

**Losing the Right to Vote:
Perceptions of Permanent Disenfranchisement and the
Civil Rights Restoration Application Process
in the State of Kentucky**

Elizabeth A. Wahler

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For further information:

The Sentencing Project
514 10th St. NW
Suite 1000
Washington, D.C. 20004
(202) 628-0871
www.sentencingproject.org

Executive Summary

This study examines the personal experiences of 40 individuals who have lost their right to vote in the state of Kentucky. Data was collected by conducting open-ended interviews that examined respondents' opinions of disenfranchisement, their knowledge of the application process for restoration of their civil rights, and their perceptions of their own ability to complete the application process. Key findings include:

- **Kentucky's disenfranchisement policy alienates a significant group of people who would otherwise vote.**
 - Over half of the respondents (57.5%) had voted before being convicted of a felony.
 - More than two-thirds of the respondents who had not previously voted before their felony conviction described an increased desire and motivation to participate in the democratic process now that they were older, had families, and had more of an appreciation for the value of voting.
- **Ninety percent of the respondents did not know the application process for restoration of their voting rights.**
 - Several respondents (10%) even stated that they had no knowledge of an application process at all, and mistakenly believed that there would not be an opportunity to regain their right to vote.
- **Respondents felt demeaned by the fact that they would be required to apply for restoration of their voting rights despite completing their full sentence.**

- All of the respondents felt that permanent disenfranchisement for all felony convictions was unfair, particularly after being released from parole, working, paying taxes, and otherwise being considered full citizens.
- **Many respondents did not have the skills or the resources necessary for successful completion of the application process.**
 - Although 88% of the respondents felt that they would be able to complete the writing portion of the application, 83% of those respondents reported that they had little to no experience with writing formal letters or essays.
 - Thirty percent of respondents did not have their high school diploma or GED.
 - Three-quarters did not know anyone who could help them with the application process, and none of the respondents had knowledge of any organized groups in the state they could utilize for assistance.

These findings have important implications for the state of Kentucky, particularly drawing attention to the need for current legislation to be reexamined and revised. In the meantime, parole officers and election officials must be correctly informed of the application process and eligibility requirements so they can properly educate ex-felons. In addition, advocates must help ensure that correct information about the process, along with information about resources available for assistance with the application process, is disseminated to all convicted felons in the state.

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Disenfranchisement laws prevent many individuals from participating in the democratic process, and are affecting increasingly large numbers of individuals across the United States. Forty-eight states bar prison inmates from voting, 36 states bar convicted felons from voting while they are on parole, and 31 of these states also exclude felony probationers from voting.¹ Three states, including Kentucky, are permanent disenfranchisement states, prohibiting all ex-felons from voting even after they have completed their full sentence.² Nine other states prohibit voting for people convicted of specific types of offenses, or allow for voting rights restoration for certain types of offenses after a specified waiting period.³

Disenfranchisement in the United States

Disenfranchisement laws have been in effect for many years, but are impacting an increasing number of individuals as the United States criminal justice system continues to convict and imprison more people in recent years than ever before in history. It has been estimated that approximately 2.5% of the population (5.3 million) have lost their right to vote due to a felony conviction.⁴

¹ “Felony Disenfranchisement Laws in the United States” as accessed from <http://sentencingproject.org> on December 20, 2005.

² Ibid.

³ Ibid.

⁴ *Locked Out: Felon Disenfranchisement and American Democracy* by J. Manza and C. Uggen (2006), Oxford University Press, New York, NY.

Disenfranchisement laws are preventing a large number of people from voting in this country, but they are having the biggest impact on the African American population. While these laws are preventing 2.5% of the total adult population from voting, they are preventing 13% of the total population of African American males from voting due to disproportionate felony conviction rates in that community.⁵

Consequences of Disenfranchisement

Felony convictions continue to have consequences on ex-felons long after they have completed their sentence. Losing the right to vote is only one such enduring consequence. Others, depending on the jurisdiction, can include being disqualified from many types of employment, being denied opportunities for safe and affordable housing, and having parental rights terminated. Depending on the specific felony conviction, other long-lasting consequences may be assigned to ex-felons. Some appear to be based on the premise of improving public safety, such as requiring convicted sex offenders to maintain their information on a public registry or denying individuals with a felony conviction the right to own a firearm.⁶ Others appear to be simply punitive, such as forbidding individuals convicted of felony drug offenses from applying for educational loans, income-based housing, or public welfare benefits.⁷

