



January 25, 2022

HOUSE BILL No. 1285

DIGEST OF HB 1285 (Updated January 25, 2022 8:50 am - DI 140)

Citations Affected: IC 3-5; IC 20-23; IC 36-2; IC 36-3; IC 36-4; IC 36-5; IC 36-6.

Synopsis: Redistricting local election districts. Provides that redistricting election districts for local and school board offices must occur at certain times. Removes the discretionary ability of political subdivisions to redistrict election districts at times other than those required by statute. Consolidates certain local redistricting statutes in the same location. Changes population parameters to reflect the population count determined under the 2020 decennial census. Repeals obsolete statutes and makes other conforming changes.

Effective: July 1, 2022.

Teshka

January 10, 2022, read first time and referred to Committee on Elections and Apportionment.

January 25, 2022, reported — Do Pass.

HB 1285—LS 6948/DI 75



January 25, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1285

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-10 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]:
4 **Chapter 10. Drawing Election Districts for Local and School**
5 **Board Offices**
6 **Sec. 1. (a) This chapter applies when a redistricting authority**
7 **redraws election districts required by law.**
8 **(b) In addition to the provisions of this chapter, the following**
9 **apply to redistricting:**
10 **(1) The provisions of the applicable statute.**
11 **(2) IC 3-11-1.5-32.**
12 **Sec. 2. The definitions in IC 1-1-3.5 apply throughout this**
13 **chapter.**
14 **Sec. 3. As used in this chapter, "applicable statute" refers to the**
15 **statute under which a redistricting authority is required to**
16 **establish election districts.**
17 **Sec. 4. As used in this chapter, "census event" refers to any of**

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- 1 the following:
- 2 (1) A federal decennial census.
- 3 (2) A federal special census.
- 4 (3) A special tabulation.
- 5 (4) A corrected population count.
- 6 Sec. 5. (a) As used in this chapter, "plan" refers to the
- 7 description of the districts that a redistricting authority is required
- 8 to establish.
- 9 (b) The term includes the maps and written descriptions of the
- 10 maps that define all the districts that a plan is required to have
- 11 under the applicable law.
- 12 Sec. 6. As used in this chapter, "redistricting authority" refers
- 13 to the body or other authority that is required to redraw election
- 14 districts for local or school board offices.
- 15 Sec. 7. (a) Subject to section 8 of this chapter, a redistricting
- 16 authority shall redistrict election districts not later than the
- 17 following:
- 18 (1) January 1 of the year a census event becomes effective
- 19 with respect to the political subdivision, as provided in
- 20 IC 1-1-3.5-3.
- 21 (2) Whenever a county adopts an order declaring a county
- 22 boundary to be changed under IC 36-2-1-2 that affects the
- 23 boundaries of the political subdivision.
- 24 (3) Whenever required to assign annexed territory to a
- 25 district, subject to the provisions of IC 36-4-3.
- 26 (4) Whenever the boundary of the political subdivision is
- 27 changed.
- 28 (5) As provided in the order of a court that has found the
- 29 current redistricting plan unconstitutional or otherwise
- 30 unlawful.
- 31 (b) A redistricting authority may not redistrict at a time other
- 32 than is provided in subsection (a).
- 33 Sec. 8. A redistricting authority is not required to redistrict if
- 34 the applicable statute provides that the redistricting authority may
- 35 certify that the existing districts continue to satisfy all the
- 36 requirements of the applicable statute and other applicable law.
- 37 Sec. 9. If a conflict exists between:
- 38 (1) a map showing the boundaries of a district; and
- 39 (2) a description of the boundaries of that district set forth in
- 40 the plan;
- 41 the district boundaries are the description of the boundaries set
- 42 forth in the plan, not the boundaries shown on the map, but only to



1 the extent there is a conflict between the description and the map.

2 **Sec. 10. If any territory in the political subdivision is not**
 3 **included in one (1) of the districts, the territory is included in the**
 4 **district that:**

5 (1) is contiguous to that territory; and

6 (2) contains the least population of all districts contiguous to
 7 that territory.

