

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1824

By: Representative Lea

For An Act To Be Entitled

AN ACT TO ENSURE THAT A RESIDENTIAL ADDRESS BE USED TO DETERMINE POPULATION FOR APPORTIONMENT PURPOSES; TO REQUIRE THE DEPARTMENT OF CORRECTION TO COLLECT AND MAINTAIN RESIDENTIAL ADDRESS INFORMATION OF INCARCERATED PERSONS; AND FOR OTHER PURPOSES.

Subtitle

TO ENSURE THAT A RESIDENTIAL ADDRESS BE USED TO DETERMINE POPULATION FOR APPORTIONMENT PURPOSES; AND TO REQUIRE THE DEPARTMENT OF CORRECTION TO COLLECT AND MAINTAIN RESIDENTIAL ADDRESS INFORMATION OF INCARCERATED PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 7, Chapter 2, is amended to add an additional section to read as follows:

7-2-106. Apportionment of congressional districts – Incarcerated persons.

(a) The last known residential address of an incarcerated person before sentencing shall be used for purposes of congressional redistricting.

(b) For an incarcerated person whose last known residential address is unknown or is in another state, the location where he or she is incarcerated on the date of the federal decennial census shall be used for purposes of congressional redistricting.



SECTION 2. Arkansas Code § 14-14-403(b), concerning apportionment of quorum court districts, is amended to read as follows:

(b)(1) All apportionments shall be based on the population of the county as of the last federal decennial census, ~~and the~~ as adjusted under § 14-14-404.

(2) The number of districts apportioned shall be equal to the number to which the county is entitled by law.

SECTION 3. Arkansas Code § 14-14-404 is amended to read as follows:
14-14-404. Federal decennial census data - Incarcerated persons.

(a) ~~The State~~ state Board of Apportionment shall provide each of the respective county boards of election commissioners with the appropriate and necessary federal decennial census information, not less than ninety (90) days ~~prior to~~ before the date established for apportionment of county quorum court districts with adjustments made for incarcerated persons as provided under this section.

(b)(1)(A) The board shall adjust the population for each county based on the residential address of each incarcerated person before sentencing as reported under subsection (c) of this section.

(B) The board shall use the adjusted population to determine government voting districts.

(2)(A) An incarcerated person shall be counted at the last known residential address of the incarcerated person before sentencing.

(B) An incarcerated person whose last known residential address is unknown or is in another state shall be counted at the location where he or she is incarcerated on the date of the federal decennial census.

(c)(1) When the federal decennial census is taken and the United States Bureau of the Census counts incarcerated persons as residents of the county where the correctional facility is located, the Department of Correction shall collect and maintain a record of:

(A) The residential address of each incarcerated person before sentencing;

(B) Each incarcerated person who was not a resident of the state before sentencing;

(C) Each incarcerated person whose residential address

before sentencing is unknown, including any address listed as:

- (i) Homeless;
- (ii) The address of a state or federal prison;
- (iii) The address of a county or city jail; or
- (iv) Any other address that cannot be determined;

and

(D) Any other information lawfully requested by the Secretary of State for apportionment purposes.

(2)(A) On or before July 1 of each year the federal decennial census is taken, the department shall deliver to the Secretary of State:

(i) The street address of the correctional facility in which the person is incarcerated at the time of the report;

(ii) The last known address where the incarcerated person resided before sentencing;

(iii) The number of incarcerated persons in each correctional facility with unknown; and

(iv) Any additional information lawfully requested by the Secretary of State for apportionment purposes.

(B) The department shall not include the name of any incarcerated person with the information submitted to the Secretary of State under this section.

(d)(1) The Secretary of State shall provide the board with the number of incarcerated persons to be included as residents for each county and county census block based on the information received from the department.

(2) The data prepared by the Secretary of State under this section shall not be used in the distribution of any state or federal aid.