



# Louisville Metro Government

## Legislation Text

File #: R-128-22, Version: 2

### RESOLUTION NO. \_\_\_\_\_, SERIES 2022

#### **A RESOLUTION RELATING TO THE VOTING OF INCARCERATED INDIVIDUALS AT LOUISVILLE METRO DEPARTMENT OF CORRECTIONS AND IN KENTUCKY (AMENDMENT BY SUBSTITUTION).**

**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, and challenges to casting a ballot may 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**, a 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;

**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**, 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, the absentee ballot process includes an electronic verification process related to their proper identification qualifying them to vote;

**WHEREAS**, the Commonwealth of Kentucky provides a no cost state identification that can be used for many purposes including voting;

**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 easier access to voting at jail sites to ensure that many of the barriers to vote experienced by currently incarcerated people 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 an easier process for voting at the Louisville/Jefferson County Department of Corrections.

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

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

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