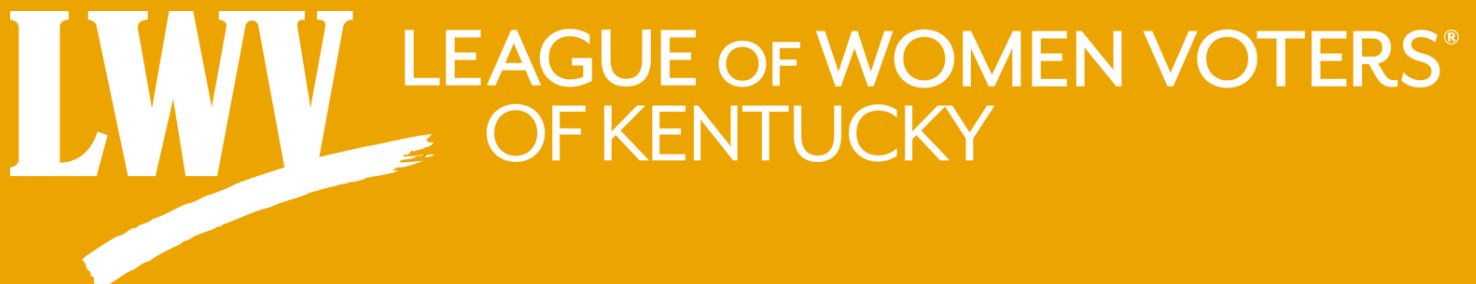




FEBRUARY 2023
AN UPDATE

Restoring Voting Rights

to Kentuckians with
Felony Convictions



The League of Women Voters of Kentucky, a nonpartisan political organization, is part of the League of Women Voters of the United States and includes six local chapters in Kentucky:




Bell County | Hopkinsville | Lexington | Louisville
Northern Kentucky | Southern Kentucky

The League of Women Voters:

- ▶ Encourages the informed and active participation of citizens in government;
- ▶ Works to increase understanding of major public policy issues;
- ▶ Influences public policy through education and advocacy.

As a nonpartisan body, the League takes action on issues but does not support or oppose candidates or political parties. The League supports diversity, equity and inclusion in membership and programming.

THE LEAGUE OF WOMEN VOTERS OF KENTUCKY
115 S. EWING AVE. LOUISVILLE, KENTUCKY 40206

 502-875-6481  info@lwvky.org  www.lwvky.org

CONTENTS

1.

Executive Summary

2.

Introduction

3.

Facts

15.

Recommendations

19.

Conclusion

20.

Personal Stories

23.

Appendices

27.

Frequently Used Terms

28.

References

“The right to vote is the crown jewel of American liberties.”

– President Ronald Reagan

These words are true for most Americans, but they are not true for all Kentuckians. Kentucky’s constitution permanently bans any person with a felony conviction from voting and participating in the democratic process. Restoring one’s right to vote in Kentucky can be long, cumbersome, and costly. With the exception of expungement, the governor has complete control over whose voting rights are restored.

Elected officials across the country are recognizing an important fact. *Restoring voting rights to those persons with a felony conviction creates quantifiable benefits for both the community and the individual.*

Many state legislatures are responding to this knowledge by making important changes in their voting rights restoration laws. In spite of overwhelming support from the people of Kentucky to automatically restore voting rights, Kentucky’s legislature has yet to pass a law allowing its citizens to vote to restore this right by amending the Constitution.

FACTS RELEVANT TO THE STATUS OF VOTING RIGHTS RESTORATION IN KENTUCKY

- Kentucky is **ONE** of **ONLY THREE** states in the country that permanently bars anyone with a felony conviction from voting.
- **161,596** Kentuckians remain ineligible to vote because of a felony conviction.
- Kentucky maintains one of the nation’s highest rates for citizens who are unable to vote because of a felony conviction.
- Restoring voting rights remains almost exclusively at the discretion of the sitting governor.
- Felony expungements provide a permanent solution for restoring voting rights, but they occur in low numbers.
- Costs and fees for reclaiming voting rights, especially through expungement, still remain out-of-reach for many low-income Kentuckians.
- Informative data surrounding voting rights restoration are not regularly released or readily available to the public.
- Restoring voting rights and civil rights benefits both the individual and the community at large.
- By a 2-1 margin, **68%** of Kentuckians support automatic restoration of voting rights.

RECOMMENDATIONS:

- Place a constitutional amendment on the ballot allowing Kentuckians to decide whether voting rights should be automatically restored.
- Create a coordinated government effort that fully implements Executive Order 2019-003 restoring the right to vote, including a robust public education campaign to inform, promote, assist, and provide resources in the restoration process.
- Release figures annually on the number of voting rights applications filed and the number approved.
- Provide statements of the reasons for the governor’s decisions on individual applications for reinstatement of voting rights.
- Eliminate the **\$50** filing fee and the **\$250** application fee for felony expungement.

This 2023 report is the latest in a series that the League of Women Voters of Kentucky has issued since 2006. These reports have addressed, and continue to focus on, the commonwealth’s constitutional provision that permanently bans persons with felony convictions from voting (disenfranchisement). These reports have communicated to legislators and the public the current state of voting rights in Kentucky.¹

Executive Order 2019-003, issued December 12, 2019 by Governor Andy Beshear, has allowed Kentucky to realize significant progress in restoring voting rights to nearly 200,000 persons with non-violent felony convictions.

In spite of this critical first step, 161,596 Kentuckians continue to be permanently barred from voting. This represents a significant civil rights issue in Kentucky.

Citizens who have made a mistake by being convicted of a felony should have the right to vote automatically reinstated. According to a January 2023 poll, 68 percent of Kentuckians support automatic restoration on completion of sentencing.

Women who struggled for decades seeking the right to register and vote formed the League of Women Voters in 1920. The League’s core value is that voting is the central expression of citizenship, and every citizen of our commonwealth should be protected in the right to vote.

It is past time for Kentuckians to be permitted to vote on a constitutional amendment to determine whether the permanent ban on voting should be lifted.

The League has not been alone in advocating for restoration of voting rights. The Kentucky Voting Rights Coalition, composed of many advocacy organizations, has worked diligently to listen to and include the voices of persons directly impacted by this ban. We acknowledge those willing to tell their stories and share quotes about their experiences in this report. The Sentencing Project has been invaluable over many years in providing updated data and support for this report and our work.

The League is deeply appreciative.

