

RESTORING VOTING RIGHTS TO KENTUCKIANS WITH FELONY CONVICTIONS: A STATISTICAL UPDATE *February 2025*

FOREWORD

This report provides a brief statistical update on the current state of disenfranchisement to our last report, *“Restoring Voting Rights to Kentuckians with Felony Convictions”* published in February 2023. It is the latest in a series that the League of Women Voters of Kentucky has issued since 2006.

HISTORY

In 1891 the commonwealth added Section 145 to its constitution. **Section 145 denied anyone convicted of any felony the freedom to vote – for life.** This has been the case for over 133 years, and it doesn’t matter if the felony conviction happens in Kentucky, in another state, or in a federal court. The Kentucky Constitution imposes a total and unforgiving voting ban on anyone with a felony conviction. Period.

Some Kentucky legislators have made good faith efforts to amend Section 145 of the constitution so that citizens with felony convictions will again have the freedom to vote and re-engage with the civic life of their communities. To date, all of those efforts have failed.

PURPOSE

The LEAGUE OF WOMEN VOTERS OF KENTUCKY commits to:

- ▶ *Educate* the public on the issue of felony disenfranchisement in Kentucky;
- ▶ *Work* with fellow citizens who have felony convictions, whether or not their voting rights have been restored; and,
- ▶ *Advocate* for legislation that will allow Kentuckians to vote on ending constitutional felony disenfranchisement in the Commonwealth, once and **for all.**

EVERY number on the charts in this report represents a fellow Kentuckian – a person whom our constitution intentionally denies the right to vote.

Kentucky is one of only three states (Kentucky, Iowa, Virginia) that disenfranchises for life anyone who has been convicted of any felony.

Source: The Sentencing Project, 2025+

OUR NATIONAL RANKING IS GETTING WORSE.

Kentucky RANKS #4 NATIONALLY in the percentage of citizens who are disenfranchised due to a felony conviction.

- ▶ According to estimates published in October. 2024, Kentucky disenfranchised 4.52% of its voting eligible population and ranked #4 nationally.
- ▶ In February 2023, Kentucky ranked #7 nationally in its percentage of disenfranchised citizens.
- ▶ For comparison, the current national rate of disenfranchised Americans is 1.7%.

TABLE 1. Kentucky's National Rank of Disenfranchisement

STATE	RANK	TOTAL DISENFRANCHISED	VOTING ELIGIBLE POPULATION	% DISENFRANCHISED
Tennessee	1	399,684	5,206,688	7.68
Florida	2	961,757	15,698,796	6.13
Alabama	3	227,437	3,824,042	5.95
KENTUCKY	4	153,618	3,398,223	4.52

Source: Christopher Uggen, Ryan Larson, Sarah Shannon, Robert Stewart, and Molly Hauf, "LOCKED OUT 2024: Four Million Denied Voting Rights Due to a Felony Conviction," The Sentencing Project (October 10, 2024), found at <https://www.sentencingproject.org/reports/locked-out-2024-four-million-denied-voting-rights-due-to-a-felony-conviction/>

194,861 KENTUCKIANS REGAINED THE RIGHT TO VOTE UNDER GOV. BESHEAR'S 2019 EXECUTIVE ORDER.

EXECUTIVE ACTION IS NOT THE ANSWER TO VOTING RIGHTS RESTORATION.

Executive Action through orders and pardons, is not a dependable or permanent solution.

Kentucky governors can restore voting rights to large numbers of citizens by Executive Orders (see Table 2), but EOs may not cover everyone (see Table 3).

Executive Orders are Fragile.

In December 2019, Governor Andy Beshear signed Executive Order 2019-003, automatically restoring the freedom to vote for those with nonviolent felony offenses on completion of their sentence. That order remains in effect, but another governor could just as easily rescind it, disenfranchising more Kentuckians.

