STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2015-871
November 24, 2015

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, hold public office, receive, possess or transport in commerce a firearm, or serve on a jury, which restrictions may continue long after a sentence has been fully served; and

WHEREAS, according to the Brennan Center for Justice, it is estimated that more than one hundred eighty thousand Kentuckians who have already completed their sentences remain disenfranchised; and

WHEREAS, research indicates that ex-offenders 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 reintegrating offenders in society to become law-abiding and productive citizens; and

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

WHEREAS, the current means by which offenders seek to have their rights restored is unnecessarily time consuming; and

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 which are forfeited by reason of a felony conviction:

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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, Steven L. 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 hold public office denied by judgment of conviction and any prior conviction, are hereby restored and shall be issued to all offenders convicted of crimes under Kentucky state law and 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") except a 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 507A, or
   e) Any Assault as defined in KRS 508.020 or KRS 508.040.

2. 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:

   a) Any outstanding or unpaid restitution as ordered by the court or the Parole Board, or
   b) Any pending criminal cases, charges or arrests.

   The Department of Corrections shall take all steps necessary to insure that no civil rights shall be restored without complying with the mandates and criteria set forth in this order.

3. The provisions of this Order, as mentioned above, only restore the right to vote and hold public office and do not restore any other civil right, including but not limited to, the right to receive, possess, or transport in commerce, a firearm or to serve on a jury.

4. Offenders satisfying the criteria in this Order shall be given restoration of civil rights without undue delay. The Department of Corrections shall cause to be issued Certificates of Restoration of Civil Rights to any offenders who meet the criteria as set forth in this Order. A Certificate shall be issued and immediately delivered to an offender upon a determination that the requirements for issuance have been satisfied. A copy of the Certificate shall be filed with the Secretary of State.

5. Offenders convicted of crimes under Kentucky state law not meeting the criteria for automatic restoration as set forth in this Order, and offenders convicted of crimes under federal law, may still make application for

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restoration of civil rights under guidelines as provided for by the Governor and the provisions of KRS 196.045.

6. This Executive Order, and all future restorations of civil rights issued pursuant hereto, shall not be construed as a pardon or as a remission of guilt or forgiveness of the offense and shall not operate as a bar to greater penalties for second offenses or a subsequent conviction as a habitual criminal.

7. The provisions of this Order shall be effective immediately upon filing with the Secretary of State and shall have both prospective and retroactive application. Any offender who has received a final discharge prior to the effective date of this Order shall be eligible for a Certificate from the Department of Corrections upon application to and confirmation by the Department of Corrections that he or she meets all of the criteria for automatic restoration of civil rights as set forth herein.

8. The Justice and Public Safety Cabinet and all other state agencies are hereby directed to comply with the provisions of this Order.

STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky

ALISON LUNDERGAN GRIMES
Secretary of State