8 **Sec. 11. If any territory in the political subdivision is included**
 9 **in more than one (1) of the districts, the territory is included in the**
 10 **district that:**

11 (1) is one (1) of the districts in which the territory is described
 12 in the ordinance or resolution that establishes the plan;

13 (2) is contiguous to that territory; and

14 (3) contains the least population of all districts contiguous to
 15 that territory.

16 SECTION 2. IC 20-23-4-35, AS AMENDED BY P.L.271-2013,
 17 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 35. (a) The governing body of a school
 19 corporation may be organized under this section.

20 (b) The governing body consists of seven (7) members, elected as
 21 follows:

22 (1) Four (4) members elected from districts, with one (1) member
 23 serving from each election district. A member elected under this
 24 subdivision must be:

25 (A) a resident of the election district from which the member
 26 is elected; and

27 (B) voted upon by only the registered voters residing within
 28 the election district and voting at a governing body election.

29 (2) Three (3) members, who are voted upon by all the registered
 30 voters residing within the school corporation and voting at a
 31 governing body election, elected under this subdivision. The
 32 governing body shall establish three (3) residential districts as
 33 follows:

34 (A) One (1) residential district must be the township that has
 35 the greatest population within the school corporation.

36 (B) Two (2) residential districts must divide the remaining
 37 area within the school corporation.

38 Only one (1) member who resides within a particular residential
 39 district established under this subdivision may serve on the
 40 governing body at a time.

41 (c) A member of the governing body who is:

42 (1) elected from an election or a residential district; or



- 1 (2) appointed to fill a vacancy from an election or a residential
2 district;
3 must reside within the boundaries of the district the member represents.
- 4 (d) A vacancy on the governing body shall be filled by the
5 governing body as soon as practicable after the vacancy occurs. A
6 member chosen by the governing body to fill a vacancy holds office for
7 the remainder of the unexpired term.
- 8 (e) The members of the governing body serving at the time a plan
9 is amended under this section shall establish the election and
10 residential districts described in subsection (b).
- 11 (f) The election districts described in subsection (b)(1):
12 (1) shall be drawn on the basis of precinct lines;
13 (2) may not cross precinct lines; and
14 (3) as nearly as practicable, be of equal population, with the
15 population of the largest exceeding the population of the smallest
16 by not more than fifteen percent (15%).
- 17 (g) The residential districts described in subsection (b)(2) may:
18 (1) be drawn in any manner considered appropriate by the
19 governing body; and
20 (2) be drawn along township lines.
- 21 (h) The governing body shall certify the districts that are established
22 under subsections (f) and (g), amended under subsection (e), or
23 recertified under section 35.5 of this chapter to:
24 (1) the state board; and
25 (2) the circuit court clerk of each county in which the school
26 corporation is located as provided in section 35.5 of this chapter.
- 27 (i) The governing body shall designate:
28 (1) three (3) of the districts established under this section to be
29 elected at the first school board election that occurs after the
30 effective date of the plan; and
31 (2) the remaining four (4) districts to be elected at the second
32 school board election that occurs after the effective date of the
33 plan.
- 34 (j) The limitations set forth in this section are part of the plan, but
35 do not have to be specifically set forth in the plan. The plan must be
36 construed, if possible, to comply with this chapter. If a provision of the
37 plan or an application of the plan violates this chapter, the invalidity
38 does not affect the other provisions or applications of the plan that can
39 be given effect without the invalid provision or application. The
40 provisions of the plan are severable.
- 41 (k) ~~If a conflict exists between:~~
42 (†) a map showing the boundaries of a district; and



1 (2) a description of the boundaries of that district set forth in the
 2 plan or plan amendment;
 3 the district boundaries are the description of the boundaries set forth in
 4 the plan or plan amendment, not the boundaries shown on the map, to
 5 the extent there is a conflict between the description and the map.
 6 **IC 3-5-10 applies to a plan established under this section.**

7 SECTION 3. IC 20-23-7-4.5, AS ADDED BY P.L.271-2013,
 8 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 4.5. (a) Not later than December 31, 2013, the
 10 board of commissioners shall do the following:

11 (1) Send a copy of the school corporation's plan to the circuit
 12 court clerk of each county in which the school corporation is
 13 located.

