and Wallace. *See Exhibit 1 at 5.* Under the Alternative Plan, a greater number of active voters will have access to an early voting site. Specifically, 3,546 voters (11.4%) would be within a 5-minute drive, 11,129 voters (35.8%) within a 10-minute drive, and 22,180 voters (71.3%) within a 15-minute drive from the voting sites. *See Exhibit 1 at 6.* This represents an overall improvement in accessibility for 15,629 voters, which is more than 50% of the county's electorate.

If the State Board were to apply the hours provided by the Duplin BOE's Proposed Plan to the Alternative Plan, there would be 596 hours of early voting in Duplin County as compared to the mere 149 hours of early voting offered at the Duplin BOE's single site.

These additional sites and increased hours are needed to give voters in Duplin County greater access to early voting locations and a reasonable opportunity to cast their ballot in the General Election.

Additionally, the addition of the sites found in the Alternative Plan corrects the disproportionate favorabilities present in the Duplin BOE's Proposed Plan. Specifically, the Alternative Plan, at the 15-minute mark, would decrease the overrepresentation of Black voter accessibility to 2.6% while lowering the underrepresentation of White voter access to 2.9%. *See* Exhibit 1 at 6. Likewise, implementation of the Alternative Plan would decrease the total countywide variance in favor of Democrats over Republican to 3.69%. *Id.* Democrat voters would still be overrepresented by 2.07% and Republican voters would be underrepresented by 1.62% at the 15-minute mark. *Id.*

Ultimately, the Alternative Plan would not flip any favorability, rather, it would create a more equal playing field and provide greater accessibility for all voters in Duplin County.

CONCLUSION

Based upon the foregoing, the State Board must reject the Duplin BOE's Proposed Plan for the failure to provide adequate coverage of the electorate and disproportionately favoring one race, party, voters of one party, and candidates of one party.

In order to address these legal inadequacies, the State Board should adopt the Alternative Plan. By doing so, the State Board will ensure that each voter in Duplin County has a reasonable opportunity to make their voice heard through the election process.

An electronic copy of this Memorandum and Exhibit 1, the Analysis and Alternative Plan has been provided to the following:

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