



*Sent via email*

November 30, 2020

Honorable Brad Raffensperger  
Georgia Secretary of State  
214 State Capitol  
Atlanta, GA 30334

Re: Urgent Action Needed to Ensure Safe and Accessible Voting  
in Georgia's Runoff Elections

Dear Secretary of State Raffensperger:

On behalf of All Voting is Local, Georgia, the NAACP Legal Defense and Educational Fund, Inc., SPLC Action Fund, and the undersigned organizations, we urge you to take the following critical steps to ensure that all voters can safely and securely exercise their right to vote in the January 5<sup>th</sup> runoff elections: (1) mandate specific weekend early voting dates; (2) address widespread technological and training issues with poll pads; (3) clarify confusing absentee ballot status information on the My Voter Page and BallotTrax websites; and (4) mandate at least one drop box for every 15,000 to 20,000 voters.

Not only will these nonpartisan and commonsense steps help ensure voters are able to safely cast their ballot in the upcoming runoff, they will also instill confidence in both voters and nonpartisan voting rights and civic organizations that rely on your leadership to improve our elections. These actions are especially important now as Georgia's COVID-19 rates are climbing<sup>1</sup> and voters need safe and reliable methods to vote.

**1. Mandate Specific Weekend Early Voting Dates.**

It is widely expected that voter turnout for the January 5 runoff elections will be extremely high.<sup>2</sup> The early voting period for runs from December 14 through January 1, coinciding with the holiday season. State offices are closed for official holidays on December 25 and January 1, and we anticipate most counties will not offer early voting on those days. We also anticipate some counties may not offer early voting on December 24 or December 31. This expected shortening of the available days for early voting during the holiday season will make it

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<sup>1</sup> See *Georgia COVID Map and Case Count*, New York Times (accessed November 27, 2020), available at <https://www.nytimes.com/interactive/2020/us/georgia-coronavirus-cases.html>.

<sup>2</sup> It was recently reported that over \$125 million has already spent on advertising for this election. Mitchell, T. (Nov. 19, 2020). Millions of dollars pour into Georgia ahead of Senate runoff elections. Retrieved Nov. 25, 2020 from <https://www.cbsnews.com/video/millions-of-dollars-pour-into-georgia-ahead-of-senate-runoff-elections/>

more difficult for voters to utilize early voting options and is likely to increase the number of voters who will vote in-person on January 5<sup>th</sup>, leading to long lines and increased risks of COVID-19.

To mitigate the likelihood of long lines on January 5<sup>th</sup>, counties should be directed to add additional early voting days and hours to account for any reduction due to the conflicts with the holidays. We urge you to mandate that all counties offer early voting for at least two weekend dates during the early voting period. Alternatively, we recommend extending voting hours to make up for lost time. All changes should be mandatory across the state in order to reduce the risk of voter confusion and guarantee that every voter has the same opportunity to cast their ballot regardless of where they live.<sup>3</sup>

## **2. Address Widespread Technological and Training Issues with Poll Pads.**

On Election Day, voters encountered widespread problems with poll pads, including poll pads that were slow, non-operational, or that did not arrive on time. Many poll workers were not able to quickly address and resolve these widespread issues. These issues caused voter confusion, longer wait times, and increased strain on poll workers.<sup>4</sup> We urge you to require that counties take the following steps to address these issues for the runoff elections:

- Ensure that poll pads are accurately programmed and any updates to the poll pad software are tested well in advance of use.<sup>5</sup>
- Provide poll workers with more extensive and comprehensive training, so they can better understand how to troubleshoot problems.
- Give poll managers the authority and the corresponding technological permissions to quickly override inaccurate poll pad information (i.e., “already voted”).

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<sup>3</sup> The inconsistency in early voting dates and hours across the state was problematic during the general election. Pursuant to O.C.G.A. 21-2-385(d)(1), early voting should have begun on October 12, 2020. However, forty-nine counties did not report any votes on October 12, presumably because their offices closed for the Columbus Day holiday. Further, on October 29, the final Thursday of early voting, multiple early voting sites were either delayed or closed altogether because of power outages and safety concerns due to tropical storm Zeta. In both instances, the Secretary of State’s office failed to direct counties to add additional days or time for voting. As a result, many voters showed up to vote in-person only to be turned away when they discovered that their polling site was closed. See Brumback, K. (Oct. 13, 2020), *Georgia breaks turnout record for first day of early voting*. Retrieved Nov. 25, 2020, from <https://apnews.com/article/virus-outbreak-election-2020-elections-georgia-atlanta-afa309fad367434a5bde9888fec89537>; Braverman, J (Oct. 29, 2020), *Multiple Georgia early voting locations delay opening as thousands are in the dark due to Zeta*. Retrieved Nov. 25, 2020 from <https://www.11alive.com/article/weather/hurricane/georgia-early-voting-locations-closed-due-to-tropical-storm-zeta/85-ff412f6a-fcc4-4dbd-b005-6923f5b40000>.