14 (2) If any members of the governing body are elected from
 15 election districts voted upon by only the registered voters residing
 16 within the election district, certify that the election districts
 17 comply with section 4 of this chapter.

18 (b) This subsection applies during the first year after a year in which
 19 a federal decennial census is conducted. The board of commissioners
 20 shall amend the plan under section 4 of this chapter if an amendment
 21 is necessary to reestablish the districts in compliance with section 4 of
 22 this chapter. If the board of commissioners determines that a plan
 23 amendment under section 4 of this chapter is not required, the board of
 24 commissioners shall recertify that the districts as established comply
 25 with section 4 of this chapter.

26 (c) Each time the school corporation's plan is amended, the board of
 27 commissioners shall file the following with the circuit court clerk of
 28 each county in which the school corporation is located:

29 (1) A copy of the amendment.

30 (2) Either of the following:

31 (A) A certification that the plan amendment does not require
 32 reestablishment of the school corporation's election districts to
 33 comply with section 4 of this chapter.

34 (B) If the plan amendment requires reestablishment of the
 35 school corporation's election districts to comply with section
 36 4 of this chapter, a map of the new district boundaries.

37 (d) A plan amendment or recertification under this section must be
 38 filed not later than thirty (30) days after the amendment or
 39 recertification occurs.

40 (e) If a conflict exists between:

41 (1) a map showing the boundaries of a district; and

42 (2) a description of the boundaries of that district set forth in the



1 plan or plan amendment;
 2 the district boundaries are the description of the boundaries set forth in
 3 the plan or plan amendment, not the boundaries shown on the map; to
 4 the extent there is a conflict between the description and the map.
 5 **IC 3-5-10 applies to a plan established under this section.**

6 SECTION 4. IC 20-23-8-8.5, AS AMENDED BY P.L.278-2019,
 7 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 8.5. (a) The governing body shall
 9 do the following:

10 (1) Send a copy of the school corporation's plan to the circuit
 11 court clerk of each county in which the school corporation is
 12 located.

13 (2) If any members of the governing body are elected from
 14 election districts voted upon by only the registered voters residing
 15 within the election district, certify that the election districts
 16 comply with section 8 of this chapter.

17 (b) This subsection applies during the first year after a year in which
 18 a federal decennial census is conducted. The governing body shall
 19 amend the plan under section 8 of this chapter if an amendment is
 20 necessary to reestablish the districts in compliance with section 8 of
 21 this chapter. If the governing body determines that a plan amendment
 22 under section 8 of this chapter is not required, the governing body shall
 23 recertify that the districts as established comply with section 8 of this
 24 chapter.

25 (c) Each time the school corporation's plan is amended, the
 26 governing body shall file the following with the circuit court clerk of
 27 each county in which the school corporation is located:

28 (1) A copy of the amendment.

29 (2) Either of the following:

30 (A) A certification that the plan amendment does not require
 31 reestablishment of the school corporation's election districts to
 32 comply with section 8 of this chapter.

33 (B) If the plan amendment requires reestablishment of the
 34 school corporation's election districts to comply with section
 35 8 of this chapter, a map of the new district boundaries.

36 (d) A plan amendment or recertification under this section must be
 37 filed not later than thirty (30) days after the amendment or
 38 recertification occurs.

39 (e) If a conflict exists between:

40 (1) a map showing the boundaries of a district; and

41 (2) a description of the boundaries of that district set forth in the
 42 plan or plan amendment;



1 the district boundaries are the description of the boundaries set forth in
 2 the plan or plan amendment, not the boundaries shown on the map; to
 3 the extent there is a conflict between the description and the map:
 4 **IC 3-5-10 applies to a plan established under this section.**

5 SECTION 5. IC 20-23-14-4.5, AS ADDED BY P.L.271-2013,
 6 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 4.5. (a) Until the first **reapportionment**
 8 **redistricting** required under this section, the school districts for the
 9 election of the members of the governing body under section 3(b) of
 10 this chapter are the districts set forth in section 4 of this chapter (before
 11 its repeal).

