



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0203

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act

Creates the No Representation Without Population Act. Provides that the Department of Corrections shall collect and maintain an electronic record of the legal residence, outside of any correctional facility, and other demographic data for each person entering its custody after January 1, 2019. Provides for the minimum records that the Department shall maintain. Requires the Department to provide certain information to the Secretary of State after the decennial census. Requires the Secretary of State to request similar information from agencies that operate federal incarceration facilities. Requires the Secretary of State to prepare redistricting data to reflect the incarcerated persons at their residential address, rather than the address of the facility in which the person is incarcerated. Provides that for persons for whom a legal residence is unknown or not in the State, and for all persons reported in the census as residing in a federal correctional facility for whom a report was not provided, the Secretary of State to allocate the person to a State unit not tied to a specific determined geographic location, as other residents with unknown addresses are allocated. Requires the data collected to only be used as a basis for determining Legislative and Representative Districts. Prohibits the use of the data for the distribution of State or federal aid. Contains severability provisions. Effective immediately.

LRB101 04795 SMS 49804 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. Definition. As used in this Act, "Department"
7 means the Department of Corrections.

8 Section 5. Electronic records. The Department shall
9 collect and maintain an electronic record of the legal
10 residence, outside of any correctional facility, and other
11 demographic data for each person entering its custody after
12 January 1, 2019. At a minimum, this record shall contain the
13 person's last known complete street address prior to
14 incarceration, the person's race, whether the person is of
15 Hispanic or Latino origin, and whether the person is 18 years
16 of age or older. To the degree possible, the Department shall
17 also allow the legal residence to be updated as appropriate.

18 Section 10. Reports to the Secretary of State.

19 (a) In each year where the federal decennial census is
20 taken but in which the United States Bureau of the Census
21 allocates incarcerated persons as residents of correctional

1 facilities, the Department shall by May 1 of that same year
2 deliver to the Secretary of State the following information:

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

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

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

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

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

22 (b) The Department shall provide the information specified
23 in subsection (a) in the form that the Secretary of State shall
24 specify.

25 (c) Notwithstanding any other provision of law, the
26 information required to be provided to the Secretary of State

1 pursuant to this Section shall not include the name of any
2 incarcerated person and shall not allow for the identification
3 of any person therefrom, except to the Department. The
4 information shall be treated as confidential and shall not be
5 disclosed by the Secretary of State except as redistricting
6 data aggregated by census block for purposes specified in
7 Section 20.

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

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

1 Section 25. 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, the Secretary of State shall determine the
5 geographic units for which population counts are reported in
6 the federal decennial census that contain the facility of
7 incarceration and the legal residence as listed according to
8 the report.

9 (b) For each person included in a report received under
10 Sections 10 and 15, if the legal residence is known and in this
11 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.

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

25 (1) ensure that the person is not represented in any

1 population counts reported by the Secretary of State for
2 the geographic units that include the facility where the
3 person was incarcerated; and

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

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

12 Section 30. Data; Legislative and Representative
13 Districts. The data prepared by the Secretary of State in
14 Section 25 shall be used only as the basis for determining
15 Legislative and Representative Districts. Residences at
16 unknown geographic locations within the State under subsection
17 (c) of Section 25 shall not be used to determine the ideal
18 population of any set of districts, wards, or precincts. The
19 data prepared by the Secretary of State in Section 25 shall not
20 be used in the distribution of any State or federal aid.

21 Section 97. Severability. The provisions of this Act are
22 severable under Section 1.31 of the Statute on Statutes.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.