



2011 ASSEMBLY JOINT RESOLUTION 56

September 15, 2011 – Introduced by Representatives E. COGGS and YOUNG.
Referred to Committee on Election and Campaign Reform.

1 **To amend** so as in effect **to repeal** section 2 (4) (a) of article III, section 3 (2) of article
2 XIII and section 3 (3) of article XIII of the constitution; **relating to:** granting
3 persons convicted of a felony or of certain misdemeanors the right to vote, hold
4 an office of trust, profit, or honor, and run for elective public office (first
5 consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

The constitution prohibits persons convicted of a felony or of certain misdemeanors from voting, holding any office of trust, profit, or honor, or running for elective public office. This constitutional amendment, proposed to the 2011 legislature on first consideration, grants felons and persons convicted of certain misdemeanors the right to vote, hold offices of trust or honor, and run for public office.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

6 **Resolved by the assembly, the senate concurring, That:**

7 **SECTION 1.** Section 2 (4) (intro.) and (b) of article III of the constitution are
8 consolidated, renumbered section 2 (4) of article III and amended to read:

1 [Article III] Section 2 (4) Excluding from the right of suffrage persons:—(a)
2 Convicted of a felony, unless restored to civil rights. (b) Adjudged adjudged by a court
3 to be incompetent or partially incompetent, unless the judgment specifies that the
4 person is capable of understanding the objective of the elective process or the
5 judgment is set aside.

6 **SECTION 2.** Section 2 (4) (a) of article III of the constitution is amended so as
7 in effect to repeal said paragraph:

8 [Article III] Section 2 (4) (a) ~~Convicted of a felony, unless restored to civil rights.~~

9 **SECTION 3.** Section 3 (2) of article XIII of the constitution is amended so as in
10 effect to repeal said subsection:

11 [Article XIII] Section 3 (2) ~~No person convicted of a felony, in any court within~~
12 ~~the United States, no person convicted in federal court of a crime designated, at the~~
13 ~~time of commission, under federal law as a misdemeanor involving a violation of~~
14 ~~public trust and no person convicted, in a court of a state, of a crime designated, at~~
15 ~~the time of commission, under the law of the state as a misdemeanor involving a~~
16 ~~violation of public trust shall be eligible to any office of trust, profit or honor in this~~
17 ~~state unless pardoned of the conviction.~~

18 **SECTION 4.** Section 3 (3) of article XIII of the constitution is amended so as in
19 effect to repeal said subsection:

20 [Article XIII] Section 3 (3) ~~No person may seek to have placed on any ballot for~~
21 ~~a state or local elective office in this state the name of a person convicted of a felony,~~
22 ~~in any court within the United States, the name of a person convicted in federal court~~
23 ~~of a crime designated, at the time of commission, under federal law as a misdemeanor~~
24 ~~involving a violation of public trust or the name of a person convicted, in a court of~~
25 ~~a state, of a crime designated, at the time of commission, under the law of the state~~

1 as a misdemeanor involving a violation of public trust, unless the person named for
2 the ballot has been pardoned of the conviction.

3 ***Be it further resolved, That*** this proposed amendment be referred to the
4 legislature to be chosen at the next general election and that it be published for three
5 months previous to the time of holding such election.

6 (END)