12 (b) The governing body shall, by resolution, **reapportion establish**
 13 the school districts and change their boundaries, if necessary, **not later**
 14 **than December 31 of the year immediately following the year in which**
 15 **a decennial census is taken: at times permitted in IC 3-5-10.**

16 (c) The school districts established must:

- 17 (1) be as near as practicable equal in population;
- 18 (2) have boundaries set forth in the text of the resolution; and
- 19 (3) comply with:

20 (A) the Constitution of the United States; and

21 (B) the Constitution of the State of Indiana;

22 including the equal protection clauses of both constitutions.

23 (d) The limitations set forth in this section are part of the resolution,
 24 but do not have to be specifically set forth in the resolution. The
 25 resolution must be construed, if possible, to comply with this chapter.
 26 If a provision of the resolution or an application of the resolution
 27 violates this chapter, the invalidity does not affect the other provisions
 28 or applications of the resolution that can be given effect without the
 29 invalid provision or application. The provisions of the resolution are
 30 severable.

31 (e) ~~This subsection applies during the first year after a year in which~~
 32 ~~a federal decennial census is conducted.~~ The governing body shall
 33 amend the resolution if an amendment is necessary to ~~reapportion the~~
 34 ~~school districts and change their~~ **the school district** boundaries to
 35 comply with subsection (c). If the governing body determines that
 36 ~~reapportionment and~~ changes to the boundaries of the school districts
 37 are not required, the governing body shall recertify that the school
 38 districts as established comply with subsection (c).

39 (f) Each time the governing body amends the resolution or makes a
 40 recertification, the governing body shall file a copy of the following
 41 with the board of elections and registration established by IC 3-6-5.2-3
 42 not later than thirty (30) days after the amendment or recertification



- 1 occurs:
- 2 (1) A copy of the amendment or recertification.
- 3 (2) One (1) of the following:
- 4 (A) A certification that changes to the school district
- 5 boundaries as established are not required to comply with
- 6 subsection (c).
- 7 (B) If reapportionment of the school districts and changes to
- 8 their boundaries are required to comply with subsection (c), a
- 9 map showing the boundaries of the new school districts.
- 10 (g) If a conflict exists between:
- 11 (1) a map showing the boundaries of a school district; and
- 12 (2) a description of the boundaries of that school district set forth
- 13 in the resolution or resolution amendment;
- 14 the school district boundaries are the description of the boundaries set
- 15 forth in the resolution or resolution amendment; not the boundaries
- 16 shown on the map; to the extent there is a conflict between the
- 17 description and the map. **IC 3-5-10 applies to a plan established**
- 18 **under this section.**
- 19 SECTION 6. IC 20-23-15-7.5, AS ADDED BY P.L.271-2013,
- 20 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2022]: Sec. 7.5. (a) Not later than December 31, 2013, the
- 22 governing body shall do the following:
- 23 (1) Send a copy of the school corporation's plan to the circuit
- 24 court clerk of each county in which the school corporation is
- 25 located.
- 26 (2) If any members of the governing body are elected from
- 27 election districts voted upon by only the registered voters residing
- 28 within the election district, certify that the election districts
- 29 comply with section 7 of this chapter.
- 30 (b) ~~This subsection applies during the first year after a year in which~~
- 31 ~~a federal decennial census is conducted.~~ The governing body shall
- 32 amend the plan if an amendment is necessary to reestablish the districts
- 33 in compliance with section 7 of this chapter. If the governing body
- 34 determines that a plan amendment is not required, the governing body
- 35 shall recertify that the districts as established comply with section 7 of
- 36 this chapter.
- 37 (c) Each time the school corporation's plan is amended, the
- 38 governing body shall file the following with the circuit court clerk of
- 39 each county in which the school corporation is located:
- 40 (1) A copy of the amendment.
- 41 (2) Either of the following:
- 42 (A) A certification that the plan amendment does not require



