



PA 21-13—sSB 753

Government Administration and Elections Committee

**AN ACT CONCERNING THE COUNTING OF CERTAIN
INCARCERATED INDIVIDUALS FOR PURPOSES OF DETERMINING
STATE LEGISLATIVE AND MUNICIPAL VOTING DISTRICTS**

SUMMARY: This act creates a process to adjust U.S. census population data and count most prison inmates at their address before incarceration instead of at their prison address. It requires that this adjusted data, as well as the unadjusted data, be the basis for determining state legislative districts and municipal voting districts. The act excludes inmates serving a life sentence without the possibility of release from the adjusted data.

Generally, the act's process requires the:

1. Department of Correction (DOC) to provide the Office of Policy and Management (OPM) secretary with a list of inmates, other than those serving a life sentence without the possibility of release, and their residential or other addresses prior to incarceration;
2. OPM secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. OPM to adjust the census population counts so that these inmates are represented as residing at their prior residential or other address, not at their prison address; and
4. OPM secretary to (a) prepare and publish the adjusted and unadjusted data and (b) notify municipalities that they must use these data for determining municipal voting districts.

The act prohibits using residences at unknown geographic locations within the state to determine the average population for any set of districts.

EFFECTIVE DATE: Upon passage

DOC REPORT TO OPM

Under the act, DOC must determine the residential or other address of everyone committed to DOC custody as of or after January 1, 2020, and decennially after that, and who remains committed on the date for which the census reports population (see **BACKGROUND**). DOC must maintain an electronic record of the addresses that at least contains each inmate's last-known residential or other address before incarceration.

The act requires DOC, by (1) June 30, 2021, and (2) May 1 in each year thereafter when the U.S. decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town where they are incarcerated, to provide the OPM secretary with information in a form the secretary prescribes. This information includes the following:

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1. a unique identifier for each inmate under DOC's jurisdiction on the date for which the decennial census reports population;
2. the street address of the prison where the person is incarcerated at the time of the report;
3. the residential or other address of the person before incarceration;
4. whether the person is age 18 or older;
5. the person's race and whether he or she is of Hispanic or Latino origin, if known; and
6. other information the secretary may legally request.

The act prohibits including an inmate's name or anything else that might identify him or her. It makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the act's purposes. It also prohibits DOC from delivering to OPM the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REQUEST TO FEDERAL PRISON AUTHORITIES

The act requires the OPM secretary, by (1) June 30, 2021, and (2) May 1 in each year thereafter when the U.S. census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which they are incarcerated, to ask each agency operating a federal correctional facility in Connecticut for a report with the same information as the DOC report (see above). It prohibits OPM from asking an agency for the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REASSIGNMENT OF INMATE ADDRESSES

For each person included in a DOC or federal agency report, other than anyone serving a life sentence without the possibility of release, the act requires the OPM secretary to determine the geographic units (e.g., census blocks) used in the census that contain the person's (1) correctional facility and (2) prior residential or other address. When the inmate's prior address is known and in Connecticut, the secretary must adjust the population counts of geographic units reported in the census to represent the inmate as residing at that address when the census reports population, and not at the prison address.

For inmates with unknown or out-of-state addresses or residing in federal prisons for whom a report was not provided, other than anyone serving a life sentence without the possibility of release, the act requires the secretary to ensure that these inmates are excluded from the geographic unit of the inmate's prison. Instead, they must be counted as part of a state unit not tied to a specific geographical location in the way that someone with an unknown state of residency is counted (e.g., military and federal government personnel stationed abroad).

OPM PUBLICATION OF DATA

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The act requires the OPM secretary to prepare and publish the adjusted and unadjusted data by the later of (1) July 1 in the year following the year when the U.S. census is taken or (2) 30 days after the U.S. Census Bureau publishes Connecticut's state redistricting data (see BACKGROUND).

BACKGROUND

Census Data Publication

Public Law (P.L.) 94-171 requires the U.S. Census Bureau to administer a decennial redistricting program and provide the states with the population tabulations necessary for legislative redistricting. The Census Bureau must publish this state data within one year after the date for which it reports population (i.e., Census Day), which is April 1 in the year of the census (e.g., 2020, 2030). But in 2021, because of COVID-19-related delays, the Census Bureau provided the states with their population data on August 12.