

**DEFENDING  
DEMOCRACY**

**FOR WE  
THE PEOPLE**

**ACLU**

AMERICAN CIVIL LIBERTIES UNION

Kentucky

LEGISLATIVE  
AGENDA  
**2023**

# Freedom's watchdog.

The ACLU of Kentucky works in courts, in the state legislature, at city councils, and with grassroots activists to defend the civil rights and liberties of all people in Kentucky as guaranteed by the United States and Kentucky Constitutions.

At the statehouse, we work with legislators to propose new bills, make bills better, and defeat harmful legislation. We also connect legislators with people directly affected by certain policies so lawmakers can learn about the real-life impacts of legislation – from mass incarceration, to racial equity in healthcare, to reproductive freedom, to LGBTQ equality.

Our legislative agenda is built around the issues that are core to the ACLU of Kentucky's mission. Some items are specific pieces of legislation we are prioritizing this year, and others are long-term goals we continue to lay the groundwork for in future legislative sessions.

## All of the ACLU of Kentucky's work is done through a racial justice lens.

Our nation's political system was built on white supremacy. We must dismantle the systems and policies that continue to uphold white supremacy and seek justice for past harms. Kentuckians of color – particularly Black Kentuckians – disproportionately bear the burden of these harmful systems and policies. Structuring our work around the goals of equity and justice for the most marginalized among us will repair some past harms and strengthen our commonwealth by helping all Kentuckians.

In addition to focusing our policy work through a racial justice lens, we also consider *how we do our work* in that same way. The ACLU of Kentucky has long believed the people most affected by an issue have the best solutions. We work closely with grassroots organizations and groups, such as the ACLU of Kentucky Smart Justice Advocates, and hire people who have personal experiences with the issues we work on.

Learn more and meet the team at [ACLU-KY.org](https://aclu-ky.org). Follow @ACLUofKY on Facebook, Twitter, and Instagram to stay up to date and get involved.



# TABLE OF CONTENTS

## **2 Meet the Team**

## **4 Reproductive Freedom**

Restoring and protecting access to abortion care  
Improving maternal health  
Paid family leave

## **8 Smart Justice**

Good Samaritan laws and supporting harm reduction  
Removing the persistent felony offender law  
Eliminating obstacles to treatment  
Clean slates and expungement

## **14 Juvenile Justice**

Preventing violence  
Examining justice through a public health lens  
Keeping kids out of adult court  
Removing police from schools

## **16 LGBTQ Equality**

Expanding Fairness protections  
Banning conversion torture against children  
Protecting transgender kids

## **18 Freedom of Speech**

Stopping classroom censorship  
Protecting the right to protest  
Keeping government transparent

## **21 Racial Justice**

Ending race-based hair discrimination with the C.R.O.W.N. Act

## **23 Voting Rights**

Restoring voting rights

## **25 Immigrants' Rights**

Keeping Kentucky families together

## **27 Resources**

# MEET THE TEAM

The ACLU of Kentucky's advocacy and communications teams are regularly in Frankfort throughout the legislative session.



## HEATHER AYER

Campaign Coordinator  
she/her

Heather brings years of state and federal campaign experience to ACLU-KY to mobilize Kentuckians and connect them with their lawmakers. She grew up in Frankfort and is working to build a more just and equitable commonwealth.



## BRITTANY HARRIS

Advocacy Intern  
she/her

Brittany a full-time student in Spalding University's School of Social Work. She also works with organizations such as The Healing Place and The Kidz Club, both of which serve people directly impacted by ACLU-KY's issue areas.



## RICHELLE HARRIS

Advocacy Administrative Assistant  
she/her

Richelle is passionate about advancing social justice to improve lives and communities. She studied social work, which brought her to the ACLU of Kentucky as an intern before joining the team full time in 2021.



## JACKIE MCGRANAHAN

Policy Strategist, Reproductive Freedom and LGBTQ Equality  
she/her

Jackie fights for greater access to healthcare to end the Black maternal mortality crisis and restore essential abortion care. She grew up in Appalachia and is building grassroots power in all corners of the Commonwealth.



## KATE MILLER

Advocacy Director  
she/her

Kate joined in 2008 and oversees ACLU-KY's lobbying strategies. She was instrumental in founding the Kentucky Smart on Crime Coalition and works in a variety of issue areas, seeking common ground with lawmakers.



## KUNGU NJUGUNA

Policy Strategist, Smart Justice  
he/him

Kungu is a first-generation American and lifelong Kentuckian. He previously served as a prosecutor in Jefferson County. Kungu is justice-involved and uses his experience to advocate for common sense policies that put treatment over incarceration.

**ALAINA SWEASY**

Contract Lobbyist, Smart Justice  
she/her

The founder and owner of Lane13 Consulting, Alaina believes justice-involved Kentuckians and people living with substance use disorder need access to support services – not incarceration for a health issue.

**ANA'NEICIA WILLIAMS**

Contract Lobbyist, Reproductive Freedom  
she/her

Ana'neicia is a doctoral student and professor in Spalding University's School of Social Work. She found her passion in maternal health and believes treating the whole person is necessary.

**ANGELA COOPER**

Communications Director  
she/her

Angela joined in 2020 and oversees ACLU-KY's communications strategies. She brings previous experience in public health communications and lobbying to her work at the ACLU of Kentucky.