Disenfranchisement in Kentucky

The latest available statistics from Kentucky show that almost 18,000 prisoners were incarcerated in January of 2005, and an additional 33,000 people were on probation and 7,500 on

⁵ “Felon Disenfranchisement: A Policy Whose Time Has Passed?” by Marc Mauer (2004), from *Human Rights: Journal of the Section of Individual Rights & Responsibilities*, 31(1), pp. 16-19.

⁶ “Reanalyzing the Prevalence and Social Context of Collateral Consequence Statutes”, by K. G. Buckler & L. F. Travis (2003), from *Journal of Criminal Justice*, 31(2003), pp. 435-453.

⁷ “Invisible Punishments Block Housing, Education, Voting” by Marc Mauer (2003), from *Joint Center for Political and Economic Studies ‘Focus’*, May/June 2003, pp. 3-4, as accessed from <http://www.sentencingproject.org/pdfs/mauer-focus.pdf> on February 13, 2006.

parole.⁸ African Americans are represented disproportionately in Kentucky's criminal justice system just as they are in the United States criminal justice system as a whole. While African Americans make up 7.3% of the state population,⁹ they comprise 31% of the total prison population in Kentucky.¹⁰ This statistic indicates that Kentucky will continue to permanently deny the right to vote to a growing number of African Americans as it convicts and incarcerates a disproportionate number of this population.

According to Kentucky's constitution, voting rights restoration for individuals convicted of a felony is left up to the Governor's discretion. Until recently, Kentucky's ex-felon population could apply to have their civil rights reinstated upon completion of their full sentence and probation/parole term with a one-page application outlining their convictions and sentences served. Because many ex-felons were not aware of their voting eligibility or how to obtain an application, legislation was enacted in 2001 that streamlined the process to make voting rights restoration easier for ex-felons completing parole by requiring the Department of Corrections to inform and assist those eligible with completion of the application.¹¹ While that policy is still in effect, Governor Ernie Fletcher enacted a policy in 2004 that made the process of reinstatement more difficult by adding a 'character test' to the application process. Now, instead of a relatively simple one page application, eligible individuals must make their initial application to the governor's office (and can receive assistance from the Department of Corrections with this portion), but then must submit an additional written letter or essay explaining why they think their rights should be reinstated along with three letters from character references. After

⁸ Kentucky Department of Corrections Inmate Profile (January 2005), as accessed from <http://www.corrections.ky.gov/about/factsfigures.htm> on February 13, 2006. Probation figures from "Probation and Parole in the United States, 2004" by Lauren E. Glaze and Seri Palla (November 2005) as accessed from <http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus04.pdf> on April 7, 2006.

⁹ U.S. Census 2000 Demographic Profile Highlights of Kentucky (2000), as accessed from <http://factfinder.census.gov> on February 13, 2006.

¹⁰ Kentucky Department of Corrections Inmate Profile (January 2005).

receiving the paperwork, the governor's office forwards the individual's name and application to that individual's county prosecutor to give the prosecuting attorney an opportunity to object if they do not feel that the individual should have their voting rights restored.

These changes reflect a general shift in attitude from the administration of the state of Kentucky, moving toward a more punitive approach to dealing with convicted felons. John Roach, the Governor's General Counsel, has stated that the new process "allows us to actually make sure that they're worthy of having their civil rights restored."¹² Roach had previously written an op-ed in the *Lexington Herald-Leader* stating, "not every convicted felon deserves the right to vote" in an effort to justify why the governor's office requires the character test portion of the application.¹³ Both quotes indicate that the state's administration believes that a character test is required to distinguish those ex-felons who are rehabilitated from those who are unworthy of participating in the democratic process.