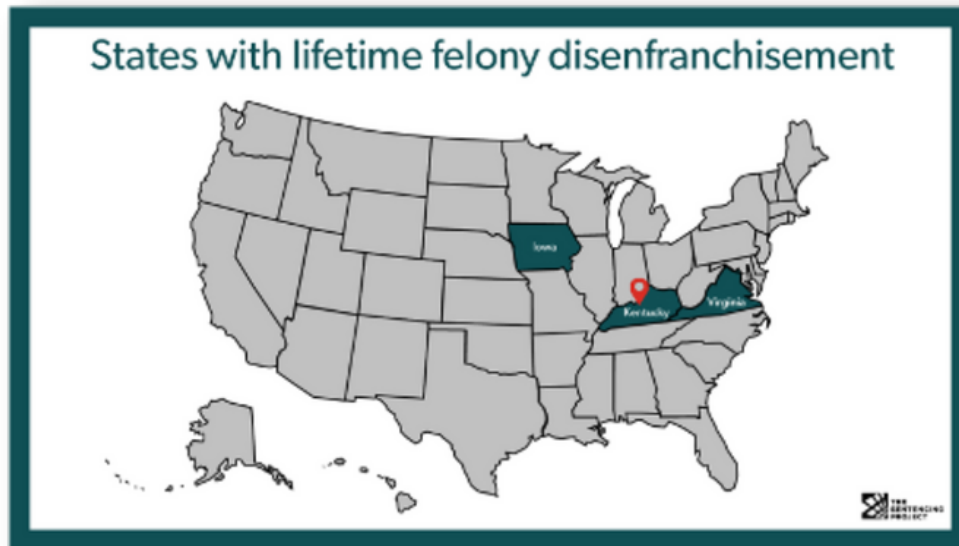
FACTS

1

Kentucky is ONE of ONLY THREE states in the country that permanently bars anyone with a felony conviction from voting.

Disenfranchisement is when the government takes away a person's right to vote. This almost always happens as the result of a felony conviction. In Kentucky, disenfranchisement means a lifetime of not being able to vote, and remains one of the most severe policies in the United States.

Besides Kentucky, Iowa and Virginia also permanently disenfranchise persons with felony convictions, even after they have completed their full sentences. In Kentucky, voting rights for the disenfranchised can be restored only by submitting an application to the governor requesting an executive partial pardon, or by applying for, and being granted, an expungement of the felony. A blanket pardon by executive order, such as the one issued by Kentucky's governor in December 2019, is the only other option.



Among all other states, Kentucky, Iowa, and Virginia are far outside the mainstream in voting rights restoration. The national trend is toward restoring voting rights *automatically*, especially for those who have completed their sentence.

This is a position supported by more than two-thirds of Kentucky voters.

Heightened public awareness of the issue, combined with grassroots engagement, has resulted in successful state-level legislative reforms and citizen-led ballot initiatives expanding voting rights.

Since January 1, 2020, laws or policy changes took effect in these states, allowing people to vote who are no longer incarcerated:

- ▶ California (on parole);
- ▶ Connecticut (on parole);
- ▶ New Jersey (on probation and parole);
- ▶ New York (on parole);
- ▶ North Carolina (on probation and parole);
- ▶ Virginia (post-prison); and,
- ▶ Washington (post-prison).

Other states have revised their waiting periods and streamlined the process for regaining civil rights. In November 2018, Florida voters passed Amendment 4 to the Constitution of Florida by ballot initiative, which allowed most people who have completed their sentences to vote (with the exception of people convicted of sex offenses and murder).

Interestingly, Iowa reflects the growing strength of this trend and the reasoning that supports voting rights restoration.

Conservative Republican Governor Kim Reynolds issued an executive order on August 5, 2020. Her order restored the voting rights of thousands of Iowans who had completed their felony sentences. Governor Reynolds said, "Today we take a significant step forward in acknowledging the importance of redemption, second chances and the need to address inequalities in our justice system." The right to vote, Governor Reynolds observed, "is the cornerstone of society and the free republic in which we live."

Right now Oregon legislators are in the process of considering a bill to eliminate felony disenfranchisement completely. A bill has been introduced and has already had its first hearing. If passed, Oregon would become the third state never to take away its citizens' right to vote.

KENTUCKY'S RECENT LEGISLATIVE ACTION

In 2020 four bills addressing restoration of voting rights were filed in the Kentucky General Assembly: two in the House and two in the Senate. Only Senate Bill 62 made progress. SB 62² passed in the Senate, was amended in a House committee and on the

"When someone serves their sentence, they should have their right to vote restored automatically. We're going to continue to advocate for a constitutional amendment and make this major milestone permanent. Getting things done involves coming to the table and I want to thank the broad and diverse coalition who has been working on this with me for years."

Iowa Governor
Kim Reynolds

House floor where it received two readings before the Legislature adjourned early due to the COVID19 pandemic. Advocates believed agreement had been reached on passage of this bill.

During the 2022 Legislative session, three bills were filed that would have put this issue on the ballot to amend the Kentucky Constitution.³ None received a hearing.

In November 2022 the Interim Joint Judiciary Committee held a hearing on the issue, with information on other state actions and new polling data showing support for restoration of voting rights among Republicans voting in the 2022 primary election.

“I feel whole now. Not only do I pay taxes, but I pay for freedom with each and every vote I cast.”
 Alonzo Malone, Bardstown, Voting Rights Advocate

FACTS

2 161,596 Kentuckians remain ineligible to vote because of a felony conviction.

TABLE 1. Disenfranchised Kentuckians by Race/Ethnicity/Gender

RACE/ GENDER	CURRENT POPULATIONS ⁴		POST-SENTENCE ⁵	TOTAL
	Incarcerated	Supervision	(Estimate)	
White	15,093	38,971	76,389	130,453
Black	4,135	8,506	15,010	27,651
Latino	342	569	1,490	2,401
Bi-Racial	250	459	N/A	709
Other	59	323	N/A	382
TOTAL	19,879	48,828	92,889	161,596
Male	17,570	34,484	N/A	
Female	2,309	14,344	N/A	

3

Kentucky maintains one of the nation’s highest rates for citizens who are unable to vote because of a felony conviction.

Kentucky’s population according to the 2021 US Census was 4,509,394, making the commonwealth the 25th most populous state. Yet a large number of Kentuckians remain barred from voting when compared to the same population in other states.

