

RESOLUTION NO. _____-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

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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.

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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.

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PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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Kentucky Legislature



HB70

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WWW Version

The hyperlink to a bill draft that precedes a summary contains the most recent version (Introduced/GA/Enacted) of the bill. If the session has ended, the hyperlink contains the latest version of the bill at the time of sine die adjournment. Note that the summary pertains to the bill as introduced, which is often different from the most recent version.

[HB 70 \(BR 166\) - J. Crenshaw, T. Burch, K. Flood, J. Glenn, D. Graham, J. Greer, D. Horlander, J. Jenkins, M. Marzian, R. Meeks, D. Owens, J. Richards, C. Rollins II, A. Simpson, S. Westrom](#)

AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.

Propose to amend Section 145 of the Constitution of Kentucky to allow persons convicted of a felony other than treason, intentional killing, a sex crime, or bribery the right to vote after expiration of probation, final discharge from parole, or maximum expiration of sentence; submit to the voters for ratification or rejection.

(Prefiled by the sponsor(s).)

Jan 8-introduced in House; to Elections, Const. Amendments & Intergovernmental Affairs (H)

Feb 8-posted in committee

Feb 12-reported favorably, 1st reading, to Calendar

Feb 13-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Thursday, February 14, 2013

Feb 20-3rd reading, passed 75-25

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AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

→Section 1. It is proposed that Section 145 of the Constitution of Kentucky be amended to read as follows:

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 *of any felony which includes as an element of the offense the intentional killing of a human being not done under the influence of extreme emotional disturbance for which there exists a reasonable explanation or excuse, sexual contact with a minor, sexual intercourse, or deviate sexual intercourse*, or *of 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.* *Persons convicted in any court of competent jurisdiction of any other felony shall be excluded from the right of suffrage until expiration of probation or final discharge from parole or maximum expiration of sentence, but persons hereby excluded may be restored to their civil rights earlier 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.

→Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

Legislator still seeks to restore voting rights of ex-felons

Changes in Senate make backers hopeful



MERLENE DAVIS
HERALD-LEADER
COLUMNIST

In describing Jesse Crenshaw, the average person could call him a long-time state representative who was first elected to serve the 77th District in 1993.

But for convicted felons who have paid their debt to society, the adjectives used could be determined, persistent, unflagging and resolute.

That's because for years Crenshaw has introduced a bill in the House that would call for the automatic restoration of voting rights for all felons except those who convicted of "treason, intentional killing, a sex crime or bribery."

"It is one of the most important rights a person can have," Crenshaw said. "From a Christian standpoint, it is about redemption."

There are more than 234,000 Kentuckians with felony convictions, he said, "and most of those are already out of prison. These are people in our society who deserve to be able to vote."

Last week, HB 70 passed out of the House Elections and Constitutional Amendments Committee with a vote of 6 to 1, with 2 abstentions. Now it is headed for the House floor to be voted on and passed, hopefully. The bill submitted by Crenshaw in 2012 passed the House with a bipartisan vote of 78-18.

"This is the sixth time it

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has made it to the floor and (was) voted on," Crenshaw said. Two other times the bill either never made it out of the House committee or it came out but wasn't called to the floor for a vote.

After passing the House, the bill has a history of evaporating in a Senate committee, never to be heard from again.

At least that has been the *Groundhog Day* scenario for several legislative sessions. This time around, though, interested parties are hoping a change in the Senate leadership might signal a new day.

"I believe this is the year," said Tayna Fogle, a member of Kentuckians for the Commonwealth, a statewide grassroots organization that has lobbied for the bill for years.

Fogle said former Senate President David Williams has been replaced by Robert Stivers, R-Manchester. Damon Thayer, R-Georgetown, who in past years refused to allow HB 70 out of committee for a vote, is now the Senate Majority Floor Leader.

She hopes those changes in leadership will open a new door.

"If we can get it to the floor of the Senate, I think we have the votes to pass it," Fogle said. "We've just never been able to get it to the floor and then to the people

to vote on it."

The bill is proposing an amendment to Section 145 of the Kentucky Constitution, which denies voting rights for felons without a pardon from the governor to restore those rights. If it were to pass the General Assembly, voters would have to go to the polls to decide whether to maintain the current system that is determined by the governor, or to automatically restore the voting rights of ex-felons.

So far, nothing has worked out very well for ex-felons.

In 2001, the General Assembly tried to help by passing a bill that simplified the process to restoration. But in 2004, Gov. Ernie Fletcher required an essay, three references and approval from prosecutors where the applicant lives and from where the crime was committed. Needless to say, the number of applications and approvals dropped from those of the previous administration because of the new requirements, according to a recently released report by the League of Women Voters of Kentucky.

In 2008, Gov. Steve Beshear eliminated the references hurdle, the \$2 fee and the essay. The applications and approvals increased again.

According to the league's report, "Felony Disenfranchisement in the Commonwealth of Kentucky," Kentucky is one of only

four states that permanently yanks the voting rights of ex-felons. The other three are Florida, Iowa and Virginia. One in 14 Kentuckians can't vote, and 1 in 5 blacks can't vote in this state.

One study out of Florida says there is less recidivism for those who have their rights restored, Crenshaw said. "But from a fairness standpoint, we ask people to rehabilitate, to go to work, to pay taxes, and do all these things and then we say, 'Oh, by the way, you can't vote.'"

Fogle, an ex-felon who has had her rights restored, said, "It made me feel human, that I was a part of the community and had a say in what was going to affect my children and grandchildren.

"I made some bad choices and made some mistakes," she continued. "But when that sentence is over I am supposed to come back and be restored."

If HB 70 doesn't pass the House and Senate, no one doubts that Crenshaw will once again introduce the bill during the next session, just as determined, persistent, unflagging and resolute as ever.

"I'm going to work as hard as I can," he said. "I don't have any ability to control more than my hard work to get this done. It is the right thing to do."

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