During fiscal year 2004-05, 941 applications for rights restoration were submitted to the governor's office and 464, or 49% were approved. These figures were down considerably from the application total of 1,266 in 2002-03 prior to the policy change. The number of applications approved declined even more markedly, by 62%, from the figure of 1,231 in 2002-03 (97% approval). For the second half of 2005, the number of successful applications -- 104 -- has declined even more dramatically, representing just 25% of all applications.¹⁴

Nearly 110,000 people have lost their right to vote in Kentucky due to a felony conviction. Only 1% of those individuals had their rights restored between 2002 and 2004,

¹¹ "Felony Disenfranchisement Laws in the United States" by The Sentencing Project (2005).

¹² "Legislators View Data on Felons' Rights- Critics Unhappy That Half Can't Get Back Voting Rights" (2005, November 3). *The Lexington Herald Leader*, p. A1.

¹³ "Governor Following Law on Felon Voting" (2004, September 20). *The Lexington Herald Leader*, p. A8.

¹⁴ Voting Rights Coalition, "Promoting the Hallmark of Democracy: The Right to Vote," citing data from the Department of Corrections.

which leads to several policy questions.¹⁵ Why did such a small number of those eligible submit applications? Is it that this population does not see the importance of voting? Do they not have enough knowledge about the application process for reinstatement of their rights, or do they not have the means to complete the application? What is the impact of adding a character test to the reinstatement application process?

While in some situations it might be appropriate to examine an ex-felon's behavioral attributes, voting does not appear to be one of them. Personal attributes and potential character flaws do not prevent citizens from registering to vote, and character tests are not given to ensure that voters are "worthy" of voting, so it seems that ex-felons should not be prevented from voting based on these same reasons.¹⁶

Background of Felony Disenfranchisement

A report by The Sentencing Project discusses the unprecedented rise in the United States' use of incarceration in its criminal justice system over the last three decades, indicating that the number of people in U.S. prisons and jails increased from 330,000 in 1972 to 2.1 million in 2005.¹⁷ According to this report, while the total population increased by less than 40% between 1970 and 2000, the total number of people incarcerated in the country rose by more than 500%. This rise in felony convictions and incarceration rates has led to the subsequent increase in the number of American citizens who have lost their right to vote.

While there has been research examining disenfranchisement policies throughout the United States, only one study, completed by the Kentucky American Civil Liberties Union,

¹⁵ Ibid.

¹⁶ "Convictions and Doubts: Retribution, Representation, and the Debate over Felon Disenfranchisement" by P. S. Karlan, from *Stanford Public Law and Legal Theory Working Paper Series*, as accessed from <http://www.sentencingproject.org/pdfs/karlan-stanford-fvr.pdf> on March 20, 2006.

¹⁷ "Incarceration and Crime: A Complex Relationship" by R.S. King, M. Mauer, & M.C. Young (2005), as accessed from <http://sentencingproject.org> on January 20, 2006.

examined disenfranchisement specifically in Kentucky. The ACLU-KY examined whether or not parole officers and county elections officials knew the correct information regarding the eligibility of individuals on probation or parole to vote. The study found that 48% of the parole officers surveyed, and 70% of the elections officials surveyed, misunderstood the state law.¹⁸ Since these are the individuals who are supposed to have the knowledge needed to inform ex-felons of their rights and responsibilities regarding regaining the right to vote, this is likely to affect the prospects for voter registration.

Another study, by Cardinale, examined the first-person accounts of individuals directly affected by disenfranchisement, but this study was carried out in a state that did not permanently disenfranchise convicted felons.¹⁹ No existing studies have examined personal accounts of losing the right to vote in a state that practices permanent disenfranchisement.

The existing body of literature leaves a significant question unanswered. How does disenfranchisement, particularly the concept of *permanent* disenfranchisement, affect the individuals who have lost their right to vote? This study seeks to enhance our understanding of how disenfranchisement affects people facing a lifetime without voting rights, as well as how an onerous and complicated application process for civil rights restoration appears to the people who must navigate the system if they wish to vote again.

