



INCREASING IN- PERSON VOTING ACCESS:

An Advocacy Toolkit for Mississippi Organizers

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ACKNOWLEDGMENTS

This guide was written by Valencia Richardson (Campaign Legal Center) and Victoria (Tori) Wenger (Legal Defense Fund). Thank you to Danielle Lang, Jonathan Diaz, Janell Byrd-Chichester, Anne Houghtaling, Amir Badat, and Tanesha Williams for their feedback. Thank you to Gabrielle Aoki, Dayle Chung, Alexandra Copper, and Kevin Mensch for their research and input.

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Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in political participation, education, economic justice, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF's Thurgood Marshall Institute operates LDF's *Voting Rights Defender* and *Prepared to Vote* programs to address voter suppression and coordinate LDF's election protection activities. LDF has been fully separate from the National Association for the Advancement of Colored People ("NAACP") since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

August 2022

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INTRODUCTION

This toolkit aims to provide organizers with information to support advocacy for better access to in-person voting. Specifically, this toolkit will:

- ▶ Provide an overview of the national and state-level legal and policy considerations for establishing and changing Election Day polling place locations;
- ▶ Provide examples of specific problems with in-person voting access across Mississippi—and the disproportionate burden on Black voters—through a case study of five counties: Hinds, Harrison, Jefferson, Noxubee, and Lauderdale Counties;
- ▶ Offer resources for local advocacy and oversight to eliminate barriers to in-person voting.

The 2020 election saw the highest voter turnout in a century.¹ Even with the support of legions of non-governmental organizations, non-partisan volunteers, private financial support, and a host of other resources, our 2020 election season was not without serious challenges, but on the whole, it operated effectively and was secure. There remains, however, a range of issues urgently needing attention to maintain the freedom to vote. This includes problems with local election administration that creates voting barriers, particularly for communities with a history of racial discrimination.²

Persistent problems with local election administration were accelerated after the Supreme Court's 2013 decision in *Shelby County v. Holder*, which gutted the provision of the Voting Rights Act of 1965 ("VRA") that prevented states with a significant history of voting discrimination – largely Southern states – from enacting discriminatory voting laws.³ Unfortunately, many Southern localities have taken full advantage of this to impose barriers for voters of color.

Before the *Shelby County* decision, the VRA authorized the federal government to prevent these discriminatory practices through a process called "preclearance." In preclearance jurisdictions, the federal government provided oversight to every change in voting policy and watched for potentially adverse effects.

Without preclearance, state and local governments have reduced in-person voting locations on Election Day and during early voting with no federal oversight. In Mississippi, county governments closed 96

¹ See Kevin Schaul, Kate Rabinowitz & Ted Mellnik, *2020 Turnout Is the Highest in Over a Century*, WASH. POST., (Nov. 5, 2020), <https://www.washingtonpost.com/graphics/2020/elections/voter-turnout/>.

² More than 50 years since the Voting Rights Act (VRA) passed, and voter suppression in the South has taken a new form. Stacey Abrams stated the modern problem succinctly: "part of the insidious nature of voter suppression is that it seems like it's user error." Lovett or Leave It, *Protect Stacey Abrams!*, CROOKED MEDIA at 49:30 (Sept. 14, 2019), <https://shows-dev.cadence13.io/podcast/lovet-or-leave-it/episodes/a6a7f529-a2c6-49f2-a7e8-a4d8ab682cce>.

³ See "Voting in America: The Potential for Polling Place Quality and Restrictions on Opportunities to Vote to Interfere with Free and Fair Access to the Ballot," 117th Cong. (2021) (statement of Danielle Lang, Director of Voting Rights, Campaign Legal Center), <https://campaignlegal.org/sites/default/files/2021-06/HHRG-117-HA08-Wstate-LangD-20210611.pdf>. See also Sherrilyn Ifill, *No, This Election Did Not Go "Smoothly"*, SLATE (Nov. 9, 2020), <https://slate.com/news-and-politics/2020/11/2020-election-voting-did-not-go-smoothly.html>.

polling places between 2012 and 2018.⁴ There are virtually no state standards for changing polling places, so counties often change polling places with little notice and at the voter's expense.⁵ Closing a neighborhood polling place can cause longer wait times, fewer resources at the polls, and confusion when voters get no notice and show up to the wrong polling place. Likewise, the lack of early voting reduces opportunity for marginalized communities to vote.

Although federal preclearance is currently gone, community organizers can gather their own information and demonstrate discriminatory patterns and practices to enforce the remaining provisions of the VRA. While we wait for Congress to restore the VRA, it is up to organizers to engage in their own "community preclearance" to fill the gap by spotting and responding to issues that prevent access to voting.

We hope that with this toolkit, advocates can engage in their own community preclearance, raising awareness and providing voter access results to local communities.

⁴ LEADERSHIP CONF. EDUC. FUND, *Democracy Diverted: Polling Place Closures and the Right to Vote* 12 (2019), <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>.

⁵ See Kelsey Davis Betz, *Inside an At-Risk Mississippi Delta Voter's Journey to Ensure Safe Voting Conditions*, Miss. TODAY (Oct. 15, 2020), <https://mississippitoday.org/2020/10/15/inside-an-at-risk-voters-journey-to-ensure-safe-voting-conditions-in-her-delta-town/>.

UNDERSTANDING THE LANDSCAPE

Who makes the decisions about polling places in my county?

In Mississippi, the County Board of Supervisors of each county determines where polling places are located for Election Day.⁶ Counties typically vote by resolution and determine the costs and location for each polling place.

In practice, Election Commissioners⁷ in many counties send recommendations to the County Board of Supervisors about which polling places to change, close, or combine. The Board of Supervisors usually accepts those recommendations.⁸

When are decisions about polling locations made?

Mississippi law does not have a deadline for when polling places need to be established before Election Day. Though state law requires a county to notify the state about changes to polling places,⁹ gaps in reporting by the counties as well as statements by the Secretary of State show that this requirement is not enforced.¹⁰ As a result, the Secretary of State's online polling place locator may not have the most current information if the county fails to notify the Secretary of State about changes.¹¹

Counties are, however, required to notify each voter whose polling place has been changed or consolidated due to a precinct change.¹² But notice is not always effective, especially when there are delays in mailing. When there are mass changes to polling places, voters must often rely on media for information about how and where to vote.¹³

What are the legal requirements for a polling location?

There are few legal requirements under Mississippi law:

⁶ Miss. Code Ann. §23-15-283 (West 2019).

⁷ Election Commissioners are an elected body within each county that is different than the Board of Supervisors. See Miss. Code. Ann. § 23-15-213 (West 2022).

⁸ *E.g.*, Order approving the relocation of Precinct Number 103-1, identified as Biloxi #8, from 1400 Father Ryan Avenue, Biloxi, Mississippi to 140 St. John Avenue, Biloxi, Mississippi, HARRISON COUNTY BOARD OF SUPERVISORS, available at <https://cms9files.revize.com/harrison/Board%20Agendas%20&%20Minutes/Minute%202020-09-08.pdf>.

⁹ See Miss. Code Ann. § 23-15-283 (West 2019).

