



MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2015-052
December 22, 2015

RELATING TO RESTORATION OF CIVIL RIGHTS
FOR CONVICTED FELONS

WHEREAS, in Kentucky, convicted felons lose certain civil rights, including their rights to vote and to hold public office; and

WHEREAS, under Sections 145 and 150 of the Kentucky Constitution, they may have those privileges restored only by the Governor; and

WHEREAS, in 2001, the Kentucky General Assembly, under the provisions of KRS 196.045, established a statutory process with necessary flexibility to ensure that the procedures and processes for restoration of certain civil rights, to-wit: the right to vote, to serve on a jury, to obtain a professional or vocational license, and to hold elective office, are timely, just and fair; and

WHEREAS, I have long been on record supporting the automatic restoration of civil rights to those non-violent felony offenders who have completed the terms of their incarceration, parole and probation and paid all required court costs, fines and restitution, but believe that such restoration must come through an amendment to the Kentucky Constitution and not by executive action; and

WHEREAS, after former Governor Steven L. Beshear assumed office in December, 2007, he utilized the processes and procedures under KRS 196.045 for restoring the rights of citizenship for felony offenders and continued this process for essentially the entire eight years of his administration, up to and including November 24, 2015; and

WHEREAS, Executive Order 2015-871, dated November 24, 2015, issued by former Governor Beshear less than two weeks prior to the expiration of his term of office, established a process that grants automatic restoration of certain of the aforementioned civil rights, to-wit: the right to vote and to hold public office; and



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WHEREAS, this is an issue that should be determined by an act of the General Assembly and amendment to the Constitution; and

WHEREAS, legislation has been introduced in recent sessions of the General Assembly seeking to amend Section 145 of the Constitution to permit automatic restoration of the right to vote to certain convicted felons under certain conditions, without the need of action by the Governor; and

WHEREAS, it is inappropriate to view this issue in partisan terms, especially since the restoration of civil rights is fundamentally a question of democracy and fairness, constitutes a public policy issue, and is an issue that should be determined based on what we, the people of this state, think is appropriate and fair, and not on the opinions of certain individuals or particular groups of individuals; and

WHEREAS, a serious legal question exists as to whether former Governor Beshear possessed the legal authority to issue, and direct implementation of, Executive Order 2015-871; and

WHEREAS, under the Constitution of the Commonwealth the General Assembly has the sole right to place the question of the automatic restoration of rights of convicted felons on the ballot for decision by the people as an amendment to the Constitution of Kentucky:

NOW, THEREFORE, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, by virtue of the power and authority vested in me by Sections 69, 145 and 150 of the Constitution of Kentucky, do hereby Order and Direct the following:

1. That provisions of Executive Order 2015-871 be, and the same are hereby, suspended and shall henceforth no longer be enforced or have effect pending further study and until the issuance of further orders. Nothing in this Order, however, shall affect the restoration of civil rights finally granted prior to the date of this Order.



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2. Felony offenders convicted of crimes under Kentucky state law whose civil rights have not been restored as of the date hereof are free to make application for the restoration of those rights under guidelines provided for by the provisions of KRS 196.045.
3. The Justice and Public Safety Cabinet and all other state agencies, including the Department of Corrections, are hereby directed to forthwith comply with the provisions of this Order, including the issuance of no Certificates of Restoration of Civil Rights while Executive Order 2015-871 is under suspension.


ALISON LUNDERGAN GRIMES
Secretary of State


MATTHEW G. BEVIN, GOVERNOR
Commonwealth of Kentucky

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DATE 12/22/15

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY
BY R. Adler