Methodology

This study utilized a cross-sectional design based on interviews conducted with individuals on parole for felony convictions in Kentucky. Respondents were recruited by flyers

¹⁸ “ACLU Finds Kentuckians are Being Denied the Right to Vote Because of Faulty Information” by American Civil Liberties Union of Kentucky (2005, November 21) as accessed from <http://www.aclu-ky.org/news.html#ROVR%20Study%20Results> on December 23, 2005.

¹⁹ “Triple-Decker Disenfranchisement: First-Person Accounts of Losing the Right to Vote Among Poor, Homeless Americans with a Felony Conviction” by M. Cardinale (2004) as accessed from <http://www.sentencingproject.org/pdfs/mcardinale.pdf> on February 1, 2006.

posted on public bulletin boards in agencies serving individuals on parole in an urban area of Kentucky. Sites included the local probation and parole office, halfway houses, drug treatment programs, homeless shelters, and job training programs. Individuals responding to the flyer were asked to call the Principal Investigator (P.I.) for more information about the study or to schedule an appointment for an interview.

Once respondents contacted the P.I., they were given information about the general nature of the questions, the approximate length of the interview, and the amount they would be paid for their time (\$15). If interested, the individual scheduled a time to complete the interview with the P.I. All interviews were conducted in a private office to protect the respondents' confidentiality. At the time of the interview, respondents were fully informed of the purpose of the study, and the consent form was thoroughly reviewed with each subject. IRB approval was received before beginning the study, and there was minimal risk involved to the individuals participating in the interviews.

Interviews lasted approximately 20-30 minutes. Study respondents were asked open-ended questions regarding their opinions about losing the right to vote after being convicted of a felony, their knowledge of the application process for restoration of voting rights in Kentucky, their perception of their ability to complete the application process. Interviews were recorded, with permission from each respondent. Information obtained during the interviews was transcribed and then analyzed thematically to identify common statements and ideas utilizing Atlas TI.

There were several limitations to this study. Since the study only interviewed forty people on parole in Kentucky, the sample is not representative of the entire population of people in the state who have been convicted of felonies and lost their right to vote. Respondents who

were interested in participating in the interviews had to respond to the advertisement and call the principal investigator for an interview. One could assume that most of the people who would go through the trouble to respond to an ad, schedule an appointment, and meet the interviewer at an office, were people who were either very interested in the issue of disenfranchisement, or were motivated to complete the interview to receive the financial compensation. Because they had to respond to a written ad, it can also be assumed that the respondents were literate or were with someone who was literate. Moreover, in addition to the possibility of over-reporting their confidence levels with the application process, respondents could also have misrepresented their intentions to complete the application process or their intentions to contact resources for assistance with the process.

Another limitation of the study was that many of the respondents could have misrepresented themselves during the interview, and the results of this study might not truly reflect the abilities of the respondents. It is difficult to know whether respondents were being completely honest throughout the interview, or if they felt influenced to give certain answers because of the pressure of a face-to-face interview. There is a possibility that some of the respondents could have stated that they intended to go through the application process because they felt that this was what the interviewer wanted to hear, instead of giving their true opinion.

Findings

1. Demographic Information

Table 1 presents the demographic characteristics of the sample (N=40) included in the analysis. One quarter of the sample was female (n= 10) and the majority of the respondents were male (n=30), which is comparable to the national parole population (12% female, 88% male).²⁰

²⁰ U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole Statistics* (2004), as accessed from <http://www.ojp.usdoj.gov/bjs/pandp.htm> on March 21, 2006.

The sample was almost equally comprised of Caucasian (n=18) and African American (n=19) individuals, with three individuals self-identifying as other races. This is also comparable to the national parole population, which consists of 40% Caucasian, 41% African American, and 18% Hispanic.²¹

The majority of the sample was between the age of 36 and 45 (n=14), and 45% had either completed high school or earned their GED (n=18).

Almost all of the respondents were living in residential facilities, with the majority residing in substance abuse treatment programs. Eighteen were currently in substance abuse treatment, 12 were living in halfway houses for criminal offenders, six were living in the community, and four were residing in homeless shelters.

Most of the respondents had only recently been paroled, with the mean length of time on parole being 17.8 months. Time on parole ranged from 2 weeks to 12 years.