¹⁰ See Miss. Code. Ann. § 23-15-281 (West 2019) (requiring the county to notify the state about changes to precincts, but not changes to polling place locations within those precincts); Ashton Pittman, *Mississippi Officials Moved Three Times More Polling Places Than Reported for 65,000 Voters*, MISS. FREE PRESS (Oct. 31, 2020), <https://www.mississippifreepress.org/6577/mississippi-officials-moved-three-times-more-polling-places-than-reported-for-65000-voters/> (describing how counties do not update the Secretary of State with sufficient frequency).

¹¹ Pittman, *supra* note 10.

¹² OFF. OF THE ATTY. GEN., STATE OF MISS., *Op. No. 94-0249*, 1994 WL 241037 (May 25, 1994).

¹³ Pittman, *supra* note 10.

1. Polling places are established “in the discretion” of each county to “better accommodate the electorate and better facilitate the holding of the election.”¹⁴ Because polling place decisions are left entirely to a county’s discretion, there is no required number or distribution of polling places.
2. While counties are required to establish the same number of polling places as there are voting precincts, they are not required to place a polling place in every precinct.¹⁵
3. Counties must establish polling places that are accessible for people with disabilities.¹⁶
4. Counties are not required to establish polling places in public buildings, though public buildings are free of cost for counties to use as polling places.¹⁷

Additionally, federal law requires counties to make polling places accessible for people with disabilities¹⁸ and to ensure that differences in in-person voting access do not have a racially discriminatory impact.¹⁹

Are there other ways to vote in Mississippi?

In-person voting in Mississippi is particularly important because most voters are not able to vote any other way. Technically, Mississippi has a form of early in-person voting available to certain voters, known as in-person absentee voting. Voters who are eligible may vote in-person absentee at their county’s Circuit Clerk office. In addition to the categories of persons eligible to vote absentee in-person, there is a more limited subset of voters allowed to vote absentee by mail.²⁰

People who are eligible to vote absentee in-person include:²¹

- College Students;
- Voters out of town for work;
- Voters out of their county of residence on Election Day;
- Voters who have a temporary or permanent physical disability;
- Members of the Mississippi congressional delegation out of town on Election Day, and their spouse and dependents;
- Voters required to work on Election Day during the times polls are open;
- Voters temporarily residing outside the county;

¹⁴ Miss. Code Ann. § 23-15-557 (West).

¹⁵ *Id.*

¹⁶ Miss. Code Ann. § 23-15-281(2) (West 2019).

¹⁷ Miss. Code Ann. § 23-15-281(2)-(3) (West 2019).

¹⁸ *See* 52 U.S.C.A. § 20102 (West) (requiring states make polling places for federal elections accessible for persons with disabilities and elderly persons).

¹⁹ *See generally* 52 U.S.C.A. § 10301 (West) (Voting Rights Act).

²⁰ Miss. Code Ann. § 23-15-713 (West 2020).

²¹ *Id.*

- Voters sixty-five (65) years of age or older
- Voters who are the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence.

Among the people who can vote absentee in-person, the following subset is also eligible to vote absentee by mail:²²,

- Voters temporarily residing outside the county (and the ballot must be mailed to an address outside the county)²³;
- Voters who have a temporary or permanent physical disability;
- Voters sixty-five (65) years of age or older
- Voters who are the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence, and such parent, spouse or dependent will be with such person on election day.

Additionally, voters who are temporarily residing outside of the county and wish to vote by mail must have both their absentee ballot application and absentee ballot signed by a person authorized to take oaths.²⁴ The state sends the list of people authorized to take oaths with that person's absentee ballot.²⁵ Given these restrictive and burdensome rules, the vast majority of Mississippi voters will vote in person on Election Day.

²² *Id.* § 23-15-715(b).

²³ See MISS. SEC'Y OF STATE, *Absentee Voting Information*, <https://www.sos.ms.gov/absentee-voting-information#ar03>.

²⁴ *Id.*

²⁵ See MISS. SEC'Y OF STATE, *Step-by-Step Absentee Guide*, https://www.sos.ms.gov/content/documents/elections/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf (last visited Aug. 8, 2022).

IDENTIFYING AREAS OF CONCERN: A CASE STUDY OF FIVE MISSISSIPPI COUNTIES

Why Polling Place Access Matters:

Voters must vote in their precinct or they have to vote by affidavit ballot.²⁶ In Mississippi, an affidavit ballot is cast by a voter who cannot verify that she is eligible to vote at her polling place.²⁷ Whether an affidavit ballot is counted is at the discretion of the county election officials, except in cases where a voter can cure her ballot by providing photo identification.²⁸ Because Mississippi law only allows voters to vote at their designated polling places (or be forced to cast an affidavit ballot), a voter must know exactly where they can vote on Election Day for their vote to be counted. Furthermore, because Mississippi severely limits alternative methods for voting—offering no early voting and limited absentee voting—the vast majority of voters are required to vote in person on Election Day. When election officials close, move, or make polling locations hard to access, voters lose their fair access to the vote.

The effects of polling place closures and relocations are not felt equally. Mississippi is home to the highest percentage of Black residents of any state.²⁹ But Black voters in Mississippi lack equal representation at all levels of government compared to the relatively high population of Black residents.³⁰ Restrictions on in-person voting at polling places—the only form of voting available to most voters—directly contributes to that lack of political representation.

The Problem:

For voters of color in Mississippi, and Black voters in particular, **barriers to in-person voting are barriers to the ballot box that have lasting effects on representation in the state.**

Since Mississippi voters cannot vote outside of their assigned precinct, it is especially critical for voters to know where their polling place is located to exercise their right to vote. However, because Mississippi law does not require counties to change polling places by a certain date in advance of elections, changes are often made at the last minute, leaving voters confused and with no assistance to figure out where they are supposed to go to vote.

²⁶ See Miss. Code Ann. § 23-15-573 (West 2018). See *id.*

²⁷ Miss Code. Ann. § 23-15-573.

²⁸ See *id.*

²⁹ See Renuka Rayasam, *The Southern State Where Black Voters Are Gaining in Numbers, But Not Power*, POLITICO (Jan. 2, 2021), <https://www.politico.com/news/2021/01/02/mississippi-black-voters-452213>.

³⁰ See Jimmie E. Gates, *Black political influence in Mississippi has slowed despite increase in elected officials*, CLARION LEDGER (Aug. 21, 2017), <https://www.clarionledger.com/story/news/politics/2017/08/19/black-political-influence-mississippi-has-slowed-despite-increase-elected-officials/537533001/>. See also Bobby Harrison, *Black voter strength diluted in Mississippi Supreme Court districts, federal lawsuit claims*, MISS. TODAY (April 25, 2022), <https://mississippitoday.org/2022/04/25/black-voter-strength-diluted-in-mississippi-supreme-court-districts-federal-lawsuit-claims/> (discussing federal lawsuit against racially gerrymandered Mississippi Supreme Court districts); John A. Tures and Seth Golden, *No African American has won statewide office in Mississippi in 129 years – here's why*, THE CONVERSATION (June 17, 2019) (discussing system for electing statewide offices resulting in lack of Black representation in those offices);

Major problems related to in-person voting access include:

- Last-minute changes to polling place locations;
- Inadequate notice about polling place changes; and
- Long lines and wait times at the polls because of polling place closures and consolidations.

