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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1189

02/25/2015 Authored by Dehn, R.; Atkins; Mariani; Schoen; Moran and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to redistricting; requiring use of actual residence for redistricting
1.3 purposes; allowing population modifications; requiring certain data transfers;
1.4 amending Minnesota Statutes 2014, sections 204B.145; 205.84, subdivision 1;
1.5 375.025, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.6 chapter 241.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 204B.145, is amended to read:

1.9 **204B.145 DUTIES OF SECRETARY OF STATE; REDISTRICTING.**

1.10 Subdivision 1. Exchange of information. Following the completion of legislative
1.11 redistricting, the secretary of state may coordinate and facilitate the exchange of
1.12 information between the legislative redistricting computer system, the statewide voter
1.13 registration system, and a computer system developed to assist the counties, municipalities,
1.14 and school districts in redrawing election districts and establishing election precincts.

1.15 Subd. 2. Corrections information transfer. (a) In each year in which the federal
1.16 decennial census is taken but in which the United States Bureau of the Census allocates
1.17 incarcerated persons as residents of correctional facilities, the commissioner of corrections
1.18 shall by May 1 of that same year transfer to the secretary of state the following:

1.19 (1) a unique identifier, not including the name, or Offender Identification (OID)
1.20 number for each incarcerated person subject to the jurisdiction of the department on the
1.21 date for which the decennial census reports population. The unique identifier shall enable
1.22 the secretary of state to address inquiries about specific address records to the Department
1.23 of Corrections, without making it possible for anyone outside of the Department of
1.24 Corrections to identify the inmate for whom the address record pertains;

2.1 (2) the street address of the correctional facility in which the person was incarcerated
2.2 at the time of the report;

2.3 (3) the last known address of the person prior to incarceration or other legal
2.4 residence, if known;

2.5 (4) the person's race, whether the person is of Hispanic or Latino origin, and whether
2.6 the person is over the age of 18, if known; and

2.7 (5) any additional information as the secretary of state may request pursuant to law.

2.8 (b) The commissioner of corrections shall provide the information specified in
2.9 paragraph (a) in a form specified by the secretary of state.

2.10 (c) Notwithstanding any other provision of law, the information required to be
2.11 provided to the secretary of state pursuant to this section shall not include the name or
2.12 identification of any incarcerated person. The information shall be treated as confidential,
2.13 and shall not be disclosed by the secretary of state except as redistricting data aggregated
2.14 by census block for purposes specified in subdivision 4.

2.15 Subd. 3. **Federal facilities.** The secretary of state shall request each agency that
2.16 operates a federal facility in this state that incarcerates persons convicted of a criminal
2.17 offense to provide the secretary of state with a report including the information listed
2.18 in subdivision 2, paragraph (a).

2.19 Subd. 4. **Redistricting population.** The secretary of state shall prepare redistricting
2.20 population data to reflect incarcerated persons at their residential address pursuant to
2.21 subdivision 5. The data prepared by the secretary of state pursuant to subdivision 5 shall
2.22 be the basis of state house of representative districts, state senate districts, and all local
2.23 government districts that are based on population. Incarcerated populations residing
2.24 at unknown geographic locations within the state, as determined under subdivision 5,
2.25 paragraph (c), clause (2), shall not be used to determine the ideal population of any set
2.26 of districts, wards, or precincts.

2.27 Subd. 5. **Determinations and data publication by the secretary of state.** (a) For
2.28 each person included in a report received under subdivisions 2 and 3, the secretary of state
2.29 shall determine the geographic units for which population counts are reported in the
2.30 federal decennial census that contain the facility of incarceration and the legal residence
2.31 as listed according to the report.

2.32 (b) For each person included in a report received under subdivisions 2 and 3, if the
2.33 legal residence is known and in this state, the secretary of state shall:

2.34 (1) ensure that the person is not represented in any population counts reported by the
2.35 secretary of state for the geographic units that include the facility at which the person was
2.36 incarcerated, unless that geographic unit also includes the person's legal residence; and

3.1 (2) ensure that any population counts reported by the secretary of state reflect the
 3.2 persons' residential address as reported under subdivisions 2 and 3.