The overall percentage of Kentuckians who have been barred from voting is 4.54%, *the 7th highest rate in the nation.*

Kentucky’s African-American voting eligible population suffers an 11.47% rate of disenfranchisement, the **8th highest** nationally. Of the 257,551 voting eligible⁶ African-Americans in Kentucky, 29,533 are banned from voting. More than one in ten Black Kentuckians have lost their voting rights. The average national rate for African-Americans is 5.28%.⁷

Latino Kentuckians, with a voting eligible population of 62,040, are disenfranchised at a rate of 4.06% (2,516), the **6th highest** nationally. The average national rate for Latino Americans is 1.7%.⁸

The average national rate of disenfranchisement is 1.99%.⁹

TABLE 2. Kentucky’s National Rank of Disenfranchisement

	KENTUCKY %	NATIONAL %	RANK
Overall	4.54	1.99	7
African-American	11.47	5.28	8
Latino	4.06	1.7	6

The percent of Kentuckians barred from voting is the 7th highest rate in the nation.

4 Restoring voting rights remains almost exclusively at the discretion of the sitting governor.

The Kentucky Constitution grants the governor exclusive power to restore voting rights. Section 77 of the Kentucky Constitution states that 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.”

Petitioning the governor to use this power granted under Section 77 has historically been the only available means for a Kentuckian to have his/her voting rights restored. This right to petition for an individual partial executive pardon is provided to Kentucky citizens under Section 145 of the Kentucky Constitution, the same constitutional provision that permanently bars them from voting (See Appendix A).

Kentucky’s current system leaves restoration to the discretion of a single elected official, currently Governor Beshear, which can lead to bias and creates an unpredictable environment for individuals seeking clarity on what they legally are and are not allowed to do when it comes to participating in our elections. The solution we’re proposing would ensure all Kentuckians will be treated fairly under the law, and create a clear bright line for both individuals who have lost their rights and for Kentucky’s elections administrators, who need to be able to provide clear guidance around who is and is not eligible to vote.

Charley Olena | Senior Director of Advocacy | Secure Democracy USA
Testimony before Interim Joint Committee on Judiciary
November 3, 2022

Granting such petitions remains at the total discretion of the governor. And different governors have used different criteria for exercising this constitutional authority. Between 1995 and 2019, four governors granted 17,738 individual partial pardons. Governor Andy Beshear has signed 59 *full* pardons, bringing the total number to 17,797.

TABLE 3. Individual Executive Pardons (Partial and Full) Since 1995

Andy Beshear	December 10, 2019 – December 20, 2022	59*
Matt Bevin	December 8, 2015 – December 10, 2019	1,518
Steve Beshear	December 11, 2007 – December 8, 2015	9,509
Ernie Fletcher	December 9, 2003 – December 11, 2007	1,098
Paul Patton	December 12, 1995 – December 9, 2003	5,613
TOTAL		17,797

* Under KRS 196.045, per Kentucky Department of Corrections, as of February 2, 2023

Granting individual partial pardons is only one way for a sitting governor to restore voting rights to Kentuckians with felony convictions. Issuing an Executive Order is the other, more comprehensive, tool available to use.

In 2015 Governor Steve Beshear issued an executive order that restored voting rights to individuals with nonviolent felony convictions who had completed their sentences and met other criteria. That order also established a process by which qualifying citizens' voting rights would be restored as they completed their sentences.

In late 2015 Governor Matt Bevin revoked Governor Steve Beshear's order. Governor Bevin reinstated the prior procedure requiring individuals who had completed their full sentence to submit an application detailing their convictions and sentences served. In other words, during the Bevin administration, an individual partial pardon was the only answer for a person to regain his/her right to vote. This was also the case during most of Steve Beshear's administration, and all of the Fletcher and Patton administrations.

On December 12, 2019, using his executive power, Governor Andy Beshear rescinded Matt Bevin's order and issued Executive Order 2019-003. (See Appendix B)

178,397 Kentuckians who had been permanently disqualified from voting were immediately eligible to reclaim their right to vote.

Governor Beshear's action restored voting eligibility to those:

- ▶ convicted of a non-violent felony;
- ▶ who had satisfied their terms of probation, parole or service of sentence, exclusive of restitution, fines, fees and any other court ordered monetary conditions.

Even though this executive order represents significant benefit and progress, it also carries narrow qualifying conditions determining who the newly eligible voters can be. The order does not apply to:

- ▶ federal convictions;
- ▶ convictions from other states; or,
- ▶ those who have pending criminal charges.

"PRAISE GOD! I was able to vote in the 2020 presidential election!"

Ashley McClain, Nicholasville

For more about Ashley see page 22.

The civil rights of thousands of Kentuckians are still left outside the scope of these requirements and remain unaffected by the new policy.

One critically important provision of EO 2019-003 directs the Kentucky Department of Corrections to provide verification of completion of sentence, as well as the creation of the webpage Civil Rights Restored <https://civilrightsrestoration.ky.gov/Pages/home.aspx> for stakeholders to access information and navigate the voting rights restoration process.

TABLE 4. Re-enfranchised Kentuckians by Race/Ethnicity and Gender since December 12, 2019

RACE	MALE	FEMALE	UNKNOWN	TOTAL
Bi-Racial	666	323	0	989
Black	28,391	7,493	2	35,886
Latino	2,337	276	0	2,613
Other	1,346	393	7	1,746
White	101,141	45,740	2	146,883
TOTAL	133,881	54,225	11	188,117

Source: Kentucky Department of Corrections, as of February 2, 2023

The number of Kentucky citizens who regain their right to vote and who lose their right to vote naturally changes every day, week, month, and year. Several factors determine these changes:

- ▶ those who become eligible for voting restoration under the governor’s executive order;
- ▶ those newly convicted of a felony;
- ▶ those whose felonies are expunged;
- ▶ those who receive an individual grant of a partial pardon by the governor.

FACTS

5 Felony expungements provide a permanent solution for restoring voting rights, but they occur in low numbers.

Expungement is the only process to restore voting rights in which the governor has no control. Felony expungement was not an available option for most Kentuckians until 2016 when the legislature passed House Bill 40. This law authorizes expungement for certain low-level felony offenses including drug possession and theft. Voting rights were in effect expanded.

TABLE 5. Felony Conviction Expungements Granted

YEAR	NUMBER
2016 (July – December)	594
2017	583
2018	433
2019	620
2020	888
2021	731
2022	538
TOTAL	4,387

Source: Kentucky Administrative Office of the Courts

At the same time, the filing fee for initiating the expungement process stayed at an excessively high cost of \$500 for a number of years. This fee has proved prohibitive for many low-income Kentuckians.

In 2019 the legislature passed Senate Bill 57¹⁰ which made significant and important improvements to the 2016 legislation. The notable changes included approval of several additional Class D felonies eligible for expungement that had previously been excluded, and reducing the fee from \$500 to \$250.

