

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

HOUSE BILL 1824

5
6 By: Representative Lea

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

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

16 Subtitle

17 TO ENSURE THAT A RESIDENTIAL ADDRESS BE
18 USED TO DETERMINE POPULATION FOR
19 APPORTIONMENT PURPOSES; AND TO REQUIRE
20 THE DEPARTMENT OF CORRECTION TO COLLECT
21 AND MAINTAIN RESIDENTIAL ADDRESS
22 INFORMATION OF INCARCERATED PERSONS.
23
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25

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

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

30 7-2-106. Apportionment of congressional districts – Incarcerated
31 persons.

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

34 (b) For an incarcerated person whose last known residential address is
35 unknown or is in another state, the location where he or she is incarcerated

1 on the date of the federal decennial census shall be used for purposes of
2 congressional redistricting.

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4
5 SECTION 2. Arkansas Code § 14-14-403(b), concerning apportionment of
6 quorum court districts, is amended to read as follows:

7 (b)(1) All apportionments shall be based on the population of the
8 county as of the last federal decennial census, ~~and the~~ as adjusted under §
9 14-14-404.

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

12
13 SECTION 3. Arkansas Code § 14-14-404 is amended to read as follows:
14 14-14-404. Federal decennial census data ~~–~~ Incarcerated persons.

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

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

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

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

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

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

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

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

3 (C) Each incarcerated person whose residential address
4 before sentencing is unknown, including any address listed as:

5 (i) Homeless;

6 (ii) The address of a state or federal prison;

7 (iii) The address of a county or city jail; or

8 (iv) Any other address that cannot be determined;

9 and

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

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

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

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

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

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

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

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

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

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32 Referred by the Arkansas House of Representatives

33 Prepared by: JAW/VJF