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Thank you co-chairs Sen. Westerfield and Rep. Massey, and to the esteemed members of the Interim Joint Judiciary Committee, for the opportunity to provide testimony today in support of the restoration of voting eligibility for Kentuckians with prior felony convictions.

My name is Charley Olena, I am the Vice President of Advocacy for Secure Democracy USA. Secure Democracy USA is a nonpartisan nonprofit that works to build confidence in our elections and strengthen voting systems across the United States, similar to the work we've done here with Secretary of State Michael Adams. We work across both aisles to educate policymakers and the public about what it takes to safeguard and strengthen our voting systems. We collaborate with state leaders, election administrators, policy experts, and other allies to ensure that all eligible citizens have the freedom and ability to vote. We've been working in Kentucky on both sides of the aisle since our founding four years ago, and rights restoration has been a focus of ours throughout that time.

I'm here to express our strong support for voting rights restoration and to urge you to advance this critical issue. It's estimated that approximately 200,000 Kentuckians are currently disenfranchised due to a felony conviction. These are real citizens all over the Commonwealth who have served their time and are living, working, raising families, and paying taxes in their communities – yet they cannot vote or participate in our political process. While Gov. Beshear issued an executive order to restore the rights of some individuals, it is far from sufficient, and a permanent solution determined by the legislature is needed.

We've discussed the issue, our research, and potential policy solutions with Senate leadership, Sen. Storm, and others to work to identify language that provides a clear and predictable mechanism for folks to regain their voting eligibility that we can all agree on. We hope to have language that can be pursued and discussed in the 2023 legislative session.

Proposals to restore voting eligibility have been introduced consistently by Republican and Democratic legislators alike. Last session we supported [SB 223](#) by Senators Neal and Higdon. That bill proposed restoring voting eligibility to individuals with prior felony convictions upon completion of their sentence, including probation and parole, except for those individuals who had been convicted of treason, bribery in an election, and election fraud. The bill restored voting eligibility immediately upon completion of sentence, but included a



three year waiting period for the restoration of “other civil rights.” In Kentucky, those “other civil rights” are defined as the right to run for and hold elected office, and serve on a jury.

There are a few principles for fairness in consideration of the policy that I want to highlight. The first is the immediate restoration of voting eligibility for those upon completion of their term of imprisonment, probation and/or parole. Kentucky’s current system leaves restoration to the discretion of a single elected official, currently Governor Beshear, which can lead to bias and creates an unpredictable environment for individuals seeking clarity on what they legally are and are not allowed to do when it comes to participating in our elections. The solution we’re proposing would ensure all Kentuckians will be treated fairly under the law, and create a clear bright line for both individuals who have lost their rights and for Kentucky’s elections administrators, who need to be able to provide clear guidance around who is and is not eligible to vote. Today, 43 other states automatically restore voting rights after an individual completes their sentence, including Arkansas, Missouri, Louisiana, South Dakota, and Texas.

Second, restoration laws should be applied fairly to anyone who has completed their sentence. Kentucky’s restoration laws should not “carve-out” anybody based on the class of crime they committed, except where the crime poses a direct threat to our electoral system. Kentucky’s sentencing laws already account for a variety of aggravating and mitigating factors a court could consider, imposing harsher sentences on those convicted of repeat and/or serious offenses. The criminal justice system already punishes people who commit serious crimes with long — sometimes lifetime — sentences. Kentucky’s restoration laws should respect and reflect the established sentencing process of the courts by restoring the voting eligibility of any person who has been deemed fit to return to society and is no longer under the supervision of the Department of Corrections. Today, 31 states follow this practice, including Arkansas, Georgia, Kansas, South Dakota, and Texas. Kentucky’s restoration laws should also cover anyone convicted in another state or jurisdiction who has similarly completed their term.

Finally, we’d encourage that the Constitution of Kentucky not condition the restoration of voting eligibility upon payment of legal financial obligations, or LFOs. The vast majority of states don’t condition restoration of voting eligibility on payment of LFOs – an unusual practice only required in six states, and there are practical challenges to that system – it creates additional confusion and barriers for voters, elections officials, and corrections officials alike to determine eligibility. Given the practical barriers, the constitution should – at most – leave this question to the state legislature to resolve.

This issue is personal and urgent for every impacted Kentuckian and their communities – as is the need to identify a permanent solution beyond Governor Beshear’s temporary relief. There is an engaged, active, and energized network of individuals, organizations, and leaders ready to put in the work to see a referred constitutional measure through to passage at the ballot. What we’re presenting here today is just a small part of a bigger effort. I look forward to continued conversations with you all on this issue. Thank you for your time and consideration, and I’m happy to answer any questions after the presentation of the panel.