Yet expungement is a restoration process used by a very low number of persons with felony convictions. In Kentucky, according to a 2019 helpexpungeme.com report, Kentucky State Police statistics revealed that less than 3% of those eligible for felony expungement had petitioned a Kentucky Court for expungement.¹¹

This is true in other states, as well. One Harvard study updated in 2020 revealed that in Michigan only 6.5% of those legally eligible for expungement obtain it within five years of eligibility.¹²

FACTS

6

Costs and fees for reclaiming voting rights, especially through expungement, still remain out-of-reach for many low-income Kentuckians.

The current cost for a Kentucky resident to have criminal charges and convictions removed from his/her (permanent) record is:

Certificate of Eligibility	\$40
Filing Fee	\$50
Expungement Fee	\$250
TOTAL	\$340

Many people may consider this a reasonable amount to erase a criminal history. But for many Kentuckians this is another financial burden they cannot meet.

The Kentucky Supreme Court ruled unanimously in *Frederick Jones v Commonwealth of Kentucky*, 636 S.W.3d 503 (December 16, 2021) that any person deemed by the court unable to pay can have all fees and costs waived for expungement.

The Court held:

“Payment of both fees is required to complete the expungement process and obtain all of its benefits. We can identify no other situation in our Commonwealth where a judge renders a judgment that a litigant is entitled to a benefit under the law, but that litigant cannot obtain the benefit of that judgment unless and until he pays a fee. Because of this, the IFP statute applies to both the \$50 filing fee and the \$250 expungement fee.”

Simply put, a person’s financial status can no longer deny them access to the court action of expungement.

Restoration of voting rights should not depend on payment of these fees.

It is worth noting that Legal Aid of the Bluegrass, Goodwill Industries of Kentucky, Medicaid Managed Care providers, and other commonwealth nonprofits regularly work to help Kentuckians navigate the expungement process.

FACTS

7

Informative data surrounding voting rights restoration are not regularly released or readily available to the public.

Various types of data are associated with felony disenfranchisement. Responsibility for collecting these statistics is spread across different parts of Kentucky’s government. For example:

- ▶ No single commonwealth entity aggregates data.
- ▶ No commonwealth agency regularly reports complete information.
- ▶ No particular office or cabinet is required to do so.

Reports such as this one by the League of Women Voters of Kentucky are the only compilation of statewide information that seeks to report the appropriate data fully.

The Office of the Secretary of State’s web page, as of the date of this report, does not have any information about the restoration of voting rights or expungements. Governor Beshear’s Executive Order 2019-003 can only be found on the “Executive Journal” page, a location virtually unknown to the public. There is no other information about the order’s implementation.

Pursuant to the governor’s order, the State Board of Elections of Kentucky has a link to the Kentucky Department of Corrections web page civilrightsrestoration.ky.gov. The link is buried within the site’s architecture, and it requires diligent searching to find. There is no information about seeking a partial pardon from the governor.

The Kentucky County Clerk’s Association web page, as of the date of this report, does not have any information about the December 2019 executive order.¹³

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 readily available and open to public inspection.

FACTS

8

Restoring voting rights and civil rights benefits both the individual and the community-at-large.

State legislatures across the country are beginning to realize, and take action on, what a body of research has been disclosing: restoring voting rights and reducing structural barriers for those with felony convictions produces significant positive outcomes.

The Collateral Consequences Resource Center writes in its current report¹⁴ on legislative efforts to improve opportunities and lessen obstacles for justice impacted residents that:

“In 2021, 40 states, the District of Columbia, and the federal government enacted 151 legislative bills and took a number of additional executive actions to restore rights and opportunities to people with an arrest or conviction history.”

The word “opportunities” stands out.

Kentucky was one of the 40 states when it passed HB 497¹⁵ in 2021. In addition to requiring new programming and resources for Kentuckians pre-release from incarceration, this new law allowed those with past felony convictions to obtain SNAP benefits. Such bans on food assistance based on criminal convictions were not only recognized as contributing to poor overall health outcomes, but were also associated with an increased risk for re-offending.¹⁶

Recidivism, or re-offending, is an area that shows compelling benefit of restorative justice. Research indicates:

- ▶ “those who do obtain expungement have extremely low subsequent crime rates, comparing favorably to the general population;”¹⁷
- ▶ restoration of civil rights can be associated with decrease in the probability to recidivate by 16 percent within a three-year period;¹⁸
- ▶ individuals who were arrested in states that permanently disenfranchised felons were 19 percent more likely to be rearrested than those released in states that restore rights after release;¹⁹
- ▶ just 7.1% of all expungement recipients are rearrested within five years of receiving their expungement (and only 2.6% are rearrested for violent offenses), while reconviction rates are even lower: 4.2% for any crime and only 0.6% for a violent crime;²⁰
- ▶ recidivism occurs at a rate of ~34% versus 11% for citizens whose rights *have not* been restored compared to those citizens whose rights *have* been restored.²¹

Restoring voting and civil rights through expungement also carries a significant economic impact – individually and collectively. A 2019 study conducted at the University of Michigan Law School found people who received expungements saw their wages increase on average by 22 percent in one year, and 25 percent within two years.²²

These statistics show from various studies, disproving popular sentiment, that restoring voting and civil rights, along with clearing a criminal record (expungement), produces a significant decrease in individual crime rates, an increase in public safety throughout a community, and economic gain.

At the same time, it is important not to overlook the negative impacts that the lack of restorative justice programs has on individuals with felony convictions.

Felony convictions erect automatic barriers for citizens to access employment, housing, education, occupational licensure, and, in some states, public benefits. This structural discrimination prevents personal financial advancement, professional growth, increased stability, and greater economic output, undermining the policy goal of rehabilitation and redemption.²³

"Denying them their civil rights (such as the right to vote) is likely to reaffirm feelings of alienation and isolation, both detrimental to the reformation process."

Melissa Smith
Social Service Clinician

Stigmatization caused by felony disenfranchisement is another collateral consequence of a criminal conviction. Socially segregating formerly incarcerated residents from their communities of origin, family situations, and productive work environments serves as an “invisible punishment” which reduces the probability of successful reintegration and rehabilitation.²⁴

Melissa Smith (MS Justice Administration, University of the Cumberlands, TCADC and Social Service Clinician) has nine years of working with justice involved individuals from every corner of the Commonwealth of Kentucky. Ms. Smith works daily with, and interacts personally with, fellow Kentuckians who have made mistakes resulting in felony convictions and loss of rights. Her first-hand observations provide an invaluable insight into the detrimental psycho-social effects of disenfranchisement and associated consequences. She writes:

“Justice-involved individuals retain their citizenship; however, they lose certain civil rights. Disenfranchisement contradicts the efforts of rehabilitation. An individual released from incarceration, ready to start fresh, is still subject to humiliation and continued disenfranchisement. Denying them their civil rights (such as the right to vote) is likely to reaffirm feelings of alienation and isolation, both detrimental to the reformation process. Formerly incarcerated persons are as affected by the government's actions as any other citizen and have as much of a right to participate in governmental decision-making. Denying voting rights to convicted felons accomplishes nothing of value and does more harm than good. An individual's respect for the law and the legal system depends, in no small measure, on their ability to participate in that system. The loss of civil rights perpetuates the cycle of poverty, recidivism, and re-incarceration. Furthermore, the loss of civil rights are an extrajudicial form of punishment that does nothing for deterrence and merely disproportionately disenfranchises people of color and the poor.”

