

# Felony Disfranchisement in Kentucky

Felony disfranchisement is a policy that bars citizens from the ballot box upon conviction of a felony. In the United States, over 5.3 million Americans cannot vote due to felony convictions. Felony disfranchisement laws vary from state to state, but 48 states bar incarcerated individuals from casting a ballot, with only Maine and Vermont allowing inmates to vote. Eight states permanently ban certain individuals with a felony conviction from voting and two states – Kentucky and Virginia – bar all persons with felony convictions from voting.

The vast majority of disfranchised individuals are no longer incarcerated, but are living in their communities on probation or parole; 2.1 million individuals have fully completed their sentences. These disfranchised individuals are tax-paying citizens, involved with the issues in their communities, but unable to vote to affect them.

The impact of felony disfranchisement falls disproportionately upon communities of color. Nearly one and a half million African-American men, or 13%, are disfranchised due to felony convictions, a rate that is seven times the national average of one out of forty-one adults. If incarceration rates hold steady, three in ten of the next generation of black men can expect to be disfranchised at some point in their lives.

However, over the last decade, the national trend has moved toward lowering barriers for the disfranchised. Since 1997, 19 states have made progressive changes to their felony disfranchisement laws, enfranchising over 700,000 formerly incarcerated individuals.

In a democracy, voting is a right, not a privilege. But for over 5 million Americans, that is not the case. We are aiming to change that in Kentucky.

- Kentucky and Virginia have the most restrictive felony disfranchisement laws in the country.

- More than 186,348 Kentucky residents are disfranchised due to felony convictions.

- 90% of Kentucky's disfranchised population is not in prison or jail, but lives in Kentucky's communities.

- Kentucky has the second highest rate of African-American disfranchisement in the nation, disfranchising nearly 1 in 4 African American voters.

- HB 70, the Restoration of Voting Rights Act, is an opportunity to reform Kentucky's punitive policies by promoting the fundamental right to vote.

## Kentucky Disfranchisement Policy Racial Impact

Kentucky permanently bars all individuals with a felony conviction from voting. As outlined in Section 145 of the Kentucky Constitution, voting rights may only be restored through an executive pardon by the Governor, a complicated and discretionary process. Individuals with misdemeanor convictions only lose the right to vote while incarcerated.

## Who Is Disfranchised in Kentucky?

An estimated 186,348 people with felony convictions are barred from voting in Kentucky. Approximately 69% of disfranchised Kentuckians have fully completed their sentences. Of the remaining disfranchised population, 16% is on probation, 5% is on parole and only 10% of the disfranchised population is in prison or jail. Like many of us, these individuals live, work, pay taxes, raise families and attend schools in their communities.

Kentucky has the second highest African-American disfranchisement rate in the country, disfranchising nearly one in four African-American Kentuckians. African-Americans comprise only 6.6% of the state's voting age population, yet represent 23.7% of the disfranchised population. This rate is four times the statewide disfranchisement rate and nearly triple the national African-American disfranchisement rate.

## Regional Comparison

Neighboring states Ohio, Indiana and Illinois all automatically enfranchise citizens upon release from incarceration. West Virginia and Missouri automatically restore the right to vote to all individuals with felony convictions upon full completion of sentence. These enfranchisement practices have not compromised the integrity of elections or public safety in these states.

## Voting & Public Safety

Felony disfranchisement runs counter to the goal of public safety. Restricting voting rights does not prevent crime, nor does it provide compensation to victims. In fact, disfranchising persons after release from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of formerly incarcerated individuals into society. Research finds a link between voting participation and re-offense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote; 27% of non-voters were re-arrested, compared to 12% of people who had voted.

Far from making streets safer, felony disfranchisement may be detrimental to public safety. Voting demonstrates an individual's commitment to the institution of American democracy, and all citizens should be encouraged to vote.

## KENTUCKY VOTING RIGHTS COALITION MEMBERS

NAACP • Kentuckians for the Commonwealth • KY AFL-CIO • League of Women Voters of Kentucky • Catholic Conference of KY • AFSCME Council 62 • KY Alliance Against Racist and Political Repression • Addiction Recovery Advocates of Kentuckiana (ARAK) • KY Council of Churches • Citizens for a Just KY • People Advocating Recovery (PAR) • KY Mental Health Coalition • Fairness Campaign • Religious Society of Friends (Quakers) in Kentucky • KY Domestic Violence Association • Central KY Council for Peace and Justice • Lexington Diocesan Council for Peace and Justice • Fayette Chapter of The Women's Network • American Civil Liberties Union of KY • Interfaith Alliance of the Bluegrass (TIA) • KY Black Caucus of Local Elected Officials (KBC-LEO) • KY Jobs with Justice • KY Coalition for Immigrant and Refugee Rights

# Support the Right to Vote

## Support HB 70, the Restoration of Voting Rights Act

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### What is HB 70?

