



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 Wayne County Voters*

CC: Laura Hodges

Re: Memo in Support of Alternative Plan for Wayne 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 Wayne 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 Wayne 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 Wayne County BOE Proposed Early Voting Plan ("Wayne BOE Proposed Plan") for the 2022 General Election. *See* Exhibit 1, Wayne County Analysis. The Analysis shows the use of the

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/>.

Wayne BOE's Proposed Plan would result in inadequate coverage of the Wayne County electorate and disproportionate favorability of one candidate over another. Specifically, the Wayne BOE's Proposed Plan places only 21.5% of the county's registered voters within a 5-minute drive of the voting site, 48.2% within a 10-minute drive, and 81.8% 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 Wayne County propose the attached Alternative Plan that would include the Wayne BOE's three sites 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 Wayne County. The addition of those sites would increase the number of voters within a 5-minute drive from 21.5% to 23.7%, voters within the 10-minute drive from 48.2% to 56.5%, and voters in the 15-minute mark from 81.8% to 94.2%.

Wayne BOE's Proposed Plan

#	Name	Address
1	Goldsboro Library	1001 E Ash Street, Goldsboro, NC 27530
2	Mount Olive Train Depot	110 W Main Street, Mount Olive, NC 28365
3	Maxwell Center	3114 Wayne Memorial Drive, Goldsboro, NC 27534

Alternative Plan

1	Grantham Fire Station	3430 US Highway 13 S, Goldsboro, NC 27530
2	Pikeville Fire Station	110 Hooks Court, Pikeville, NC 27863
3	Eureka United Church	128 Church Street, Eureka, NC 27830

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

AGGRIEVED VOTERS

Under the Wayne BOE's Proposed Plan 18.2% (13,662) of the registered voters in Wayne County are without reasonable access to an early voting location.

Accordingly, TFHE proposes this Alternative Plan on behalf of all Wayne County registered voters who will suffer if Wayne BOE's Proposed Plan is to be adopted. TFHE submits this plan in conjunction with and on behalf of the specific aggrieved voters listed below.

The Aggrieved Party is Wayne County voter Laura Hodges. Ms. Hodges is registered to vote at 120 N. Turner Rd, Goldsboro, North Carolina. Due to the location of her residence, Ms. Hodges is up to 8 miles and a 16-minute drive away from the closest county early voting site. Additionally, Ms. Hodges is 10 miles and a 17-minute drive away from the second closest early voting site. Approval of the additional early voting sites would reduce Ms. Hodges travels just 6 miles and 11 minutes from her residence.

ANALYSIS

The State Board should reject the Wayne BOE's Proposed Plan as it fails to provide adequate coverage of the Wayne County electorate and disproportionately favors one candidate over another. In order to provide the voters of Wayne 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 provided 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 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 Wayne BOE’s Proposed Plan.⁴

Recent Wayne County Election History

In 2016, Wayne County had six early voting sites, providing 510 total hours of accessibility to all registered voters. In 2020, Wayne County reduced the amount of sites to five, but provided a substantial increase allowing 825 total hours of early voting. These hours provided a great increase in early voting, with 3,718 more voters casting their ballots early in 2020 than in 2016. That represented a 10.28% increase in early voting.

Failure to Provide Adequate Coverage of the Electorate

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 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.

The Wayne County Board of Elections (“Wayne BOE”) met on July 26, 2022, at which the Wayne BOE voted on the one-stop early voting plan for the 2022 General Election. The Wayne BOE voted unanimously to approve their plan. The Wayne BOE Plan includes three early voting sites in Wayne County for the General Election.

In 2022, Wayne 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 three early voting sites for the 2022 general election fails to provide the more than 75,000 registered voters in Wayne County a reasonable opportunity to make their voices heard.

None of the three sites proposed would be at the Wayne BOE office, but rather in Goldsboro and Mount Olive. These sites are located in the Central and Central-Southern portion of Wayne County-effectively alienating the Northern and Southwestern electorate.. *See* Exhibit 1 at 3. The location of these sites place burdens on the registered voters in certain towns throughout Wayne County. For example, a registered voter living in Grantham, North Carolina would have to drive over 14 miles to their closest voting site to participate in the elections process. Additionally, a registered voter in Eureka, North Carolina is forced to commute over 15 miles to cast a ballot at their closest site under the Wayne BOE Proposed Plan.