Restoring voting rights and civil rights, or denying voting rights and civil rights, both have remarkable influence on the individual and the community at large.

FACTS

9

More than two-thirds – 68% – of Kentuckians support automatic restoration of voting rights.

Kentuckians support automatic restoration of voting rights upon completion of sentence by more than a 2-1 margin. A January 2023 Mason-Dixon statewide poll of Kentucky voters returned overall support at 68% in favor and 24% opposed. This majority comprised Kentuckians across political affiliation, gender, age, and regional categories. The League of Women Voters of Kentucky commissioned this survey.

Additionally, Public Opinion Strategies questioned only Kentucky Republican primary voters in September 2022. Results from this poll showed that 74% support restoring voting eligibility for individuals who have completed their sentence. This would include terms of probation and parole, and settlement of all fines and fees required by their sentence.²⁵

These numbers are reasonably consistent with public opinion surveys nationally that report eight in ten U.S. residents support voting rights restoration for citizens who have completed their sentence. Nearly two-thirds support voting rights for those on probation or parole.²⁶

National polling also shows that more people support than oppose abolishing felony disenfranchisement entirely.²⁷

1 Place a constitutional amendment on the ballot allowing Kentuckians to decide whether voting rights should be automatically restored.

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 should have their voting rights restored automatically.

Restoring voting rights in Kentucky could take varying forms. The League’s position would be to end disenfranchisement of persons with felony convictions, but would support any of the following options.

- ▶ Remove the provision that bars voting rights for persons with felony convictions;
 - ▶ Automatically restore voting rights to persons exiting incarceration, including those on community supervision (parole), and never remove voting rights from persons on community supervision serving probation. This mirrors the recommendation of the American Probation and Parole Association;
 - ▶ Automatically restore voting rights on completion of sentence, exclusive of payment of fines, fees, and restitution. It can take years for persons struggling with a felony record to earn enough to pay these costs. Their right to vote should not depend on their ability to pay. Executive Order 2019-003 restores voting rights exclusive of payment of fines, fees, and restitution;
 - ▶ Automatically restore voting rights on completion of sentence.

The American Probation and Parole Association advocates the restoration of voting rights upon completion of an offender’s prison sentence and advocates no loss of voting rights while on community supervision.

2 Create a coordinated government effort that fully implements Executive Order 2019-003 restoring the right to vote, including a robust public education campaign to inform, promote, assist, and provide resources in the restoration process.

Facts inform citizens. Data help determine public policy. Information directs residents to programs and services. When none of these is easy to find or easily accessible, government's overall value to the commonwealth decreases.

Individually, three Kentucky agencies provide information for residents with felony convictions on how to restore their civil rights.

The Kentucky Department of Corrections, as required by the governor's Executive Order 2019-003, has quality information about the restoration of voting rights on its web page,²⁸ including the particular process to follow as outlined in the recent executive order.²⁹ The Department of Corrections is highly responsive to questions for assistance.

I've had the great privilege to assist folks like me with felonies in their past to find that their right to vote had been restored. Using the Civil Rights Restoration website has been very easy. Although I have not had to deal with an "inconclusive" result, I understand that those who had called in for assistance have been met with positive responses.

Deb Graner, Frankfort,
Voting Rights Advocate
(For more about Deb see page 20.)

The Kentucky Administrative Office of the Courts (AOC) has information on its web page about the expungement certificate of eligibility process, the \$40 fee, and frequently asked questions.³⁰ But, as of the date of this report, AOC has nothing online about the restoration of voting rights, or the particular process explained under the December 2019 executive order.

The Kentucky Department of Public Advocacy has practical, step-by-step information about the expungement process on its web page with a link to the helpful Clean Slate web page.³¹

The Department of Corrections is required to provide eligible applicants with administrative help and access to technical assistance three months prior to sentence completion.

Applicants must have knowledge of, and contacts for, outside resources and organizations that can help them navigate the application process.

More needs to be done.

The Board of Elections, Secretary of State’s Office, County Clerk Offices, Justice and Public Safety Cabinet, Department of Corrections, and the Administrative Office of the Courts should:

- ▶ send individual letters to all persons newly eligible to vote under the governor’s executive order;
- ▶ coordinate their work to maximize implementation of the executive order;
- ▶ make information about the process readily available on their websites;
- ▶ communicate with those who desire assistance in the application process through any appropriate means.

RECOMMENDATIONS

3 Release figures annually on the number of voting rights applications filed and the number approved.

The Department of Corrections, the Secretary of State’s Office, and the Governor’s Office should provide regular updates to the public indicating the number of people who are eligible for restoration of their voting rights, the number who have applied, the number denied, and the number approved. The tracking and communication of these data provide important insight into the efficiency and accessibility of the restoration process.



“The petitioning process can be difficult . . . I did not mail the petition, I hand delivered it to the Governor’s office. I call every so often to check the status of my petition and receive the same information, “it is still being reviewed!”

Marcus Jackson, Frankfort
(For more about Marcus see page 21.)

4 Provide statements of the reasons for the governor's decisions on individual applications for reinstatement of voting rights.

The governor should provide a statement of the reasons for decisions made to approve or deny individual 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.”

5 Eliminate the \$50 filing fee and the \$250 application fee for felony expungement.

State legislators should eliminate the fees for expungement, with the exception of the \$40 Certificate of Eligibility. At a time when the Commonwealth is experiencing job growth along with a shortage of workers, policies should be enacted making it easier for persons with past convictions to have their records expunged. Eliminating these fees would encourage more applications, helping more citizens secure employment.

"

I was released from probation two months prior to the governor's executive order. Sadly, I never received any notification from any state government office informing me of my eligibility to reclaim my voting rights. In fact, no one I've spoken to in the past two years whose rights were restored retroactively were ever notified. Do we consider this a simple breakdown, an oversight, or a conscious decision?