Respondents were asked about lifetime criminal convictions as part of the interview, and the majority (n=33) reported that they had been convicted and imprisoned for only non-violent crimes, such as drug possession and nonpayment of child support. Two individuals stated that they had been convicted and incarcerated for only violent crimes, such as armed robbery, sexual assault, and physical assault, and five reported being convicted and imprisoned for a combination of non-violent and violent crimes.

Regarding previous voting behavior, over half (n=23) reported that they had voted before being convicted of a felony, with 15 respondents reporting that they had voted multiple times in the past and eight reporting that they had voted only once.

²¹ Ibid.

Table 1
Subject Characteristics

Characteristic	Frequency	% of All Respondents
Gender		
Male	30	75.0
Female	10	25.0
Total	40	100.0
Race		
Caucasian	18	45.0
African American	19	47.5
Latino	1	2.5
Biracial	1	2.5
Other	1	2.5
Total	40	100.0
Age		
18-25	7	17.5
26-35	11	27.5
36-45	14	35.0
46+	8	20.0
Total	40	100.0
Education		
No High School Diploma/GED	12	30.0
High School Diploma/GED	18	45.0
Some College	10	25.0
Total	40	100.0
Type of Crimes Committed		
Violent	2	5.0
Non-violent	33	82.5
Combination of Violent and Non-violent	5	12.5
Total	40	100.0
Previous Voting Behavior		
Never Voted	17	42.5
Voted Once	8	20.0
Voted Multiple Times	15	37.5
Total	40	100.0

2. Opinions of Disenfranchisement

When asked about their general opinion of disenfranchisement, there were three common themes that arose. Some felt that it was fair temporarily and was a natural consequence for the crime they had committed. One woman commented on losing the right to vote while she was incarcerated and said, “I think it’s right. I think we shouldn’t have that privilege, because by society’s standards, we’re a menace.”

Views on Disenfranchisement Policy

Even though some of the respondents felt that temporary disenfranchisement was a fair punishment for the crime they committed, none of the individuals interviewed felt that permanent disenfranchisement was fair to implement in all cases.

One respondent remarked, “They’re still making me serve the time for a crime that I’ve committed, even though I’ve already served their time. I feel that, once I’m off paper and I have been a productive member of society, then I should have my voting rights restored without me applying for it. Because I have done everything that my parole or probation officer has asked me to do.”

Another stated, “I think it’s wrong! You know, I mean I’ve done the crime, but I’ve done my time. We *do* get rehabilitated, you know, and I think it’s only fair that we get the chance to get our voting rights back.”

Another respondent commented, “You know, to me it seems like they want to penalize you for the rest of your life for a mistake that you’ve made.”

An additional theme arose out of the data, and several respondents felt that permanent disenfranchisement *might* be a fair consequence, depending on the type of felony that had been committed.

“I don’t think *certain* felonies should stop you from voting. I don’t have no violent felonies, just child support, and I think I should be able to vote if I want to. It should depend on what kind of felony you got.”

“There are certain levels of crime, big, small, you know, and I just think they need to look at what the crime was, and how big it was.”

“I believe it should be different for each felony. I don’t think for child support you should lose your vote, or your right to vote. I mean, I know it’s breaking the law, but at the same time, it’s not anything like the more serious crimes. I don’t believe they should take it away. I believe I should still have the right to vote, on a child support charge, because nobody wasn’t injured and there wasn’t a law broken other than not paying.”

Other respondents felt that disenfranchisement was always unfair, no matter what the circumstances.

“I don’t think it’s right....You know, just because you did some wrong doesn’t mean that you can’t vote for who’s going to be president or governor.”

“I think it’s ridiculous, honestly. I mean, I can understand why carrying a firearm or whatever, but we should *all* be able to voice our opinion! I mean, we all live in this country, so I don’t think it’s fair.”

Personal Impact of Disenfranchisement

Many respondents commented on the effect that permanent disenfranchisement had on them.

One individual stated, “I think it’s absolutely appalling. I think it’s extremely difficult for the citizens of this country to understand what an individual man or woman goes through while he’s incarcerated. And for it to continue- for the state to continue- having its’ foot on an individual’s neck...after he’s released, it takes away your self esteem, and, in many respects, your pride.”