The Study:

Given the importance of in-person voting at polling places in Mississippi, we studied practices and problems with polling places across the state.

We reviewed publicly available data from the Center for Public Integrity,³¹ county databases, and the Mississippi Secretary of State, and submitted public records requests to five counties in Mississippi: Hinds, Harrison, Jefferson, Lauderdale, and Noxubee Counties.

These counties were chosen because earlier studies showed stark decreases in polling places in each of them,³² especially among communities of color, and because there were reports of long wait times at the polls or relocations of polling places in these counties during the 2020 elections.³³ Additionally, volunteers and voters for 866-OUR-VOTE, a nationwide election protection hotline, reported issues in several of these counties, including Hinds and Lauderdale Counties.³⁴

What We Found:

- In all five counties —Harrison, Hinds, Jefferson, Noxubee, and Lauderdale —the number of polling places decreased between 2012 and 2020.
- Harrison County in particular saw a stark decrease in the number of polling places open on Election Day, especially in light of the significant increase in the number of eligible voters during the same time.
- Polling places were often relocated away from Black neighborhoods.
- Polling places were often changed without adequate notice to voters, leading many voters to the wrong location on Election Day.

³¹ See Carrie Levine, Pratheek Rebala & Matt Vasilogambros, *National Data Release Sheds Light on Past Polling Place Changes*, CTR. FOR PUB. INTEGRITY (Sept. 29, 2020), <https://publicintegrity.org/politics/elections/ballotboxbarriers/data-release-sheds-light-on-past-polling-place-changes/>.

³² LEADERSHIP CONF. EDUC. FUND, *supra* note 4, at 67-68.

³³ *E.g.*, Kate Royals, *Many Meridian Voters Unsure of Where to Vote After County Officials Approved Late Change*, MISS. TODAY (Nov. 3, 2020), <https://mississippitoday.org/2020/11/03/many-meridian-voters-unsure-of-where-to-vote-after-county-officials-approved-late-change/> (reporting confusion at the polls because of last-minute changes to polling places).

³⁴ See *2020 866-OUR-VOTE Map*, Election Protection, <https://866ourvote.voteamerica.com/#/?mapZoom=6&mapLat=32.03092444545605&mapLng=-91.62508307070061> (last visited Aug. 8, 2022).

In all five counties we studied, the total number of polling places decreased between 2012 and 2020:

NUMBER OF POLLING PLACES						
	2012	2014	2016	2018	2020	Percent Change
HINDS	116	116	102	94	101	-13%
HARRISON	62	58	58	52	53	-15%
JEFFERSON	15	14	11	11	12	-20%
NOXUBEE	10	10	7	7	8	-20%
LAUDERDALE	48	42	40	40	38	-21%

Source: The 2012-2018 data was provided by the Center for Public Integrity's national data release of polling places. The 2020 data is from election returns provided by the Mississippi Secretary of State, requests from individual counties, and media reports.

But in three of these counties—Harrison, Hinds, and Lauderdale—the Black citizen voting age population *increased* significantly over the same period:

NUMBER OF ELIGIBLE BLACK VOTERS						
	2012	2014	2016	2018	2020	Percent Change
HARRISON	28935	30530	32560	34170	34975	21%
HINDS	118725	122450	125280	126735	126530	7%
LAUDERDALE	23580	24285	24310	24260	24200	3%

Source: U.S. CENSUS BUREAU, American Community Survey, 2012-2020 5-Year Estimates.

Moreover, two of these counties—Harrison and Hinds—saw growth *overall* in their voting age populations regardless of race, with the voting age population growing 21% in Harrison County and 7% in Hinds County.³⁵ Lauderdale County (3%) is the only county of the three that saw a decrease overall in the total voting age population from 2012-2020.³⁶

Uncertainty at the Polls

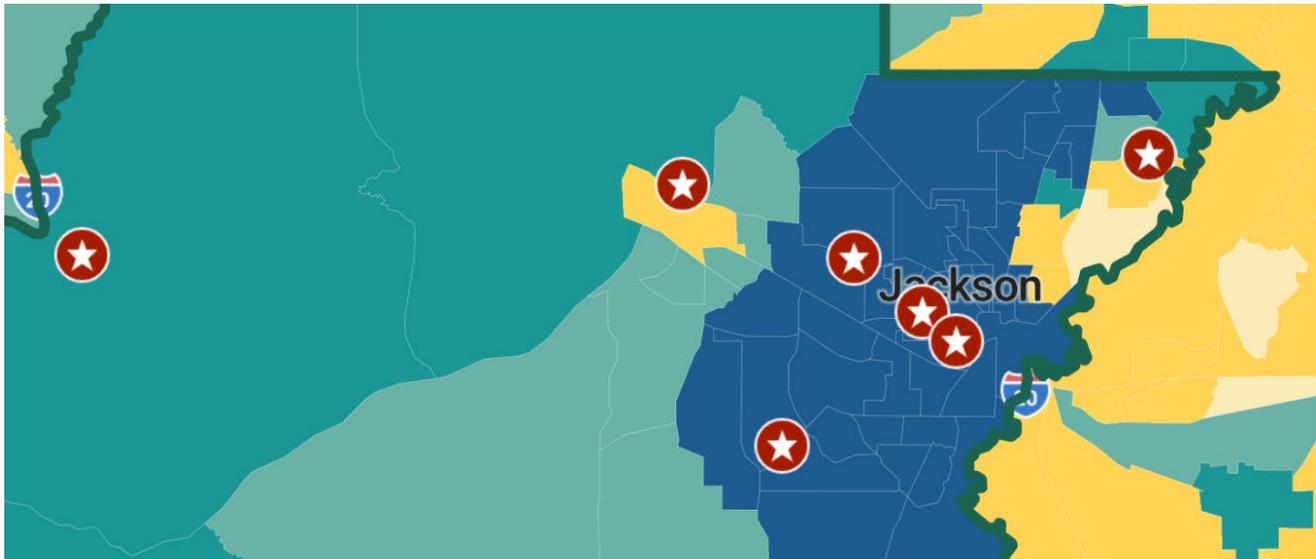
Public news reports recount various incidents across Mississippi in 2020 of voter confusion about polling places and where to vote. For example, in Hinds County —home to the state capitol and largest city in

³⁵ *Id.*

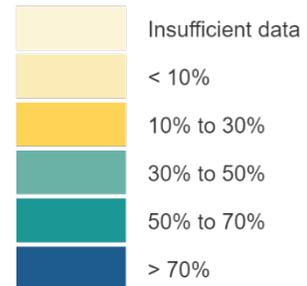
³⁶ U.S. CENSUS BUREAU, American Community Survey, 2019 5-Year Estimates.

the state, Jackson, which is 82% Black³⁷—reports of voter confusion in the 2020 election were rampant, as many voters said that they had no idea where they were supposed to go to vote.³⁸

Much of this confusion stemmed from changes in polling place locations. Between 2012 and 2020, Hinds County closed 15 polling places —roughly 13% of its total polling places. In 2020, Hinds County relocated another six polling places.³⁹



The map above indicates the locations of seven polling locations in Hinds County, Miss., marked in red, that were changed in 2020, overlaying 2019 American Community Survey 5-year estimates of the Black population by Census tracts. As the map shows, most of the relocations occurred in Black communities.



