



1042 Burlington Lane • Frankfort, KY 40601 • (502)875-4345 • FAX: (502)875-2841 • www.ccky.org

TESTIMONY OFFERED IN SUPPORT OF HB 70

AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.

January 24, 2012 – House Elections, Constitutional Amendments and Intergovernmental Affairs

Mr. Chairman and members of the committee, my name is Rev. Patrick Delahanty. I appreciate the opportunity to appear before you today. I am the Executive Director of the Catholic Conference of Kentucky, the policy arm of Kentucky's four Roman Catholic bishops. The bishops thank you for your past support of this legislation and I am here to ask for your continued support.

In 2005 the Conference issued a pastoral statement on criminal justice recommending that Kentucky's constitution be amended so that the right to vote would be automatically restored to former offenders upon completion of all the conditions of punishment imposed upon them by the court.

It is our belief that each of us is created in the image of God and that each person possesses a basic dignity that comes from God. As a result we have certain rights as well as obligations. One such is the right and the obligation to participate in the public life of the community. This obligation finds expression in the Catholic Catechism where it teaches that exercising the right to vote is a moral obligation.

As a result of that teaching we believe Kentucky should be promoting citizen participation in the public life of the Commonwealth, not creating barriers to prevent a citizen – including a citizen convicted of a felony - from having ready access to the ballot box. Our country's history on this matter is one of progressively expanding access to the ballot and removing barriers that kept citizens from voting: non-property owners, women, people of color and minorities. A similar expansion of access has occurred in the population of former felons. Kentucky is one of only four states that deny former felons the right to vote UNLESS government (in our case the Governor) approves restoration.

Kentucky's current constitution is an unnecessary barrier that prevents former felons from having appropriate access to the ballot box. It is not enough that the governor may restore that right. That practice ends up being arbitrary as indicated by the data available from the Ky. Department of Corrections and the Office of the Secretary of State. In addition, with a backlog of more than 120,000 persons disenfranchised, and with the increase in the number of persons convicted of felonies over the past twenty or thirty years in Kentucky, it is time we make automatic the restoration of this right so that those returning to our community can demonstrate their commitment to becoming law-abiding citizens and feel they have a stake in their future. We require them to pay taxes. We should also allow them to vote for those who create those tax laws.

In addition it appears that those to whom the right to vote is restored are significantly less likely to become repeat offenders. We have referred to a study in the past by Christopher Uggen and Jeff Manza published in the Columbia Human Rights Law Review that found this correlation. Now another study, conducted by the Florida Parole Commission and released this past August, reports that after reviewing 31,000 cases over a two-year period only 11% of people whose civil rights were restored ended up back in custody. As one Florida lawyer noted, "This report shows clemency is working very well, as 89 percent of convicted felons granted a second chance have not re-offended," That is a practical benefit to all Kentuckians and in our common interest.

Because our current practice of withholding the right to vote permanently, unless restored by the governor, unnecessarily prevents former offenders from participation in the public life of his or her community, because this practice appears to be arbitrary, and because there is growing evidence that those to whom the right to vote is restored do not re-offend, we urge you to support HB 70.

The Catholic Conference of Kentucky (CCK) is an agency of the Catholic Bishops of Kentucky, established in 1968. It speaks for the Church in matters of public policy, serves as liaison to government and the legislature, and coordinates communications and activities between the church and secular agencies. There are 406,000 Catholics in the Commonwealth. The Bishops of the four dioceses of KY constitute CCK's Board of Directors.