

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 104 Session of  
2021

INTRODUCED BY STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE,  
BLAKE, COSTA AND KANE, JANUARY 25, 2021

REFERRED TO STATE GOVERNMENT, JANUARY 25, 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 following shall apply to the use of persons counted in a  
20 Federal decennial census for the purpose of creating legislative  
21 redistricting plans for the General Assembly as required under  
22 section 17 of Article II of the Constitution of Pennsylvania,  
23 congressional redistricting plans and redistricting plans for

1 political subdivisions:

2 (1) The population count shall include the following  
3 individuals as residing at the individual's last known address  
4 if the individual was a resident of this Commonwealth:

5 (i) an individual incarcerated in a Federal or State  
6 correctional facility at the time of the decennial census; and

7 (ii) a juvenile being held in a juvenile placement facility  
8 at the time of the decennial census.

9 (2) An inmate or person in State custody in this  
10 Commonwealth whose last known place of residence is outside of  
11 this Commonwealth or whose last known place of residence cannot  
12 be determined shall be considered a resident at the location of  
13 the facility in which the inmate or resident is incarcerated,  
14 placed or committed.

15 (b) The Department of Corrections and the Department of  
16 Human Services shall furnish the following information to the  
17 Legislative Data Processing Center, the Legislative  
18 Reapportionment Commission and other bodies used to reapportion  
19 districts for political subdivision elections:

20 (1) A unique identifier, not including the name, of each  
21 individual incarcerated or held in a State correctional facility  
22 or juvenile placement facility in this Commonwealth at the time  
23 of the Federal decennial census.

24 (2) The census block of the correctional facility in which a  
25 person under paragraph (1) was incarcerated or held.

26 (3) The residential address of a person described under  
27 paragraph (1) prior to the individual's incarceration, or  
28 sufficient information to determine the census block of the  
29 individual's last known place of residence.

30 (4) The race, ethnicity and age of each person described

1 under paragraph (1).

2 (c) The Department of Corrections and the Department of  
3 Human Services shall begin collecting the data under subsection  
4 (b) no later than 60 days after the effective date of this  
5 subsection and provide the information to the Legislative Data  
6 Processing Center, the Legislative Reapportionment Commission  
7 and other bodies used to reapportion districts for political  
8 subdivision elections no later than June 1 of each year ending  
9 in one.

10 (d) The following words and phrases when used in this  
11 subdivision shall have the following meanings unless otherwise  
12 clearly apparent from the context:

13 "Last known place of residence" shall mean the address at  
14 which an inmate or resident was last domiciled prior to the  
15 inmate or resident's placement or current term of incarceration,  
16 as reported by the inmate or resident.

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