

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 05/12/15

**Action:** Do Pass With Amendments. (Printed A-Eng.)

**Meeting Dates:** 03/10, 05/12

**Vote:**

Yeas: 4 - Beyer, Boquist, Burdick, Rosenbaum

Exc: 1 - Ferrioli

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#### WHAT THE MEASURE DOES:

Directs Department of Corrections (DOC) to determine last-known address, only if address is known or available to inmate, and only for inmates who are in custody after effective date of Act, 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.

Clarifies that adjusted population data is only to be used for apportioning state into legislative districts and for no other purpose.

#### 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:

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 apportioning state into legislative districts and for no other purpose.

#### BACKGROUND:

Every ten years, the U.S. Census Bureau is responsible for counting every resident in the 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. Those individuals who live in non-traditional housing such as dorms, nursing homes or prisons, are counted through the use of a special census questionnaire called the 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.

Senate Bill 331-A requires the Department of Corrections to determine last-known address, only if address is known or available to inmate, and only for inmates who are in custody after effective date of Act, and submit information to Secretary of State.