

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 706 Session of 2021

INTRODUCED BY McCLINTON, LEE, FRANKEL, HOHENSTEIN, N. NELSON, KINSEY, HILL-EVANS, SANCHEZ, BURGOS, SCHLOSSBERG, SAPPEY, WHEATLEY, ISAACSON, GALLOWAY, CIRESI, DELLOSO, T. DAVIS, PARKER, FREEMAN, WEBSTER, SIMS, WARREN, BROOKS, SCHWEYER, RABB, ZABEL, KINKEAD, INNAMORATO, PISCIOTTANO, D. WILLIAMS, MADDEN, A. DAVIS, OTTEN AND A. BROWN, MARCH 1, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 2021

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in election districts and polling places,
12 providing for residence of incarcerated individuals AND <--
13 INDIVIDUALS ATTENDING A COLLEGE OR UNIVERSITY LIVING IN
14 CONGREGATE STUDENT HOUSING.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
18 as the Pennsylvania Election Code, is amended by adding a
19 section to read:

20 ~~Section 507. Residence of Incarcerated Individuals. (a)~~ <--
21 ~~The population count used after each Federal decennial census~~

~~1 for the purpose of creating the congressional districting plan  
2 used to elect this Commonwealth's representatives in Congress:~~

~~3 (1) May not include individuals who:~~

~~4 (i) were incarcerated or held in a facility, as determined  
5 by the Federal decennial census; and~~

~~6 (ii) were not residents of this Commonwealth before their  
7 incarceration or placement in a facility.~~

~~8 (2) Shall count individuals incarcerated or held in a  
9 facility as determined by the Federal decennial census, at their  
10 last known residence before incarceration or placement in a  
11 facility if the individuals were residents of this Commonwealth.~~

~~12 (b) The population count used after each Federal decennial  
13 census by the Legislative Reapportionment Commission for the  
14 purpose of creating the legislative districting plan for the  
15 General Assembly:~~

~~16 (1) May not include individuals who:~~

~~17 (i) were incarcerated or held in a facility, as determined  
18 by the Federal decennial census; and~~

~~19 (ii) were not residents of this Commonwealth before their  
20 incarceration or placement in a facility.~~

~~21 (2) Shall count individuals incarcerated or held in a  
22 facility as determined by the Federal decennial census, at their  
23 last known residence before incarceration or placement in a  
24 facility if the individuals were residents of this Commonwealth.~~

~~25 (c) The population count used after each Federal decennial  
26 census for the purpose of creating the legislative districts  
27 that are used to elect the governing body of a municipality:~~

~~28 (1) May not include individuals who:~~

~~29 (i) were incarcerated or held in a facility, as determined  
30 by the Federal decennial census; and~~

~~(ii) were not residents of this Commonwealth before their incarceration or placement in a facility.~~

~~(2) Shall count individuals incarcerated or held in a facility, as determined by the Federal decennial census, at their last known residence before incarceration or placement in a facility if the individuals were residents of this Commonwealth.~~

~~(d) In each year immediately following the year in which the Federal decennial census is taken and in which the United States Census Bureau continues to count an individual as a resident of the facility in which they are incarcerated or held, the Department of Corrections and the Department of Human Services shall furnish to the Legislative Reapportionment Commission, the Legislative Data Processing Center and other bodies used to reapportion districts for political subdivision elections the information necessary to implement this section no later than fifteen days after the United States Census Bureau releases the PL 94 171 population data for Pennsylvania.~~

~~(e) The information required under subsection (d) shall include, but shall not be limited to:~~

~~(1) A unique identifier, not including the name of every individual incarcerated or held in a facility at the time of the Federal decennial census.~~

~~(2) The last known address of an individual described under paragraph (1) before incarceration or placement in a facility.~~

~~(3) The census block of the facility in which an individual under paragraph (1) was incarcerated or held.~~

~~(4) The race, ethnicity and age of every individual incarcerated or held in a facility described under paragraph (1), if known.~~