**SAMUEL CRANKSHAW**

Communications Manager  
he/him

Sam brings past campaign and environmental communications/engagement experience to his work to inform and engage Kentuckians and journalists.

**TAYLOR KILLOUGH**

Communications Associate  
she/her

Taylor brings experience as a reporter, writer, and producer to the ACLU of Kentucky to inform and engage concerned Kentuckians. She works with a number of other organizations, including the Kentucky Rural-Urban Exchange.

**Why do we include our pronouns?**

Sharing pronouns gives us the language we need to affirm everyone present, not make assumptions about gender identity or expression, and promote inclusion and equality of transgender and gender non-conforming Kentuckians.

**Simple steps like this can save lives.**

Young transgender and gender non-conforming people who can use their pronouns with friends and at work, home, and school, experience:

- 71% fewer symptoms of severe depression
- 34% decrease in reported thoughts of suicide
- 65% decrease in suicidal attempts





## REPRODUCTIVE FREEDOM

**Reproductive freedom is the ability of all people to have the legal rights and equitable access to resources to make the best decisions for themselves – whether that means continuing a pregnancy, seeking adoption, or accessing abortion care.**

The ACLU of Kentucky has worked for decades to ensure the government is not allowed to force people to remain pregnant against their will, and that fight has become as important as ever since the Supreme Court overturned Roe and Casey. We will continue this fight during the 2023 legislative session, when lawmakers are expected to continue their years-long effort to block all access to abortion care in the commonwealth.

Our work on reproductive freedom doesn't stop at access to abortion care. We're working with a wide variety of people to learn from those most affected to:

- reduce racial disparities in maternal and infant health
- protect and expand access to abortion care
- expand pre-K and paid leave so no parent is forced to choose between a paycheck and caring for their child
- reduce instances of sexual assault and domestic violence
- connect survivors of violence to therapists, counselors, and other support services
- ensure all families have a home in Kentucky, no matter their family's composition
- provide young people with age-appropriate, comprehensive, and inclusive education about sex, sexuality, and relationships

# ACCESSING ABORTION CARE

The best person to make a decision about pregnancy is the pregnant person themselves. The government should never have the authority to force a person to remain pregnant against their will.

## THE REAL EFFECTS:

Everyone needs access to safe and affordable abortion care. Nearly 25% of women have an abortion by 45 years of age, but restrictions and bans affect different Kentuckians in different ways.



### PARENTS:

Almost 67% of Kentuckians who obtain an abortion have at least 1 child. Many are single parents burdened by poverty. Nearly 20% of these Kentucky families live in deep poverty, earning 50% or less than the federal poverty line.



### HEALTH COMPLICATIONS:

Some people who want to be pregnant must end their pregnancy because of health complications. Arbitrary abortion restrictions put politicians between patients and their healthcare providers.



### SURVIVORS OF VIOLENCE AND ASSAULT:

Pregnant people have an elevated risk of experiencing domestic violence. They should be free from interference to make the decisions that are best for themselves.



### RURAL KENTUCKIANS:

There are only two clinics in Kentucky. Getting to the clinics in Louisville is a long drive from Eastern and Western Kentucky – pending clinics' legal ability to even provide care. Long distance travel requires additional resources to cover transportation costs, time off work, and childcare.





# IMPROVING MATERNAL HEALTH

Kentucky is at the forefront of the global maternal mortality crisis, and this deadly trend is even worse for people of color – regardless of education level or income.

## THE PROBLEM:

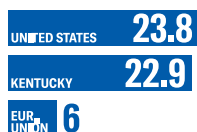
The United States has the highest maternal mortality rate among wealthy nations, and Kentucky has some of the worst birth outcomes in the U.S. We are the only wealthy country whose maternal mortality rate has increased in recent decades.

 **26%**

U.S. maternal mortality rate rose 26% from 2010 to 2014.



Maternal and infant mortality happens to pregnant people of color at all incomes and education levels.



The number of deaths per 100,000 births in the U.S. is nearly 4x higher than in the European Union.

**2X**  
INFANT  
MORTALITY

Black infants are 2x more likely to die before their 1st birthday than non-Hispanic white infants.



Pregnant people of color have 3x the maternal mortality rate of their white peers.

**STRUCTURAL  
RACISM  
IN HEALTHCARE**

Mortality rates are higher for all people of color – regardless of education and income – indicating structural racism in healthcare is behind this mortality crisis.

## THE SOLUTION:

The health disparities between people of color and their white peers show that Kentucky must address structural racism and increase access to culturally-competent healthcare.



Cover doula services with Medicaid and cover those expenses for 12 months postpartum.



Address systemic racism in medicine by requiring anti-racism training for healthcare providers.

### SYSTEMIC RACISM IN HEALTHCARE:

Systemic racism often shows up as implicit bias. This is an automatic, subconscious feeling or attitude about a certain group of people. It does not come from a place of negative intent, but results in unequal treatment. Anti-racism training teaches people how to identify these patterns of thinking and change them to eliminate discriminatory behaviors and produce better maternal and infant health outcomes.

