



Kentucky

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If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Kentucky that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The requirements of H.R.1/S.1—including those relating to universal mail-in voting, early voting, automatic voter registration, and gerrymandering—would fundamentally change Kentucky’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Kentucky:

Expanding & Protecting Voter Registration Opportunities

- Requires Kentucky to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ Kentucky does not currently use automatic voter registration.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.² Kentucky does not offer same day voter registration. Rather, in Kentucky, voter registration must occur 29 days prior to Election Day.³
- Provides for pre-registration of 16- and 17-year-olds.⁴ In Kentucky, pre-registration is only allowed if the voter will be 18 by the next general election.⁵
- Requires election officials to complete cross-check purges of registration lists at least six months prior to a given election and prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁶ Kentucky law currently requires that purges take place no later than 90 days prior to a primary or general election.⁷

Mandating Secure, Accessible Early Voting & Absentee Voting

- Gives voters the option of voting early and in person for a full 15 days before a federal election, including weekends, for at least 10 hours a day (including early morning and evening hours).⁸ Kentucky has not allowed in person early voting without a valid excuse but recently adopted a law permitting three days of no-excuse early voting on the Thursday, Friday, and Saturday immediately preceding an election.⁹

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ Ky. Rev. Stat. § 116.045(2).

⁴ H.R. 1, Title I, Subtitle A, Part 10.

⁵ Ky. Rev. Stat. § 116.045(1).

⁶ H.R. 1, Title II, Subtitle F; Title I, Subtitle C.

⁷ Ky. Rev. Stat. § 116.112.

⁸ H.R. 1, Title I, Subtitle H.



- Requires states to allow any eligible voter to vote by mail in federal elections (no-excuse absentee voting).¹⁰ Kentucky does not offer no-excuse absentee voting.
- Requires prepaid return envelopes for mail-in ballots and ballot applications.¹¹ Kentucky law does not offer direction on payment of postage for ballots, but postage was paid by the state in 2020 pursuant to executive order.¹²
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on the number of registered voters in the county.¹³ A newly enacted Kentucky law would require at least one drop box per county be available but does not specify the amount of time before the election for which they must be available.¹⁴
- Requires states permit voters to designate someone else to return their completed ballot, so long as that individual is not being compensated.¹⁵ A recently enacted Kentucky law will limit third-party return of ballots to voters' friends, relatives, housemates, and caregivers.¹⁶
- Deems ballots postmarked by Election Day valid, and they must be counted, if delivered to election officials within 10 days of the election.¹⁷ Current Kentucky law requires ballots be received by Election Day in order to be counted.¹⁸
- Requires states to establish tracking programs for mail-in ballots and provide information on whether an individual's vote was counted.¹⁹ In Kentucky, absentee ballot tracking was available to all voters in the 2020 election that provided certain identifying information, and a newly enacted law will extend ballot tracking to future elections.²⁰

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.²¹
- Mandates any changes to polling place locations be announced seven days before Election Day.²² Kentucky currently has no minimum notice requirement.

⁹ Ky. Rev. Stat. § 117.085; Ky. HB 574, § 11.

¹⁰ H.R. 1, Title I, Subtitle I.

¹¹ H.R. 1, Title I, Subtitle I.

¹² 31 Ky. Admin. Reg. 4:192E, § 6; *see also* "Kentucky Voters to Get Free Postage for Absentee Ballots," *Associated Press*, May 1, 2020, available at <https://apnews.com/article/4140181bf993889f130ebb2116ccb3d0>.

¹³ H.R.1, Title I, Subtitle N, Part 1.

¹⁴ Ky. HB 574, § 12.

¹⁵ H.R. 1, Title I, Subtitle I.

¹⁶ Ky. HB 574, § 6.

¹⁷ *Id.*

¹⁸ Ky. Rev. Stat. § 117.086(1); Ky. Rev. Stat. § 118.035.

¹⁹ H.R. 1, Title I, Subtitle I.

²⁰ Ky. HB 574, § 19; *see also* *Absentee Ballot Status Inquiry*, Kentucky State Board of Elections, <https://vrsws.sos.ky.gov/ABD2Web>.

²¹ Title I, Subtitle N, Part 1.