Tip Moody, Wilmore

"

CONCLUSION

Kentucky amended its Constitution in 1891 to permanently ban citizens from voting if convicted of a felony, much like many Southern states after passage of the 13th, 14th and 15th amendments to the U.S. Constitution (See Appendix A). It is now one of only three states to disenfranchise citizens for a lifetime, for mistakes made and paid for through sentencing. In recent years, most states have moved to restore these rights. Kentucky remains behind the times on this issue.

Many of these citizens have been law abiding, tax-paying members of our Kentucky communities, who have no voice in determining who represents them at the state, local and national levels. The only way voting rights can be restored is by executive pardon, a decision made exclusively by the sitting governor, or expungement, a costly and difficult process. As noted in this report, gubernatorial response to this issue varies widely. Although the current governor has pardoned thousands by executive order, that could change overnight with a new governor, who could rescind that executive order with the stroke of the pen. Kentucky needs a permanent and clear solution to this ban with a decision by the voters, not by one executive who changes every four to eight years.

Studies show that restoring voting rights reduces rates of recidivism, or re-offending, meaning that our communities are safer with restoration of rights. In addition, the costs of re-offending (arrests, courts, prison) are avoided. Studies also demonstrate expungement leads to increased employment and income. Supports for reintegrating into society, by restoring voting rights and expungement of records, are important factors for Kentucky's future.

The League's core value is that voting is the central expression of citizenship, and every citizen of our commonwealth should be protected in the right to vote.

Since 2006, the League of Women Voters has advocated for restoration of voting rights. The public supports giving citizens a second chance by a two-to-one margin. The Kentucky House of Representatives has passed legislation that would have put this question on the ballot, but the Kentucky Senate has declined to support this issue.

It is long past time for Kentuckians to be permitted to vote on a constitutional amendment to determine whether the permanent ban on voting should be lifted. The Kentucky legislature should right this wrong and enact legislation to put an amendment on the ballot. Kentucky citizens should ultimately decide whether or not to lift this ban, giving all citizens a voice in our democracy.

DEB GRANER, Frankfort

My husband and I moved from Pennsylvania to Kentucky in 2008. I did not fare well acclimating to the move. I began to drink heavily and on Halloween 2011, in a suicidal, drunken black-out, I caused a fire in our rental home and was subsequently convicted of arson.

My husband and I were also sued civilly. Fortunately, that case was dismissed and I no longer had to pay restitution and was placed on unsupervised probation.

I completed my probation in 2017. Upon realizing that I had lost my right to vote, I applied for a governor's pardon but never received a reply. At that time, I was fortunate to find Kentuckians for the Commonwealth, and was on my way to becoming a voting rights activist.

On becoming a member of KFTC, I quickly learned of the 300,000 disenfranchised Kentuckians, or 1 in 11 residents of voting age who are unable to vote because of a felony conviction. This statistic drastically and disproportionately affects people of color, as 1 in 3 has lost their voting rights.

I have been very fortunate while volunteering with the Kentucky Voting Rights Coalition and the League of Women Voters of Kentucky. These organizations provide me many opportunities to share my story and lend my voice to this civil rights travesty. My voting rights, along with approximately 200,000 Kentuckians, were restored with Governor Beshear's 2019 Executive Order. However, this E.O. can be rescinded at the whim of the next governor.

The Voting Rights Coalition, of which I am a member, continues the work of making an amendment to the KY Constitution where no one will lose their right to vote due to most criminal charges.



MARCUS JACKSON, Frankfort

The first time I exercised my right to vote was epic. I remember showering, getting nicely dressed, and my mother explaining to me what I was about to experience. Our polling place was across the street from my childhood home. She spoke to me about taking my time and considering the things I had learned about the candidates, and most importantly she told me to be mindful of the others waiting in line, “some people have to get back to work, so don’t be in there playing” she reminded me.



Shortly thereafter, in 1992, I was sentenced to prison for crimes I did not commit. While on parole, I could not vote and I didn’t really care about voting.

I simply wanted them (the powers that be) to leave me alone and I would leave them alone, meaning not meddling in their elections. I received two subsequent convictions, for which I was guilty, and I continued to live by that sentiment.

In January of 2022 I completed my aggregate 36 year sentence and I petitioned to have my rights restored. The petitioning process can be difficult, especially when it comes to providing documentation of sentence completion. Fortunately for me, I had just received my completion of sentence certificate and I attached it to my petition. I did not mail the petition, I hand delivered it to the Governor’s office. I was hopeful that I would get the opportunity to vote in the 2022 election, but my rights have yet to be restored.

I call every so often to check the status of my petition and receive the same information, “it is still being reviewed!” Had it not been for the 1992 conviction, the one crime I am actually innocent of, my rights would have been automatically restored under the 2019 executive order. I am not asking for special treatment. However, I have done everything I was required to do to have my rights restored and the process is failing me and all the others similarly situated. We have paid our debts, we took the necessary steps and petitioned for our rights to be restored; we are Kentuckian and deserve to have our petitions, whether granted or denied, responded to.

ASHLEY MCCLAIN, Nicholasville

In August of 2012 I was arrested on trafficking charges as a consequence of my ten-year struggle with drugs and alcohol. I had been incarcerated previously for DUI, failure to pay fines and restitution, driving on a suspended license among other charges, but this was my first drug related charge. Because I hadn't been in any serious trouble before, I was released the next morning on a signature bond to my father.

I was already ready to do something different with my life before being arrested and had put myself on the waiting list at the Hope Center for Women in Lexington in July of the same year.



I was offered a bed in September of 2012 and completed long term treatment. During this time, I was going back and forth to court over the trafficking charge. I was granted pre-trial diversion in 2014. This meant that if I successfully completed five years of probation, my trafficking charges would not technically be able to be used against me, specifically as it relates to employment. Legally, this meant that I was unable to vote, leave the country, or carry a firearm.

Now, while I was in active addiction I was not concerned with voting. However, prior to my downfall, I voted regularly. Once I was in recovery, I wanted desperately to be able to vote again. Although I was released from probation in 2017, I found myself in the grips of substance use disorder yet again and lost all desire to vote or be a productive member of society. I went back to the Hope Center for Women in May of 2018 and participated in long term treatment for the second time. My husband and I started our new lives together in 2018. We were both becoming productive members of society while working on restoring our marriage and continuing our recovery. We learned I was pregnant in December 2018 and welcomed our first son, Graham, in August of 2019. At this point I felt like I was a responsible adult and wanted to fulfill my civic duty of voting but was unable to due to my felony trafficking charge. Although I had completed my probation, at this time I was still considered a felon.