In addition to the lack of reasonable proximity, the Wayne BOE’s Proposed Plan decreases the hours of early voting to only 489 hours—a 40.73% reduction from 2020 when there were 825 hours of early voting in the county.

Under the Wayne BOE’s Proposed Plan, lower turnout would be expected among voters from all over Wayne County because those voters would have to travel farther and, for the vast majority, to a different city to reach the sole voting location. *See* Exhibit 1 at 3.

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

⁵ U.S. Senate, U.S. House District 04, U.S. House District 13, N.C. Supreme Court Seat 03N.C. Supreme Court Seat 05, N.C. Court of Appeals Seat 08, N.C. Court of Appeals Seat 09, N.C. Court of Appeals Seat 10, N.C. Court of Appeals Seat 11, N.C. Senate District 04, N.C. House District 004, N.C. House District 010, N.C. District Court Judge District 08 Seat 01, N.C. District Court Judge District 08 Seat 04, N.C. District Court Judge District 08 Seat 05, District Attorney District 09, Wayne County Board of Education, Wayne County Clerk of Superior Court, Wayne County Sheriff, Wayne Soil and Water Conservation District Supervisor

Disproportionately Favoring Particular Candidates

The Wayne BOE's Proposed Plan would disproportionately favor Candidate Julie Cotton, a registered Republican, over Candidate Robin Aycock, a registered Democrat, in the countywide race for Wayne County Clerk of Superior Court. Candidate Aycock's place of residence is in Pikeville, NC, which is located in the unrepresented Northern section of Wayne County. *See* Exhibit 2. By contrast, Candidate Cotton's place of residence is in Mount Olive, NC, which, under the Wayne BOE's Proposed Plan, would have a site.

Accordingly, the Wayne BOE Plan would provide Candidate Cotton, as a "local candidate",⁶ a disproportionate advantage in the Wayne County Clerk of Superior Court race. The Alternative plan, discussed *supra*, would provide the Pikeville Fire Station voting location in the Northern section of Wayne County, thereby alleviating the disproportionate favor towards any candidate.

ALTERNATIVE PLAN

As explained *supra*, the Wayne BOE's Proposed Plan fails on multiple fronts. Namely, it fails to provide adequate accessibility to the electorate of Wayne County to participate in the elections process and disproportionately favors one candidate over another.

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

⁶ The research has shown and continues to show, that the electorate is more likely to vote for members from their neighborhood and community. *See* Key, V. (1949). *Southern politics in state and nation*. New York: Vintage Books; *See also* Childs, S., & Cowley, P. (2011). *The politics of local presence: Is there a case for descriptive representation?* *England Political Studies*, 59, 1–19; *See also* Campbell, R., Cowley, P., Vivyan, N., & Wagner, M. (2019). *Why friends and neighbors? Explaining the electoral appeal of local roots*. *The Journal of Politics*, 81, 937–951; *See also* Schulte-Cloos, J., Bauer, P.C. *Local Candidates, Place-Based Identities, and Electoral Success*. *Political Behavior* (2021).

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

The Alternative Plan would cover the entire County by including Grantham Fire Station, Pikeville Fire Station, and Eureka United Church. *See Exhibit 1 at 5.* Under the Alternative Plan, the 75,068 registered voters of Wayne County will have reasonable access to an early voting site. Specifically with adoption of the alternative plan, 17,811 registered voters (23.7%) would be within a 5-minute drive, 42,407 registered voters (56.5%) within a 10-minute drive, and 70,717 registered voters (94.2%) within a 15-minute drive from the voting sites. *See Exhibit 1 at 6.* This provides nearly 9,300 registered voters in Wayne County with reasonable access to a voting site.

If the State Board were to apply the hours provided by the Wayne BOE's Proposed Plan to the Alternative Plan, there would be 978 hours of early voting in Wayne County as compared to the mere 489 hours of early voting offered under the Wayne BOE's Proposed Plan.

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

CONCLUSION

Based upon the foregoing, the State Board must reject the Wayne BOE's Proposed Plan because it fails to provide adequate coverage of the electorate and favors one candidate over another.

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 Wayne County has a reasonable opportunity to make their voice heard through the election process and that candidates are running on an equal playing field.

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

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