

VOTING IN 2010: Ten Swing States

KENTUCKY

Kentucky is another state that usually flies under the radar, but not this year with a very tight Senate race. Although Kentucky does some things extremely well with respect to elections, its draconian law permanently disenfranchising citizens who have previous felony convictions continues to overshadow the system. Given the high number of Kentucky residents living in poverty, it is also troubling that Kentucky has not been effective at registering people to vote at public assistance agencies. That said, Kentucky has the best law preventing frivolous or politically motivated challenges to individuals' voting rights among the states studied.

POLITICAL OUTLOOK

- The US **Senate** race is competitive, with recent polls showing Tea Party activist Rand Paul (R) ahead of Jack Conway (D), the state's Attorney General.

OBSTACLES TO VOTING

- Citizens must register 28 days prior to the election, potentially **blocking many voters** from participating.
- Elections will once again be marred by the state's extremely **restrictive felon disenfranchisement** rules. Nearly six percent of Kentucky's population and roughly 24 percent of its African-American population is disenfranchised under this law. Ex-felons can regain their right to vote by way of an executive pardon issued by the Governor, which is considered on an individual basis. Though people with misdemeanor convictions are allowed to vote, more than half of county clerks participating in a survey believed otherwise.
- The absence of a direct law regarding dissemination and of misinformation about the electoral process makes it vulnerable to both traditional and online **vote suppression** mischief.
- **Provisional ballots** are not counted if cast in the wrong precinct, potentially taking the vote away from many eligible voters.

EXEMPLARY VOTING LAWS/ PROCEDURES

- Kentucky has the most exemplary voter "**challenge**" law among the states under review. Only designated challengers and election officials who undergo specific training can challenge other voters' right to vote. A challenged voter will be permitted to vote if s/he signs an oath attesting to her/his qualifications to vote.
- Kentucky does not jeopardize the **privacy and security of overseas and military voter** by accepting ballots cast by fax, e-mail, or over the Internet.

ARIZONA

COLORADO

ILLINOIS

KENTUCKY

LOUISIANA

MICHIGAN

MISSOURI

NEVADA

NORTH CAROLINA

OHIO

WHAT THE CHIEF ELECTIONS OFFICER CAN DO BEFORE ELECTION DAY

- Educate and assist persons in Kentucky with **prior felony convictions** to regain their voting rights through the current process, if possible in time to vote in the 2010 election.
- Take extra steps to ensure people have the correct voting information ahead of time, to prevent negative impacts from potential **deceptive practices**. Establish a clear system for detecting misinformation campaigns and a plan for how the office will **respond** to them to ensure voters have the true information immediately.
- Make sure voters and poll workers alike know the correct polling place *and* the correct precinct to ensure they will **not cast a “placebo” provisional ballot**.

In advance of the mid-term elections, Common Cause and Dēmos will release a new report that finds election policies in 10 swing states could disenfranchise voters and impact election results. The report, “Voting in 2010: Ten Swing States,” looks at Arizona, Colorado, Illinois, Kentucky, Louisiana, Michigan, Missouri, Nevada, North Carolina, and Ohio, summarizing each state’s practices, and providing a set of recommendations for improvement.

To view the full report, visit **demos.org/swingstate**
or **commoncause.org/swingstate**.

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