

1 AN ACT proposing to amend Sections 77 and 240 of the Constitution of Kentucky
2 relating to limiting the Governor's ability to grant pardons and commute sentences.

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

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

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

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

12 **(a)** Remit fines and forfeitures; **and**~~[,]~~

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

14 **1.** In case of impeachment; **or**~~[,]~~

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

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

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

24 ➔Section 3. It is proposed that Section 240 of the Constitution of Kentucky be
25 amended to read as follows:

26 The Governor shall have power, after five years from the time of the offense, to
27 pardon, **pursuant to Section 77 of this Constitution,** any person who shall have

1 participated in a duel as principal, second or otherwise, and to restore him or her to all
2 the rights, privileges and immunities to which he or she was entitled before such
3 participation. Upon presentation of such pardon the oath prescribed in Section 228 shall
4 be varied to suit the case.

5 ➔Section 4. This amendment shall be submitted to the voters of the
6 Commonwealth for their ratification or rejection at the time and in the manner provided
7 for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 5 and 6
8 of this Act.

9 ➔Section 5. Notwithstanding any provision of KRS 118.415 to the contrary, the
10 Secretary of State shall cause the entirety of the question in Section 1 of this Act and the
11 entirety of the proposed amendment to the Constitution of Kentucky contained in
12 Sections 2 and 3 of this Act to be published at least one time in a newspaper of general
13 circulation published in this state, and shall also cause to be published at the same time
14 and in the same manner the fact that the amendment will be submitted to the voters for
15 their acceptance or rejection at the next regular election at which members of the General
16 Assembly are to be voted for. The publication required by this section and KRS 118.415
17 shall be made no later than the first Tuesday in August preceding the election at which
18 the amendment is to be voted on.

19 ➔Section 6. Notwithstanding any provision of KRS 118.415 to the contrary, the
20 Secretary of State, not later than the second Monday after the second Tuesday in August
21 preceding the next regular election at which members of the General Assembly are to be
22 chosen in a year in which there is not an election for President and Vice President of the
23 United States, or not later than the Thursday after the first Tuesday in September
24 preceding a regular election in a year in which there is an election for President and Vice
25 President of the United States, shall certify the entirety of the question in Section 1 of this
26 Act and the entirety of the proposed amendment to the Constitution of Kentucky
27 contained in Sections 2 and 3 of this Act to the county clerk of each county, and the

- 1 county clerk shall have the entirety of the question and the amendment, as so certified,
- 2 indicated on the ballots provided to the voters in paper or electronic form as applicable to
- 3 the voting machines in use in each county or precinct.