

**Subject** Incarcerated persons in district plans

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## Overview

This bill requires that, where possible, incarcerated persons be reallocated to their last known address in population datasets that are used for redistricting by the legislature and by local governments. Procedures and duties related to the conduct of these reallocations are directed to the Legislative Coordinating Commission and to the commissioner of corrections.

During the 2020 redistricting cycle, at least 13 states applied laws or policies similar to that proposed by this bill.

## Summary

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1	<b>Incarcerated persons in district plans.</b>
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Provides that for purposes of redistricting, the legislature and local governments must use the federal census data as modified by reallocating and excluding persons who are incarcerated.

**Subd. 1. Definitions.** Establishes definitions of certain terms used in this section.

**Subd. 2. Reallocation and exclusion of incarcerated persons.** Provides standards for reallocating persons who are incarcerated in the datasets used for redistricting. A person who is incarcerated in a state or federal correctional facility who has a last known address in Minnesota must be reallocated to the census block of that address. A person who is incarcerated who has a last known address outside of Minnesota or who has no known last address must be excluded from the population for redistricting purposes but must be counted as part of the statewide population total.

**Subd. 3. Department of Corrections duties.** Requires the Department of Corrections to facilitate the reallocation process by providing relevant data to the executive director of the Legislative Coordinating Commission. On or before June 1 in a year ending in zero, the commissioner must provide to the director

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(“director”) of the Legislative Coordinating Commission (“LCC”) the following information for each person incarcerated at a state correctional facility on April 1 in the year of the decennial census: a unique identifier; the street address of the correctional facility; the last known residential address or description of the physical location where the person stayed if there was no physical address; demographic information; and any other information required by the director of the LCC.

**Subd. 4. Federal correctional facilities.** Requires the LCC director, by April 15 in a year ending in zero, to request that each federal correctional facility to provide the information specified in subdivision 3 about individuals incarcerated in the facility. If the information is not provided, persons incarcerated at the federal facility must only be included in the statewide population total and are not reallocated.

**Subd. 5. Legislative Coordinating Commission duties.** Requires the LCC director to conduct the reallocations and exclusions required by this section. Within 30 days of receiving the census data, the director must post the population counts that reflect the required reallocations and exclusions on the LCC’s website. The director must, in consultation with the commissioner, develop a standardized format and technical guidelines to be used in collecting addresses from incarcerated persons. The director must geocode addresses prior to reallocating and excluding incarcerated persons. Guidance on what addresses to accept or reject is provided. This subdivision also prohibits the director from disseminating data received pursuant to this section except as explicitly required by law.

This section is effective January 1, 2030, and applies to population counts used for redistricting conducted on or after that date.

2 **Collection of incarcerated person’s address.**

Requires the commissioner of corrections to make all reasonable efforts, as part of a person’s intake process, to collect the information necessary to reallocate and exclude persons who are incarcerated in the datasets used for redistricting. Individuals who have a safety concern may decline to provide an address. A data classification related to this information is provided. Beginning in 2030, the commission is required to provide the information electronically to the director of the LCC.

3 **Collection of current incarcerated person’s addresses.**

Requires the commissioner to make reasonable efforts to collect or confirm the information described in section 1 with each incarcerated person prior to April 1, 2030. This section applies to incarcerated persons who were incarcerated prior to the

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	date the commissioner started routinely collecting the information as part of the intake process.
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