### INCREASED ACCESS TO DOULAS:

Doulas inform and advocate for pregnant people before, during, and after birth. Doulas provide individualized, culturally-specific pregnancy and childcare education, and ways to reduce stress and promote a healthy pregnancy. They visit patients at home and are present during delivery to ensure patients receive the care they need.

### FREESTANDING BIRTH CENTERS:

Freestanding birth centers increase access to community-based services and reduce costs. Several studies show birth centers improve patient outcomes, reduce interventions like C-sections, and result in no maternal deaths.



# PAID FAMILY LEAVE

All Kentucky workers need paid family and medical leave because no person should be forced to choose between keeping their job and caring for their children or family.

## HEALTH & GENDER:



### HEALTH AND PAID LEAVE:

- The American College of Obstetrics and Gynecologists endorses paid leave for its positive effect on postpartum care. For instance, parents with paid leave are more likely to breast feed, even after they return to work.
- Access to paid family leave reduces rates of infant mortality.



### GENDER EQUALITY:

- A gender wage gap emerges after having a child, known as the Motherhood Penalty. This impacts an outsized number of Kentucky families because women are the breadwinners in many homes.
- Wage gaps mean significantly lower earning potential over the course of someone's career.

## ECONOMIC IMPACTS:

Kentucky has lower rates of women's workforce participation than most other states. This has been exacerbated by the pandemic. Access to paid family leave increases women's participation and makes it more likely for a woman to return to work after giving birth, improving employee retention and saving businesses money from staff turnover.

## RACIAL DISPARITIES:

The enormous wealth gap between white and Black Americans denies Black Americans the resources to absorb a temporary loss of income when required to take time off work for family or medical leave. To make matters worse, Black Kentuckians have less access to both paid *and* unpaid family and medical leave.

**4X**  
MATERNAL  
MORTALITY

Maternal mortality rates for people of color are 3x higher than their white peers. They are 4x higher for Black people. Those trends occur regardless of income or education level. Paid time off would improve health outcomes.



The United States is the only wealthy country whose maternal mortality rate has increased in recent decades. It rose 26% from 2010 to 2014.

**LESS  
ACCESS**

Black women have less access to paid family leave and are more likely to return to work sooner than they should following childbirth.



## SMART JUSTICE

The ACLU of Kentucky works with a number of allies on common sense justice reforms to reduce incarceration rates and give Kentuckians a fair chance at getting back on their feet.

We work closely with the ACLU of Kentucky Smart Justice Advocates (a group of Kentuckians affected by the legal system working to change it), the Kentucky Smart on Crime Coalition, and others.

Kentucky must transform its criminal legal system so it provides folks with access to the resources they need while still holding them accountable for harm caused – we believe that this is what justice truly looks like.

This includes working to support currently incarcerated people and their families, as well as those who are re-entering their communities after release.

Additionally, it is clear the current system disproportionately harms Kentuckians of color – particularly Black Kentuckians – as well as poor Kentuckians, people with disabilities, and people with a substance use disorder. We are committed to eliminating these disparities.

Most importantly, we are working to divert people away from being incarcerated in the first place. We are all made safer when Kentucky invests in ensuring all Kentuckians have access to quality education, healthcare, jobs, and opportunities.

# GOOD SAMARITAN LAWS AND PREVENTING OVERDOSES

Kentuckians living with a substance use disorder need access to non-judgmental harm reduction tools and treatment – not punishment and incarceration. Readily available fentanyl testing strips save lives, but they are currently considered drug paraphernalia.

## A HEALTH ISSUE:

**Kentucky is in the throes of the nationwide opioid epidemic and ranks second in the U.S. for overdose deaths. This crisis is affecting all Kentucky families, regardless of where they live, race, religion, income, or education.**

Criminalizing drug use drives drug use underground, increasing the likelihood that people will engage in less safe practices such as sharing needles. It also decreases the likelihood people living with substance use disorder will seek recovery treatment or necessary medical attention in an emergency.

Sending people who have used drugs to jail and prison leads to higher rates of mortality. The leading cause of death for formerly incarcerated people immediately after release is drug overdose.

Those who make efforts to reduce overdose rates should not be punished for saving lives. While the end goal is treatment and long-term recovery, people currently living with substance use disorder deserve the opportunity to make it to the point where they can choose treatment.

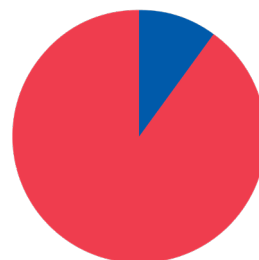
## AN EQUITY ISSUE:

Many laws related to drug offenses stem from the failed war on drugs, which disproportionately polices, terrorizes, and incarcerates communities of color. These outdated laws also require outsized punishments for low-level drug offenses when people really need access to community-based treatment.

## BY THE NUMBERS:

↑ **14.5%**

2,250 Kentuckians died from drug overdoses in 2021, up 14.5% from 2020.



**90%**

An opioid was involved in 90% of all overdose deaths in Kentucky.



# PERSISTENT FELONY OFFENDER LAW

Kentucky's Persistent Felony Offender (PFO) law tips the scales against the people, forcing unfair sentences on Kentuckians, fueling mass incarceration, bypassing juries, and ignoring the true causes of crime.