- 1 reestablishment of the school corporation's election districts to
 2 comply with section 7 of this chapter.
- 3 (B) If the plan amendment requires reestablishment of the
 4 school corporation's election districts to comply with section
 5 7 of this chapter, a map of the new district boundaries.
- 6 (d) A plan amendment or recertification under this section must be
 7 filed not later than thirty (30) days after the amendment or
 8 recertification occurs.
- 9 (e) The limitations set forth in this section are part of the plan, but
 10 do not have to be specifically set forth in the plan. The plan must be
 11 construed, if possible, to comply with this chapter. If a provision of the
 12 plan or an application of the plan violates this chapter, the invalidity
 13 does not affect the other provisions or applications of the plan that can
 14 be given effect without the invalid provision or application. The
 15 provisions of the plan are severable.
- 16 (f) ~~If a conflict exists between:~~
 17 ~~(1) a map showing the boundaries of a district; and~~
 18 ~~(2) a description of the boundaries of that district set forth in the~~
 19 ~~plan or plan amendment;~~
 20 ~~the district boundaries are the description of the boundaries set forth in~~
 21 ~~the plan or plan amendment; not the boundaries shown on the map; to~~
 22 ~~the extent there is a conflict between the description and the map.~~
 23 **IC 3-5-10 applies to a plan established under this section.**
- 24 SECTION 7. IC 36-2-2-4, AS AMENDED BY P.L.271-2013,
 25 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 4. (a) This subsection does not apply to a county
 27 ~~having a population of:~~ **the following counties:**
- 28 (1) **A county having a population of** more than four hundred
 29 thousand (400,000) ~~but and~~ less than seven hundred thousand
 30 (700,000). ~~or~~
- 31 (2) **A county having a population of** more than two hundred fifty
 32 thousand (250,000) ~~but less than two hundred seventy thousand~~
 33 ~~(270,000):~~ **two hundred fifty thousand (250,000) and less than**
 34 **three hundred thousand (300,000).**
- 35 The executive shall divide the county into three (3) districts that are
 36 composed of contiguous territory and are reasonably compact. The
 37 district boundaries drawn by the executive must not cross precinct
 38 boundary lines and must divide townships only when a division is
 39 clearly necessary to accomplish redistricting under this section. If
 40 necessary, the county auditor shall call a special meeting of the
 41 executive to establish or revise districts.
- 42 (b) This subsection applies to a county having a population of more



1 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
 2 thousand (700,000). A county redistricting commission shall divide the
 3 county into three (3) single-member districts that comply with
 4 subsection (d). The commission is composed of:

- 5 (1) the members of the Indiana election commission;
 6 (2) two (2) members of the senate selected by the president pro
 7 tempore, one (1) from each political party; and
 8 (3) two (2) members of the house of representatives selected by
 9 the speaker, one (1) from each political party.

10 The legislative members of the commission have no vote and may act
 11 only in an advisory capacity. A majority vote of the voting members is
 12 required for the commission to take action. The commission may meet
 13 as frequently as necessary to perform its duty under this subsection.
 14 The commission's members serve without additional compensation
 15 above that provided for them as members of the Indiana election
 16 commission, the senate, or the house of representatives.

17 (c) This subsection applies to a county having a population of more
 18 than ~~two hundred fifty thousand (250,000) but less than two hundred~~
 19 ~~seventy thousand (270,000):~~ **two hundred fifty thousand (250,000)**
 20 **and less than three hundred thousand (300,000)**. The executive shall
 21 divide the county into three (3) single-member districts that comply
 22 with subsection (d).

23 (d) Single-member districts established under subsection (b) or (c)
 24 must:

- 25 (1) be compact, subject only to natural boundary lines (such as
 26 railroads, major highways, rivers, creeks, parks, and major
 27 industrial complexes);
 28 (2) contain, as nearly as is possible, equal population; and
 29 (3) not cross precinct lines.

