

Judicial Watch Sues Kentucky Over Dirty Voter Registration Rolls

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48 Kentucky counties have more registered voters than citizens of voting age

(Washington, DC) – Judicial Watch announced today that it filed a federal lawsuit against the Commonwealth of Kentucky over its failure to take reasonable steps to maintain accurate voter registration lists. The lawsuit alleges that 48 Kentucky counties have more registered voters than citizens over the age of 18. The lawsuit was filed in the United States District Court for the Eastern District of Kentucky, Central Division (*Judicial Watch, Inc. v. Alison Lundergan Grimes et al.* (No. 3:17-cv-00094)).

Kentucky was one of **12 states** to which Judicial Watch sent **notice-of-violation letters** this year threatening to sue because they have counties in which the number of registered voters exceeds the number of citizens of voting age. Both the National Voter Registration Act (NVRA) and the Help America Vote Act require states to take reasonable steps to maintain accurate voting rolls.

Judicial Watch analyzed registration data and compared it to the most recent census data to determine the registration rates of United States counties. In its complaint, Judicial Watch notes that Kentucky's registration rates are sky high, and are national outliers:

Whenever a jurisdiction has more voter registrations than individuals old enough to register – in other words, a registration rate exceeding 100% of adult residents – it is a strong indication, recognized by federal courts, that the jurisdiction is not taking the steps required by law to remove the registrations of ineligible registrants.

Kentucky leads every other state in the nation in the number of counties in which total registration exceeds the citizen voting-age population. Specifically, the number of voter registrations exceeds the

number of age-eligible citizens in 48 Kentucky counties, or 40% of all Kentucky counties.

Judicial Watch also notes that Kentucky is one of only three states in the country where the statewide active registration rate is greater than 100% of the age-eligible citizen population.

Judicial Watch cites several other deficiencies in Kentucky's handling of voter registration and related issues. Kentucky is required by law to disclose to the federal Election Assistance Commission the number of inactive registrations it carries on its voter rolls. It failed to do so. Kentucky is also required to report the number of address confirmation letters it sent to citizens who were thought to have moved out of state. It failed to release this information as well.

Kentucky is also required by the NVRA to keep registration-related records and to make them publicly available on request. Judicial Watch made such a request, and Kentucky initially promised to disclose these records. But it broke this promise and, to date, has failed to make records available.

Judicial Watch points out that Kentucky's inflated voter rolls indicate that it is not complying with federal laws requiring it to cancel the registrations of citizens who have died or moved elsewhere. This conclusion is bolstered by Kentucky's failure to divulge registration-related records it is required to disclose by federal law. In its lawsuit, Judicial Watch asks the court to declare Kentucky in violation of **Section 8(a)(4)** of the NVRA; to require it to implement a program to remove ineligible registrants; and to compel it to turn over relevant records and information.

"Kentucky has perhaps the dirtiest election rolls in the country," said Judicial Watch President Tom Fitton. "Federal law requires states to take reasonable steps to clean up their voting rolls – and clearly Kentucky hasn't done that. Dirty voting rolls can mean dirty elections. This lawsuit aims to ensure that citizens can have more confidence that elections in Kentucky won't be subject to fraud."

Judicial Watch Senior Attorney and Director of its **Election Integrity Project** Robert Popper recently **provided testimony** to the Presidential Advisory Commission on Election Integrity concerning the NVRA. Popper was formerly Deputy Chief of the Voting Section of the Civil Rights Division of the Justice Department.

Judicial Watch previously filed successful lawsuits under the NVRA against **Ohio** and **Indiana** that resulted in those states taking several actions to clean up their voting rolls. Judicial Watch is currently suing the State of Maryland and **Montgomery County** over their failure to release documents in violation of the NVRA.

Judicial Watch is being assisted by Mark Wohlander of the Wohlander Law Office in Lexington, and by Thomas E. Clay of Clay Daniel Walton & Adams in Louisville.

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