



2009 SENATE JOINT RESOLUTION 42

June 22, 2009 – Introduced by Senator TAYLOR, cosponsored by Representatives KESSLER, BLACK, GRIGSBY, TURNER and A. WILLIAMS. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **To amend** section 3 of article IV and section 9 of article XIII; and **to create** section
2 14 of article XIII of the constitution; **relating to:** excluding incarcerated,
3 disenfranchised felons from the enumeration of population for apportionment
4 and redistricting of legislative, county, and certain other district offices (first
5 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, excludes incarcerated felons who are disenfranchised by law from the census count used for redistricting legislative, county, and other districts used to select statutory elective officers.

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

6 **Resolved by the senate, the assembly concurring, That:**
7 **SECTION 1.** Section 3 of article IV of the constitution is amended to read:
8 [Article IV] Section 3. At its first session after each enumeration made by the
9 authority of the United States, the legislature shall apportion and district anew the

1 members of the senate and assembly, according to the number of inhabitants,
2 excluding incarcerated felons who are disenfranchised by law.

3 **SECTION 2.** Section 9 of article XIII of the constitution is amended to read:

4 [Article XIII] Section 9. All county officers whose election or appointment is not
5 provided for by this constitution shall be elected by the electors of the respective
6 counties, or appointed by the boards of supervisors, or other county authorities, as
7 the legislature shall direct. All city, town and village officers whose election or
8 appointment is not provided for by this constitution shall be elected by the electors
9 of such cities, towns and villages, or of some division thereof, or appointed by such
10 authorities thereof as the legislature shall designate for that purpose. All other
11 officers whose election or appointment is not provided for by this constitution, and
12 all officers whose offices may hereafter be created by law, shall be elected by the
13 people or appointed, as the legislature may direct. Any enumeration for the
14 apportionment and redistricting of districts for the election of county officers shall
15 exclude incarcerated felons who are disenfranchised by law.

16 **SECTION 3.** Section 14 of article XIII of the constitution is created to read:

17 [Article XIII] Section 14. Any enumeration for the apportionment and
18 redistricting of districts for the election of statutory officers of any municipality or
19 other unit of government in this state shall exclude incarcerated felons who are
20 disenfranchised by law.

21 **SECTION 4. Numbering of new provision.** The new section 14 of article XIII
22 of the constitution created in this joint resolution shall be designated by the next
23 higher open whole section number in that article if, before the ratification by the
24 people of the amendment proposed in this joint resolution, any other ratified
25 amendment has created a section 14 of article XIII of the constitution of this state.

1 If one or more joint resolutions create a section 14 of article XIII simultaneously with
2 the ratification by the people of the amendment proposed in this joint resolution, the
3 sections created shall be numbered and placed in a sequence so that the sections
4 created by the joint resolution having the lowest enrolled joint resolution number
5 have the numbers designated in that joint resolution and the sections created by the
6 other joint resolutions have numbers that are in the same ascending order as are the
7 numbers of the enrolled joint resolutions creating the sections.

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

11

(END)