



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1442

Introduced 2/6/2013, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

New Act

Creates the No Representation Without Population Act. Provides that the Illinois Department of Corrections shall collect and maintain an electronic record of the legal residence, outside of the facility, and other demographic data, for any person entering its custody after January 1, 2014. Provides that the record shall contain, at a minimum, the last known complete street address prior to incarceration, the person's race, whether the person is of Hispanic or Latino origin, and whether the person is age 18 or older. Contains provisions concerning reports, federal facilities, the Data Collection and Reporting Advisory Council, the determination of Legislative and Representative Districts, and State and federal aid. Contains a severability clause.

LRB098 10145 OMW 40304 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the No
5 Representation Without Population Act.

6 Section 3. Definitions.

7 "Department" means the Illinois Department of Corrections.

8 "Council" means the Data Collection and Reporting Advisory
9 Council.

10 Section 5. Electronic records. The Department shall
11 collect and maintain an electronic record of the legal
12 residence, outside of any correctional facility, and other
13 demographic data for each person entering its custody after
14 January 1, 2014. At a minimum, this record shall contain the
15 person's last known complete street address prior to
16 incarceration, the person's race, whether the person is of
17 Hispanic or Latino origin, and whether the person is 18 years
18 of age or older. To the degree possible, the Department shall
19 also allow the legal residence to be updated as appropriate.

20 Section 10. Reports to the Secretary of State.

21 (a) In each year where the federal decennial census is

1 taken but in which the United States Bureau of the Census
2 allocates incarcerated persons as residents of correctional
3 facilities, the Department shall by May 1 of that same year
4 deliver to the Secretary of State the following information:

5 (1) A unique identifier, not including the name or
6 Department-assigned inmate number, for each incarcerated
7 person subject to the jurisdiction of the Department on the
8 date for which the decennial census reports population. The
9 unique identifier shall enable the Secretary of State to
10 address inquiries about specific address records to the
11 Department, without making it possible for anyone outside
12 of the Department to identify the inmate to whom the
13 address record pertains.

14 (2) The street address of the correctional facility
15 where the person was incarcerated at the time of the
16 report.

17 (3) The last known address of the person prior to
18 incarceration or other legal residence, if known.

19 (4) The person's race, whether the person is of
20 Hispanic or Latino origin, and whether the person is age 18
21 or older, if known.

22 (5) Any additional information as the Secretary of
23 State may request pursuant to law.

24 (b) The Department shall provide the information specified
25 in subsection (a) of this Section in the form that the
26 Secretary of State shall specify.

1 (c) Notwithstanding any other provision of law, the
2 information required to be provided to the Secretary of State
3 pursuant to this Section shall not include the name of any
4 incarcerated person and shall not allow for the identification
5 of any person therefrom, except to the Department. The
6 information shall be treated as confidential, and shall not be
7 disclosed by the Secretary of State except as redistricting
8 data aggregated by census block for purposes specified in
9 Section 25 of this Act.

10 Section 15. Federal facilities. The Secretary of State
11 shall request each agency that operates a federal facility in
12 this State that incarcerates persons convicted of a criminal
13 offense to provide the Secretary of State with a report
14 including the information listed in subsection (a) of Section
15 10 of this Act.

16 Section 20. Reports to the Governor; Data Collection and
17 Reporting Advisory Council.

18 (a) The Data Collection and Reporting Advisory Council is
19 hereby created to examine the annual reports produced by the
20 Department described in subsection (b) of this Section.

21 (b) The Department shall by May 1 of each year deliver to
22 the Governor and the Council a report containing, for each
23 piece of information requested in items (3) and (4) of
24 subsection (a) of Section 10 of this Act, the total number of

1 incarcerated persons that were known as of April 1.

2 (c) The Council shall meet twice a year to provide
3 consultation to the Department. All members of the Council
4 shall serve without compensation, but shall be reimbursed for
5 their reasonable and necessary expenses from funds available
6 for that purpose.

7 (d) The Council shall consist of 11 members, appointed by
8 the Governor. Each member shall be a subject matter expert in
9 demographics, redistricting, or criminal justice data systems,
10 including at least one expert in each of those subject matter
11 areas.

12 Section 25. Secretary of State; redistricting data. The
13 Secretary of State shall prepare redistricting population data
14 to reflect incarcerated persons at their residential address,
15 pursuant to Section 30 of this Act. The data prepared by the
16 Secretary of State shall be the basis of the Legislative and
17 Representative Districts required to be created pursuant to
18 Section 3 of Article IV of the Illinois Constitution of 1970,
19 and all local government districts that are based on
20 population. Incarcerated populations residing at unknown
21 geographic locations within the State, as determined under
22 subsection (c) (2) of Section 30 of this Act shall not be used
23 to determine the ideal population of any set of districts,
24 wards, or precincts.

1 Section 30. Determinations and data publication by the
2 Secretary of State.

3 (a) For each person included in a report received under
4 Sections 10 and 15 of this Act, the Secretary of State shall
5 determine the geographic units for which population counts are
6 reported in the federal decennial census that contain the
7 facility of incarceration and the legal residence as listed
8 according to the report.

9 (b) For each person included in a report received under
10 Sections 10 and 15 of this Act, if the legal residence is known
11 and in this State, the Secretary of State shall:

12 (1) ensure that the person is not represented in any
13 population counts reported by the Secretary of State for
14 the geographic units that include the facility where the
15 person was incarcerated, unless that geographic unit also
16 includes the person's legal residence; and

17 (2) ensure that any population counts reported by the
18 Secretary of State reflect the person's residential
19 address as reported under Sections 10 and 15 of this Act.

20 (c) For each person included in a report received under
21 Sections 10 and 15 of this Act for whom a legal residence is
22 unknown or not in this State, and for all persons reported in
23 the census as residing in a federal correctional facility for
24 whom a report was not provided, the Secretary of State shall:

25 (1) ensure that the person is not represented in any
26 population counts reported by the Secretary of State for

1 the geographic units that include the facility where the
2 person was incarcerated; and

3 (2) allocate the person to a State unit not tied to a
4 specific determined geographic location, as other State
5 residents with unknown State addresses are allocated.

6 (d) The data prepared by the Secretary of State pursuant to
7 this Section shall be completed and published no later than 30
8 days after the date that federal decennial census data required
9 to be published by Public Law 94-171 is published for the State
10 of Illinois.

11 Section 35. Data; Legislative and Representative
12 Districts. The data prepared by the Secretary of State in
13 Section 30 of this Act shall be the basis for determining
14 Legislative and Representative Districts and all local
15 government districts that are based on population. Residences
16 at unknown geographic locations within the State under
17 subsection (c) of Section 30 of this Act shall not be used to
18 determine the ideal population of any set of districts, wards,
19 or precincts.

20 Section 40. State and federal aid. The data prepared by the
21 Secretary of State in Section 30 of this Act shall not be used
22 in the distribution of any State or federal aid.

23 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.