UNOFFICIAL COPY 20 RS SB 58/GA

1	AN ACT proposing to amend Sections 77 and 240 of the Constitution of Kentucky
2	relating to limiting the Governor's ability to grant pardons and commute sentences.
3	Be it enacted by the General Assembly of the Commonwealth of Kentucky:
4	→ Section 1. Are you in favor of limiting a Governor's ability to grant pardons or
5	commute sentences by prohibiting him or her from granting pardons or commuting
6	sentences during the time period beginning 30 days prior to the general election at which
7	the Governor is elected, and ending the fifth Tuesday succeeding the election by
8	amending the Constitution of Kentucky as stated below?
9	→ Section 2. It is proposed that Section 77 of the Constitution of Kentucky be
10	amended to read as follows:
11	(1) <u>The Governor</u> [He] shall have power:
12	(a) To remit fines and forfeitures; and[,]
13	(b) Commute sentences <u>and</u> [,] grant reprieves and pardons, except:
14	\underline{I} . In case of impeachment; $\underline{or}_{[,]}$
15	2. For the period beginning thirty days prior to the date of the gubernatorial
16	election and ending the fifth Tuesday succeeding the election.
17	(2) The Governor [and he] shall file with each application therefor a statement of
18	the reasons for his <u>or her</u> decision thereon, which application and statement shall always
19	be open to public inspection.
20	(3) In cases of treason, <u>the Governor</u> [he] shall have power to grant reprieves until
21	the end of the next session of the General Assembly, in which the power of pardoning
22	shall be vested; but he <u>or she</u> shall have no power to remit the fees of the Clerk, Sheriff or
23	Commonwealth's Attorney in penal or criminal cases.
24	→ Section 3. It is proposed that Section 240 of the Constitution of Kentucky be
25	amended to read as follows:
26	The Governor shall have power, after five years from the time of the offense, to

Page 1 of 3
SB005810.100 - 1055 - XXXX GA

pardon, pursuant to Section 2 of this Act, any person who shall have participated in a

27

UNOFFICIAL COPY 20 RS SB 58/GA

duel as principal, second or otherwise, and to restore him *or her* to all the rights,

- 2 privileges and immunities to which he <u>or she</u> was entitled before such participation.
- 3 Upon presentation of such pardon the oath prescribed in Section 228 shall be varied to
- 4 suit the case.
- 5 Section 4. This amendment shall be submitted to the voters of the
- 6 Commonwealth for their ratification or rejection at the time and in the manner provided
- 7 for under Sections 256 and 257 of the Constitution and under Sections 5 and 6 of this
- 8 Act.
- 9 → Section 5. Notwithstanding any language in KRS 118.415 to the contrary, the
- 10 Secretary of State shall cause the entirety of the proposed amendment to the Constitution
- of Kentucky contained in Sections 1 to 3 of this Act to be published at least one (1) time
- in a newspaper of general circulation published in this state, and shall also cause to be
- published at the same time and in the same manner the fact that the amendment will be
- submitted to the voters for their acceptance or rejection at the next regular election at
- which members of the General Assembly are to be voted for. The publication required by
- this section and KRS 118.415 shall be made no later than the first Tuesday in August
- preceding the election at which the amendment is to be voted on.
- Section 6. Notwithstanding any language in KRS 118.415 to the contrary, the
- 19 Secretary of State, not later than the second Monday after the second Tuesday in August
- 20 preceding the next regular election at which members of the General Assembly are to be
- 21 chosen in a year in which there is not an election for President and Vice President of the
- 22 United States, or not later than the Thursday after the first Tuesday in September
- preceding a regular election in a year in which there is an election for President and Vice
- 24 President of the United States, shall certify the entirety of the proposed amendment to the
- 25 Constitution of Kentucky contained in Sections 1 to 3 of this Act to the county clerk of
- each county, and the county clerk shall have the entirety of the amendment, as so
- 27 certified, indicated on the ballots provided to the voters in paper or electronic form as

SB005810.100 - 1055 - XXXX

UNOFFICIAL COPY 20 RS SB 58/GA

1 applicable to the voting machines in use in each county or precinct.