

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 Illinois 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, 2015. 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) of this Section in the form that the  
24 Secretary of State shall 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 of this Act.

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  
12 including the information listed in subsection (a) of Section  
13 10 of this Act.

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 of this Act. The data prepared by the  
18 Secretary of State shall be the basis of the Legislative and  
19 Representative Districts required to be created pursuant to  
20 Section 3 of Article IV of the Illinois Constitution of 1970.  
21 Incarcerated populations residing at unknown geographic  
22 locations within the State, as determined under paragraph (2)  
23 of subsection (c) of Section 25 of this Act shall not be used  
24 to determine the ideal population of any set of districts,

1 wards, or precincts.

2 Section 25. Determinations and data publication by the  
3 Secretary of State.

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

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

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

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

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

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

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

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

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

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.