1 ~~(f) The Secretary of the Department of Corrections shall~~  
2 ~~request from the Federal Bureau of Prisons the information~~  
3 ~~listed under subsection (e) for every individual held in a~~  
4 ~~facility under the jurisdiction of the Federal Bureau of Prisons~~  
5 ~~and located in this Commonwealth.~~

6 ~~(g) Entities responsible for drafting redistricting plans in~~  
7 ~~this Commonwealth shall use the data provided under subsections~~  
8 ~~(e) and (f) to adjust the PL 94 171 population data for~~  
9 ~~Pennsylvania to ensure individuals incarcerated or held in a~~  
10 ~~facility are counted at their last known residence with regards~~  
11 ~~to redistricting.~~

12 ~~(h) As used in this section, the following words and phrases~~  
13 ~~shall have the meanings given to them~~

14 ~~"Facility" The following:~~

15 ~~(1) A Federal or State correctional facility.~~

16 ~~(2) A State public facility for adjudicated delinquent~~  
17 ~~youth.~~

18 ~~"Last known residence." The address at which an individual~~  
19 ~~was last domiciled prior to the individual's incarceration or~~  
20 ~~placement in a facility, as reported by the individual. For~~  
21 ~~individuals experiencing homelessness prior to incarceration or~~  
22 ~~placement in a facility, the term shall mean the location where~~  
23 ~~the individual regularly stayed or regularly received services~~  
24 ~~prior to incarceration or placement, as reported by the~~  
25 ~~individual.~~

26 ~~SECTION 507. RESIDENCE OF INCARCERATED INDIVIDUALS AND~~ <--  
27 ~~INDIVIDUALS ATTENDING A COLLEGE OR UNIVERSITY LIVING IN~~  
28 ~~CONGREGATE STUDENT HOUSING.--(A) THE POPULATION COUNT USED~~  
29 ~~AFTER THE 2030 FEDERAL DECENNIAL CENSUS AND EACH FEDERAL~~  
30 ~~DECENNIAL CENSUS THEREAFTER FOR THE PURPOSE OF CREATING THE~~

1 CONGRESSIONAL DISTRICTING PLAN USED TO ELECT THIS COMMONWEALTH'S  
2 REPRESENTATIVES IN CONGRESS:

3 (1) MAY NOT INCLUDE INDIVIDUALS WHO:

4 (I) WERE INCARCERATED OR HELD IN A FACILITY, AS DETERMINED  
5 BY THE FEDERAL DECENNIAL CENSUS, AND WERE NOT RESIDENTS OF THIS  
6 COMMONWEALTH BEFORE THEIR INCARCERATION OR PLACEMENT IN A  
7 FACILITY; OR

8 (II) ARE ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
9 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
10 DECENNIAL CENSUS AND ARE NOT RESIDENTS OF THIS COMMONWEALTH.

11 (2) SHALL COUNT INDIVIDUALS INCARCERATED OR HELD IN A  
12 FACILITY OR ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
13 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
14 DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE  
15 INCARCERATION OR PLACEMENT IN A FACILITY OR RESIDENCE IN  
16 CONGREGATE STUDENT HOUSING IF THE INDIVIDUALS WERE RESIDENTS OF  
17 THIS COMMONWEALTH.

18 (B) THE POPULATION COUNT USED AFTER EACH FEDERAL DECENNIAL  
19 CENSUS BY THE LEGISLATIVE REAPPORTIONMENT COMMISSION FOR THE  
20 PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE  
21 GENERAL ASSEMBLY:

22 (1) MAY NOT INCLUDE INDIVIDUALS WHO:

23 (I) WERE INCARCERATED OR HELD IN A FACILITY, AS DETERMINED  
24 BY THE FEDERAL DECENNIAL CENSUS, AND WERE NOT RESIDENTS OF THIS  
25 COMMONWEALTH BEFORE THEIR INCARCERATION OR PLACEMENT IN A  
26 FACILITY; OR

27 (II) ARE ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
28 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
29 DECENNIAL CENSUS AND ARE NOT RESIDENTS OF THIS COMMONWEALTH.

