

# Senate Bill 720

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Corrections to determine last-known address of inmates in custody of department and submit information to Secretary of State. Directs secretary to adjust population data reported in federal decennial census to reflect residence status of inmates before incarceration.

Requires Legislative Assembly or Secretary of State, whichever is applicable, to reapportion state into legislative districts based on adjusted population data. Requires use of adjusted population data to apportion county or municipal boundaries.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to redistricting; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS 188.010**  
5 **to 188.285.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Date of the census" means the date for which the federal decennial census reports**  
8 **population.**

9 (b) **"Inmate" means a person committed to the physical and legal custody of the De-**  
10 **partment of Corrections.**

11 (c) **"Last-known address" means a residential address, other than a department facility,**  
12 **at which an inmate resided before incarceration.**

13 (2) **The Department of Corrections shall by rule adopt an electronic filing system to re-**  
14 **cord the following information for each inmate:**

15 (a) **The last-known address of the inmate.**

16 (b) **The inmate's race or ethnicity.**

17 (c) **Whether the inmate is over the age of 18 years.**

18 (3) **Not later than July 1 of the year of the federal decennial census, the department shall**  
19 **submit to the Secretary of State:**

20 (a) **A unique identifier for each inmate incarcerated on the date of the census that does**  
21 **not indicate the inmate's name.**

22 (b) **The address of the facility in which the inmate is incarcerated on the date of the**  
23 **census.**

24 (c) **All information recorded for each inmate under subsection (2) of this section.**

25 (4) **Not later than 14 days after publication of census redistricting data for this state by**  
26 **the United States Census Bureau, the Secretary of State shall:**

27 (a) **For each inmate determined to have a last-known address within this state:**

28 (A) **Determine the geographic units for which population counts are reported in the fed-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 eral decennial census that contain the address of the facility of incarceration and the last-  
2 known address of the inmate;

3 (B) Adjust all relevant population counts reported in the federal decennial census as if  
4 the inmate resided at the inmate's last-known address on the date of the census; and

5 (C) Remove the inmate from any population count reported in the federal decennial cen-  
6 sus for the geographic units that include the facility of incarceration.

7 (b) For each inmate whose address is not known or not in this state:

8 (A) Adjust all relevant population counts reported in the federal decennial census as if  
9 the inmate resided at an unknown geographic location within this state on the date of the  
10 census.

11 (B) Ensure that the inmate is not represented in any population count reported in the  
12 federal decennial census for the geographic units that include the facility of incarceration for  
13 the inmate on the date of the census.

14 (5) The adjusted population data prepared by the Secretary of State under this section  
15 shall be the population data used by the Legislative Assembly or the Secretary of State,  
16 whichever is applicable, when apportioning the state into legislative districts. Residents of  
17 unknown geographic locations within this state or at residences not in this state may not  
18 be used to determine the average population of any geographic unit for purposes of appor-  
19 tioning the state into legislative districts.

20 (6) The Secretary of State shall request that each federal facility of incarceration located  
21 in this state submit the information described in subsection (2) of this section regarding each  
22 person incarcerated in the facility.

23 (7) The Secretary of State by rule shall prescribe a form to be used to submit information  
24 to the secretary as required by this section.

25 (8) Except as otherwise provided in this section, any information provided to the Secre-  
26 tary of State under this section is confidential. The name of each inmate for whom infor-  
27 mation is submitted to the secretary under this section may not be linked to the information  
28 submitted. Each inmate's name is confidential and may not be disclosed, except that the in-  
29 formation may be aggregated by geographic unit for the purpose of apportioning the state  
30 into legislative districts as described in this section.

31 **SECTION 3.** The adjusted population data prepared by the Secretary of State under sec-  
32 tion 2 of this 2011 Act shall be the population data used to apportion county or municipal  
33 boundaries. Residents of unknown geographic locations within this state or at residences  
34 not in this state may not be used to determine the average population of any geographic unit  
35 for purposes of apportioning county or municipal boundaries.

36 **SECTION 4.** Notwithstanding section 2 of this 2011 Act, for purposes of apportioning the  
37 state into legislative districts in 2011:

38 (1)(a) Not later than seven days after the effective date of this 2011 Act, the Department  
39 of Corrections shall submit to the Secretary of State all of the following information that is  
40 available for each inmate:

41 (A) The last-known address of the inmate.

42 (B) The inmate's race or ethnicity.

43 (C) Whether the inmate is over the age of 18 years.

44 (D) A unique identifier for each inmate incarcerated on the date of the census that does  
45 not indicate the inmate's name.

1       **(E) The address of the facility in which the inmate is incarcerated on the date of the**  
2 **census.**

3       **(b) As used in this section, “date of the census,” “inmate” and “last-known address” have**  
4 **the meanings given those terms in section 2 of this 2011 Act.**

5       **(2) The Secretary of State shall comply with section 2 (4) of this 2011 Act not later than**  
6 **14 days after publication of census redistricting data for this state by the United States**  
7 **Census Bureau, or 21 days after the effective date of this 2011 Act, whichever is later.**

8       **SECTION 5.** **This 2011 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
10 **on its passage.**

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