

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION RELATING TO THE VOTING OF INCARCERATED INDIVIDUALS AT LOUISVILLE METRO DEPARTMENT OF CORRECTIONS AND IN KENTUCKY. (AS AMENDED)

SPONSORED BY: COUNCIL MEMBERS ARTHUR, CHAMBERS ARMSTRONG, AND PRESIDENT JAMES

WHEREAS, according to the Campaign Legal Center (“CLC”), of the 750,000 people incarcerated in jails in 2019, most are detained pretrial;

WHEREAS, in Kentucky, individuals detained pretrial, who have not yet been convicted of the offense and who are not otherwise ineligible to vote, are eligible to vote pursuant to KRS 116.025(2);

WHEREAS, although most people in jail retain their constitutional right to vote, few actually cast ballots according to the CLC;

WHEREAS, misinformation about eligibility, barriers to voting registration, including lack of identification, and challenges to casting a ballot all suppress an incarcerated person’s ability to vote;

WHEREAS, this problem is particularly insidious because currently incarcerated voters are disproportionately Black, low-income voters, homeless voters and voters with disabilities;

WHEREAS, the number one factor that impacts voter turnout is voter education and outreach which is particularly crucial in jails;

WHEREAS, creating election infrastructures that make voting accessible to all eligible currently incarcerated voters is important to voter access in jails;

WHEREAS, in one of his first official acts, Kentucky Governor Andy Beshear signed an Executive Order on December 12, 2019 automatically restoring the voting

rights to many formerly incarcerated people; however, many currently incarcerated people are unsure whether or not they are eligible for restoration;

WHEREAS, one solution to voting rights restoration is to ensure that criminal defendants are informed: (1) before conviction and sentencing to prison, that they will lose their voting rights; and (2) upon release from prison and/or release to community supervision, that they are again eligible to register and vote;

WHEREAS, even if currently incarcerated people are qualified to vote, acquiring voter registration forms or an absentee ballot while incarcerated is challenging when someone cannot use the internet or easily contact the Board of Elections in their community;

WHEREAS, to help currently incarcerated people register to vote, some policies include making the Department of Corrections and Probation and Parole authorities responsible for assisting with voluntary voter registration and/or establishing a no-excuse in-person absentee voting ballot drop box at the jail site;

WHEREAS, in Kentucky, currently incarcerated people qualified to vote may apply to cast his or her vote by mail-in absentee ballot which shall be mailed to the jail; however, difficulties still arise due to application deadlines, fear of compromised ballot secrecy and population churn in the jails;

WHEREAS, establishing a no-excuse in-person absentee voting ballot drop box at the jail eliminates many of the barriers associated with voting;

WHEREAS, an estimated 21 million Americans do not have valid government identification, according to the Brennan Center for Justice, a nonpartisan voter advocacy group;

WHEREAS, in Kentucky, registered voters are required to produce identification whether the voter is casting an absentee ballot or voting in person ~~which creates an additionally barrier to voting access especially for disenfranchised individuals who may not have access to a computer, credit card or birth certificate;~~

WHEREAS, the average cost of a government ID is \$40 11.50, according to ~~voting rights advocates~~ the Kentucky Transportation Cabinet; and

WHEREAS, voter ID clinics, through expertise and financial support, help individuals obtain the government identification they need not only to vote, but to obtain many social services, access to health services and income sources such as pensions.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“COUNCIL”) AS FOLLOWS:

SECTION I: The Council fervently and unequivocally, for the reasons stated above, supports legislation and/or local infrastructure that creates access to voting rights restoration services, voter registration services, and identification clinics to assist currently incarcerated people with the education and resources they need to vote such as assistance with registering to vote and obtaining proper identification cards before release. Council further supports establishing no-excuse in-person absentee voting ballot drop box locations at jail sites to ensure that many of the barriers experienced by currently incarcerated people in voting are eliminated.

SECTION II: In support of these policies, Council urges Louisville/Jefferson County Department of Corrections and the Jefferson/County Board of Elections to establish and/or allow infrastructure that ensures many of the barriers to voting for currently incarcerated persons, including, but not limited to, education regarding voting rights restoration,

assistance with voter registration and obtaining identification, and establishing a no-excuse in-person absentee voting ballot drop box at the Louisville/Jefferson County Department of Corrections.

SECTION III: This Resolution shall take effect upon passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

BY: _____

R-128-22 NJ Voting in Jails Amended 10-4-22