Source: Polling place data provided by the Election Administration Voting Survey, the Center for Public Integrity, and publicly available election returns. Maps developed via Social Explorer with American Community Survey 5-Year Estimates for 2019.

³⁷ *QuickFacts: Jackson City, Mississippi*, U.S. CENSUS BUREAU (July 1, 2019), <https://www.census.gov/quickfacts/jacksoncitymississippi>. Overall, 73.5 percent of Hinds County is Black. *QuickFacts: Hinds County, Mississippi*, U.S. CENSUS BUREAU (July 1, 2019), <https://www.census.gov/quickfacts/hindscountymississippi>.

³⁸ Nick Judin, *Before Today's Election Confusion, Voting Rights Activists Warned of State's Polling Place Changes*, JACKSON FREE PRESS (Nov. 2, 2020), <https://www.jacksonfreepress.com/news/2020/nov/02/election-eve-voting-rights-activists-respond-state/>.

³⁹ Keisha Rowe, *Hinds County Election Commission Reminds Voters of Poll Location Changes in Some Precincts*, CLARION LEDGER (Oct. 28, 2020), <https://www.clarionledger.com/story/news/2020/10/28/election-2020-hinds-county-reminds-voters-polling-location-changes/6063421002/>.

Some of these polling place relocations were announced in August, months before the election, but others were relocated just weeks before Election Day.⁴⁰ Precinct 94, for example, a voting precinct located in a predominately Black neighborhood, was moved more than two miles away from its prior location. The Hinds County Board of Supervisors cited emergency construction at the prior location as the reason for the move, but there is no indication why the polling place needed to be more than two miles away.⁴¹

Public reporting indicates that numerous voters in Lauderdale County likewise showed up to the wrong polling place during the November 2020 elections because they were not aware of changes made to their polling place.⁴² Lauderdale County, which closed 21% of its polling places between 2012 and 2020, is home to one of the largest Black populations in the state.⁴³ One voter stated that he showed up to his old polling location at 7 a.m. only to later find out at 7:55 a.m. that he was at the wrong location and no voting was occurring at his prior site.⁴⁴

In the counties we analyzed, voters reported long lines at the polls on Election Day that caused hours-long wait times. In Harrison County, voters reported waiting in long lines in both 2018⁴⁵ and 2020.⁴⁶

⁴⁰ *Id.*

⁴¹ *Board Minutes*, HINDS CNTY. BD. OF SUPERVISORS (Feb. 3, 2020), <https://www.co.hinds.ms.us/pgs/board-minutes/docs/February%203,%202020.pdf>.

⁴² Kate Royals, *Many Meridian Voters Unsure of Where to Vote After County Officials Approved Late Change*, MERIDIAN STAR (Nov. 3, 2020), https://www.meridianstar.com/news/many-meridian-voters-unsure-of-where-to-vote-after-county-officials-approved-late-change/article_136d8fca-1e1a-11eb-a172-d718831ce44e.html.

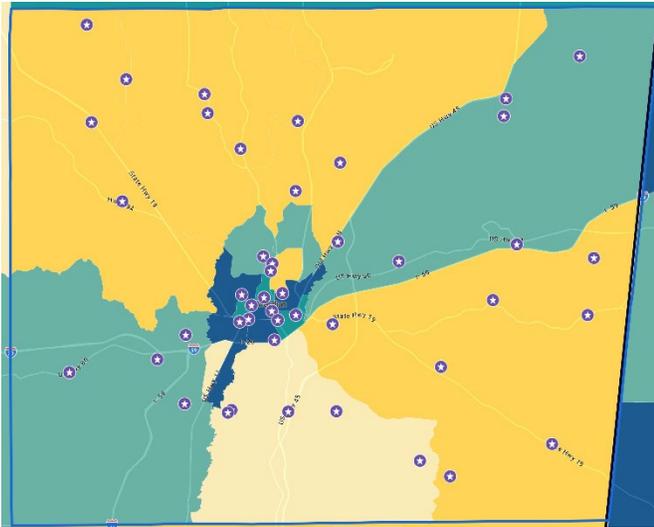
⁴³ According to the Census, Lauderdale County has the fifth largest Black population in Mississippi. U.S. CENSUS BUREAU, American Community Survey, 2019 5-Year Estimates.

⁴⁴ Royals, *supra* note 42.

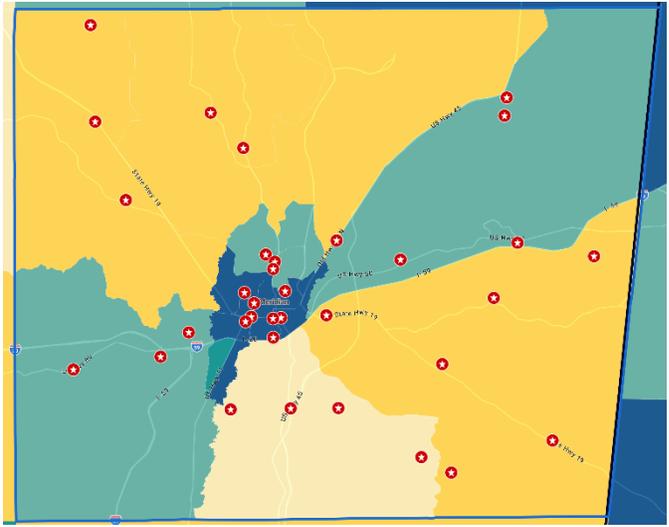
⁴⁵ Lindsay Knowles, *Long Lines Across South MS as Voters Show Up at the Polls*, WLOX (Nov. 6, 2018), <https://www.wlox.com/2018/11/06/long-lines-voters-harrison-county-polls-open/>.

⁴⁶ *'How Long Did You Have to Wait?' Long Lines, Record Turnout the Story of 2020 Election Day in Mississippi*, MISS. TODAY (Nov. 3, 2020), <https://mississippitoday.org/2020/11/03/how-long-did-you-have-to-wait-long-lines-record-turnout-the-story-of-2020-election-day-in-mississippi/>.

