

Voting Rights Coalition

Promoting the Hallmark of Democracy: Voting

Co-Sponsor and Support The Restoration of Voting Rights Act

Allow Kentuckians to decide if persons who complete their sentences should have the right to vote restored automatically

What the Bill Would Do

The legislation would allow Kentuckians to vote on changing Section 145 of the KY Constitution to require the automatic restoration of voting rights after a person completes their sentence. This approach avoids anyone claiming the arbitrary use of the discretionary power, and instead provides certainty and predictability. It encourages participation in the community, promotes democracy, and welcomes our sons and daughters back.

Many Kentuckians cannot vote

Helping people obtain the right to vote is a significant public policy matter for KY. It is estimated that over 109,000 adults who have served their sentences have been disenfranchised in KY as a result of their conviction.

Only 3 states disenfranchise all felons

Kentucky is in the minority in the way it treats restoring the vote to ex-felons. It is one of only 3 states, along with Florida and Virginia, that disenfranchise all ex-felons.

Voting is distinguishing mark of democracy

The right to vote is a foundation of citizenship. We require ex-felons to pay taxes and comply with the laws enacted by their legislators when they return to their communities. The right to vote, a hallmark of our democracy, should follow.

What is the current KY law?

Section 145 of the KY Constitution states that a person convicted of a felony is not entitled to vote but felons may have their civil rights restored through an executive pardon by the Governor.

In 2001 our elected leaders made a public policy decision to increase the number of persons who had their voting rights restored. Upon recommendation of the Criminal Justice Council, the KY General Assembly passed legislation, KRS 196.045, in 2001 requiring the Department of Corrections “to implement a simplified process for the restoration of civil rights to eligible felony offenders.”

What has happened since the 2001 law?

Despite the law change, the number of applications and restorations is decreasing. In addition to the other requirements, the Governor is also now requiring a written statement from the applicant, 3 character references, and review by the prosecutor in the county of residence and the county of the offense. The legislative intent is not being met.

Legislation is necessary

Since the 2001 legislation has not provided more applications and restorations, additional legislation is necessary. Kentuckians should be allowed to determine if they want to change the KY Constitution to provide automatic restoration of the right to vote for those who have completed their sentence.

NAACP • Kentuckians for the Commonwealth • AFL-CIO • Religious Society of Friends (Quakers) in Kentucky
KY Alliance Against Racist and Political Repression • Interfaith Alliance of the Bluegrass (TIA)
KY Council of Churches • American Civil Liberties Union of KY • Central KY Council for Peace and Justice
People Advocating Recovery (PAR) • Kentucky Jobs with Justice • Catholic Conference of KY

The public favors automatic restoration of the right to vote for ex-felons

The majority of Americans want ex-felons to be able to vote. 80% believe that all ex-felons should have the right to vote. See July 2002 Harris Interactive national survey, *Public Attitudes Toward Felon Disenfranchisement in the United States*, Public Opinion Quarterly, Vol. 68 No. 2 (2004).

National recommendations favor automatic restoration

Increasingly, those who study this issue, scholars, other professionals, those who make decisions on what laws should apply, and the public conclude that felons should have their voting rights restored automatically:

- ✓ The **American Correctional Association (ACA)**, the professional body of corrections leaders who accredit penal institutions, in its 2001 Resolution, which was updated in 2004, “advocates for the restoration of voting rights upon completion of the offender’s sentence, including community supervision.”
- ✓ The **National Commission on Federal Election Reform**, chaired by former Presidents Ford and Carter, unanimously recommended that voting rights be automatically restored upon completion of sentence.
- ✓ The **American Bar Association** in 2003 adopted a set of standards relating to the collateral consequences of a felony conviction that oppose restricting the vote of those not in prisons.

State trends

Since 1996, 11 states have enacted reforms of their disenfranchisement laws. In 2005, Nebraska changed its law to no longer permanently exclude ex-felons from voting, and Iowa Governor Vilsack issued an executive order automatically restoring voting rights to all ex-felons in the state.

Restoring the right to vote is in our self-interest

The restoration of voting rights promotes rehabilitation and reintegration into the community. It is in a community’s interest to encourage participation in its activities. Voting is the fundamental expression of speech. The greater degree to which ex-felons have positive connections with the community, the more likely it is that they will engage in positive social activity. People who vote become more a part of the community and have a greater stake in their society, both of which will result in their chance to become successful in life. This is in our interest.

Voting may contribute to less future crime

“To the extent that felons begin to vote and participate as citizens in their communities, it seems likely that many will bring their behavior into line with the expectations of the citizen role, avoiding further contact with the criminal justice system.” See Christopher Uggen and Jeff Manza, in “Voting and Subsequent Crime and Arrest: Evidence from a Community Sample,” *Columbia Human Rights Law Review* (2005). Uggen and Manza “find consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.” In the data studied, between 1997 and 2000, 16% of non-voters were arrested, compared to 5% of voters. For persons with a prior arrest, the analysis of the data indicates that 27% of non-voters were rearrested, compared to 12% of voters.

The Catholic Conference of Kentucky published *fiscal year* data reflected in the table to the right in September, 2005.

In November, 2005, the Department of Corrections presented similar material to a legislative panel in *calendar year* format.

Legislators learned that approval rates for restoring the right to vote were 86% in 2003, 52% in 2004, and 25% through October 2005.

Both sets of data indicate a sharp decrease in approval of the restoration of the right to vote.

Fiscal Year July 1 – June 30	Number of Applications	Monthly Average	# Civil Rights Restored	Percent Successful
	Source: Department of Corrections		Source: Secretary of State	
1999 – 2000	NA	NA	679	NA
2000 – 2001	NA	NA	575	NA
2001 – 2002	NA	NA	1049	NA
2002 – 2003	1266	105	1231	97.2%
2003 – 2004	1171	98	626	53.4%
2004 - 2005	941	78	464	49.3%
July/August 2005	122	61	NA	NA