

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 940 Session of 2019

INTRODUCED BY McCLINTON, SCHLOSSBERG, MILLARD, HILL-EVANS,
KINSEY, BURGOS, BULLOCK, WARREN, NEILSON, FIEDLER, KENYATTA,
YOUNGBLOOD, IRVIN AND WEBSTER, MARCH 25, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 25, 2019

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.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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

18 Section 507. Residence of Incarcerated Individuals.--(a)
19 The population count used after each decennial census for the
20 purpose of creating the congressional districting plan used to
21 elect this Commonwealth's representatives in Congress:

22 (1) May not include individuals who:

1 (i) were incarcerated in Federal or State correctional
2 facilities, as determined by the decennial census; and
3 (ii) were not residents of this Commonwealth before their
4 incarceration.

5 (2) Shall count individuals incarcerated in Federal or State
6 correctional facilities, as determined by the decennial census,
7 at their last known residence before incarceration if the
8 individuals were residents of this Commonwealth.

9 (b) The population count used after each decennial census by
10 the Legislative Reapportionment Commission for the purpose of
11 creating the legislative districting plan for the General
12 Assembly:

13 (1) May not include individuals who:

14 (i) were incarcerated in Federal or State correctional
15 facilities, as determined by the decennial census; and
16 (ii) were not residents of this Commonwealth before their
17 incarceration.

18 (2) Shall count individuals incarcerated in Federal or State
19 correctional facilities, as determined by the decennial census,
20 at their last known residence before incarceration if the
21 individuals were residents of this Commonwealth.

22 (c) The population count used after each decennial census
23 for the purpose of creating the legislative districts that are
24 used to elect the governing body of a municipality:

25 (1) May not include individuals who:

26 (i) were incarcerated in Federal or State correctional
27 facilities, as determined by the decennial census; and
28 (ii) were not residents of this Commonwealth before their
29 incarceration.

30 (2) Shall count individuals incarcerated in Federal or State

1 correctional facilities, as determined by the decennial census,
2 at their last known residence before incarceration if the
3 individuals were residents of this Commonwealth.

4 Section 2. This act shall take effect in 60 days.