

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 AND INNAMORATO, MARCH 1, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 1, 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.

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 Federal decennial census
 20 for the purpose of creating the congressional districting plan
 21 used to elect this Commonwealth's representatives in Congress:

1 (1) May not include individuals who:
2 (i) were incarcerated or held in a facility, as determined
3 by the Federal decennial census; and
4 (ii) were not residents of this Commonwealth before their
5 incarceration or placement in a facility.

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

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

14 (1) May not include individuals who:
15 (i) were incarcerated or held in a facility, as determined
16 by the Federal decennial census; and
17 (ii) were not residents of this Commonwealth before their
18 incarceration or placement in a facility.

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

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

26 (1) May not include individuals who:
27 (i) were incarcerated or held in a facility, as determined
28 by the Federal decennial census; and
29 (ii) were not residents of this Commonwealth before their
30 incarceration or placement in a facility.

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

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

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

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

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

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

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

29 (f) The Secretary of the Department of Corrections shall
30 request from the Federal Bureau of Prisons the information

1 listed under subsection (e) for every individual held in a
2 facility under the jurisdiction of the Federal Bureau of Prisons
3 and located in this Commonwealth.

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

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

12 "Facility" The following:

13 (1) A Federal or State correctional facility.

14 (2) A State public facility for adjudicated delinquent
15 youth.

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

24 Section 2. This act shall take effect immediately.