

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Lea

A Bill

HOUSE BILL 1824

For An Act To Be Entitled

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

Subtitle

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

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

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

28 7-2-106. Apportionment of congressional districts – Incarcerated
29 persons.

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

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



1
 2 SECTION 2. Arkansas Code § 14-14-403(b), concerning apportionment of
 3 quorum court districts, is amended to read as follows:

4 (b)(1) All apportionments shall be based on the population of the
 5 county as of the last federal decennial census, ~~and the~~ as adjusted under §
 6 14-14-404.

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

9
 10 SECTION 3. Arkansas Code § 14-14-404 is amended to read as follows:
 11 14-14-404. Federal decennial census data - Incarcerated persons.

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

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

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

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

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

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

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

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

36 (C) Each incarcerated person whose residential address

1 before sentencing is unknown, including any address listed as:

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

6 and

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

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

- 11 (i) The street address of the correctional facility
 12 in which the person is incarcerated at the time of the report;
- 13 (ii) The last known address where the incarcerated
 14 person resided before sentencing;
- 15 (iii) The number of incarcerated persons in each
 16 correctional facility with unknown; and
- 17 (iv) Any additional information lawfully requested
 18 by the Secretary of State for apportionment purposes.

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

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

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

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