

RESOLUTION NO. 81 -2013

A RESOLUTION EXPRESSING SUPPORT FOR AND REQUESTING THAT THE KENTUCKY GENERAL ASSEMBLY PLACE BEFORE THE VOTERS OF THE COMMONWEALTH AN AMENDMENT TO SECTION 145 OF THE KENTUCKY CONSTITUTION TO GRANT AUTOMATIC RESTORATION OF VOTING RIGHTS TO PERSONS CONVICTED OF A FELONY, OTHER THAN TREASON, INTENTIONAL KILLING, A SEX CRIME OR BRIBERY, AFTER EXPIRATION OF PROBATION, FINAL DISCHARGE FROM PAROLE OR MAXIMUM EXPIRATION OF SENTENCE; AND HEREBY NOTIFYING GOVERNOR STEVE BESHEAR, SENATE PRESIDENT ROBERT STIVERS, HOUSE SPEAKER GREG STUMBO, AND FAYETTE COUNTY'S LEGISLATORS OF THIS RESOLUTION.

WHEREAS, section 145 of the Kentucky Constitution provides that any person convicted of a felony shall not have the right to vote; and

WHEREAS, the only avenue for the restoration of voting rights for a citizen convicted of a felony is executive pardon by the Governor of the Commonwealth of Kentucky; and

WHEREAS, for purposes of this resolution, a "former felon" is a citizen convicted of a felony who has paid his/her debt to society by completing service of sentence, including expiration of probation or final discharge from parole; and

WHEREAS, presently over 243,000 citizens in Kentucky have been convicted of a felony, resulting in one of every fourteen adults being disenfranchised; and

WHEREAS, this constitutional barrier to voting disproportionately impacts low-income communities, and particularly communities of racial minorities, as almost one in every five African American adults are disenfranchised; and

WHEREAS, the Commonwealth of Kentucky is currently one of only four states in the nation which does not allow for the automatic restoration of voting rights for former felons, joining Florida, Iowa and Virginia; and

WHEREAS, approximately 181,000 former felons, or 74 percent of the total disenfranchised population, are still unable to register to vote; and

WHEREAS, the legislative effort to allow for a process to restore voting rights for former felons is led by State Representative Jesse Crenshaw of Lexington, and co-sponsored by State Representative Kelly Flood of Lexington, State Representative Susan Westrom of Lexington and State Representative Carl Rollins of Midway; and

WHEREAS, Representative Crenshaw sponsored and introduced House Bill 70

in the General Assembly, which would allow for a constitutional amendment to section 145 of the Kentucky Constitution to be placed on the ballot for vote by the citizens of the Commonwealth of Kentucky; and

WHEREAS, HB 70 has ultimately secured passage in the Kentucky House of Representatives seven (7) times, most recently during the current 2013 session of the General Assembly; and

WHEREAS, despite its repeated passage in the State House, HB 70 routinely has been denied a legislatively required Committee Hearing in the State Senate; and

WHEREAS, many local organizations and advocacy groups, including *Kentuckians for the Commonwealth*, *League of Women Voters of Kentucky*, *National Association for the Advancement of Colored People (NAACP)*, *Central Kentucky Council for Peace and Justice*, and *Operation Turnout*, have demonstrated that the automatic restoration of voting rights is an essential process to facilitate re-entry of former felons into the general societal population of the Commonwealth; and

WHEREAS, political debate and deliberation in the Kentucky State Senate is the democratically expected and desired action, and, thus, is in the best interest of all Lexington-Fayette County residents; and

WHEREAS, the Council of the Lexington–Fayette Urban County Government recognizes and endorses efforts which will make more accessible the opportunity for citizens to become civically engaged in government and the democratic process, primarily by voting in free and open elections of candidates for local, state and federal offices.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Preamble to this Resolution be and hereby is incorporated by reference as if fully set out herein.

Section 2 – That the Council of the Lexington–Fayette Urban County Government encourages the re-entry of former felons to become contributors and participants in the civic forums, workforces and commercial economies of Lexington-Fayette County and the Commonwealth of Kentucky.

Section 3 – That the Council of the Lexington–Fayette Urban County Government has and is currently enacting policies to provide resources to, and build partnerships with, agencies and organizations working to assist former felons with needed safe and affordable housing, educational and vocational training, social service referrals, and other applicable re–entry components.

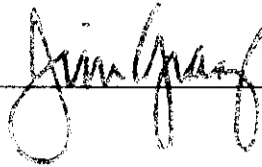
Section 4 – That the Council of the Lexington–Fayette Urban County Government believes fundamental fairness mandates that former felons not be penalized in perpetuity, and that the automatic restoration of voting rights serves as reconciliation for the debt paid to society by the service of sentence of incarceration and compliance with probationary and parole conditions.

Section 5 - That the Council of the Lexington-Fayette Urban County Government hereby supports, and requests that the Kentucky General Assembly place before the voters of the Commonwealth, an amendment to section 145 of the Kentucky Constitution to grant automatic restoration of voting rights to citizens convicted of a felony, other than treason, intentional killing, a sex crime or bribery, after expiration of probation, final discharge from parole or maximum expiration of sentence.

Section 6 - That the Clerk of the Lexington-Fayette Urban County Council be and hereby is directed to send a copy of this Resolution to Governor Steve Beshear, 700 Capitol Avenue, Suite 100, Frankfort, Kentucky 40601; Senate President Robert Stivers, 702 Capitol Avenue Annex Room 236, Frankfort, Kentucky 40601; Representative Greg Stumbo, House Speaker, Capitol, Room 309, Frankfort, Kentucky 40601; and the following Fayette County legislators at their respective legislative offices: Senator Tom Buford, Senator Julian M. Carroll, Senator Alice Forgy Kerr, Senator Kathy W. Stein, Representative Sannie Overly, Representative Jesse Crenshaw, Representative Robert R. Damron, Representative Robert Benvenuti, III, Representative Kelly Flood, Representative Ryan Quarles, Representative Stan Lee, Representative Ruth Ann Palumbo, Representative Carl Rollins II, and Representative Susan Westrom.

Section 7 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 28, 2013



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

216-13_MKH_kt_X:\Cases\CO\13-LE0001\LEG\00380932.DOC