At the end of 2019 this would change because of Governor Beshear's executive order stating that anyone convicted of a Kentucky state felony who has completed their sentence, including probation or parole, would have their voting rights restored. Praise God! I was able to vote in the 2020 presidential election. There was a time when I wasn't concerned about voting because I was too concerned about getting my next fix. However, once I was on the journey of recovery and became a parent, I found myself realizing the importance of voting and my desire to do so. I have not missed an opportunity to vote since 2019 and will continue to practice this constitutional right.

SECTION 145 OF THE KENTUCKY CONSTITUTION

Kentucky Section 145 states: “Persons entitled to vote. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote. 1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon. 2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense. 3. Idiots and insane persons.” Text as Ratified on: November 8, 1955. History: 1955 amendment was proposed by 1954 Ky. Acts ch. 2, sec.1; original version ratified August 3, 1891, and revised September 28, 1891.

HISTORICAL CONTEXT

Ratification of Reconstruction Era amendments to the U. S. Constitution produced a counter-offensive of new laws and changes to state constitutions throughout the American south.

As a response to national approval of the 13th, 14th, and 15th amendments, southern state legislatures eventually initiated and passed drastic new measures that modified their individual state constitutions. The express purpose of these changes was to nullify the newly recognized citizenship status of Black Americans in their states, as well as to crush any electoral power this enormous bloc of newly enfranchised citizens might create.³²

Section 145 of Kentucky’s Constitution became law a few years later than what was promulgated in other southern states, and it was certainly less severe. Its goal was, nonetheless the same: to deny Black and poor White Kentuckians the right to vote, and to deny them participation in the democratic process of the commonwealth.

EXECUTIVE ORDER 2019 – 003
DECEMBER 12, 2019



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort, Kentucky

2019-003
December 12, 2019

**RELATING TO THE RESTORATION
OF CIVIL RIGHTS FOR
CONVICTED FELONS**

WHEREAS, the right to vote is the foundation of a representative government;
and

WHEREAS, under the Constitution of the Commonwealth of Kentucky, an individual convicted of a felony is denied the right to vote or hold public office; and

WHEREAS, these restrictions may continue long after a sentence has been fully served; and

WHEREAS, according to media reports, an estimated more than 140,000 Kentuckians have already completed their sentences for non-violent felonies but remain disenfranchised and cannot vote; and

WHEREAS, research indicates that people who have completed their sentences and who vote are less likely to re-offend and return to prison; and

WHEREAS, restoration of the right to vote is an important aspect of promoting rehabilitation and reintegration into society to become law-abiding and productive citizens; and

WHEREAS, Kentucky is one of only two states that does not currently provide an automatic process for restoring voting rights for citizens upon final discharge of their sentences; and

WHEREAS, the current means by which Kentuckians who have completed their sentences seek to have their rights restored is unnecessarily time consuming; and



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort, Kentucky

2019-003
December 12, 2019

WHEREAS, pursuant to Sections 145 and 150 of the Constitution of the Commonwealth of Kentucky, the Governor is authorized and empowered to restore the civil rights of any citizen that are forfeited by reason of a felony conviction:

NOW, THEREFORE, in consideration of the foregoing and by virtue of the authority vested in me by Sections 69, 145, and 150 of the Constitution of the Commonwealth of Kentucky, I, Andy Beshear, Governor of the Commonwealth of Kentucky, do hereby Order and Direct the following:

1. The civil rights, hereby expressly limited to the right to vote and the right to hold public office denied by judgment of conviction and any prior conviction, are hereby restored to all offenders convicted of crimes under Kentucky state law who have satisfied the terms of their probation, parole, or service of sentence (hereinafter collectively referred to for purposes of this Order as "Final Discharge"), exclusive of restitution, fines, and any other court-ordered monetary conditions.
2. This Order shall not apply to any person presently convicted of:
 - a) Treason,
 - b) Bribery in an election,
 - c) A violent offense defined in KRS 439.3401,
 - d) Any offense under KRS Chapter 507 or KRS Chapter 507A,
 - e) Any Assault as defined in KRS 508.020 or KRS 508.040,
 - f) Any offense under KRS 508.170, or
 - g) Any offense under KRS 529.100.
3. The provisions of this Order, as mentioned above, only restore the right to vote and the right to hold public office and do not restore any other civil right.
4. Kentuckians convicted of crimes under Kentucky state law not meeting the criteria for automatic restoration as set forth in this Order, as well as Kentuckians convicted of crimes under federal law or the laws of jurisdictions other than Kentucky, may still make application for restoration of civil rights under guidelines provided by the Governor and the provisions of KRS 196.045.



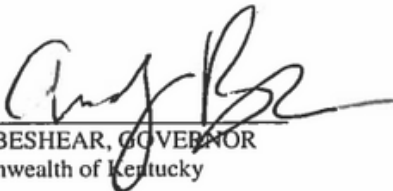
ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort, Kentucky

2019-003
December 12, 2019

5. This Executive Order, and all future restorations of civil rights issued pursuant hereto, shall not be construed as a full pardon under Section 77 of the Constitution of the Commonwealth of Kentucky, or as a remission of guilt or forgiveness of the offense; shall not relieve any obligation to pay restitution, fines, or any other court-ordered monetary conditions; and shall not operate as a bar to greater penalties for second offenses or a subsequent conviction as a habitual criminal.
6. In addition to the above, no civil rights shall be restored pursuant to this Order to any person who has at the time of Final Discharge any pending felony charges or arrests, nor to any person who was convicted under federal law or the laws of a jurisdiction other than Kentucky. The Department of Corrections shall take all reasonable steps necessary to effectuate compliance with the mandates and criteria set forth in this Order.
7. The Department of Corrections, including the Division of Probation and Parole within the Office of Community Services and Facilities, shall provide the information regarding any Kentuckian who meets the criteria as set forth in this Order to the necessary election officials.
8. Any Kentuckian who has received a Final Discharge prior to the effective date of this Order and who meets the criteria for automatic restoration of civil rights as set forth herein shall be eligible to request verification from the Department of Corrections of the restoration of their civil rights.
9. The provisions of this Order shall be effective as of December 12, 2019, and shall have both prospective and retroactive application.
10. The Justice and Public Safety Cabinet and all other Kentucky state agencies are hereby directed to comply with the provisions of this Order.
11. The provisions of Executive Order 2015-052, dated December 22, 2015, be and are hereby rescinded, declared null and void, and are no longer in effect.