Lauderdale County 2012

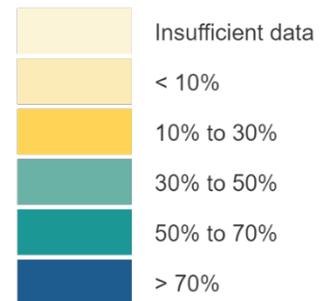


Lauderdale County 2020



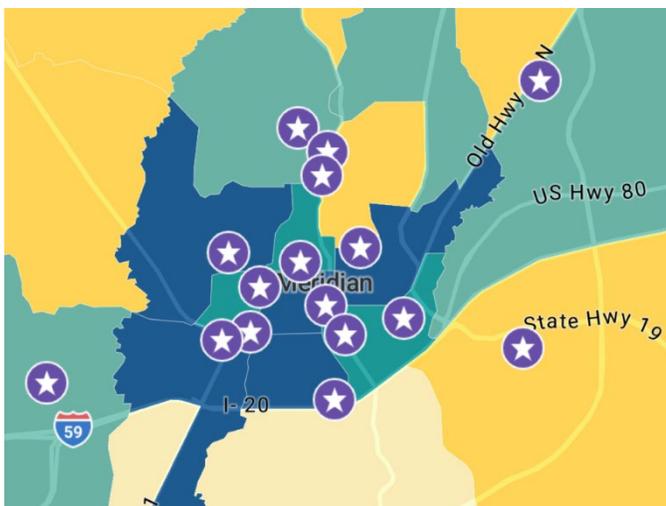
The map at the top left indicates polling sites available in Lauderdale County, Miss. to voters in 2012, marked in purple. The map at the top right indicates the polling sites available to voters in 2020, marked in red. The maps below zoom in on the core of Lauderdale County's Black population in the City of Meridian in 2012 (right) and 2020 (left).

Polling sites on these maps overlay Census tract data for the Black population reported in the American Community Survey 5-year estimates for 2012 and 2019, respectively. The maps show that in the darker blue shaded areas, where most Black residents live, there were fewer polling places over time.

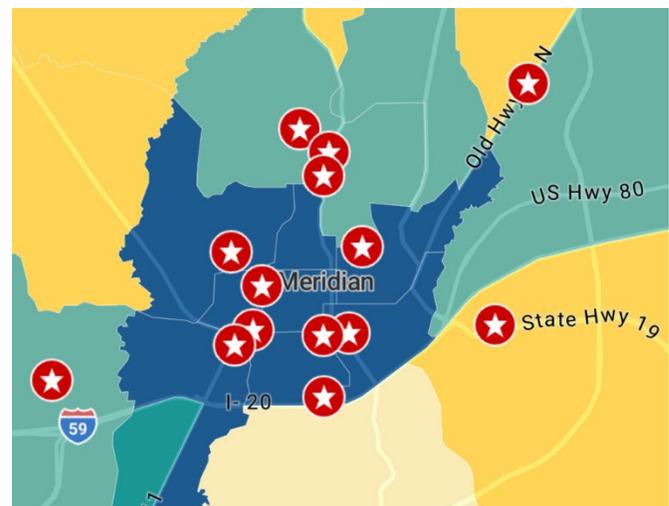


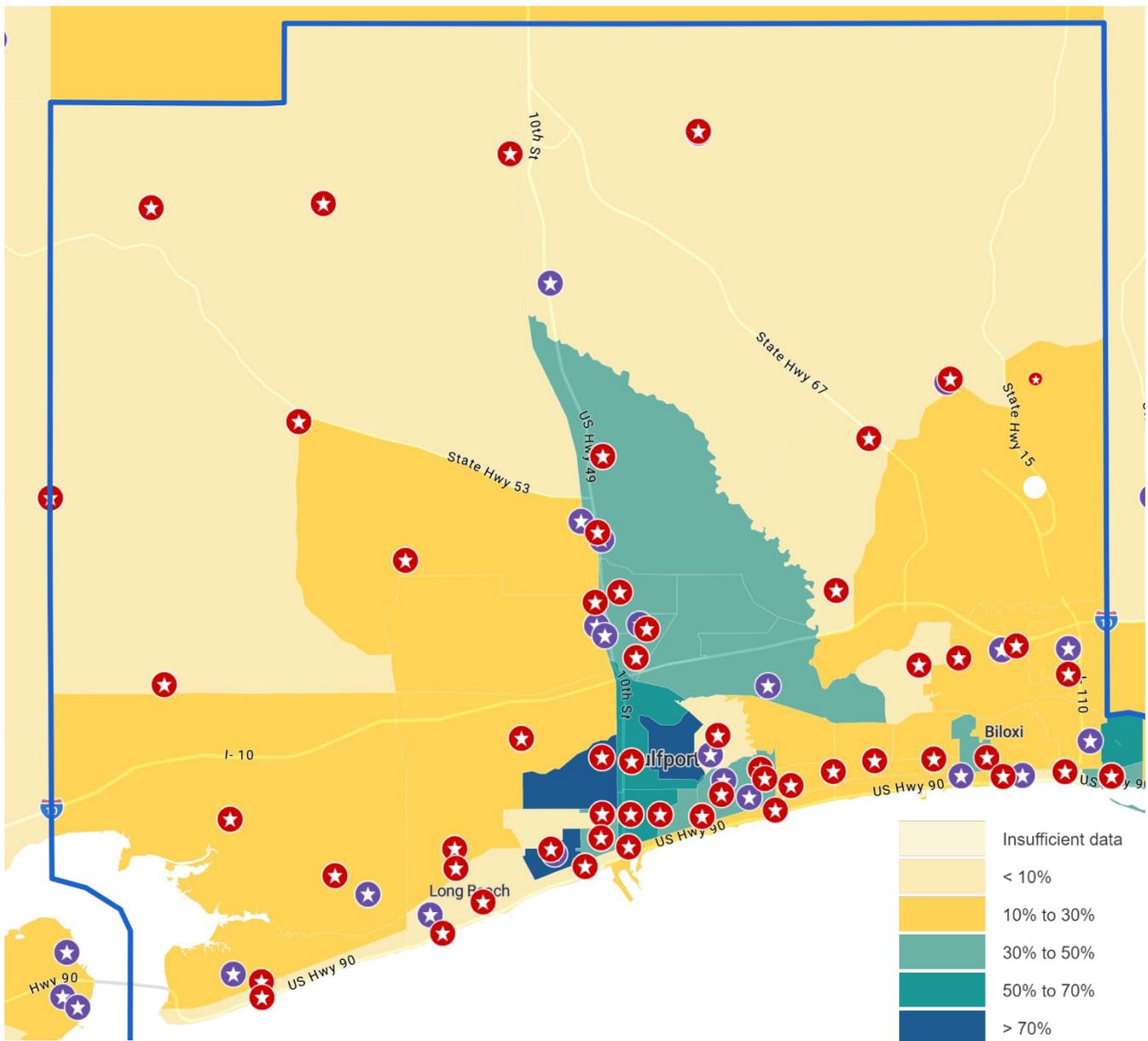
Source: Polling place data provided by the Election Administration Voting Survey, the Center for Public Integrity, and publicly available election return. Maps developed via Social Explorer with American Community Survey 5-Year Estimates for 2012 and 2019.