Kentucky's Persistent Felony Offender (PFO) law tips the scales of justice against the people and toward the state. The PFO law empowers prosecutors to enhance a sentence – or threaten to enhance a sentence – if the accused person has been convicted of any felony offense and has completed their sentence within the past five years or is on probation or parole.

## UNFAIR SENTENCING:

The PFO law gives prosecutors immense power to leverage plea agreements that are unfavorable to the accused and overly harsh in response to the alleged offense.

## BYPASSING THE JURY:


The PFO law deprives the jury and community of their function to determine guilt and appropriate sentencing.

## FUELING MASS INCARCERATION:

The PFO law increases the number of incarcerated people which separates Kentucky families, forces people to live and work in dangerous conditions, and wastes limited tax dollars.

## IGNORING THE REAL ISSUES:

The mandatory minimums in the PFO law do not provide an opportunity to meet an individual's needs, such as accessing treatment for mental illness or substance use disorder, to truly rehabilitate people and make Kentucky communities safer, stronger, and healthier.



**“One of the worst excesses of Kentucky’s tough-on-crime movement is a repeat offender statute...the persistent felony offender (PFO) law clearly heads the list of tough-on-crime measures that have filled prisons and jails beyond capacity, pushed the state’s corrections budget off the charts, and changed the balance of power over punishment in ways that **threaten the basic fairness of the justice system.**”**

*Robert G. Lawson, original drafter of Kentucky’s penal code and University of Kentucky College of Law professor.*



# REMOVING OBSTACLES TO TREATMENT

Kentucky is facing a crisis of substance use disorder and incarceration is not the answer.

While Kentucky saw a decrease in overdose deaths in 2018, rates climbed in 2019 and increased a staggering 57% in 2020. These increases have affected families in every single community, but overdose rates among Black Kentuckians have risen even more.

## TREATMENT OVER INCARCERATION:



### INCARCERATION:

Addressing this public health crisis with incarceration fuels incarceration rates, especially for Kentuckians of color.



### FAMILIES:

Kentucky has among the highest rate of children living in foster care or with a caregiver other than their biological parent. Treating substance use disorder will keep families healthy and together, and will reduce strain on foster care.



### TREATMENT:

Alternatives to incarceration that focus on treatment yield better results. There is little to no evidence that incarceration treats substance use disorder. Treatment is effective and less expensive.



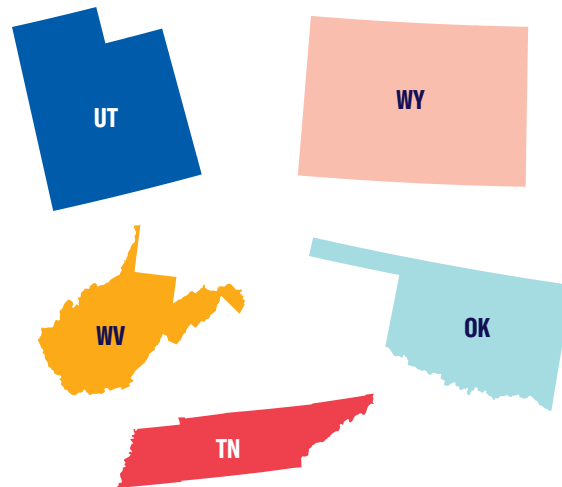
### ECONOMIES:

Ignoring the root causes of substance use disorder harms our state and local economies. Senseless incarceration wastes tax dollars and keeps people from accessing the treatment they need to be productive community members.

## ADDRESSING ROOT CAUSES:

### IN GOOD COMPANY:

Kentucky should join other states – from across the political spectrum – and treat possession as a misdemeanor.



Tennessee, Wyoming, Oklahoma, Utah, and West Virginia all treat possession as a misdemeanor.

### COMMUNITY-BASED TREATMENT:

People with substance use disorder need access to community-based treatment. They should have the opportunity to seek treatment without the threat or burden of incarceration.

### REDUCING MASS INCARCERATION:

Prioritizing treatment will reduce incarceration rates on the front end and in the long term. People who access treatment are less likely to wind up back in the criminal legal system.

# CLEAN SLATE AND EXPUNGEMENT

We all make mistakes, and no person should have to carry the burden of unfair consequences for the rest of their life. Everyone deserves a fair opportunity to pay their debts and restart with a clean slate.

## A CRISIS OF MASS INCARCERATION:

**If Kentucky were its own country, it would have a higher incarceration rate than any other democracy on earth, including the U.S.** This is driven largely by the failed war on drugs, with 30,000 Kentuckians behind bars. Additionally, as of November 2022, there were just under 20,000 Kentuckians incarcerated for a felony conviction and another 61,000 under state supervision.



### A COMMUNITY ISSUE:

Having a past conviction can make people ineligible for job opportunities, professional licenses, housing assistance, education, volunteering with their children's activities, and more. Expungement lowers rates of recidivism by offering people a clean slate and opportunity to move forward as full members of their communities.



### AN ECONOMIC ISSUE:

Past convictions can prevent people from contributing to the workforce and, by extension, contributing to the state's tax base. Kentucky is in the bottom 10 states for workforce participation and the unemployment rate for formerly incarcerated people is 27%.



