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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3493

02/18/2020 Authored by Long, Noor, Stephenson, Moller, Howard and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to redistricting; requiring the allocation of certain incarcerated persons
1.3 based on their last known address in the state; proposing coding for new law in
1.4 Minnesota Statutes, chapter 2.

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

1.6 Section 1. 2.92 INCARCERATED PERSONS IN DISTRICT PLANS.

1.7 Subdivision 1. Reallocation and exclusion of incarcerated persons. (a) If the census
1.8 block populations provided by the United States Bureau of the Census under Public Law
1.9 94-171 count persons incarcerated at a correctional facility as residents of the census block
1.10 where the facility is located, the director of the Legislative Coordinating Commission must
1.11 reallocate or exclude each person incarcerated in the facility as follows:

1.12 (1) a person who has a last known address in Minnesota must be reallocated to the census
1.13 block of the last known address; and

1.14 (2) a person who has a last known address outside of Minnesota must be excluded from
1.15 the population count.

1.16 (b) The population counts that reflect all required reallocations and exclusions must be
1.17 posted on the website of the Legislative Coordinating Commission within seven days after
1.18 the data necessary to process the reallocations and exclusions is received. If access to
1.19 sufficient data necessary to reallocate and exclude persons incarcerated in a federal
1.20 correctional facility is prohibited by federal law or cannot otherwise be reasonably obtained,
1.21 the Legislative Coordinating Commission may instruct the director to limit the reallocations
1.22 and exclusions to only those persons residing in state correctional facilities.

2.1 Subd. 2. Access to data; memorandum of understanding. Notwithstanding any law  
2.2 to the contrary, the commissioner of corrections must provide the director of the Legislative  
2.3 Coordinating Commission with access to the best available data necessary to conduct the  
2.4 reallocations and exclusions required by this section. The commissioner and the director  
2.5 may enter a memorandum of understanding detailing the methodology to be used and the  
2.6 format and manner in which the data will be provided. The data must be provided in a format  
2.7 that allows the reallocations and exclusions to be processed within the time required by  
2.8 subdivision 1.

2.9 Subd. 3. Revised census block populations must be used in redistricting. The census  
2.10 block population counts that reflect the reallocation and exclusion of incarcerated persons  
2.11 under this section must be the data set used by the legislature for purpose of drawing  
2.12 Congressional and legislative districts, and must be used by political subdivisions for the  
2.13 purpose of drawing city wards and other local government election districts.

2.14 EFFECTIVE DATE. This section is effective the day following final enactment and  
2.15 applies to population counts for redistricting plans considered for adoption by the legislature  
2.16 on or after that date.