“Well, it kind of hurts me because I still feel that I am a citizen, even though I did wrong. I feel that a person shouldn’t lose his right to vote or his citizenship, even though he committed a crime.”

Prior Political Participation

Many of the respondents had previously voted, and 12 out of the 17 people who had not previously voted reported having an increased desire to participate in the democratic process now that they were getting older, had families, and had more of an appreciation for the value of voting.

One interviewee stated that he planned on applying for restoration of his voting rights “because now I have kids and I want to do the right thing. Plus, I want to have a say in what happens around me. I don’t like the President and the government now and I didn’t get to vote to say what’s happening....If I don’t vote, then I can’t complain about it, I guess.”

Another stated, “I’m tired of living the way I’ve been living, and seeing my children follow in my steps. And, with some of the stuff out there I need to be a part of it, and voting makes me a part of it.”

Yet another said, “I feel like I should have some type of say in it. But, even if I do vote, I’m still only going to have only *so much* say in it, but I still want that little bit of say, or pass it on to my son or my daughter and say, ‘this is why you should vote’.”

It is significant that many of the individuals interviewed had previously voted, and a large group of the respondents who had not previously voted reported having an increased desire to participate in the democratic process at this point in their lives. This indicates that current disenfranchisement policy in Kentucky alienates a significant group of individuals who would otherwise vote.

3. Knowledge of the Application Process for Rights Restoration

Sixteen of the respondents thought they knew the application process for restoration of their civil rights in Kentucky, but when asked to discuss the process in their own words, only

four respondents were close to knowing the correct process. Twenty respondents knew that there was an application process to try to get their right to vote restored, but were unsure about the process, and four respondents stated that they did not even know if it was possible for them to ever try to get their voting right back.

When asked if he was familiar with the process to apply to have his voting rights restored, one subject replied, “I heard that there wasn’t a process. It’s kind of the general consensus of inmates or people that’ve been in that it’s not the norm to get them back. Every now and then, if you was somebody that works in Frankfort or works for the governor or something, or somewhere that has some kind of pull, then you might be able to get them back. But, other than that, you know, generally we don’t address the issue or even pursue it.”

Table 2
Knowledge of the Application Process

	Frequency	% of All Respondents
Knew the correct application process	4	10.0
Thought they knew the process, but were misinformed	12	30.0
Knew there was a process, but did not know what it was	20	50.0
Did not know there was an opportunity to apply for restoration of their voting rights	4	10.0
Total	40	100.0

It was disturbing to note how many respondents were uninformed, or had been misinformed, by parole officers about the process of application for restoration of their voting rights. Several respondents had never been informed that there even *was* an application process for civil rights restoration, and were under the mistaken impression that they could never attempt to get their voting right back. Many respondents had been mistakenly informed that they would have to wait five years after being released from parole, when in actuality there is no time limit

as long as the individual has been released from parole and has no pending charges or outstanding fines. While it must be acknowledged that all of the respondents were still on parole and therefore not yet eligible for restoration of their voting rights, one would think that education about the process and eligibility requirements should begin taking place when an individual is convicted of a felony and incarcerated, or at the very least once they are on parole.

4. Impression of the Application Process for Rights Restoration

After being correctly informed of the application process for voting rights restoration in Kentucky, many respondents reported feeling overwhelmed at the requirements or disgusted by the fact that they would be asked to go through so many steps to get their voting rights back.

One subject stated, "I think it's stupid that you have to write an essay and get three references to get a right that you've already been given! That right is something that we should never lose....I would probably never go through with it just because it's too much trouble."

Half of the respondents felt that the writing portion of the application was unfair, or were unsure how it was relevant to the restoration of their voting rights. One subject commented on how biased the process could be, stating "It seems like they're just trying to pick and choose who they're choosing to allow to vote. Just by the essay, you can read so much into an essay about what somebody's saying in general, and get a basic knowledge about what the person's trying to express. And, if he's saying the wrong thing you can deny them the process right there....You can just give general information, like 'male, hair color, address', you know, just general information and you don't know their political views. But, if they write an essay you can basically generalize and, you know, read the way they're going to vote, whether it's democrat or whatever. 'Let's eject them', you know. It's biased, I think it's really biased."