### AN EQUITY ISSUE:

Black Kentuckians make up 12% of our state's population, but a staggering 22% of Kentucky's incarcerated population. Unjust Kentucky laws and overpolicing of Black and Brown communities disproportionately and unfairly harm Black and Brown families.

## CLEAN SLATE LEGISLATION AND EXPUNGEMENT:

Clean Slate legislation would increase access to expungement by implementing an automated process that would eliminate fees, relieving people of the burdens of requesting and paying for expungement. The legal system should never treat people differently based on their wealth.

# #3

KY has the 3rd-highest women's incarceration rate.

# #2

KY has 2nd-highest rate of children with an incarcerated parent.

# 2X

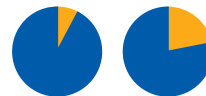
Black women are incarcerated at 2x the rate of white women nationally.

## 300,000

Kentuckians have been convicted of a felony and are burdened with lifelong consequences that harm them, their families, their communities, and our economy.

## 243,000

Kentuckians with a past felony conviction have completed their entire sentence, probation, and parole. They deserve a fair shot at getting back on their feet and contributing to their communities.



Only 8% of Kentuckians are Black, yet Black people make up 22% of Kentucky's incarcerated population.



ACLU  
Kentucky

**STILL  
FIGHTING  
FOR  
VOTING  
RIGHTS**





## JUVENILE JUSTICE

Kentucky's young people need support and community, not more law enforcement. Nearly 700,000 children were arrested nationwide in 2019. These children face a variety of challenges that require an equally wide variety of community-based, supportive solutions.

# SUPPORTING KENTUCKY KIDS

Kentucky's kids need more access to counselors, therapists, after school programs, violence intervention, and more – not more incarceration or more police in their schools.



## **POLICE FREE SCHOOLS:**

When police enter schools, they do what they are trained to do: detain, handcuff, and arrest. This blanket approach does not meet the individual needs of students.

Nationally, schools are removing police, but Kentucky is moving in the wrong direction.

Students need more licensed social workers and therapists. This will help children navigate life, find a sense of belonging in their communities, and grow into healthy adults.



## **VIOLENCE PREVENTION & INTERVENTION:**

Kentucky is number 1 in child abuse and neglect, and instances of community-based violence against youth are rising.

Kentucky needs a statewide comprehensive violence prevention plan that assists families affected by violence, supports victims of gun violence, and provides grant opportunities for grassroots organizations working directly with communities and families.



## **PUBLIC HEALTH:**

All issues connected to youth justice – from neglect, to youth violence, to parental incarceration – have long term effects on health, wellbeing, and opportunity. We must address the crises facing our children through a public health lens.



## **RAISE THE AGE:**

Children under the age of 13 should not be forced into juvenile court. Kentucky is one of 28 states with no minimum age.

Navigating the legal system is complicated and confusing for people of all ages. Young children should never be expected to do this.

All children make mistakes and deserve a fair chance to correct their harm and change behavior. Children need holistic interventions that include family, school, and community.

## #1

Kentucky leads the nation in rates of child abuse and neglect.

## 4.4x

Black children are 4.4x more likely to be arrested than their white peers.

## #3

If Kentucky were its own country, it would be third for women's incarceration.

## #1

Kentucky has more children in foster care or with a non-parent caregiver.





## LGBTQ EQUALITY

All 144,000 LGBTQ Kentuckians deserve safety, dignity, and the ability to be true to themselves no matter where they live. Additionally, we will never

stop fighting for the rights of LGBTQ children to live freely and receive life-saving gender-affirming healthcare and participate fully in their schools and communities.



# A KENTUCKY FOR ALL

The South has the highest proportion of LGBTQ-led families, but is the only region with no statewide policies that protect LGBTQ rights. It's past time for all Kentuckians to have protections under a statewide Fairness Act.



## ENDING EMPLOYMENT DISCRIMINATION:

There are over 80,000 LGBTQ Kentuckians in the state's workforce, but Kentucky's employment nondiscrimination law does not protect people from discrimination based on sexual orientation or gender identity, leaving LGBTQ Kentuckians vulnerable.

84%

of Kentuckians say LGBTQ people deserve more protections from discrimination.



## FAIRNESS FOR ALL:

The majority of Kentuckians live in municipalities with Fairness protections that prohibit discrimination in housing, employment, and public accommodations. This is a significant milestone, but leaves many people behind. It's past time for statewide Fairness.

OUT OF 3  
120

Kentucky counties and/or municipalities have banned the use of the torturous practice known as "conversion therapy" against children. This debunked and hate-filled practice doubles the risk of children dying by suicide.



## HEALTHCARE AND MORE:

Kentucky ranks far behind other states in LGBTQ recognition and protections, like state I.D. laws, state Medicaid coverage for same-sex spouses, and state Medicaid coverage for gender-affirming care.

73%

of KY's LGBTQ students were harassed at school because of their sexual orientation, according to a 2019 survey.

53%

of KY's LGBTQ students were harassed at school due to their gender identity or expression, according to a 2019 survey.



## AFFIRMING OUR KIDS:

Kentucky families know what's best for themselves. We are committed to fighting for the right of parents of transgender children to work with their healthcare providers to give our children the science-based physical and mental healthcare they need to thrive. Politicians never belong in the privacy of a doctor's or counselor's office.