3.3 (c) For each person included in a report received under subdivisions 2 and 3 for
 3.4 whom a legal residence is unknown or not in this state, and for all persons reported in the
 3.5 census as residing in a federal correctional facility for whom a report was not provided,
 3.6 the secretary of state shall:

3.7 (1) ensure that the person is not represented in any population counts reported by
 3.8 the secretary of state for the geographic units that include the facility at which the person
 3.9 was incarcerated; and

3.10 (2) allocate the person to a state unit not tied to a specific determined geography, as
 3.11 other state residents with unknown state addresses are allocated, including but not limited
 3.12 to military and federal government personnel stationed overseas.

3.13 Subd. 6. **Data publishing.** The data prepared by the secretary of state pursuant to
 3.14 this section shall be completed and published no later than 30 days from the date that
 3.15 federal decennial Public Law 94-171 data is published for the state of Minnesota.

3.16 Subd. 7. **Data use.** (a) The secretary of state shall notify county and city
 3.17 governments that subdivision 4 requires those governments to use the data prepared by the
 3.18 secretary pursuant to this section for redistricting purposes.

3.19 (b) The data prepared by the secretary of state in subdivision 5 shall not be used in
 3.20 the distribution of any state or federal aid.

3.21 Sec. 2. Minnesota Statutes 2014, section 205.84, subdivision 1, is amended to read:

3.22 Subdivision 1. **General provisions.** (a) In a city electing council members by wards,
 3.23 wards shall be as equal in population as practicable and each ward shall be composed of
 3.24 compact, contiguous territory. Each council member shall be a resident of the ward for
 3.25 which elected, but, except as otherwise provided by paragraph (b), a change in ward
 3.26 boundaries does not disqualify a council member from serving for the remainder of a term.

3.27 (b) Notwithstanding any home rule charter provision to the contrary, in a city of the
 3.28 first class where council members are elected by ward to serve for four years to terms that
 3.29 are not staggered, if the population of any ward changes by five percent or more, all
 3.30 council members must be elected to new terms at the first municipal general election
 3.31 after ward boundaries are redefined under subdivision 2; provided, however, that if no
 3.32 municipal general election would otherwise occur in the year ending in "2" or the year
 3.33 ending in "3," a municipal general election must be held in one of those years.

3.34 (c) "Population" as referenced in this section includes the redistricting population
 3.35 data prepared by the secretary of state pursuant to section 204B.145, subdivision 5.

4.1 Sec. 3. [241.0241] LEGAL RESIDENCE OF PERSONS ENTERING CUSTODY.

4.2 (a) The commissioner of corrections shall collect and maintain an electronic record
4.3 of the legal residence, presumptively outside of the facility, and other demographic data
4.4 for any person entering its custody. At a minimum, this record shall contain the last
4.5 known complete street address prior to incarceration, the person's race, whether the person
4.6 is of Hispanic or Latino origin, and whether the person is over the age of 18. To the
4.7 degree possible, the commissioner of corrections shall also allow the legal residence to be
4.8 updated as appropriate.

4.9 (b) The commissioner shall transfer the data collected under this section to the
4.10 secretary of state as provided under section 204B.145, subdivision 2.

4.11 Sec. 4. Minnesota Statutes 2014, section 375.025, subdivision 1, is amended to read:

4.12 Subdivision 1. **Standards.** (a) The redistricting plan in use in a county shall be
4.13 used until a new plan is adopted in accordance with this section. Each county shall be
4.14 divided into as many districts numbered consecutively as it has members of the county
4.15 board. Commissioner districts shall be bounded by town, municipal, ward, or precinct
4.16 lines. Each district shall be composed of contiguous territory as regular and compact in
4.17 form as practicable, depending upon the geography of the county involved and shall be as
4.18 nearly equal in population as possible. No district shall vary in population more than ten
4.19 percent from the average for all districts in the county, unless the result forces a voting
4.20 precinct to be split. A majority of the least populous districts shall contain not less than a
4.21 majority of the population of the county. A county may be redistricted by the county board
4.22 after each federal census. When it appears after a federal census that the districts of the
4.23 county are not in accord with the standards set forth in this subdivision, the county shall
4.24 be redistricted by the county board within the times set in section 204B.135, subdivision
4.25 2. Before acting to redistrict, the county board, or a redistricting commission if one is
4.26 appointed, shall publish three weeks' notice of its purpose, stating the time and place of
4.27 the meeting where the matter will be considered, in the newspaper having the contract to
4.28 publish the commissioners' proceedings for the county for the current year.

4.29 (b) "Population" as referenced in this section includes the redistricting population
4.30 data prepared by the secretary of state pursuant to section 204B.145, subdivision 5.