30 (e) Except as provided by subsection ~~(g)~~; **(f)**, a division under
 31 subsection (a), (b), or (c) shall be made

- 32 ~~(1) during the first year after a year in which a federal decennial~~
 33 ~~census is conducted; and~~
 34 ~~(2) when the county adopts an order declaring a county boundary~~
 35 ~~to be changed under IC 36-2-1-2.~~

36 ~~(f) A division under subsection (a), (b), or (c) may be made in any~~
 37 ~~odd-numbered year not described in subsection (e):~~ **only at times**
 38 **permitted under IC 3-5-10.**

39 ~~(g) This subsection applies during the first year after a year in which~~
 40 ~~a federal decennial census is conducted:~~ **(f)** If the county executive or
 41 county redistricting commission determines that a division under
 42 subsection (e) is not required, the county executive or county



1 redistricting commission shall adopt an ordinance recertifying that the
2 districts as drawn comply with this section.

3 ~~(h)~~ **(g)** Each time there is a division under subsection (e) ~~or~~ **(f)** or a
4 recertification under subsection ~~(g)~~; **(f)**, the county executive or county
5 redistricting commission shall file with the circuit court clerk of the
6 county, not later than thirty (30) days after the division or
7 recertification occurs, a map of the district boundaries:

- 8 (1) adopted under subsection (e); ~~or~~ **(f)**; or
- 9 (2) recertified under subsection ~~(g)~~; **(f)**.

10 ~~(i)~~ **(h)** The limitations set forth in this section are part of the
11 ordinance, but do not have to be specifically set forth in the ordinance.
12 The ordinance must be construed, if possible, to comply with this
13 chapter. If a provision of the ordinance or an application of the
14 ordinance violates this chapter, the invalidity does not affect the other
15 provisions or applications of the ordinance that can be given effect
16 without the invalid provision or application. The provisions of the
17 ordinance are severable.

- 18 ~~(j) If a conflict exists between:~~
- 19 ~~(1) a map showing the boundaries of a district; and~~
- 20 ~~(2) a description of the boundaries of that district set forth in the~~
21 ~~ordinance;~~

22 the district boundaries are the description of the boundaries set forth in
23 the ordinance, not the boundaries shown on the map; to the extent there
24 is a conflict between the description and the map:

25 **(i) IC 3-5-10 applies a plan established under this section.**

26 SECTION 8. IC 36-2-2-4.5 IS REPEALED [EFFECTIVE JULY 1,
27 2022]. Sec. 4.5: (a) If any territory in a county is not included in one ~~(1)~~
28 of the districts established under section 4 of this chapter, the territory
29 is included in the district that:

- 30 ~~(1) is contiguous to that territory; and~~
- 31 ~~(2) contains the least population of all districts contiguous to that~~
32 ~~territory.~~

33 ~~(b) If any territory in any county is included in more than one (1) of~~
34 ~~the districts established under section 4 of this chapter, the territory is~~
35 ~~included in the district that:~~

- 36 ~~(1) is one (1) of the districts in which the territory is described in~~
37 ~~the ordinance adopted under section 4 of this chapter;~~
- 38 ~~(2) is contiguous to that territory; and~~
- 39 ~~(3) contains the least population of all districts contiguous to that~~
40 ~~territory.~~

41 SECTION 9. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
42 SECTION 186, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) This subsection does not
2 apply to a county having a population of: **the following counties:**

3 (1) **A county having a population of** more than four hundred
4 thousand (400,000) ~~but and~~ less than seven hundred thousand
5 (700,000). ~~or~~

6 (2) **A county having a population of** more than ~~two hundred fifty~~
7 ~~thousand (250,000) but less than two hundred seventy thousand~~
8 ~~(270,000):~~ **two hundred fifty thousand (250,000) and less than**
9 **three hundred thousand (300,000).**

10 The county executive shall, by ordinance, divide the county into four
11 (4) contiguous, single-member districts that comply with subsection
12 (d). If necessary, the county auditor shall call a special meeting of the
13 executive to establish or revise districts. One (1) member of the fiscal
14 body shall be elected by the voters of each of the four (4) districts.
15 Three (3) at-large members of the fiscal body shall be elected by the
16 voters of the whole county.

17 (b) This subsection applies to a county having a population of more
18 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
19 thousand (700,000). The county redistricting commission established
20 under IC 36-2-2-4 shall divide the county into seven (7) single-member
21 districts that comply with subsection (d). One (1) member of the fiscal
22 body shall be elected by the voters of each of these seven (7)
23 single-member districts.