67%

of trans students are not able to use the restroom that aligns with their gender. The government has no business interfering with how Kentucky children use the restroom.





## FREEDOM OF SPEECH

Protecting free speech means protecting a free press, the democratic process, diversity of thought, and so much more. We have worked for decades to protect this right for everyone.

Lawmakers frequently undermine the rights to free speech, protest, and assembly as guaranteed by the First Amendment.

It should not be a surprise that attacks on free speech often target communities of color, oppressed religious groups, LGBTQ Kentuckians, women, and people with low incomes.



# A PILLAR OF DEMOCRACY

Keeping government transparent and protecting the rights to organize, publish, and speak out holds government accountable to the people.



## PROTECTING THE RIGHT TO PROTEST:

Several bills restricting free speech have been filed in recent legislative sessions; however, advocates defeated most of them. Similar legislation enacted in other states has been blocked in court. We stand ready to protect Kentuckians' right to protest.

The most egregious bill from recent years would have made it illegal to say "insulting" things to law enforcement officers, enhanced penalties for protest-related charges, and made it illegal to camp in public spaces. (The camping provision directly targeted racial justice protesters who peacefully occupied Injustice Square in downtown Louisville demanding justice for Breonna Taylor.)

We also defeated legislation that would have allowed the attorney general to personally prosecute people for protest-related charges, even if local prosecutors declined to do so. This was a naked attempt to stifle dissent after Attorney General Daniel Cameron's failed leadership in the grand jury investigation into Breonna Taylor's murder.



## STOPPING CLASSROOM CENSORSHIP:

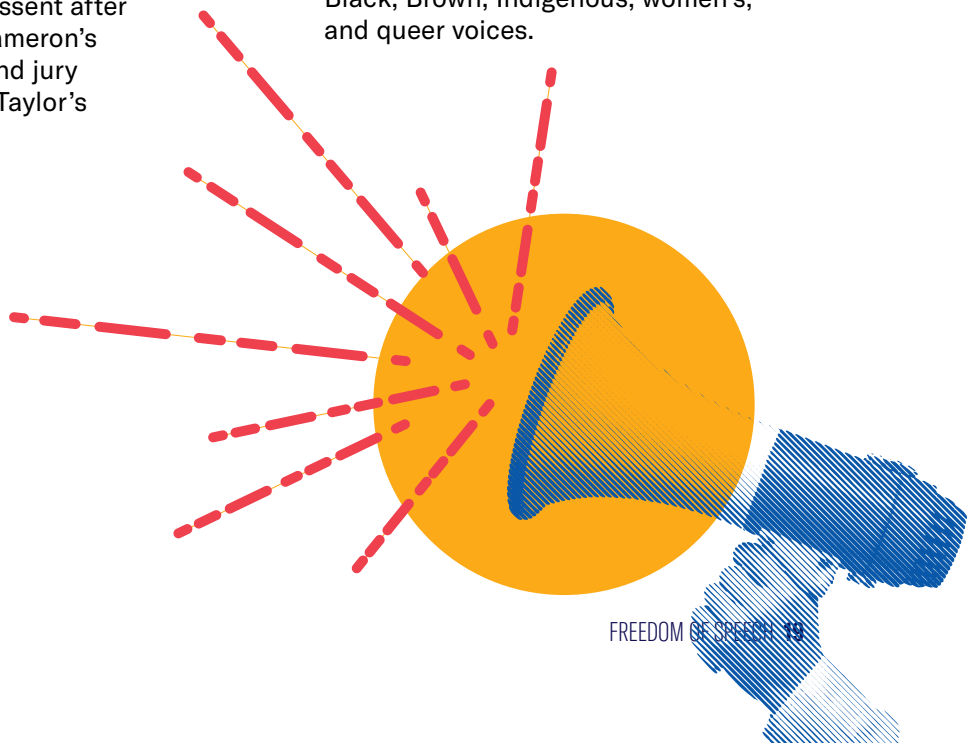
The government has no business censoring curriculum in Kentucky's public schools, and it cannot prohibit students from accessing or discussing ideas.

The First Amendment protects the right to share ideas, including the right of students to receive information and knowledge.

All young people, especially students of color, LGBTQ students, and students from other minority groups, deserve an equitable education and the right to learn and talk about issues such as gender and race.

Legislation restricting students' speech has repeatedly failed in court, wasting taxpayer dollars.

In 2022, lawmakers passed legislation mandating certain texts be studied in class, blatantly interfering with teachers and excluding the voices of Black, Brown, Indigenous, women's, and queer voices.





### KEEPING GOVERNMENT TRANSPARENT:

Kentucky's public officials should be accountable to the people, not themselves. Kentucky has long had some of the most robust government transparency laws in the nation, but the General Assembly has repeatedly undermined them in recent years by:

- making it more difficult to access public information
- reducing opportunities for public engagement in the lawmaking process
- limiting opportunities for lawmakers to speak on legislation
- weakening disclosure and ethics requirements for public officials



### SEPARATION OF CHURCH AND STATE:

Lawmakers frequently claim they are protecting religious freedom when they are really restricting free speech and indicating state endorsement of specific religious beliefs. Some laws passed in recent years using this technique include:

- Religious Freedom Restoration Act
- mandated display of 'In God We Trust' in all public schools
- Bible literacy classes







## RACIAL JUSTICE

All of the ACLU of Kentucky's work is focused through a racial justice lens. We recognize that we exist in a culture of white supremacy, so we work to dismantle the systems and policies that uphold that culture.

