

CHAPTER 12

(SB 10)

AN ACT proposing to amend Section 77 of the Constitution of Kentucky relating to limiting the Governor's ability to grant pardons and commute sentences.

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

➔Section 1. Are you in favor of limiting a Governor's ability to grant pardons or commute sentences by prohibiting him or her from granting pardons or commuting sentences during the time period beginning 60 days prior to the general election at which the Governor is elected, and ending when the Governor is sworn in for that term by amending the Constitution of Kentucky as stated below?

➔Section 2. It is proposed that Section 77 of the Constitution of Kentucky be amended to read as follows:

(1) **The Governor**~~[He]~~ shall have power to:

(a) Remit fines and forfeitures; ~~and~~[-];

(b) Commute sentences ~~and~~[-] grant reprieves and pardons, except:

1. In case of impeachment; ~~or~~[-];

2. ***For the period beginning sixty days prior to the date of the gubernatorial election and ending the fifth Tuesday succeeding the election.***

(2) **The Governor**~~[and he]~~ shall file with each application therefor a statement of the reasons for his ***or her*** decision thereon, which application and statement shall always be open to public inspection.

(3) In cases of treason, **the Governor**~~[he]~~ shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he ***or she*** shall have no power to remit the fees of the Clerk, Sheriff or Commonwealth's Attorney in penal or criminal cases.

➔Section 3. 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, KRS 118.415, and Sections 4 and 5 of this Act.

➔Section 4. Notwithstanding any provision of KRS 118.415 to the contrary, the Secretary of State shall cause the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to be published at least one time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

➔Section 5. Notwithstanding any provision of KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to the county clerk of each county, and the county clerk shall have the entirety of the question and the amendment, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

Governor's signature not required.