



Testimony of the American Civil Liberties Union of Kentucky

To Members of the House Standing Committee on Elections,
Constitutional Amendments, and Intergovernmental Affairs

Regarding HB 596

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Chairman Bratcher and members of the committee,

In any legislative session, we would welcome the opportunity to discuss and support the positive steps included in House Bill 596, Rep. Nemes' elections bill. Kentucky's restrictive voting policies disenfranchise many Kentuckians and likely inconvenience everyone else. But given the current circumstances, we cannot support any election-related legislation that does not address the dramatic impact of COVID-19. Voters in upcoming elections—including one scheduled in June—will face significant barriers to the ballot due to the emergency. Kentucky must be prepared for poll worker shortages, relocation of polling places and implementing new safety standards. All of these issues may cause long lines at polling locations and threaten the right of eligible voters to cast a ballot. Additionally, many people may want to avoid crowded locations or be unable to go to a polling location due to illness or restrictions on travel. No one should ever have to choose between protecting their health and exercising their right to vote. We therefore urge this committee to use the opportunity of moving this bill to enact necessary improvements that are regarded as the best practices among elections experts on all sides of the aisle.

With this in mind we recommend that Kentucky Lawmakers amend this legislation to allow or extend:

- Remove all barriers for voters to request an absentee ballot. This bill takes many steps in the right direction but we should allow all voters to absentee vote and extend the length of time when Kentuckians can use this option. Additionally, Kentucky is one of just a few states that does not begin counting absentee ballots until close of polls on Election Day – we could make it easier on everyone if we adopt policies to permit the processing of ballots before Election Day. **At the very least, the legislature should**



make clear that a statewide public health emergency, a health-related natural disaster, voters' health concerns and/or social distancing practices shall be permissible reasons for voting absentee.

- Implement voting by mail with universal distribution of mail-in voting materials that include prepaid postage on mail-in ballots. This much more cost effective alternative to in-person voting makes savings an added bonus.
- Extend the hours when Kentuckians can vote. Additionally, in light of COVID-19 a number of polling locations (at senior centers, for instance) must be relocated – we should educate the public on these changes and make sure that poll workers have been adequately trained to reduce long lines and maintain smooth operations. We should also allow for early voting so those who want to conduct in-person voting can do so at their convenience.

The Secretary of State and the Governor have already worked together, making the common sense decision to delay the May primaries in light of the pandemic. The Kentucky General Assembly should follow their lead in updating our out of date laws, particularly in light of our current circumstance to ensure that all Kentuckians will have access to the polls for this important election year.

Even as introduced, HB 596 still offers some positive ideas including: establishing voting centers; expanding the list of essential personnel who are eligible to absentee vote; shortening the length of shifts for poll workers; extending the time period for voter registration; and allowing voters who cannot make it to the polls for specific reasons, including their job responsibilities, the opportunity to cast an absentee ballot. We think these changes are necessary for our outdated laws. But more importantly, this bill must include reforms that address the COVID-19 pandemic. We urge the committee to adopt the three additional provisions identified above.

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