

1 race, whether the person is of Hispanic or Latino origin, and whether the person is over the age of
2 eighteen (18).

3 **17-30-4. Reports to the secretary of state.** – (a) In each year in which the federal
4 decennial census is taken but in which the United States Bureau of the Census allocates
5 incarcerated persons as residents of correctional facilities, the department of corrections shall, by
6 May 1 of that same year, deliver to the secretary of state:

7 (1) The street address of the correctional facility in which such person was incarcerated at
8 the time of such report;

9 (2) The last known address of such person prior to incarceration or other legal residence
10 (if known);

11 (3) The person's race, whether the person is of Hispanic or Latino origin, and whether the
12 person is over the age of eighteen (18) (if known);

13 (4) Any additional information as the secretary of state may request pursuant to law.

14 (b) The department shall provide the information specified in § 17-30-4(a) in such form
15 as the secretary of state shall specify.

16 (c) Notwithstanding any other provision of the general or public laws to the contrary, the
17 information required to be provided to the secretary of state pursuant to this section shall not
18 include the name of any incarcerated person and shall not allow for the identification of any such
19 person therefrom, except to the department of corrections. The information shall be treated as
20 confidential, and shall not be disclosed by the secretary of state except as redistricting data
21 aggregated by census block for purposes which they may require.

22 **17-30-5. Federal facilities.** – The secretary of state shall request each agency that
23 operates a federal facility in this state that incarcerates persons convicted of a criminal offense to
24 provide the secretary of state with a report including the information listed in § 17-30-4.

25 **17-30-6. Requiring use of data in redistricting.** – The secretary of state shall prepare
26 redistricting population data to reflect incarcerated persons at their residential address, pursuant to
27 § 17-30-5. The data prepared by the secretary of state pursuant to § 17-30-5 shall be the basis of
28 state house of representative districts, state senate districts, and all local government districts that
29 are based on population. Incarcerated populations residing at unknown geographic locations
30 within the state, as determined under § 17-30-5 shall not be used to determine the ideal
31 population of any set of districts, wards, or precincts.

32 **17-30-7. Determinations and data publication by the secretary of state.** – (a) For each
33 person included in a report received under this chapter, the secretary of state shall determine the
34 geographic units for which population counts are reported in the federal decennial census that

1 contain the facility of incarceration and the legal residence as listed according to the report.

2 (b) For each person included in a report received under this chapter, if the legal residence
3 is known and in this state, the secretary of state shall:

4 (1) Ensure that the person is not represented in any population counts reported by the
5 secretary of state for the geographic units that include the facility at which the person was
6 incarcerated, unless that geographic unit also includes the person's legal residence.

7 (2) Ensure that any population counts reported by the secretary of state reflect the
8 person's residential address as reported pursuant to this chapter.

9 (c) For each person included in a report received under this chapter for whom a legal
10 residence is unknown or not in this state, and for all persons reported in the census as residing in a
11 federal correctional facility for whom a report was not provided, the secretary of state shall:

12 (1) Ensure that the person is not represented in any population counts reported by the
13 secretary of state for the geographic units that include the facility at which the person was
14 incarcerated.

15 (2) Allocate the person to a state unit not tied to a specific determined geography, as
16 other state residents with unknown state addresses are allocated, including, but not limited to,
17 military and federal government personnel stationed overseas.

18 (d) The data prepared by the secretary of state pursuant to this section shall be completed
19 and published no later than thirty (30) days from the date that federal decennial Pub. L. 94-171
20 data is published for the state of Rhode Island.

21 **17-30-8. Use in aid.** – The data prepared by the secretary of state as required by § 17-30-
22 5 shall not be used in the distribution of any state or federal aid.

23 **17-30-9. Severability.** – If any provision of this act or the application of any provision of
24 this act to any person or circumstance is held invalid, the invalidity does not affect other
25 provisions or applications of the act that can be given effect without the invalid provision or
26 application, and for this purpose the provisions of this act are severable.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - STATE AFFAIRS AND GOVERNMENT

1 This act would require that persons in government custody use their actual residence for
2 census and redistricting purposes. Such information would be determined by the department of
3 corrections and the secretary of state, and forwarded to the United States census bureau.

4 This act would take effect upon passage.

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