Meridian 2012



Meridian 2020





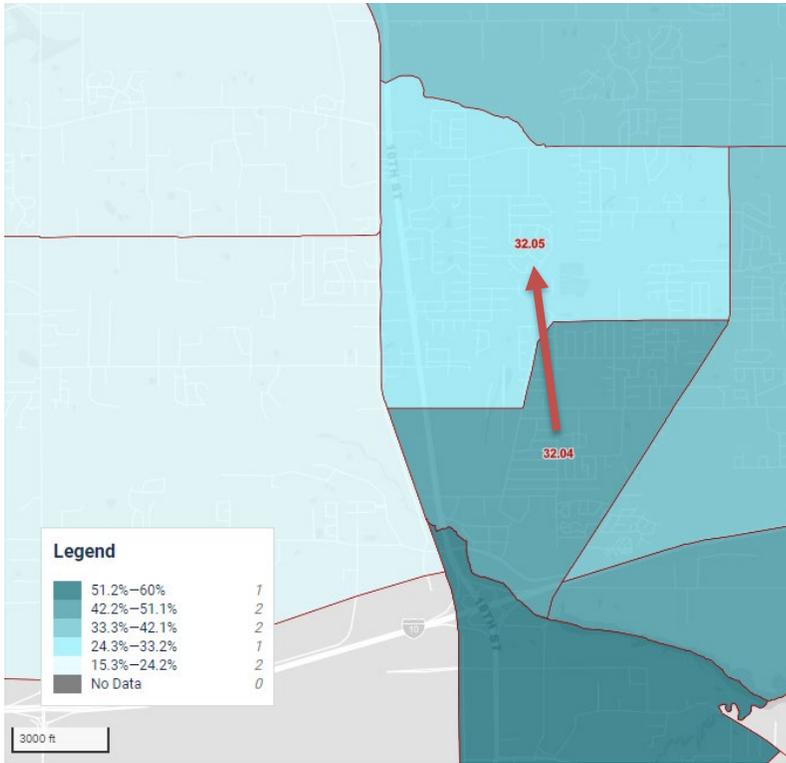
The map above indicates polling sites in Harrison County, Miss. overtime, with polling sites in 2020, marked in red, overlaying polling sites from 2012, marked in purple. The polling sites are plotted on Census tract data for the Black population reported in the American Community Survey 5-year 2019 estimates. The map shows that in the darker blue shaded areas, where most Black residents live, there were significant poll site relocations.

Source: Polling place data provided by the Election Administration Voting Survey, the Center for Public Integrity, and publicly available election return. Maps developed via Social Explorer with American Community Survey 5-Year Estimates for 2019.

Relocations of Polling Places Away from Black Communities

Examples abound of polling places that were relocated to areas with lower Black populations. In 2020, Harrison County moved Precinct 204-1 from an area that is 47.1% white and 44.1% Black to a location

that is 65.7% white and only 31.8% Black.⁴⁷ In approving the relocation, Harrison County stated that the new location would make it “more convenient and easier for residents to vote” because the new polling place had more parking available.⁴⁸ But media reports indicated that additional parking did not actually make it more convenient for voters to vote, as the check-in line wrapped around the entire building on Election Day.⁴⁹



The old location for Precinct 204-1 was Harrison Central Elementary School, located in Census Tract 32.04. The new location, St. Joseph Catholic Church, is located in Census Tract 32.05. The map shows the Black population in each tract.

Source: Polling place data provided by the Center for Public Integrity and records requests to the Harrison County Board of Supervisors. Maps developed with Census data tool using American Community Survey 5-Year Estimates, 2019.

In comparison, many of the polling places that were relocated in predominately white areas of Harrison County were relocated within the same community. In 2018, for example, Harrison County consolidated Precincts 2081 and 2091 into one polling place and assigned all voters to the Precinct 2091 location.⁵⁰ That location, however, kept all voters in the same census tract: tract 16, which is 94.6% white.

Similarly, Harrison County consolidated Precincts 3101 and 3071 into one polling place and assigned all those voters to the Precinct 3071 location.⁵¹ Though the polling place location moved from census tract 27 to 28, it remained in an overwhelmingly white neighborhood, where 86.3% of the population is white (compared to the original location which is 91.1% white).

⁴⁷ Area based on American Community Survey population estimates for each census tract.
⁴⁸ HARRISON COUNTY, MISS. BOARD OF SUPERVISORS, Meeting Minutes 8 (June 9, 2020), <https://cms9files.revize.com/harrison/Board%20Agendas%20&%20Minutes/Minute%202020-07-09.pdf> (attaching order approving relocation).
⁴⁹ See *supra*, note 46 (discussing long lines at St. Joseph Catholic Church on Election Day).
⁵⁰ HARRISON COUNTY, MISS. BOARD OF SUPERVISORS, Meeting Minutes 22 (Feb. 5, 2018), [https://cms9files.revize.com/harrison/Board%20Agendas%20&%20Minutes/2018/2018-02-05%20\(1\).pdf](https://cms9files.revize.com/harrison/Board%20Agendas%20&%20Minutes/2018/2018-02-05%20(1).pdf) (attaching order approving consolidation).
⁵¹ *Id.*

COVID-19 and Voting In-Person

For the November 2020 general election, the Mississippi Secretary of State issued guidance about safe practices for voting in person during the pandemic; however, that guidance did not comport with nationwide guidance for staying safe at the polls.

For example, by Election Day, Mississippi no longer required individuals to wear masks in public places,⁵² despite guidance and evidence from the Centers for Disease Control and medical experts about the effectiveness of masks at limiting the spread of COVID-19.⁵³ The Mississippi Secretary of State's guidance "strongly encouraged" people to wear masks at polling places but did not require it.⁵⁴ Other problems followed:

- ▶ The Secretary of State's guidance "strongly encouraged" voters exhibiting symptoms of COVID-19 to use curbside voting but did not require it.⁵⁵ Meanwhile, other voters—including those particularly vulnerable to COVID-19, such as elderly voters and voters with underlying health conditions—were not allowed to use curbside voting.⁵⁶
- ▶ The Secretary of State's guidance required voters—if they were even wearing a mask—to lower their masks inside polling places if requested, to check their voter ID.⁵⁷

Mississippi's Black residents were disproportionately harmed by COVID-19, suffering higher rates of illness and death relative to the overall population of Black residents.⁵⁸ In the counties we analyzed:

- ▶ Two of the counties with the highest rate of polling place closures also had among the highest rate of COVID-19 cases in Mississippi on Election Day 2020
- ▶ In Hinds County (13% decrease in polling places), the number of COVID-19 cases was the highest in the state on Election Day 2020.⁵⁹

⁵² *Mississippi Governor Ends Statewide Mask Mandate*, ASSOCIATED PRESS (Sept. 30, 2020), <https://www.us-news.com/news/best-states/mississippi/articles/2020-09-30/mississippi-governor-ends-statewide-mask-mandate>.

⁵³ *See Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2*, CTRS. FOR DISEASE CONTROL & PREVENTION (Dec. 6, 2021), https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fmore%2Fmasking-science-sars-cov2.html; CTRS. FOR DISEASE CONTROL AND PREVENTION, *Considerations for Election Day Polling Locations and Voters* (updated June 22, 2020), <https://stacks.cdc.gov/view/cdc/89652>.

⁵⁴ MISS. SEC'Y OF STATE, *COVID-19 Safety at the Polls*, https://www.sos.ms.gov/content/documents/elections/COVID%20Safety%20at%20Polls_webupdates.pdf (last visited Aug. 8, 2022).

