



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 494 (as introduced 9-14-23)
Sponsor: Senator Sylvia Santana
Committee: Elections and Ethics

Date Completed: 9-26-23

CONTENT

The bill would enact a new law to require the following:

- **The Michigan Department of Corrections (MDOC) to collect a newly incarcerated individual's pre-incarceration address and demographic data.**
- **The MDOC to provide certain information to the Secretary of State (SOS) for each incarcerated individual that was allocated by the U.S. Census to the geographic unit in which the individual's correctional facility was located.**
- **The SOS to remove an individual allocated by the U.S. Census to the geographic unit containing the individual's correctional facility to the geographic unit in which the individual lived prior to incarceration.**
- **The SOS to compile a report using this information and present it to the Independent Citizens Redistricting Commission (Commission), which would have to take the results into consideration while proposing a redistricting plan.**

Beginning six months after the bill's effective date, at the time an individual entered incarceration with the MDOC, the Department would have to collect the individual's pre-incarceration address and demographic data. The Department would have to maintain the required information in an electronic record. The bill would define "demographic data" as an incarcerated individual's race, whether the individual is of Hispanic or Latino origin, and whether the individual is over 18 years old.

By May 1 of each year in which a Federal decennial census was taken, if the United States Census Bureau allocated a qualified individual as a resident of the geographic unit containing the correctional facility in which the individual was incarcerated, the MDOC would have to provide the following information to the SOS regarding that qualified individual:

- A unique identifier.
- The street address of the correctional facility in which the individual was incarcerated.
- The individual's pre-incarceration address listed in MDOC's electronic database.
- The individual's demographic data.
- Any other information requested by the SOS.

Under the bill, "qualified individual" would mean an incarcerated individual who is incarcerated in a correctional facility operated by the MDOC on the date on which a Federal decennial census is completed. "Geographic unit" would mean an area for which a population count is reported in a Federal decennial census and that contains a correctional facility or a pre-incarceration address.

The Department would have to provide this information to the SOS through the electronic record; however, this information could not be associated with the name of the qualified individual. The bill would require the SOS to request from the Federal Bureau of Prisons the

information described above that pertained to an individual incarcerated in a Federal correctional facility located in the State for a conviction of a criminal offense.

The SOS could only disclose this information to prepare the report required below.

Census Modification Report

The SOS would have to prepare a report modifying the population data from the Federal census as follows. If a qualified individual had a pre-incarceration address in Michigan, the SOS would have to identify whether the census allocated that individual to the geographic unit containing the individual's correctional facility. If the SOS determined that this was the case, but the individual's pre-incarceration address was in a *different* geographic unit from that of the correctional facility, the SOS would have to do the following:

- Remove the individual from the population count for the geographic unit containing the correctional facility.
- Allocate the individual to the population count for the geographic unit containing the pre-incarceration address.

No later than October 15 in the year of the Federal decennial census, the SOS would have to make this report available to the Commission (see **BACKGROUND**). The Commission would have to consider this report in proposing a redistricting plan. The bill specifies that the report could not be used in the distribution of funds from the State or from the Federal government.

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to Senate Bill 151 of the 2021-2022 Legislative Session.

BACKGROUND

Every 10 years, the United States Census Bureau conducts a census to determine the number of people living in the United States. The 435 seats in the U.S. House of Representatives are reapportioned based on its results. Redistricting is the process of redrawing state legislative and congressional district boundaries following the decennial census. In 2018, Michigan voters approved Proposal 18-2, which amended the State Constitution to establish a citizen commission responsible for redistricting. The Commission is made up of 13 registered voters randomly selected by the SOS, four who self-identify as affiliated with the two major political parties and five who self-identify as unaffiliated.¹ The Commission used data from the 2020 Federal census and citizen input to determine district lines for the 2022 midterm elections.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill likely would have a negligible fiscal impact on the State and no fiscal impact for local units of government. The MDOC has indicated that it already collects demographic data upon intake to a Michigan correctional facility and currently has the data available for an estimated 80% of the current population. There could be some additional staff time needed to comply with the bill's requirements and, should the hiring of additional staff become necessary, the average annual cost of a full-time State classified employee is an estimated \$145,000 for salary and benefits.

¹ "November 2018 Ballot Proposal 18-2", Senate Fiscal Agency.

The Michigan Department of State (MDOS) likely could incur costs related to reprogramming software to be able to accept the data submitted by the MDOC. The cost to the MDOS would likely be minimal and absorbable within current annual appropriations.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.