

Let's simplify the process for disenfranchised voters

By R. David Stengel, Jefferson County Commonwealth Attorney

**Central Kentucky News-Journal
January 28th, 2007**

More than 100,000 Kentuckians were not able to vote in the last election.

These are people who may very well be interested in voting, but are barred because they have a previous felony conviction. The Kentucky League of Women Voters' recent report on felon disenfranchisement has brought this to everyone's attention.

According to the report, laws that disenfranchise people with felony convictions exist in 48 states, but Kentucky maintains the distinction of being one of only three states that permanently ban all felons for life unless the governor specifically restores their civil rights.

Consider this: An 18-year-old with a first-time felony drug possession, who is sentenced to a drug treatment program which she successfully completes, can never vote again, no matter how law abiding a life she subsequently leads. Only Florida and Virginia maintain policies so restrictive.

Because of the broad sweep of Kentucky laws, the impact of the Kentucky electorate is among the most severe in the country. One of every 17 adults in the state is ineligible to vote, double the national average. Among African Americans, the disenfranchisement rate is the nation's highest, with nearly one in four (23.7 percent) adults barred from the voting booths.

Felons in Kentucky who have completed their sentence can apply for the governor to restore their voting rights. In practice, the current process is finding far fewer persons having their rights restored than in the recent past.

Part of this is because in 2004, Gov. Ernie Fletcher made this process far more burdensome and time consuming than it had previously been. He started requiring that all applicants submit a statement detailing why their rights should be restored along with three letters of recommendation.

The stated reason for this when it was presented to the Commonwealth's Attorneys was that the governor wanted it to be "harder, so they'll appreciate it more."

At the time, I joked that it sounded like an essay contest for the right to vote.

Since then, one enterprising individual who was screened by my office, and knew the audience to whom he was playing, actually wrote that he wanted his rights back so he could vote Republican!

Not surprisingly, both the number of applicants and the approval rate have plummeted. Only 464 people had their rights restored in fiscal year 2004, a decline of more than 60 percent from two previous years.

Why should we care about the rights of people who have committed crimes in the past? These people have completed all the obligations of the sentence imposed on them. They are living in the

community, hopefully working, paying taxes and being expected to take on all the responsibilities of citizenship. Annually, we spend millions to rehabilitate offenders and bring them back into society only to let an outdated system push them back with one hand while we pull with the other.

Research shows that former offenders who vote are less likely to be re-arrested than nonvoters. This is related to the reality that a key element of a successful transition home from prison is a positive relationship with community institutions. Voting shows a commitment to the future of the community.

As a veteran of 23 years as a prosecutor, two primaries and five general elections, I believe I know what I'm talking about. I also know it's easy to win votes talking tough about crime. It's time we looked at the reality of the situation and do something positive for our fellow Kentuckians and ourselves. Gov. Fletcher should at least immediately revert to the previous method of restoring rights where applicants don't have to supply an essay and three recommendations. Previous governors were able to appropriately review applications without taking this step.

It is time for a change, though, and we should seriously consider allowing those previously convicted of a felony to vote upon completion of their sentences. They've done the crime, but they've also done their time.

- R. David Stengel is a former State Representative, and now Commonwealth Attorney for the 30th Judicial District in Jefferson County.