Another subject commented that the writing portion of the application implied that you had to be intelligent to be able to vote, and stated, “I really don’t see the point....You’d think you’d have to be pretty smart, you know, just to vote, when *everyone* should be able to vote.”

Several respondents noted that they felt it was demeaning that the state government would ask them to go through so many steps to try to get their civil rights back. One particular subject remarked, “It’s just like you’re begging. They’re just trying to make a bigger fool out of you! That’s all it is.”

Another noted, “I really think that it’s just an extra step just to see how willing you are, how much you want your voting rights back. It’s like a trick for a dog to do. You know, if the dog wants that treat bad enough he will roll over. If someone wants their voting rights back bad enough, then they’ll write this essay.”

More respondents (n=26) seemed to feel that the references were more relevant than the written portion of the application.

“I’m in the construction business, so I always have to show references. So, I understand that. It makes sense to me, but the essay part doesn’t.”

Another stated, “That’s okay, because if you want to get a job or anything, you’ve got to have references. I think everybody has references they could ask.”

One individual remarked, “It makes sense to do it because if you’re doing the right thing, then you should have three references. If you’re not doing the right thing, then of course you’re not going to get your dope dealer to write you a reference.”

5. Perception of Respondents’ Ability to Complete the Application Process

While five respondents reported that they would not feel comfortable with the written portion of the application, and three respondents reported that they did not know three people

who they could utilize for personal references, the majority of the respondents (n=32) interviewed felt that they would be competent completing the entire application process. However, out of the 35 respondents who stated that they would be able to complete the written portion of the application, 29 of those respondents had reported earlier in the interview that they had little to no experience with writing formal letters or essays, and 12 respondents did not have a high school diploma or GED.

Eight respondents remarked that although *they* felt they had the ability to complete the application process, they were concerned about other people they had been incarcerated with who would lack the necessary writing skills to be able to apply for their voting rights.

One subject stated, "It's not fair, because a lot of people can't write...really well. Luckily, I *can* write pretty good, so to me it wouldn't be no problem. But, I know a lot of people who can't really write, especially a lot of them who are felons. They can't really read or write much."

Another said, "I don't think it's fair at all. Everybody probably cannot write an essay or, some people can't even write. And a lot of people don't understand the process of writing an essay or a formal letter. So, it's not fair to everybody. Some people can and some can't, so it's just not fair."

Even though many respondents felt that the process was complicated, lengthy, and unfair, 28 respondents stated that they intended to apply to get their voting rights back once they were eligible, and five stated that they were unsure. Seven respondents stated that they had no intention of applying to have their civil rights restored.

Table 3
Respondents' Perception of Their Ability to Complete the Application Process

	Frequency	% of All Respondents
Could complete the written portion	35	87.5
Could not complete the written portion	5	12.5
Total	40	100.0
Could obtain three references	37	92.5
Could not obtain three references	3	7.5
Total	40	100.0
Could complete the entire application process	35	87.5
Could not complete the entire application process	5	12.5
Total	40	100.0

It was interesting to note the number of respondents who reported feeling comfortable with the written portion of the application process, yet many of those respondents reported having little to no writing experience, and some did not have their high school diploma or GED. There seems to be a discrepancy between the respondents' confidence levels and their actual writing experience. It is worth noting that since this was a face-to-face interview, many respondents could have misrepresented their writing ability in an effort to not admit perceived incompetence.

It was also intriguing to note the number of respondents who felt that *they* would be competent in completing the application process, but felt others would not be able to do so. One wonders whether this was an honest and accurate reflection, an attempt to appear more competent than they may have truly felt, or if it was self-deception on the part of the respondents.