HB70, the Restoration of Voting Rights Act, would automatically restore voting rights to Kentuckians with felony convictions who have fully completed their sentences. The bill encourages civic participation, promotes democracy, and welcomes our sons and daughters back into our communities.

### Why is HB 70 important?

- **Voting is a hallmark of democracy.** When people are released from prison and have served all terms of probation and parole, they deserve a second chance to work, raise families and vote. Taxpaying citizens deserve a say in their government, and voting is an essential part of reassuming the duties of full citizenship. Restoring the right to vote strengthens our democracy.
- **Kentucky's current process for restoring civil rights is inefficient and wastes tax dollars.** State employees must process the applications for rights restoration, an unnecessary burden to tax payers in light of the fiscal crisis in our state.
- **Restoring voting rights to people with felony convictions increases public safety.** People who vote are less likely to be re-arrested than those who do not vote.
- **A significant majority of Kentuckians support an amendment along the lines of HB 70.** According to a 2006 survey conducted by the UK Survey Research Center, the majority (56%) of Kentuckians support automatic voting rights restoration for people who have completed their sentences.
- **Voting rights should not depend upon the arbitrary decisions of politicians,** but should automatically be given back to individuals after they have served their sentences.
- **Kentucky's law is out of step with regional, national and international norms.** Kentucky and Virginia are the last two states where *all* people with felony convictions are permanently disfranchised; in the last decade, the number of states with permanent disfranchisement policies has gone from ten to two. Further, the United States is the only democratic nation that currently disfranchises large numbers of non-incarcerated individuals. Kentucky is an outlier on the national and international scene, and should reform its outdated laws to reflect the movement towards greater enfranchisement and a stronger democracy.
- **Expanding access to the ballot box for people with criminal records enjoys broad support across the political spectrum.** Reforming Kentucky's felony disfranchisement laws is about democracy and fairness, not partisanship. The diverse group of organizations that support voting rights for people with criminal records include:
  - **The Catholic Conference of Kentucky and the United States Conference of Catholic Bishops,** the official leadership body of the Roman Catholic Church in the United States, which support voting rights for those released from incarceration;
  - The **League of Women Voters of Kentucky,** which, after conducting a study of felony disfranchisement in the state, recommends changing the state constitution to provide automatic voting rights restoration for those who have completed their sentences;

- **People Advocating Recovery,** a statewide group comprised of 4,000 Kentuckians working to eliminate barriers to recovery from addiction, which supports restoration of voting rights as a key component of reentry.
- **Kentuckians For The Commonwealth,** a 27-year old, 6,000 member organization with its roots in Eastern Kentucky, which supports restoration of voting rights as a key component of building participatory democracy in the Commonwealth
- The **American Correctional Association,** the world's oldest and largest correctional association, which "advocates for the restoration of voting rights upon completion of the offender's sentence";
- The **American Probation and Parole Association,** an international association of members from the United States, Canada and other countries actively involved with probation, parole and community-based corrections, which supports automatic enfranchisement upon release from incarceration;
- The **Association of Paroling Authorities International,** which in 2008 adopted a set of standards that oppose restricting the vote of anyone no longer in prison; and
- **The National Commission on Federal Election Reform,** a blue ribbon commission chaired by Presidents Ford and Carter, which unanimously recommended to Congress that voting rights be automatically restored upon completion of sentence.

### How can Kentucky's felony disfranchisement policy be changed?

Reforming Kentucky's felony disfranchisement policy requires passage of a resolution in both the House and the Senate by a three-fifths majority to amend the state constitution, followed by a vote of the general public. By advocating for the passage of HB 70 in 2009, you can help promote a strong democracy in Kentucky.

### How can I help in Kentucky?

- 1) Join the statewide coalition working to repeal Kentucky's punitive and discriminatory law. To contact the coalition, email [kate@aclu-ky.org](mailto:kate@aclu-ky.org) or [dave\\_hn@yahoo.com](mailto:dave_hn@yahoo.com).
- 2) Call your legislator and tell him or her you support HB 70 and the right to vote for all Kentuckians.
- 3) Visit <http://www.kftc.org/our-work/restoration> and <http://www.aclu-ky.org/> to learn more about the issue and watch a film on felony disfranchisement.
- 4) Talk to your friends, family and neighbors and educate them about Kentucky's felony disfranchisement policy.