⁵⁵ MISS. SEC'Y OF STATE, *COVID-19 Safety*, *supra* note 53. Curbside voting, which allows voters to cast their ballot by receiving assistance from an election official in their car, is generally limited to persons with disabilities. *See* Miss. Code Ann. § 23-15-541 (West).

⁵⁶ 1 Code Miss. R. Pt. 18, R. 2.8 (restricting curbside voting only to those voters exhibiting symptoms of COVID-19).

⁵⁷ MISS. SEC'Y OF STATE, *supra* note 54.

⁵⁸ *See* Erica Hensley, *Black Mississippians at Greater Risk: 72% of Deaths, 56% of State's COVID-19 Cases*, MISS. TODAY (Apr. 8, 2020), <https://mississippitoday.org/2020/04/08/black-mississippians-at-greater-risk-72-of-deaths-56-of-states-covid-19-cases/>.

⁵⁹ MISS. DEP'T. OF HEALTH, *COVID-19 Cases by County, Race and Ethnicity* (Nov. 4, 2020), https://msdh.ms.gov/msdhsite/_static/resources/11391.pdf.

- ▶ In Harrison County (15% decrease in polling places), the number of COVID-19 cases was the third highest in the state.⁶⁰

	PERCENT CHANGE IN POLLING PLACES 2012-2020	PERCENT OF COVID CASES BY BLACK POPULATION ON NOVEMBER 3, 2020
HARRISON	-13%	17.1%
JEFFERSON	-20%	67.5%
LAUDERDALE	-21%	36.8%
NOXUBEE	-20%	52.6%

Source: Data provided by MISS. DEP'T. OF HEALTH, COVID-19 Cases by County, Race and Ethnicity (Nov. 4, 2020), <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:b095a5cc-3528-3321-b2a0-9db1394c80a0>.

The Consequences of Polling Place Changes: Long Lines and Confusion in Madison County

Madison County illustrates the array of problems facing Mississippi voters because of polling place changes. Madison County, whose voting-age population is 38% Black and 59% white,⁶¹ faced heavy criticism when it quietly moved more than 2,000 Black and Hispanic voters from the Ridgeland Recreation Center Precinct (Precinct 107) to a predominately non-white precinct more than three miles away.⁶² Madison County also moved two other locations, Precincts 207 and 521, ahead of the 2020 election.⁶³

Madison County faced a confluence of problems on Election Day because of the change:

- ▶ Long Lines: Voters in Madison County faced hours-long lines on Election Day. One voter reported waiting in line for three hours to vote, even though in prior elections he would wait for average of ten minutes.⁶⁴ The county credited the long lines to voter enthusiasm and turnout during the 2020 election.⁶⁵ But voters in the Marks Apartments Precinct (Precinct 111) complained that they waited hours to vote because the polling place change added more than 2,000 additional registered voters to their precinct.⁶⁶
- ▶ Insufficient Resources: Polling places in Madison County are historically inaccessible for people with disabilities. In 2003, the Department of Justice reached a settlement agreement with the County requiring the county to select polling places that comply with Title II of the Americans with

⁶⁰ *Id.*

⁶¹ U.S. CENSUS BUREAU, American Community Survey, 2019 5-Year Population Estimates.

⁶² Ashton Pittman & William Pittman, *Madison County Moves 2,000 Black, Hispanic Voters To Crowded Precinct with Little Warning*, MISS. FREE PRESS (Oct. 29, 2020), <https://www.mississippifreepress.org/6492/madison-county-moves-2000-black-hispanic-voters-to-crowded-precinct-with-little-warning/>.

⁶³ See MISS. SEC'Y OF STATE, *Polling Place Changes*, <https://www.sos.ms.gov/content/documents/elections/Polling-PlaceChanges.pdf> (last visited Aug. 8, 2022).

⁶⁴ Michael Simmons, *Madison County Has Record Turnout*, MADISON COUNTY J. (Nov. 4, 2020), <https://onlinemadison.com/stories/madison-county-has-record-turnout,32509>.

⁶⁵ *Id.*

⁶⁶ Ashton Pittman & William Pittman, *Confusion, Two-Hour Waits After 2,000 Black, Hispanic Voters Relocated In Ridgeland*, MISS. FREE PRESS (Nov. 3, 2020), <https://www.mississippifreepress.org/6704/confusion-two-hour-waits-after-2000-black-hispanic-voters-relocated-in-ridgeland/>.

Disabilities Act.⁶⁷ However, voters complained during the 2020 general election that polling places did not have adequate parking, or otherwise were inaccessible for wheelchairs.⁶⁸

- ▶ Insufficient Notice: Approximately 2,550 Black voters in Madison County were relocated from their prior polling place to a polling place in a predominately non-white precinct.⁶⁹ Though the change was made in July, many of those voters reported that they did not receive a letter from the county notifying them of the change.⁷⁰ The voters who did receive notice noted that the letter was confusing; although the “County Precinct” was listed as the new location, the “City Precinct” remained at the old location, such that voters were unsure where they should vote in federal elections.⁷¹ On Election Day, at least one voter recounted being halfway through the line at the prior location before discovering that their polling place changed, and had to travel the three miles between the new location and old location.⁷² Inadequate signage on Election Day added to the confusion.⁷³

⁶⁷ *Settlement Agreement between the United States of America and Madison County*, INFO & TECH. ASSISTANCE ON THE AMS. WITH DISABILITIES ACT (Sept. 4, 2003), <https://www.ada.gov/madison.htm>.

⁶⁸ Pittman & Pittman, *supra* note 62.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Pittman & Pittman, *supra* note 66.

⁷³ *Id.*

ADVOCACY RESOURCES

What should you do?

1. **Propose convenient, equitable Election Day polling places to your County Board of Supervisors:**
 - ▶ **At the right time:** There is no specific timeline by which polling locations must be changed. So, advocates can request a polling place at any time before an election. However, advocates should consider advocating for a polling place four to six months in advance of an election, to provide time for the change to be implemented and for election officials to notify eligible voters of the change
 - ▶ **To the right people:** The process for adding polling locations is straightforward, requiring only the approval of the County. However, the County often defers to the recommendations of the Elections Commission. Thus, requests for establishment of a polling place should be directed to both the County Board and the Elections Commission.
 - ▶ **In the right location:** When proposing a polling place location, look for public buildings which are located within a reasonable walking or driving distance of the neighborhood at issue and that are accessible for people with disabilities. See below for more guidance on checking for the right location.
2. **Request that your County provide notice of any polling place changes as soon as possible:**
 - ▶ **Ask early:** Reach out to the County Commission to see when they plan to meet about polling place locations for the upcoming elections.
 - ▶ **Demand accountability:** Even though County Commissions have no deadline set by state law to establish polling places, the Commissions can give themselves a deadline. Ask your Commission to commit to establishing a polling place within a reasonable time to provide notice to voters. Moreover, counties should report their polling place locations promptly and regularly to the Secretary of State's Office so its statewide centralized polling locator website has current and reliable poll site information.