White supremacy is proven to hurt all Kentuckians culturally and economically, and we are committed to dismantling these systems and seeking justice for their disproportionate harm against Black and Brown communities.



# C.R.O.W.N. ACT

No person should lose their job or be sent home from school for how their hair naturally grows out of their head or how they wear their hair.

The C.R.O.W.N. Act (Creating a Respectful and Open World for Natural Hair Act) would prohibit discrimination based on hair texture and hairstyle. In Kentucky, this law has received bipartisan support and passed easily out of committee in 2022. Several Kentucky communities have passed local ordinances, and it is beyond time for these protections to cover all Kentuckians.

Historically, hair discrimination has been rooted in white, European standards of beauty, and the accompanying stereotypical view that traditionally Black hairstyles are “unprofessional” or “unkempt.”

This type of discrimination disproportionately affects people of color, particularly Black women.

**80%** Black women are 80% more likely to say they have changed their hair from its natural state to fit in at the office.

**1.5X** Black women are 1.5x more likely to be sent home from work due to their hair.

Companies, schools, and organizations that fire and/or refuse to hire or promote Black and Brown Kentuckians because of their hairstyles are hindering growth and diversity.

Prohibiting discrimination based on one's hairstyle will enhance workplace and educational diversity, both of which are proven to improve economic outcomes.





## VOTING RIGHTS

The right to vote is fundamental to our democracy. We work to ensure Kentuckians are able to exercise their right to vote and to permanently restore voting rights to Kentuckians with past felony convictions.

**“The vote is precious.  
It is the most  
powerful non-violent  
tool we have in a  
democracy.”**

Congressman John Robert Lewis  
(1940–2020)



# RESTORATION OF VOTING RIGHTS

Kentucky is 1 of only 3 states that has still not permanently restored voting rights to people with felony convictions in their past. This leaves Kentucky on the fringe, with one of the harshest voting restrictions in the country and many voters reliant on precarious executive actions.

**25%** of African-Americans either are or would be denied the right to vote in Kentucky – the highest rate in the nation.

## Denying someone the right to vote harms families and communities:

**ISOLATION:** Disenfranchisement isolates people from their communities.

**POWER:** Denying one person the right to vote ripples out and dramatically decreases the political power of urban and minority communities.

**RECIDIVISM:** 27% of non-voters were rearrested, compared with 12% of voters.



## BROAD SUPPORT:

According to a 2021 poll, 67% of Kentuckians support automatic restoration for people who have completed their sentence. Support cuts across age, gender, and political affiliation.



## CORNERSTONE OF DEMOCRACY:

Voting is the most fundamental right in a democracy. We all make mistakes, and no person should be defined entirely by the worst moments of their past.

**300,000**

Kentuckians have been convicted of a felony.

**180,000**

Kentuckians with a past felony conviction are now able to vote, but rely on a precarious executive order.

**65,000**

Kentuckians have completed their entire sentence, probation, and parole, but are still not allowed to vote.

**1 IN 4**

African-Americans either still are or would be denied the right to vote if not for precarious executive protections.

**1 IN 11**

Kentuckians either still are or would be denied the right to vote if not for precarious executive protections.







## **IMMIGRANTS' RIGHTS**

Families belong together  
and all people in Kentucky  
should feel safe living  
in their communities,  
regardless of their skin  
color or country of origin.

# FAMILIES BELONG TOGETHER

The protections provided to Kentuckians by the U.S. Constitution are granted to all people, not only those with the privilege of citizenship. We are committed to ensuring all Kentuckians are protected from government abuse and discrimination, no matter where they may have been born.

In recent years, the General Assembly has considered legislation that would force local law enforcement agencies and almost all public employees to “support the enforcement of federal immigration law.” We expect similar legislation to return this year.

These bills would increase racial profiling and put our fellow Kentuckians at greater risk for deportation. They would also interfere with students’ educations, separate Kentucky families, and stress our already weak foster care system.

These family separation bills would also imperil county budgets. Forcing local law enforcement agencies to enforce federal immigration laws would expose them to lawsuits in cases of constitutional violations.

## WHAT WOULD RECENT VERSIONS OF A FAMILY SEPARATION BILL HAVE DONE HAD THEY BECOME LAW?

- Force almost all public employees – from staff at domestic violence shelters to hospital employees to professors – to engage in federal immigration law enforcement.
- Allow all constitutional officers to formally challenge people or agencies they believe are not enforcing the law.
- Create a system of fear, intimidation, and racial profiling against Kentuckians of color.
- Imperil county budgets by exposing them to costly lawsuits.



# PREPARE TO VOTE

There are more ways than ever to vote: by mail, early in-person, and in-person on Election Day. Make a plan, know what you need, and spread the word.

**2023 is a big election year in Kentucky. All statewide officials will be on your ballot** (including candidates for governor, secretary of state, attorney general, commissioner of agriculture, auditor of public accounts, and treasurer), along with a variety of local races.