TABLE 2. Kentuckians by Race/Ethnicity/Gender whose voting rights have been restored by Executive Order 2019-003 (December 2019 - November 2024)

RACE	MALE	FEMALE	UNKNOWN	TOTAL
American Indian/Alaskan Native	115	66	0	181
Asian/Pacific Islander	283	105	0	388
Bi-racial	721	361	0	1,082
Black	28,704	7,556	2	36,262
Latino	2,440	288	0	2,728
Unknown	993	242	11	1,246
White	104,409	48,563	2	152,974
TOTAL	137,665	57,181	15	194,861

Source: Department of Corrections, November 14, 2024

TABLE 3. Kentuckians Currently Disenfranchised

RACE/ GENDER	CURRENT POPULATIONS		POST-SENTENCE (Estimate)***	TOTAL
	Incarcerated*	Supervision**		
White	14,341		--	--
Black	4,080	--	14,322	--
Latino	388	--	1,741	--
Bi-racial	260	--	--	--
Other	83	--	--	--
TOTAL	19,152	62,637	71,829	153,618
Male	16,805	--	--	--
Female	2,347	--	--	--

Sources:

*Department of Corrections "Inmate Profiles" December 15, 2024, found at <https://corrections.ky.gov/public-information/researchandstats/Documents/Monthly%20Report/2024/Inmate%20Profiles%2012-2024.pdf>

** Department of Corrections "P & P Population Report" December 16, 2024, found at <https://corrections.ky.gov/public-information/researchandstats/Documents/Pop%20Report/2024/Pop%20Report%2012-16-24.pdf>

**** Uggen, et al "Locked Out 2024"

153,618 KENTUCKIANS ARE STILL DENIED THE RIGHT TO VOTE, DESPITE THE 2019 EXECUTIVE ORDER.

"The League of Women Voters of the United States believes that voting is a fundamental right that must be guaranteed."

Impact on Issues: A Guide to Public Policy Positions of the League of Women Voters, 2024-2026 (<https://www.lww.org/impact-issues>)

EXECUTIVE PARDONS ARE UNPREDICTABLE.

From April 15, 2020, through January 2, 2025, the Kentucky Department of Corrections has vetted and forwarded 815 individual petitions requesting a partial pardon to the Office of the Governor. The total number of pardons Governor Andy Beshear has granted after more than five years in office is 144 – 60 partial pardons, and 84 full and unconditional. This is 954 fewer pardons than the least amount granted by his four predecessors.

EXPUNGEMENTS ARE BENEFICIAL BUT DIFFICULT TO OBTAIN.

Expungement – the legal process of removing a persons’ criminal record from public view or inspection – allows individuals to have their past convictions effectively erased from agency records, though the records may still be accessible to law enforcement.

Expungement has been available since 2016 to Kentuckians who have lived five years without any subsequent felony or misdemeanor offenses as well as payment of a \$290 fee. No expungement is granted until the fee is paid in full. Bills to provide automatic expungement have been filed in the past two General Assemblies but they haven’t gone anywhere.

Beyond restoring a person’s freedom to vote and erasing social stigma, expungements can also:

- ▶ Provide better job opportunities;
- ▶ Lead to, on average, a 22% increase in wages in the first year;
- ▶ Result in extremely low subsequent crime rates.

Source: Prescott, J.J. and Starr, Sonja B., Expungement of Criminal Convictions: An Empirical Study (March 16, 2019). Harvard Law Review, Vol. 133, No. 8, pp.2460-555 (June 2020),

LEGAL FINANCIAL OBLIGATIONS PREVENT PROGRESS.

Kentucky law states that final discharge cannot be given until all court-ordered financial obligations have been met. This often imposes a significant burden on many Kentuckians.

1,820 Kentuckians had their sentences extended in the past year, because they couldn’t pay what the court ordered them to pay. This doesn’t mean they were all eligible for rights restoration. It does mean that a lack of money can prevent people from even attempting to get their voting rights restored.

Figure 1 shows the gender and ethnicity of 1,820 Kentuckians whose lack of payment in the past year prevented them from completing their sentence.

TABLE 4. The number of individual pardons issued in the current and previous administrations

GOVERNOR	DATES OF ADMINISTRATION	TOTAL PARDONS
Andy Beshear	December 10, 2019 – November 27, 2024	144*
Matt Bevin	December 8, 2015 – December 10, 2019	1,518
Steve Beshear	December 11, 2007 – December 8, 2015	9,509
Ernie Fletcher	December 9, 2003 – December 11, 2007	1,098
Paul Patton	December 12, 1995 – December 9, 2003	5,613

Source: *Office of the Secretary of State, January 13, 2025

TABLE 5. Felony Conviction Expungements Granted since Adoption of HB 40 in 2016

YEAR	NUMBER
2024*	824
2023	1,042
2022	538
2021	731
2020	888
2019	620
2018	433
2017	583
2016	594
TOTAL	6,253

Source: Kentucky Administrative Office of the Courts
* Partial year, 1/1/24 – 6/30/24