Despite the limitations of this study, these interviews still provide valuable information about the personal impact of being disenfranchised. The application process for civil rights restoration in Kentucky is a lengthy, complicated process. While one would think that this

process would deter individuals from attempting it, the majority of the respondents interviewed for this study did not report feeling that they would be deterred as a result of the steps in the application process. In fact, it was surprising how many people who reported that they did not intend to complete the application process stated that they would not because they either did not intend to vote, resented the fact that they were not automatically given the right to vote, or felt like it would be “begging” to try to get their voting right back. Very few of those who said they were not going to go through the application process reported feeling that way because of the difficulty involved in the actual process.

6. Utilization of Assistance

Thirty of the respondents interviewed stated that they did not know of anyone who could assist them in completing the application. The 10 respondents who did know of resources said that they either had family members they could ask for help, or they would ask a counselor in their treatment program or their parole officer if they needed assistance with the application process.

Once informed of organized groups in Kentucky that could help them with the application process, 24 stated that they would definitely call them for help, and five stated that they might use one of the groups for assistance. Of the 11 respondents who stated that they would not call one of those groups for help, eight stated that they would not call since they felt confident in their own ability to complete the application and three stated that they would not call because they had no intention of going through the application process to try to get their voting rights restored. Of all the respondents interviewed, some of those who intended to try to apply for restoration of their rights expressed concern that they would either lose the numbers for the

resources or they would be back in prison on new charges and would therefore be unable to apply for their voting rights.

Table 4
Utilization of Assistance

	Frequency	% of All Respondents
Knew of people who could help them with the application process	10	25.0
Did not know of people who could help them	30	75.0
Total	40	100.0
Would utilize organized advocacy groups for assistance	24	60.0
Might utilize organized advocacy groups for assistance	5	12.5
Would not utilize organized advocacy groups for assistance	11	27.5
Total	40	100.0

Conclusion

Disenfranchisement has a long-term negative effect on individuals, affecting their feelings about the value of their own lives and their view of the world around them. One of the goals of our criminal justice system should be rehabilitation, which implies that we should assist ex-felons in learning the value of their own life, the importance of becoming part of the community they live in, and the significance of voting and having a say in choosing the people who govern their community. Kentucky's current disenfranchisement policy seems to be counterproductive in that respect.

In order to promote public safety, it is essential that our criminal justice system continue to look for effective ways to rehabilitate criminal offenders instead of merely warehousing them in prison. Sentencing laws and criminal justice policies should encourage efforts that enhance

connections in the community after people get out of prison and reenter society.²² Regaining the right to vote is one such way to give ex-offenders a stake in their community and help them continue to become more engaged in their community.

State legislators should examine the wisdom of the current policy and consider placing a constitutional amendment on the ballot to allow voters to support automatic restoration of rights upon completion of sentence. If that is not possible, then the Governor should reconsider the current application process, given the reduced number of applications and successful rights restorations since the change in policy. Voting and civil rights advocates also need to conduct public education and voter outreach regarding the restoration process. Many respondents in this study were uninformed about the process to apply to get their voting rights restored, and some even believed that there was *no* process to apply for restoration of their civil rights. Correct information is essential to enable eligible individuals to complete the process, so advocates should try to inform felons about the application process as early on in their sentence as possible so they are aware of the process and its requirements. It is also imperative that parole officers are educated about the process so they can inform parolees of the necessary steps as they are preparing to be released from parole. Election officials in the state should also be informed and educated about the eligibility requirements so they can appropriately address questions from applicants, as well as direct those who are ineligible to the correct place to begin the application process.

None of the respondents interviewed were familiar with any of the organizations in the state that can assist with the application process. Since the majority of the respondents stated that they would utilize the voting rights advocacy groups for assistance in completing the

²² “Felon Disenfranchisement: A Policy Whose Time Has Passed?” by Marc Mauer (2004), from *Human Rights: Journal of the Section of Individual Rights & Responsibilities*, 31(1), pp. 16-19.

application, but had not heard of the groups and were afraid they would lose the names and phone numbers before they completed their time on parole, more publicity needs to be done on behalf of these groups to ensure that people interested in applying for their civil rights are afforded the opportunity to obtain needed assistance. While the majority of the respondents in this study stated that they felt competent with the written portion of the application, one would suspect that many ex-felons do not feel secure in their writing skills and would be more likely to complete the application process if they knew how to access assistance.