



## Felony Disenfranchisement in Kentucky: An Update, February 2020 Summary

Since 2006, the League of Women Voters of Kentucky has issued Reports on disenfranchisement in Kentucky.<sup>1</sup> Today the League issues an update of its January 2019 Report with renewed Findings and Recommendations. The full Report is found at <https://www.lwvky.org/felony-disenfranchisement> Below is a Summary.

### FINDINGS

The number of Kentuckians disenfranchised because of felony convictions has substantially decreased from 312,046 reported in the League's 2019 Report. Between July 15, 2016, and December 31, 2019, 2,547 persons have had their right to vote restored because a felony expungement was granted by judges. Between 1995 and 2019, 17,738 gubernatorial partial pardons have been granted by 4 governors. Up to 140,000 persons had their right to vote restored as the result of the recent Executive Order. Since 1995, up to an estimated total of 160,285 persons have had their right to vote restored as a result of gubernatorial partial pardons, expungements by courts, executive order by the governor. However, as many as 172,000 are still disenfranchised because of a felony conviction. Despite this substantial progress, Kentucky remains an outlier on felon disenfranchisement as it is one of only three states along with Virginia and Iowa that permanently disenfranchises persons with felony convictions from voting even after they have completed their full sentences. Kentucky's lifetime denial of voting rights is among the most burdensome felony policies on disenfranchisement in the nation. Although required by Section 77 of the Kentucky Constitution, statements of the reasons for the governor's decisions to approve or deny restoration applications have not been available and open to public inspection. In 2016, Kentucky expanded voting rights by allowing persons with certain Class D felony convictions to have those convictions vacated and expunged. In 2019, felony expungements were further expanded. The \$540 fees to expunge a felony conviction in Kentucky, which was one of the highest in the nation, have been reduced to \$340. Increasingly, the national trend is towards automatic enfranchisement especially for those who complete their sentence. Kentuckians support automatic restoration of voting rights upon completion of sentence by a 2-1 margin. Disqualification from voting lessens community participation.

### RECOMMENDATIONS

The League of Women Voters of Kentucky works to improve voter participation and to reduce restrictions on voting. In order to advance voter participation and reduce voter restrictions, the League makes the following Recommendations.

- 1) **Place a Constitutional Amendment on the Ballot:** State legislators should place a constitutional amendment on the ballot that would allow Kentucky voters to decide whether or not people who live in the community and have completed their full sentence should have their voting rights restored automatically.
- 2) **Implement the Executive Order restoring the right to vote.** Conduct a robust statewide public information campaign specifically to educate the 140,000 who have had their right to vote restored and those who have authority to assist in registering those individuals, send individual letters to

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<sup>1</sup> The League of Women Voters of Kentucky has published analyses of felony disenfranchisement in Kentucky since 2006. An archive the League's Reports are found online: <https://www.lwvky.org/felony-disenfranchisement>

persons now eligible to vote as a result of the 2019 Executive Order; educate county election clerks on the registration of those 140,000.

- 3) **Increase Assistance for the Restoration Processes:** In addition to the administrative forms of assistance the Department of Corrections is required to provide, eligible applicants should have access to technical assistance three months prior to the completion of their sentence. It is crucial that applicants also have access to resources and organizations that can provide assistance in the application process.
- 4) **Increase Public Education about the Restoration Process and Available Resources:** The Secretary of State's Office, Justice and Public Safety Cabinet, Department of Corrections and the Administrative Office of the Courts should implement public education campaigns regarding Kentucky's restoration policies and should make readily available information about the process and resources available to those who desire assistance in the application process.
- 5) **Release Voting Restoration Application and Approval Figures Annually:** The Department of Corrections, the Secretary of State's Office and the Governor's Office should provide annual updates to the public indicating the number of people applying for restoration of their voting rights and the number denied and approved. The tracking of this data provides important insight into the efficiency and accessibility of the restoration process.
- 6) **Provide a Statement of the Reasons for the Governor's Decisions on Applications for Reinstatement of Voting Rights:** The governor should provide a statement of the reasons for decisions made to approve or deny applications for reinstatement of voting rights. These reasons should be provided and readily available and open to public inspection pursuant to Section 77 of the Kentucky Constitution. That Section states, the governor "shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection."
- 7) **Reduce the \$340 Application Fees for Expungement of Felony Records:** State legislators should reduce the fees for expungement to make it easier for eligible applicants to apply. They should make it explicit that the fee is fully or partially waivable upon a finding of indigence. They should also make the fees fully refundable when expungement is denied.

#### CONCLUSION

The time is now to build on the progress Kentucky has made in restoring the right to vote and bring our Commonwealth into the mainstream national public policy on automatic restoration of voting rights for persons who have completed their felony sentence.

Despite this progress, Kentucky remains an outlier as 1 of 3 states along with Virginia and Iowa that permanently disenfranchises persons with felony convictions from voting even after completing their full sentence. Voting rights can be restored in Kentucky only by applying to the governor and receiving an executive partial pardon or by applying for and being granted an expungement of the felony.

We expressly call on the Governor, the Executive Branch especially the Justice Cabinet Secretary and Department of Corrections Commissioner, the Secretary of State, Legislators, to implement expeditiously the 2019 Executive Order.

We renew our call to legislators for passage of bill to allow people to vote on change in Kentucky Constitution making restoration of the right to vote automatic upon completion of sentence.

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*The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. As a nonpartisan body, the League takes action on issues. The League does not support or oppose candidates or parties. Membership is open to anyone 16 years of age or older.*