

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Rules

REVENUE: No revenue impact**FISCAL: Fiscal statement issued****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Erin Seiler, Administrator**Meeting Dates:** 3/10, 5/12

WHAT THE MEASURE DOES: Directs Department of Corrections (DOC) to determine last-known address of inmates in custody of DOC and submit information to Secretary of State (SOS). Directs SOS to adjust population data reported in federal decennial census to reflect residence status of inmates before incarceration. Requires Legislative Assembly or SOS, 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.

ISSUES DISCUSSED:

- Prison gerrymandering
- Geographic equity
- Legal standards of voting in home community
- Number of states that adjust population data reported in federal decennial census for prisoners
- One person, one vote
- Loss, retention, or restoration of voting privileges of prisoners

EFFECT OF COMMITTEE AMENDMENT:

-1 amendment: Requires Department of Corrections to determine last-known address, only if address is known or available to the inmate, and only for inmates who are in custody after effective date of Act. Clarifies that adjusted population data is only to be used for redistricting purposes.

BACKGROUND: Every ten year the U.S Census Bureau is responsible for counting every resident in United States for the purpose of determining the number of members of the United States House of Representatives from each state and for apportioning federal funding for social and economic programs to states. The Census Bureau counts people at their usual residence. Usual residence is customarily defined as the place where the person lives and sleeps most of the time. This place is not necessarily the same as the person's voting residence or legal residence.

The majority of U.S. residents counted in the 2010 Census completed the American Community Survey, a 10-question survey that is mailed to every household in the nation. For those individuals who live in non-traditional housing such as dorms, nursing homes, or prisons, are counted through use of a special census questionnaire called Individual Census Report. Non-traditional residents are counted as residents of their usual address, which is the physical location of the facility where they are physically located.

The “usual residence” standard for counting non-traditional residents, in particular prisoners, has been criticized as a violation of the “one man, one vote” principle. In 2006, the Census Bureau studied the possibility of using prisoners' permanent homes of record, as opposed to their incarceration sites, when determining their residences. The Census Bureau identified several issues with this methodology including an increase cost to both the Census Bureau and to the Federal, State, and local correctional facilities, thus the 2010 Census counted prisoners at their usual residence.

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This summary has not been adopted or officially endorsed by action of the committee.

Senate Bill 331 would require the Department of Corrections to determine the last-known address of inmates and to adjust 2020 Census data to reflect residence status of inmates before incarceration and requires Legislative Assembly or SOS to reapportion state into legislative districts based on adjusted population data.