## PRIMARY ELECTION:

**Election Day:** Tuesday, May 16, 2023

**Registration deadline:** Wednesday, April 19, 2023

### Vote by mail:

- Last day to request mail-in absentee ballot: Tuesday, May 2, 2023
- Mail-in absentee ballots must be received by elections officials by 6PM on Election Day.

### Vote early in person:

- May 3 – May 10, excuse required
- May 11 – May 13, no excuse required

**Vote on Election Day:** Tuesday, May 16, 2023, 6AM – 6PM local time. Anyone in line by 6PM can vote.

## VISIT [ACLU-KY.org/Vote2023](https://aclu-ky.org/Vote2023) to:

- Find out where to vote early in-person
- Find out where to vote on Election Day
- Request a mail-in absentee ballot online
- Find a ballot drop box
- Make sure you have the proper I.D.
- Register to vote, double check your registration, or update your registration information (i.e. change of name or address)

## Questions, concerns, or issues while voting?

Call the Election Protection Hotline at 1-800-OUR-VOTE (866-687-8683) to speak with a local representative. You can also DM @866OURVOTE on Twitter or Facebook.

## GENERAL ELECTION:

**Election Day:** Tuesday, November 7, 2023

**Registration deadline:** Tuesday, October 10, 2023

### Vote by mail:

- Last day to request mail-in absentee ballot: Tuesday, October 24, 2023
- Mail-in absentee ballots must be received by elections officials by 6PM on Election Day.

### Vote early in person:

- October 26 – November 2, excuse required
- November 2 – 4, no excuse required

**Vote on Election Day:** Tuesday, November 7, 2023, 6AM – 6PM local time. Anyone in line by 6PM can vote.

## VOTING RIGHTS RESTORATION:

Do you have a felony conviction in your past? Roughly 175,000 Kentuckians with a past felony conviction are eligible to vote! Reclaim your right to vote and make your voice heard. Visit [ACLU-KY.org/ROVR](https://aclu-ky.org/ROVR) to see what you need to do to vote in the next election.

**All voters can cast a ballot on Election Day. You can vote in person even if you requested a mail-in absentee ballot that never arrived, if you forgot to return your mail-in absentee ballot, or received the wrong ballot.**



# GET ENGAGED

## TAKE ACTION:

Visit [ACLU-KY.org](https://aclu-ky.org) to sign up for email action alerts, send a message to your legislators, and view the calendar of events.

## ACCESSING THE CAPITOL:

All visitors must go through security. Be prepared to present a photo I.D.

700 Capitol Avenue  
Frankfort, KY 40601

## FOLLOW US:

Stay up to date with the latest news from the General Assembly and see how you can get involved.

@ACLUofKY   

## SEE WHO REPRESENTS YOU:

- **Local Officials:**  
Visit [Kentucky.gov/Government/Pages/Local](https://kentucky.gov/Government/Pages/Local)
- **State Officials:** Visit [LRC.KY.gov](https://lrc.ky.gov)

## PHOTO CREDITS

1. Cover art by Samuel Crankshaw, ACLU of Kentucky Foundation, Inc., with original photo.
- 2-10. Chanel Nicole, Chanel Nicole Co. ACLU of Kentucky staff head shots. (Pages 2-3)
- 11-12. Samuel Crankshaw, ACLU of Kentucky Foundation, Inc. Abortion rights protest the day the Supreme Court of the United States overturned Roe v. Wade and Planned Parenthood v. Casey, Louisville, Kentucky, June 24, 2022. (Pages 4-5)
13. Samuel Crankshaw, ACLU of Kentucky Foundation, Inc. ACLU of Kentucky Policy Strategist Kungu Njuguna speaks at a press conference outside of the Hall of Justice in Jefferson County announcing a successful amnesty period to alleviate deadly overcrowding in Louisville Metro Department Corrections, June 15, 2022. (Page 8)
14. Michelle Middleton. Solitary confinement cells. Credited and modified for use by ACLU of Kentucky Foundation, Inc. (Page 10)
15. Samuel Crankshaw, ACLU of Kentucky Foundation, Inc. Harper Duke marches for voting rights in honor of Bloody Sunday, Frankfort, Kentucky, March 1, 2020. (Page 13)
16. maroke, Getty Images/iStockphoto. Licensed and modified for use by ACLU of Kentucky Foundation, Inc. (Page 14)
17. Curtis Dickie, American Civil Liberties Union. Seattle Pride, June 25, 2017. (Page 16)
- 18-20. Samuel Crankshaw, ACLU of Kentucky Foundation, Inc. Kentuckians marched for Black lives and to demand justice for Breonna Taylor, Louisville, Kentucky, May 2020. (Pages 18, 20, 21)
21. Good Faces Agency, Unsplash. Licensed and modified for use by ACLU of Kentucky Foundation, Inc. (Page 22)
- 22-23. Samuel Crankshaw, ACLU of Kentucky Foundation, Inc. Kentuckians marched for voting rights in honor of Bloody Sunday, Frankfort, Kentucky, March 1, 2020. (Page 23-24)
24. American Civil Liberties Union. Demonstrators march in support of immigrants' rights. (Page 25)



**WE THE PEOPLE  
DARE TO CREATE A  
MORE PERFECT UNION.**

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