<sup>4</sup> See, e.g., *Live updates | Georgia still counting ballots*, 11 Alive News (Nov. 4, 2020) available at <https://www.11alive.com/article/news/politics/elections/election-day-in-georgia-live-updates/85-efac31f3-8af8-4f0e-995c-9cdb9259e805>.

<sup>5</sup> If a software update must be made without sufficient time for advance testing, poll sites should be provided with paper lists of eligible voters.

- Require counties to allocate the number of poll pads in each precinct relative to the number of registered voters in that precinct.

These solutions will alleviate many of the issues both voters and poll workers experience when poll pads malfunction.

### **3. Clarify Confusing Absentee Ballot Status Information on the My Voter Page and BallotTrax Websites.**

The Secretary of State’s “My Voter Page” and “BallotTrax” websites should be clarified so that voters understand that “receipt” of their absentee ballot does mean that their absentee ballot has been accepted and will be counted. Currently, the “My Voter Page” website marks absentee ballots as “accepted” when they are first received. The website does not disclose that absentee ballots that have been “accepted” may subsequently be rejected after further processing. Similarly, BallotTrax has a status label that marks absentee ballots as “counted,” which includes a warning message that voters may not vote again, but fails to notify voters that their absentee ballot could still be rejected.

Voters who use these websites reasonably (but incorrectly) assume that their absentee ballots will not be rejected once they see confirmation that it has been “accepted” or “counted.” Accordingly, voters have no reason to continue to monitor the websites to confirm their status. Moreover, due to widely reported USPS delays, voters may not receive timely notice that their ballot was rejected. As a result, many voters will miss important opportunities to cure their rejected absentee ballots within the allotted three-day period because they are simply unaware of the rejection.<sup>6</sup>

We urge you to take the following steps to address these issues for the runoff elections:

- Revise the “My Voter Page” and “BallotTrax” websites to indicate when ballots are “received” by the county election office and provide specific updates to reflect whether the ballot is “counted,” “challenged pending further information,” or “rejected.”
- Post simple definitions for each absentee ballot status so voters understand the differences and whether there is a possibility that their ballot could still be rejected.
- Provide voters with an opportunity to sign up for email or text notifications of any updates to their ballot status.
- Require counties to immediately determine whether a ballot is accepted or rejected at the time it is received by the county election office, and ensure that if a ballot is rejected, it is marked as such immediately and the voter is notified without delay.

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<sup>6</sup> Tammy Kadish-Harper, a Fulton County voter, had this very experience during the general election. On October 3, she received a “BallotTrax” notification that her ballot was accepted and counted. She continued to check MVP on a regular basis and continued to see the notification that her ballot had been accepted. Ms. Kadish-Harper was therefore shocked to learn on October 27 that her ballot was rejected due to a “signature mismatch.”

These simple solutions will minimize voter confusion and are especially important for the upcoming runoff elections considering the large number of voters who are requesting absentee ballots.

#### **4. Mandate at Least One Drop Box for Every 15,000 to 20,000 Voters.**

We urge you to require all counties to provide at least one drop box for every 15,000 to 20,000 voters. According to the Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council's Joint COVID Working Group:

Setting up ballot drop boxes and educating voters to use them mitigates a number of COVID-19-related risks associated with in-person voting. It also minimizes the number of people that will need to access voting locations, thereby providing more space for those who are engaged in in-person voting.<sup>7</sup>

According to CISA, best practices to determine drop box quantity and locations include: (i) provide one drop box per 15,000 to 20,000 voters; (ii) install drop boxes in communities with historically low vote by mail usage; and (iii) use demographic data analysis to determine the needs of rural voters versus urban voters.

Drop boxes are essential to ensure that voters can safely and effectively vote, especially as COVID-19 rates are expected to continue to rise during the runoff elections period. Although some counties are providing some drop boxes, many counties are still failing to provide this option to voters, or are providing an insufficient number of drop boxes. We therefore urge you to mandate that all counties provide at least one drop box for every 15,000 to 20,000 voters.

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We urge you to take the steps identified above so that voters can effectively, equitably, and safely vote in Georgia's upcoming runoff elections.

Please contact Aklima Khondoker by **December 4, 2020** to inform us of the steps you will take to address the issues raised in this letter. Feel free to contact us should you have any questions.

Respectfully,

Aklima Khondoker  
Georgia State Director  
All Voting is Local  
The Leadership Conference

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<sup>7</sup> Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council's Joint COVID Working Group. Ballot Drop Box, Retrieved Nov. 25, 2020 from [https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot\\_Drop\\_Box.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf)

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