24 (c) This subsection applies to a county having a population of more
25 than ~~two hundred fifty thousand (250,000) but less than two hundred~~
26 ~~seventy thousand (270,000):~~ **two hundred fifty thousand (250,000)**
27 **and less than three hundred thousand (300,000).** The fiscal body
28 shall divide the county into nine (9) single-member districts that
29 comply with subsection (d). Three (3) of these districts must be
30 contained within each of the three (3) districts established under
31 IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by
32 the voters of each of these nine (9) single-member districts.

33 (d) Single-member districts established under subsection (a), (b), or
34 (c) must:

35 (1) be compact, subject only to natural boundary lines (such as
36 railroads, major highways, rivers, creeks, parks, and major
37 industrial complexes);

38 (2) not cross precinct boundary lines;

39 (3) contain, as nearly as possible, equal population; and

40 (4) include whole townships, except when a division is clearly
41 necessary to accomplish redistricting under this section.

42 (e) Except as provided by subsection ~~(g)~~; (f), a division under



1 subsection (a), (b), or (c) shall be made

2 (1) during the first year after a year in which a federal decennial
3 census is conducted; and

4 (2) when the county executive adopts an order declaring a county
5 boundary to be changed under IC 36-2-1-2.

6 (f) A division under subsection (a), (b), or (c) may be made in any
7 odd-numbered year not described in subsection (e). **only at times
8 permitted under IC 3-5-10.**

9 (g) This subsection applies during the first year after a year in which
10 a federal decennial census is conducted. (f) If the county executive,
11 county redistricting commission, or county fiscal body determines that
12 a division under subsection (e) is not required, the county executive,
13 county redistricting commission, or county fiscal body shall adopt an
14 ordinance recertifying that the districts as drawn comply with this
15 section.

16 (h) (g) Each time there is a division under subsection (e) or (f) or a
17 recertification under subsection (g); (f), the county executive, county
18 redistricting commission, or county fiscal body shall file with the
19 circuit court clerk of the county, not later than thirty (30) days after the
20 division or recertification occurs, a map of the district boundaries:

21 (1) adopted under subsection (e); or (f); or

22 (2) recertified under subsection (g); (f).

23 (i) (h) The limitations set forth in this section are part of the
24 ordinance, but do not have to be specifically set forth in the ordinance.
25 The ordinance must be construed, if possible, to comply with this
26 chapter. If a provision of the ordinance or an application of the
27 ordinance violates this chapter, the invalidity does not affect the other
28 provisions or applications of the ordinance that can be given effect
29 without the invalid provision or application. The provisions of the
30 ordinance are severable.

31 (j) If a conflict exists between:

32 (1) a map showing the boundaries of a district; and

33 (2) a description of the boundaries of that district set forth in the
34 ordinance;

35 the district boundaries are the description of the boundaries set forth in
36 the ordinance, not the boundaries shown on the map, to the extent there
37 is a conflict between the description and the map.

38 (i) **IC 3-5-10 applies to a plan established under this section.**

39 SECTION 10. IC 36-2-3-4.5 IS REPEALED [EFFECTIVE JULY
40 1, 2022]. Sec. 4-5: (a) If any territory in any county is not included in
41 one (1) of the districts established under section 4 of this chapter, the
42 territory is included in the district that:



