

**Subject** Redistricting; allocation of incarcerated populations

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## Summary

This bill requires the census data used in the redistricting process to be adjusted so that incarcerated persons are counted as residing at their last known address of residence prior to incarceration.

The method of allocating these populations can impact the way districts are drawn and constitutional equal population requirements are met. In the past, redistricting maps have counted these populations as residents of the census block where the correctional facility is located, just as other residents of that community. Under the approach provided in this bill, the dense population numbers that result in districts where correctional facilities exist would be eliminated.

Specific detail about the process for completing this reallocation is provided in the bill. The numbers would be adjusted by the director of the Legislative Coordinating Commission (LCC). The LCC is the state's official manager of census data received for redistricting purposes. The reallocation would require persons with last known addresses in Minnesota to be allocated to that prior address. Persons with a last known address outside of Minnesota would be excluded from the population count.

As written, the bill does not distinguish between populations in federal and state facilities. If sufficient data are not available to fully reallocate all incarcerated populations due to prohibitions in federal law or other reasonable obstacles, the LCC is authorized to direct that only persons residing in state correctional facilities be reallocated.

The commissioner of corrections and the director of the LCC are required to enter a memorandum of understanding detailing the methodology to be used for the reallocation and the format and manner in which relevant data will be provided.

Nine other states currently require a reallocation of populations similar to that required by this bill.