ANDY BESHEAR, GOVERNOR
Commonwealth of Kentucky

ALISON LUNDERGRAN GRIMES
Secretary of State

FREQUENTLY USED TERMS

CIVIL RIGHTS

in context of this report, the ability to vote, serve on a jury, and run for public office

COMMUNITY SUPERVISION

an alternative to incarceration that allows offenders to live and work in the community while complying with court-ordered sentencing conditions

EXPUNGEMENT

the elimination, or “clearing,” of a person’s criminal record(s)

DISENFRANCHISEMENT

barring persons from voting by a constitutional provision or a state law

FEES

money paid to support operating costs of a court and services provided by related agencies

FINES

money that must be paid as punishment as the result of a judgment for a criminal offense

PAROLE

supervised release from incarceration before expiration of sentence, usually for good behavior, while complying with the conditions set by the Parole Board and under the supervision of a probation and parole officer; noncompliance with a condition can lead to reincarceration

POST-PRISON

release from incarceration

PROBATION

suspension of a criminal sentence during which an offender’s compliance with set conditions are monitored by the Department of Corrections; incarceration can be a condition of noncompliance

RECIDIVISM

committing another crime

RESTITUTION

court-ordered compensation for lost property, money, or injury caused by the perpetrator of a crime to the victims of that crime

STATE CONSTITUTIONAL AMENDMENT

a change to a state’s fundamental laws and principles of governance

1 An archive of the League’s Reports are found online: <https://www.lwvky.org/voting-rights-restoration-1>

2 SB 62, Jimmy Higdon. Provides restoration of voting rights five years after the person completes their sentence, and if the person has not been convicted of a sex offense, a violent offense, or an offense against a child. <https://apps.legislature.ky.gov/record/20rs/sb62.html> It was referred to the State and Local Government Committee. On February 27, 2020, it passed the Senate by a vote of 29-7 with Committee Substitute (1) and floor amendment (1) which gave the General Assembly the responsibility to declare which crimes were eligible except for some crimes that were permanently excluded for automatic restoration. The House Elections, Constitutional Amendments & Intergovernmental Affairs Committee passed the measure with a Committee Substitute that provided for automatic restoration five years after completion of sentence except for election fraud convictions. It had two readings on the floor but the General Assembly adjourned early due to the pandemic and it was never voted on by the House.

3 SB223 [<https://apps.legislature.ky.gov/record/22rs/SB223.html>] filed by Sen. Gerald Neal with 3 Republican and 3 Democratic co-sponsors; proposed amending Section 145 of the Kentucky Constitution to restore voting rights to persons with felony convictions on completion of imprisonment, probation or parole excluding those convicted of treason, bribery in an election or election fraud; restored other civil rights 3 years after completion of imprisonment, probation or parole.

SB334 [<https://apps.legislature.ky.gov/record/22rs/SB334.html>] filed by Sen Adrienne Southworth; proposed restoring voting rights to persons convicted of crimes excluding treason, bribery in an election or election fraud, unless in confinement for some penal offense.

HB 654 [<https://apps.legislature.ky.gov/record/22rs/HB658.html>] filed by Rep. George Brown; proposed restoring voting rights to persons with felony convictions on completion of probation, final discharge from parole or maximum sentencing excluding treason, some cases of murder, sex crimes with minors or other sex crimes, bribery in an election or other crimes of high misdemeanor as determined by the general assembly.

4 Kentucky Department of Corrections, February 2, 2023.

5 Christopher Uggen, Ryan Larson, Sarah Shannon, and Robert Stewart, Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction, The Sentencing Project (October 25, 2022), found at: <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights>

6 “Voting eligible” population differs from “voting age” population in that it excludes all non-citizens.

7 Uggen et al, *supra*, note 5, at 17.

8 *Id.* at 18.

9 *Id.* at 16.

10 See <https://apps.legislature.ky.gov/record/19rs/sb57.html>

11 See [https://helpexpungeme.com/files/2019/08/KY_LAW_OVERVIEW_FINAL7-18-2019_\(2\).pdf](https://helpexpungeme.com/files/2019/08/KY_LAW_OVERVIEW_FINAL7-18-2019_(2).pdf)

12 Prescott, J.J. and Starr, Sonja B., Expungement of Criminal Convictions: An Empirical Study (March 16, 2019). Harvard Law Review, Vol. 133, No. 8, pp.2460-555 abstract (June 2020), Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=335362

13 See: <https://www.kentuckycountyclerks.com>

14 Margaret Love and David Schlusel, “From Re-entry to Reintegration: Criminal Record Reforms in 2021,” Collateral Consequences Resource Center, p. 2 (January 2022).

15 <https://apps.legislature.ky.gov/record/21rs/hb497.html>

16 Love and Schlusel, *supra*, note 14, at 6.

17 Prescott and Starr, *supra*, note 12, at 2461.

18 Hoover, Hanna, Civil Rights Restoration and Recidivism, 3 (January 26, 2021). Available at SSRN: <https://ssrn.com/abstract=3773572> or <http://dx.doi.org/10.2139/ssrn.3773572>

19 *Id.* at 3.

20 Prescott and Starr, *supra*, note 12, at 2466.

21 See <https://www.fcor.state.fl.us/docs/reports/FCORprovisoreport1011.pdf>

22 Prescott and Starr, *supra*, note 12, at 2461.

23 Guy Padraic Hamilton-Smith and Matt Vogel, “The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism,” Berkeley La Raza Law Journal. 22 La. Raza L.J., 413 (2015).

24 *Id.*, at 414.

25 The question asked was, “Do you support or oppose restoring voting eligibility for individuals who have completed their sentence, including terms of probation and parole, and settled all fines and fees required by their sentence?”

26 A national survey conducted for The Justice Collaborative Institute and Data for Progress of 1,195 likely voters, showed 62% of respondents support enfranchising anyone who has returned home from prison. This support crosses party lines, including 72% of Democrats, 57% of Republicans, and 53% of independent or third-party voters. From 10/09/2020 to 10/11/2020, Data for Progress conducted a survey of 1,195 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is +/- 2.8 percentage points. The results are found at: [Voters-Support-Restoring-Voting-Rights-to-People-Released-From-Prison-.pdf \(tjcstitute.com\)](#)

27 Id.

28 See <https://kycourts.gov/AOC/Information-and-Technology/Pages/Expungement.aspx>

29 See <https://civilrightsrestoration.ky.gov/Pages/home.aspx>

30 See Expungement Certification Process - Kentucky Court of Justice (kycourts.gov)

31 See <https://dpa.ky.gov/home/clients/expungement/>

32 Hamilton-Smith and Vogel, *supra*, note 23.