30 (2) SHALL COUNT INDIVIDUALS INCARCERATED OR HELD IN A

1 FACILITY OR ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
2 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
3 DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE  
4 INCARCERATION OR PLACEMENT IN A FACILITY OR RESIDENCE IN  
5 CONGREGATE STUDENT HOUSING IF THE INDIVIDUALS WERE RESIDENTS OF  
6 THIS COMMONWEALTH.

7 (C) THE POPULATION COUNT USED AFTER EACH FEDERAL DECENNIAL  
8 CENSUS FOR THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS  
9 THAT ARE USED TO ELECT THE GOVERNING BODY OF A MUNICIPALITY:

10 (1) MAY NOT INCLUDE INDIVIDUALS WHO:

11 (I) WERE INCARCERATED OR HELD IN A FACILITY, AS DETERMINED  
12 BY THE FEDERAL DECENNIAL CENSUS, AND WERE NOT RESIDENTS OF THIS  
13 COMMONWEALTH BEFORE THEIR INCARCERATION OR PLACEMENT IN A  
14 FACILITY; OR

15 (II) ARE ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
16 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
17 DECENNIAL CENSUS AND ARE NOT RESIDENTS OF THIS COMMONWEALTH.

18 (2) SHALL COUNT INDIVIDUALS INCARCERATED OR HELD IN A  
19 FACILITY OR ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
20 CONGREGATE STUDENT HOUSING, AS DETERMINED BY THE FEDERAL  
21 DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE  
22 INCARCERATION OR PLACEMENT IN A FACILITY OR RESIDENCE IN  
23 CONGREGATE STUDENT HOUSING IF THE INDIVIDUALS WERE RESIDENTS OF  
24 THIS COMMONWEALTH.

25 (D) IN EACH YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE  
26 FEDERAL DECENNIAL CENSUS IS TAKEN AND IN WHICH THE UNITED STATES  
27 CENSUS BUREAU CONTINUES TO COUNT AN INDIVIDUAL AS A RESIDENT OF  
28 THE FACILITY IN WHICH THEY ARE INCARCERATED OR HELD OR THE  
29 COLLEGE OR UNIVERSITY WHERE THE INDIVIDUAL IS LIVING IN  
30 CONGREGATE STUDENT HOUSING, THE DEPARTMENT OF CORRECTIONS, THE

1 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, THE  
2 STATE SYSTEM OF HIGHER EDUCATION AND STATE-RELATED INSTITUTIONS  
3 IN THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION SHALL FURNISH TO  
4 THE LEGISLATIVE REAPPORTIONMENT COMMISSION, THE LEGISLATIVE DATA  
5 PROCESSING CENTER AND OTHER BODIES USED TO REAPPORTION DISTRICTS  
6 FOR POLITICAL SUBDIVISION ELECTIONS THE INFORMATION NECESSARY TO  
7 IMPLEMENT THIS SECTION NO LATER THAN FIFTEEN DAYS AFTER THE  
8 UNITED STATES CENSUS BUREAU RELEASES THE PL-94-171 POPULATION  
9 DATA FOR PENNSYLVANIA.

10 (E) THE INFORMATION REQUIRED UNDER SUBSECTION (D) SHALL  
11 INCLUDE, BUT SHALL NOT BE LIMITED TO:

12 (1) A UNIQUE IDENTIFIER, NOT INCLUDING THE NAME OF EVERY  
13 INDIVIDUAL INCARCERATED OR HELD IN A FACILITY OR STUDENT  
14 ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN CONGREGATE  
15 STUDENT HOUSING AT THE TIME OF THE FEDERAL DECENNIAL CENSUS.

