



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3629

Introduced 2/22/2021, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act

Creates the No Representation Without Population Act. Defines terms. Provides that beginning in 2030, the Department of Corrections shall deliver information to the Secretary of State including unique identifier for incarcerated persons, the address of the correctional facility where the person is incarcerated at the time of the report, the person's last known address, the person's race and age, and other information requested pursuant to law. Provides that beginning in 2031, the Secretary of State shall prepare redistricting population data to reflect incarcerated persons at their residential address. Provides for determinations and data for publication by the Secretary of State. Makes other changes.

LRB102 16939 KMF 22355 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 in custody or entering
12 custody on or after the effective date of this Act. At a
13 minimum, this record shall contain the person's last known
14 complete street address prior to incarceration, the person's
15 race, whether the person is of Hispanic or Latino origin, and
16 whether the person is 18 years of age or older. To the degree
17 possible, the Department shall also allow the legal residence
18 to be updated as appropriate.

19 Section 10. Reports to the Secretary of State.

20 (a) Beginning in 2030, on or before May 1 of each year
21 where the federal decennial census is taken but in which the

1 United States Bureau of the Census allocates incarcerated
2 persons as residents of correctional facilities, the
3 Department shall deliver to the Secretary of State the
4 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
8 the date for which the decennial census reports
9 population. The unique identifier shall enable the
10 Secretary of State to address inquiries about specific
11 address records to the Department, without making it
12 possible for anyone outside of the Department to identify
13 the inmate to whom the 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
21 18 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) in the form that the Secretary of State shall
26 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 20.

10 Section 15. Federal facilities. On or before February 1,
11 2030 and on or before February 1 of each year in which the
12 federal decennial census is taken but in which the United
13 States Bureau of the Census allocates incarcerated persons as
14 residents of correctional facilities, the Secretary of State
15 shall request each agency that operates a federal facility in
16 this State that incarcerates persons convicted of a criminal
17 offense to provide the Secretary of State with a report that
18 includes the information listed in subsection (a) of Section
19 10.

20 Section 20. Secretary of State; redistricting data.
21 Beginning in 2031, the Secretary of State shall prepare
22 redistricting population data to reflect incarcerated persons
23 at their residential address, pursuant to Section 25. The data
24 prepared by the Secretary of State shall be the basis of the

1 Legislative and Representative Districts required to be
2 created pursuant to Section 3 of Article IV of the Illinois
3 Constitution of 1970. Incarcerated populations residing at
4 unknown geographic locations within the State, as determined
5 under paragraph (2) of subsection (c) of Section 25, shall not
6 be used to determine the ideal population of any set of
7 districts, wards, or precincts.

8 Section 25. Determinations and data publication by the
9 Secretary of State.

10 (a) For each person included in a report received under
11 Sections 10 and 15, the Secretary of State shall determine the
12 geographic units for which population counts are reported in
13 the federal decennial census that contain the facility of
14 incarceration and the legal residence as listed according to
15 the report.

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

19 (1) ensure that the person is not represented in any
20 population counts reported by the Secretary of State for
21 the geographic units that include the facility where the
22 person was incarcerated, unless that geographic unit also
23 includes the person's legal residence; and

24 (2) ensure that any population counts reported by the
25 Secretary of State reflect the person's residential

1 address as reported under Sections 10 and 15.

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

7 (1) ensure that the person is not represented in any
8 population counts reported by the Secretary of State for
9 the geographic units that include the facility where the
10 person was incarcerated; and

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

14 (d) The data prepared by the Secretary of State pursuant
15 to this Section shall be completed and published no later than
16 30 days after the date that federal decennial census data
17 required to be published by Public Law 94-171 is published for
18 the State of Illinois.

19 Section 30. Data; Legislative and Representative
20 Districts. Beginning in 2031, the data prepared by the
21 Secretary of State in Section 25:

22 (1) shall be used only as the basis for determining
23 Legislative and Representative Districts; and

24 (2) shall not be used in the distribution of any State
25 or federal aid.

1 Residences at unknown geographic locations within the
2 State under subsection (c) of Section 25 shall not be used to
3 determine the ideal population of any set of districts, wards,
4 or precincts.

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