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S.F. No. 3878 – Reallocation of incarcerated persons for redistricting purposes (as amended by the A-7 amendment)

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S.F. 3878 amends how incarcerated persons are treated for purposes of redistricting. Currently, incarcerated persons are counted at the location of the correctional facility. Under this bill, a person who is incarcerated in a state or federal correctional facility who has a last known address in Minnesota must be reallocated to the census block of that address and will be counted there for redistricting purposes. A person who is incarcerated at a state or federal correctional facility who has a last known address outside of Minnesota or who has no known last address must be excluded from the population for redistricting purposes but must be counted as part of the statewide population total.

Section 1[§2.93; Incarcerated persons in district plans]

Subdivision 1 [Definitions] provides definitions for this section.

Subdivision 2 [Reallocation and exclusion of incarcerated persons] provides that for purposes of redistricting, the legislature and local governments must use the federal census data as modified by reallocating and excluding persons who are incarcerated. A person who is incarcerated in a state or federal correctional facility who has a last known address in Minnesota must be reallocated to the census block of that address. A person who is incarcerated who has a last known address outside of Minnesota or who has no known last address must be excluded from the population for redistricting purposes but must be counted as part of the statewide population total.

Subdivision 3 [Department of corrections duties] establishes the duties for the Commissioner of Corrections (“Commissioner”). On or before June 1 in a year ending in zero, the commissioner must provide to the Director (“Director”) of the Legislative Coordinating Commission (“LCC”) the following information for each person incarcerated at a state correctional facility on April 1 in the year of the decennial census: a unique

identifier, the street address of the correctional facility, the last known residential address or description of the physical location where the person stayed if there was no physical address, demographic information, and any other information required by the Director of the LCC.

Subdivision 4 [Federal correctional facilities] requires the Director, by April 15 in a year ending in zero, to request that each federal correctional facility provide the information specified in subdivision 3 about individuals incarcerated in the facility. If the information is not provided, persons incarcerated at the federal facility must only be included in the statewide population total and are not reallocated.

Subdivision 5 [Legislative Coordinating Commission duties] establishes the duties for the Director of the LCC. The director must reallocate and exclude people incarcerated in state or federal facilities. Within 30 days of receiving the Census data, the Director must post the population counts that reflect the required reallocations and exclusions on the LCC's website. The Director must, in consultation with the Commissioner, develop a standardized format and technical guidelines to be used in collecting addresses from incarcerated persons. The Director must geocode addresses prior to reallocating and excluding incarcerated persons. Provides guidance on what addresses to accept or reject. Prohibits the Director from disseminating data received pursuant to this section except as explicitly required by law.

This section is effective January 1, 2030 and applies to population counts used for redistricting conducted on or after that date.

Section 2 [§241.062; Collection of incarcerated person's address] requires the commissioner to make all reasonable efforts to ensure the information described in section 1 is collected and recorded as part of a person's intake process. An incarcerated person who has safety concerns about providing an address may decline to provide an address. Data collected is private data on individuals. The commissioner must provide the information electronically to the Director.

Section 3 [Collection of current incarcerated person's addresses] requires the commissioner to make reasonable efforts to collect or confirm the information described in section 1 with each incarcerated person prior to April 1, 2030. This section applies to incarcerated persons who were incarcerated prior to the date the commissioner started routinely collecting the information as part of the intake process.