Administrative Advocacy Tools

Outreach to Election Officials:

When advocating for additional or improved polling places in your community, you can, and should, use a variety of narrative and data-based messages to compel election officials to make necessary changes. When developing your messaging framework:

- ▶ **Narratives:** Start by gathering stories that paint a picture of the hurdles that real voters in your community face at polling places. If voters must drive long distances or wait in hours-long lines to vote, you have provided a solvable problem that election officials must act to fix. If polling sites have limited parking and voters with disabilities are forced to walk long distances, climb a flight of stairs, or otherwise face barriers to accessing the polling place, explaining those concrete issues and their impact on individual voters can be a powerful way to emphasize the need for polling place improvements and accessibility enforcement. The most compelling advocacy starts with a story.

- ▶ **Numbers:** How many voters rely on absentee voting in your community? Has this number increased in recent years? How long were the lines and wait times at polling places– in units of distance and/or time? Did wait times vary by polling place? When coupled with narrative about how particular problems impact real voters, numbers help support your call to action for polling site improvements. Consider different means of recording these numbers, like narrative collection, collaboration with Election Protection groups collecting data on election days, or public records requests submitted to election officials.
- ▶ **Visuals:** When possible, supplement your narratives and data with visuals. Collect pictures of long lines and polling place problems from community members, and gather press clippings and videos documenting problems with in-person voting (and remember to credit your sources). You can also use maps that demonstrate the distance between communities and polling sites and the varying impact of polling place closures or relocations on different communities and demographic groups. Utilize the maps in this guide or connect with CLC and LDF to explore new ways to chart the data.

After you have gathered narratives, numbers, and visuals, you can present your case for polling site improvements to election officials in direct meetings, or via letters, public testimony, or opinion editorials in your local paper. Be creative and collaborative in your outreach, and know you can connect with CLC,⁷⁴ LDF,⁷⁵ or other civil and voting rights groups in your community to support your advocacy work.

Oversight and Community Engagement Tools

Sample Tools

Sample Public Records Request

Dear Custodian of Records:

Under the Mississippi Public Records Act § 25-61-1 et seq., I am requesting public records relating to the Election Commissions' plans for the upcoming election to establish or change election precincts and polling places therein. Specifically, I am requesting the following records:

- List of polling locations open in the County during the [year] election on [date(s) of election].
- Any map and/or shapefiles showing the current geographical boundaries of the County with designation of precincts and a word description of the precinct geographical boundaries, as required under Miss. Code Ann. § 23-15-283 and § 23-15-557.
- Records documenting occasions when the County voted to change a polling location pursuant to Miss. Code Ann. § 23-15-283 and § 23-15-557 during the statewide elections for [years], including but not limited to:
 - Records documenting the specific reason(s) why the polling location was changed.
 - Records of any formal or informal policies and procedures for determining when to change the polling location.

⁷⁴ Visit <https://campaignlegal.org/contact-us> or email info@campaignlegal.org

⁷⁵ Visit voting.naacpldf.org or email vote@naacpldf.org.

The law requires that you respond to this request within 7 days, by [date]. Miss Code Ann. § 25-61-5(1)(a). If you expect any delay in responding, please provide a written explanation, specifying with particularity why the records cannot be produced within the seven-day period, as required by law. Miss Code Ann. § 25-61-5(1)(b).

I expect that any fees will be no more than a reasonable cost and consistent with any fee schedule established pursuant to Miss. Code Ann. § 25-61-7. Please inform me of the expected cost prior to delivery if it exceeds [dollar amount].

If you deny any or all of this request, please provide a written explanation, including the specific exemption relied upon for the denial. Miss. Code Ann. 25-61-5(3).

If you have any questions or concerns, please feel free to contact me any time at [your email address] or at [your phone number].

Thank you for considering my request.

Sincerely,

[*name*]

Sample Letter: Election Day Polling Places

Dear [*Election Commissioner*]:

We write to you to request an additional voting location in [County]. We urge you to create an additional polling place in voting district [number].

Access to in-person voting is especially important for voters of color in Mississippi. Because most voters in Mississippi cannot vote absentee, almost all voters in the state must vote in-person. This additional location will decrease the wait times for voters on Election Day, making it easier for voters to cast their ballots. [*More information should be added about problems specific to the voting district at issue.*]

While there is no requirement for the Commission to change their polling places before a certain deadline before the election, we further urge that you consider this request as soon as possible. Voters should have ample time before Election Day to receive notice and learn where their new polling place will be.

Other information to include:

- *Explanation about why the current site is not accessible for the community*
- *Suggestions for alternative sites and explanations about why the alternative sites are preferable*
- *Maps for a visual representation of the alternative sites.*

Issue Monitoring

During most elections, voting rights advocacy groups affiliated with the national nonpartisan Election Protection network monitor for issues at polling sites. You can reference the below poll site checklist for examples of the issues nonpartisan poll site monitors look out for on early voting and election days. With these questions in mind, you can be a conscious observer at poll sites in your community and call in any issues to the Election Protection hotline at 866-OUR-VOTE. Data collected through the hotline

and by trained volunteer poll monitors helps propel advocacy for poll site improvements at the local, statewide, and national level.

Polling Place Checklist

The following checklist should be used to document problems at polling place. In addition to answering the questions on this list, advocates should take photos to document problems they see at polling places.

- ✓ Were there long lines? If so, how long were the lines (in terms of number of people and/or distance)?
- ✓ How long are voters waiting in line?
- ✓ Did the polling site fail to open on time or close early?
- ✓ Did the polling site change locations without adequate notice to voters?
- ✓ Were there issues with signage?
- ✓ Were there parking issues?
- ✓ Was the polling site entrance or the polling place itself inaccessible for people with disabilities or limited mobility?
- ✓ Was the polling site understaffed?
- ✓ Was there law enforcement activity in/around the polling site?
- ✓ Did you spot any electioneering or improper partisan activities?
- ✓ Was there third-party intimidation around the polling place?
- ✓ Did poll workers or other election officials behave improperly?
- ✓ Did any voters leave the polling place without being able to cast a ballot?
- ✓ How many car-accessible parking spaces does the polling place have?
- ✓ How many van-accessible parking spaces does the polling place have?

Talking Points and Community Conversations

Assessing Community Needs & Polling Place Values:

When addressing polling place problems – especially potential site relocations, closures, or additions – it is important to talk to the local community about its values and needs before advocating for changes. For example, a largely pedestrian community may value the familiarity of a polling site more than finding a new site that would have a much larger parking lot. Community members know their neighborhoods best and are invaluable resources for identifying new or additional sites that may best suit the needs of voters. Whether engaging in-person or online, consider asking community members about the issues they face at their polling places, inquire if there are alternative locations that are familiar and accessible to the community, and identify the features of a polling place that matter most to local voters.

Educating Communities on Polling Place Changes:

When polling places are closed, relocated, or even added, it is critical to educate voters about these adjustments to avoid confusion, which itself can lead to disenfranchisement. Consider working with election officials and community groups to build a robust public education campaign with the most accurate and up-to-date information about voting hours and locations. Through public outreach via traditional and social media, direct mailers, flyers, door knocking, community group announcements, and targeted word-of-mouth efforts, you can help reduce voter confusion and propel participation on Election Day at all available polling places.