²² *Id.*



- Requires states take steps to ensure that voters do not wait more than 30 minutes to vote.²³ Kentucky has experienced widely varying wait times, including reports of hours-long waits during the 2020 elections.²⁴
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official, and requires a challenger to submit an affidavit of good cause based on personal knowledge.²⁵ Currently, in Kentucky, candidates and political parties may appoint challengers at each precinct during an election. If a challenger raises a challenge to a person's right to vote, the voter may be required to sign an oath affirming that he or she is qualified to vote.²⁶

Creating Alternatives to "Voter ID" Law

- Enables voters who lack identification to vote if they provide a written sworn statement attesting to their identity.²⁷ Currently, Kentucky voters are required to provide photo ID issued by one of an enumerated list of acceptable entities, or affirm under penalty of perjury that they are eligible to vote but have one of eight statutorily enumerated "impediments" to procuring the requisite form of identification and present an alternate form of identification meeting the requirements of another statutorily enumerated list.²⁸
- Mandates that identification is not required to request an absentee ballot for registered voters, who may provide a signature instead.²⁹ In Kentucky, voters requesting an absentee ballot must provide the same proof of identification or an affirmation as required for in-person voting.³⁰

Restoring Civil Rights

- Requires Kentucky to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.³¹ Currently, Kentucky citizens with felony convictions can only vote after they have completed probation or parole and undertaken an administrative process to restore their civil rights, had their civil rights restored by executive pardon, or obtained entry of an order vacating and expunging their conviction and paying an expungement fee of \$250.³²

²³ H.R. 1, Title I, Subtitle N, Part 1.

²⁴ See e.g., Daniel Desrochers and Jack Brammer, "Lexington Voters Endured Waits of More Than an Hour at Kroger Field on Election Day," *Lexington Herald-Leader*, June 23, 2020, available at <https://www.kentucky.com/news/politics-government/article243731882.html>; see also Jeremy Chisenhall and Morgan Eads, "Lexington Voters Wait Hours After Polls Close; KY Complaints Increase," *Lexington Herald-Leader*, Nov. 3, 2020, available at <https://www.kentucky.com/news/politicsgovernment/election/article246897447.html>.

²⁵ H.R. 1, Title I, Subtitle C.

²⁶ Ky. Rev. Stat. § 117.315; Ky. Rev. Stat. § 117.316.

²⁷ H.R. 1, Title I, Subtitle N, Part 1.

²⁸ Ky. Rev. Stat. § 117.227; Ky. Rev. Stat. § 117.375; Ky. Rev. Stat. § 117.228.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ Ky. Rev. Stat. § 117.085.

³¹ H.R. 1, Title I, Subtitle E.

³² Ky. Const. § 145; Ky. Rev. Stat. § 196.045; Ky. Rev. Stat. § 116.025; Ky. Rev. Stat. § 431.073.



Strengthening Election Security & Trust in Elections

- Requires states to begin processing mail-in ballots at least 14 days prior to an election.³³ Under current Kentucky law, processing cannot begin until 8 a.m. on Election Day.³⁴ Kentucky recently amended its laws to permit the processing of mail-in ballots at least 14 days prior to an election, but does not require it.³⁵
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.³⁶
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.³⁷
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁸
- Permits the security of drop boxes through remote or electronic surveillance.³⁹
- Allows voters the opportunity to correct any errors on a paper ballot before it is cast and gives voters the option to mark their ballots by hand.⁴⁰
- Preserves paper ballots for recounts or audits.⁴¹ Kentucky does not currently offer any statewide cure process for problems with absentee ballots, but recently amended its election laws to provide for a process to cure certain absentee ballot defects.⁴²

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature draws congressional districts in Kentucky. There is no public input requirement in Kentucky.⁴³ H.R.1/S.1 would do the following:
 - Requires states to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.⁴⁴
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.⁴⁵
 - Requires consideration of “communities of interest” when drawing congressional districts.⁴⁶

³³ H.R. 1, Title I, Subtitle I.

³⁴ Ky. Rev. Stat. § 117.087.

³⁵ Ky. HB 574, § 14.

³⁶ Amendment 5 to H.R.1, Part B.

³⁷ H.R. 1, Title I, Subtitle I.

³⁸ Amendment 27 to H.R.1, Part B.

³⁹ Amendment 9 to H.R.1, Part B.

⁴⁰ H.R. 1, Title I, Subtitle F.

⁴¹ *Id.*

⁴² Ky. HB 574, § 14.

⁴³ See e.g., Steve Rogers, “Kentucky LWV Urges Open Redistricting Process, Public Input,” *WTVQ*, Feb. 16, 2021, available at <https://www.wtvq.com/2021/02/16/kentucky-lwv-urges-open-redistricting-process-public-input/>.

⁴⁴ H.R. 1, Title III, Subtitle E.

⁴⁵ *Id.*

⁴⁶ *Id.*



- Counts incarcerated citizens as residents of their home community for purposes of representation, ending Kentucky's prison gerrymanders (*i.e.*, inclusion of prisons in local districting plans).⁴⁷
- Authorizes a federal court to draw the maps if not finalized by December 15, 2021.⁴⁸ Note that this does not impact the process for state legislative or local redistricting.⁴⁹

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ H.R. 1, Title III, Subtitle E, Part 4.