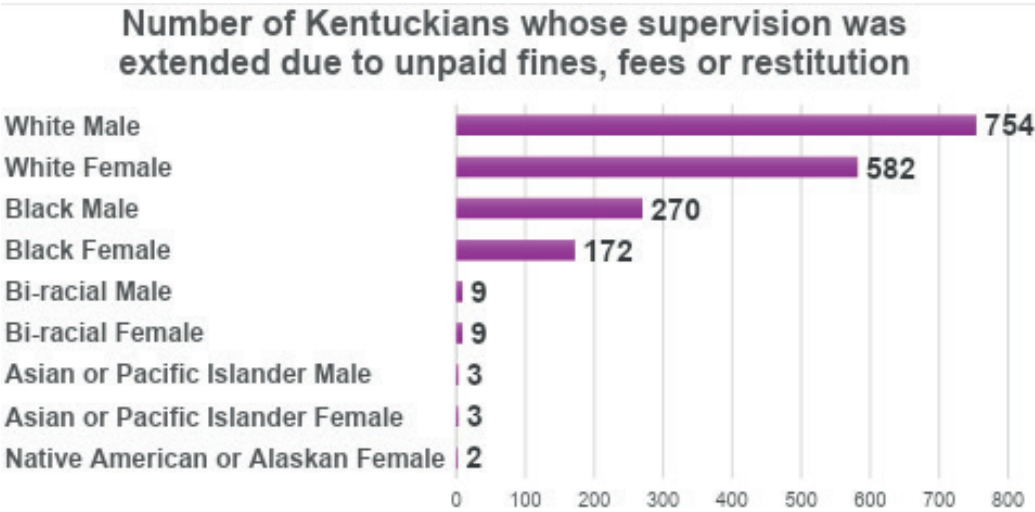


FIGURE 1.
Department of Corrections, January 6, 2024

FELONY CONVICTION DOESN'T ALWAYS MEAN INCARCERATION.

Thousands of men and women with felony convictions are sentenced to “community supervision” every year. They continue to live and work in their hometowns while complying with court-ordered requirements. While they are not “locked up,” they do indeed remain “locked out” and lose all their civil rights – including the right to vote.

APPA says...

The American Probation and Parole Association advocates the restoration of voting rights upon completion of an offender’s prison sentence and advocates no loss of voting rights while on community supervision.

CASES RESULTING IN INCARCERATION VS PROBATION

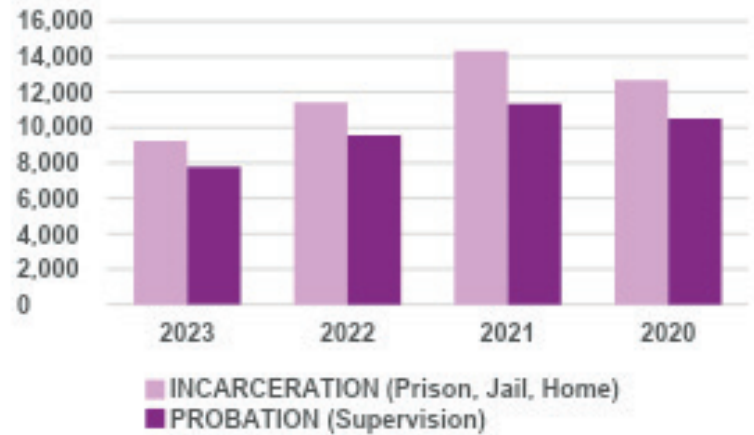


FIGURE 2.
Administrative Office of the Courts, March 1, 2024

THE ONLY PERMANENT SOLUTION TO END FELONY
DISENFRANCHISEMENT IS
A CONSTITUTIONAL AMENDMENT.

The time has come to
LET US VOTE!

The League of Women Voters of Kentucky, a nonpartisan political organization, is part of the League of Women Voters of the United States. The League:

- › Encourages the informed and active participation of citizens in government;
- › Works to increase understanding of major public policy issues; and,
- › Influences public policy through education and advocacy.

As a nonpartisan body, the League takes action on issues but does not support or oppose candidates or political parties. The League supports diversity, equity and inclusion in membership and programming.

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