

House Bill 2704

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells the state to try to find out the last address of persons who are confined in custody and to use that address to create some voting districts in the state. (Flesch Readability Score: 68.8).

Directs the Department of Corrections to determine the last-known address of adults in custody, if the address is readily known or available to the adult in custody, and to submit the information to the Secretary of State. Directs the secretary to adjust the population data reported in the federal decennial census to reflect the residence status of adults in custody before incarceration.

Requires the Legislative Assembly or Secretary of State, whichever is applicable, to reapportion the state into legislative districts based on the adjusted population data. Requires the use of the adjusted population data to apportion county or municipal boundaries.

A BILL FOR AN ACT

1
2 Relating to redistricting.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS 188.010**
5 **to 188.305.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Adult in custody" means a person committed to the physical and legal custody of the**
8 **Department of Corrections.**

9 (b) **"Date of the census" means the date for which the federal decennial census reports**
10 **population.**

11 (c) **"Last-known address" means a residential address, other than a department facility,**
12 **at which an adult in custody resided before incarceration.**

13 (2) **The Department of Corrections shall by rule adopt an electronic filing system to re-**
14 **cord for each adult in custody:**

15 (a) **The last-known address of the adult in custody, if the address is readily known or**
16 **available to the adult in custody.**

17 (b) **The race and ethnicity of the adult in custody.**

18 (c) **Whether the adult in custody is over the age of 18 years.**

19 (3) **Not later than May 1 of the year of the federal decennial census, the department shall**
20 **submit to the Secretary of State:**

21 (a) **A unique identifier for each adult in custody who was incarcerated on the date of the**
22 **census.**

23 (b) **The address of the facility in which the adult in custody was incarcerated on the date**
24 **of the census.**

25 (c) **All information recorded for each adult in custody under subsection (2) of this sec-**
26 **tion.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Not later than 14 days after the publication of census redistricting data for this state
 2 by the United States Census Bureau, the Secretary of State shall:

3 (a) For each adult in custody determined to have a last-known address within this state:

4 (A) Determine the geographic units for which population counts are reported in the fed-
 5 eral decennial census that contain the address of the facility of incarceration and the last-
 6 known address of the adult in custody;

7 (B) Adjust all relevant population counts reported in the federal decennial census as if
 8 the adult in custody had resided at the last-known address of the adult in custody on the date
 9 of the census; and

10 (C) Remove the adult in custody from any population count reported in the federal
 11 decennial census for the geographic units that include the facility of incarceration.

12 (b) For each adult in custody whose address is not known or not in this state:

13 (A) Adjust all relevant population counts reported in the federal decennial census as if
 14 the adult in custody had resided at an unknown geographic location within this state on the
 15 date of the census.

16 (B) Ensure that the adult in custody is not represented in any population count reported
 17 in the federal decennial census for the geographic units that include the facility of
 18 incarceration for the adult in custody on the date of the census.

19 (5) The Secretary of State may seek the assistance of the United States Census Bureau
 20 in making the adjustments described in subsection (4) of this section.

21 (6) The adjusted population data prepared by the Secretary of State under this section
 22 shall be the population data used by the Legislative Assembly or the Secretary of State,
 23 whichever is applicable, when apportioning the state into legislative districts. Residents of
 24 unknown geographic locations within this state or at residences not in this state may not
 25 be used to determine the average population of any geographic unit for purposes of appor-
 26 tioning the state into legislative districts.

27 (7) The Secretary of State shall request that each federal facility of incarceration located
 28 in this state submit the information described in subsection (2) of this section regarding each
 29 person incarcerated in the facility.

30 (8) The Secretary of State by rule shall prescribe a form to be used to submit information
 31 to the secretary as required by this section.

32 (9)(a) Except as otherwise provided in this section, any information provided to the Sec-
 33 retary of State under this section is confidential. The name of each adult in custody for
 34 whom information is submitted to the secretary under this section may not be linked to the
 35 information submitted. The name of each adult in custody is confidential and may not be
 36 disclosed, except that the information may be aggregated by geographic unit for the purpose
 37 of apportioning the state into legislative districts as described in this section.

38 (b) The unique identifier described in subsection (3) of this section may not:

39 (A) Indicate any identification number otherwise used for the adult in custody; or

40 (B) Allow any person, other than the Department of Corrections, to associate an address
 41 with an adult in custody.

42 **SECTION 3.** (1) The adjusted population data prepared by the Secretary of State under
 43 section 2 of this 2025 Act shall be the population data used to apportion county or municipal
 44 boundaries. Residents of unknown geographic locations within this state or at residences
 45 not in this state may not be used to determine the average population of any geographic unit

1 for purposes of apportioning county or municipal boundaries.

2 (2) The adjusted population data prepared by the Secretary of State under section 2 of
3 this 2025 Act shall be used only when apportioning the state into legislative districts and as
4 described in subsection (1) of this section, and may not be used for any other purpose.

5 SECTION 4. Section 2 of this 2025 Act applies to adults in custody sentenced to the cus-
6 tody of the department on or after the effective date of this 2025 Act.

7