16 (2) THE LAST KNOWN ADDRESS OF AN INDIVIDUAL DESCRIBED UNDER  
17 PARAGRAPH (1) BEFORE INCARCERATION OR PLACEMENT IN A FACILITY OR  
18 RESIDENCE IN CONGREGATE STUDENT HOUSING.

19 (3) THE CENSUS BLOCK OF THE FACILITY IN WHICH AN INDIVIDUAL  
20 UNDER PARAGRAPH (1) WAS INCARCERATED OR HELD OR IN WHICH THE  
21 CONGREGATE STUDENT HOUSING WAS LOCATED.

22 (4) THE RACE, ETHNICITY AND AGE OF EVERY INDIVIDUAL  
23 INCARCERATED OR HELD IN A FACILITY OR LIVING IN CONGREGATE  
24 STUDENT HOUSING DESCRIBED UNDER PARAGRAPH (1), IF KNOWN.

25 (F) THE SECRETARY OF CORRECTIONS SHALL REQUEST FROM THE  
26 FEDERAL BUREAU OF PRISONS THE INFORMATION LISTED UNDER  
27 SUBSECTION (E) FOR EVERY INDIVIDUAL HELD IN A FACILITY UNDER THE  
28 JURISDICTION OF THE FEDERAL BUREAU OF PRISONS AND LOCATED IN  
29 THIS COMMONWEALTH.

30 (G) ENTITIES RESPONSIBLE FOR DRAFTING REDISTRICTING PLANS IN

1 THIS COMMONWEALTH SHALL USE THE DATA PROVIDED UNDER SUBSECTIONS  
2 (E) AND (F) TO ADJUST THE PL-94-171 POPULATION DATA FOR  
3 PENNSYLVANIA TO ENSURE INDIVIDUALS INCARCERATED OR HELD IN A  
4 FACILITY OR ATTENDING A COLLEGE OR UNIVERSITY AND LIVING IN  
5 CONGREGATE STUDENT HOUSING ARE COUNTED AT THEIR LAST KNOWN  
6 RESIDENCE WITH REGARDS TO REDISTRICTING IF THEY WERE RESIDENTS  
7 OF THIS COMMONWEALTH.

8 (H) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES  
9 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS  
10 THE CONTEXT CLEARLY INDICATES OTHERWISE:

11 "CONGREGATE STUDENT HOUSING." A BUILDING, DORMITORY,  
12 APARTMENT OR HOUSE RESERVED FOR THE EXCLUSIVE OR PRIMARY  
13 RESIDENCE OF STUDENTS ATTENDING A COLLEGE OR UNIVERSITY.

14 "FACILITY." THE FOLLOWING:

15 (1) A FEDERAL OR STATE CORRECTIONAL FACILITY.

16 (2) A STATE PUBLIC FACILITY FOR ADJUDICATED DELINQUENT  
17 YOUTH.

18 (3) A COUNTY OR MUNICIPAL CORRECTIONAL FACILITY.

19 "LAST KNOWN RESIDENCE." THE ADDRESS AT WHICH AN INDIVIDUAL  
20 WAS LAST DOMICILED PRIOR TO THE INDIVIDUAL'S INCARCERATION OR  
21 PLACEMENT IN A FACILITY OR RESIDENCE IN CONGREGATE STUDENT  
22 HOUSING AS REPORTED BY THE INDIVIDUAL. FOR INDIVIDUALS  
23 EXPERIENCING HOMELESSNESS PRIOR TO INCARCERATION OR PLACEMENT IN  
24 A FACILITY OR RESIDENCE IN CONGREGATE STUDENT HOUSING, THE TERM  
25 SHALL MEAN THE LOCATION WHERE THE INDIVIDUAL REGULARLY STAYED OR  
26 REGULARLY RECEIVED SERVICES PRIOR TO INCARCERATION OR PLACEMENT  
27 OR RESIDENCE IN CONGREGATE STUDENT HOUSING AS REPORTED BY THE  
28 INDIVIDUAL.

29 Section 2. This act shall take effect immediately.