1 (1) is contiguous to that territory; and
 2 (2) contains the least population of all districts contiguous to that
 3 territory.
 4 (b) If any territory in any county is included in more than one (1) of
 5 the districts established under section 4 of this chapter, the territory is
 6 included in the district that:
 7 (1) is one (1) of the districts in which the territory is described in
 8 the ordinance adopted under section 4 of this chapter;
 9 (2) is contiguous to that territory; and
 10 (3) contains the least population of all districts contiguous to that
 11 territory.
 12 SECTION 11. IC 36-3-4-3, AS AMENDED BY P.L.2-2014,
 13 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The city-county legislative
 15 body shall, by ordinance, divide the whole county into twenty-five (25)
 16 districts that:
 17 (1) are compact, subject only to natural boundary lines (such as
 18 railroads, major highways, rivers, creeks, parks, and major
 19 industrial complexes);
 20 (2) contain, as nearly as is possible, equal population; and
 21 (3) do not cross precinct boundary lines.
 22 Except as provided by subsection (f), this division shall be made ~~before~~
 23 ~~the end of the second year after a year in which a federal decennial~~
 24 ~~census is conducted and may also be made at any other time; subject to~~
 25 ~~IC 3-11-1.5-32; only at times permitted under IC 3-5-10.~~
 26 (b) The legislative body is composed of ~~the following~~:
 27 (1) ~~Before January 1, 2016, twenty-five (25) members elected~~
 28 ~~from the districts established under subsection (a) and four (4)~~
 29 ~~members elected from an at-large district containing the whole~~
 30 ~~county.~~
 31 (2) ~~After December 31, 2015, twenty-five (25) members elected~~
 32 ~~from the districts established under subsection (a).~~
 33 (c) Each voter of the county may vote for one (1) candidate from the
 34 district in which the voter resides.
 35 (d) If the legislative body fails to make the division before the date
 36 prescribed by subsection (a) or the division is alleged to violate
 37 subsection (a) or other law, a taxpayer or registered voter of the county
 38 may petition the superior court of the county to hear and determine the
 39 matter. The court shall hear and determine the matter as a five (5)
 40 member panel of judges from the superior court. The clerk of the court
 41 shall select the judges electronically and randomly. The clerk shall
 42 maintain a record of the method and process used to select the judges



1 and shall make the record available for public inspection and copying.
 2 Not more than three (3) members of the five (5) member panel of
 3 judges may be of the same political party. The first judge selected shall
 4 maintain the case file and preside over the proceedings. There may not
 5 be a change of venue from the court or from the county. The court may
 6 appoint a master to assist in its determination and may draw proper
 7 district boundaries if necessary. An appeal from the court's judgment
 8 must be taken within thirty (30) days, directly to the supreme court, in
 9 the same manner as appeals from other actions.

10 (e) An election of the legislative body held under the ordinance or
 11 court judgment determining districts that is in effect on the date of the
 12 election is valid, regardless of whether the ordinance or judgment is
 13 later determined to be invalid.

14 (f) ~~This subsection applies during the second year after a year in~~
 15 ~~which a federal decennial census is conducted.~~ If the legislative body
 16 determines that a division under subsection (a) is not required, the
 17 legislative body shall adopt an ordinance recertifying that the districts
 18 as drawn comply with this section.

19 (g) Each time there is a division under subsection (a) or a
 20 recertification under subsection (f), the legislative body shall file with
 21 the circuit court clerk of the county, not later than thirty (30) days after
 22 the division or recertification occurs, a map of the district boundaries:

- 23 (1) adopted under subsection (a); or
- 24 (2) recertified under subsection (f).

25 (h) The limitations set forth in this section are part of the ordinance,
 26 but do not have to be specifically set forth in the ordinance. The
 27 ordinance must be construed, if possible, to comply with this chapter.
 28 If a provision of the ordinance or an application of the ordinance
 29 violates this chapter, the invalidity does not affect the other provisions
 30 or applications of the ordinance that can be given effect without the
 31 invalid provision or application. The provisions of the ordinance are
 32 severable.

33 (i) ~~If a conflict exists between:~~

- 34 ~~(1) a map showing the boundaries of a district; and~~
- 35 ~~(2) a description of the boundaries of that district set forth in the~~
 36 ~~ordinance;~~

37 ~~the district boundaries are the description of the boundaries set forth in~~
 38 ~~the ordinance, not the boundaries shown on the map, to the extent there~~
 39 ~~is a conflict between the description and the map. **IC 3-5-10 applies to**~~
 40 ~~**a plan established under this section.**~~

41 SECTION 12. IC 36-4-6-3, AS AMENDED BY P.L.271-2013,
 42 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2022]: Sec. 3. (a) This section applies only to second class
 2 cities.
- 3 (b) The legislative body shall adopt an ordinance to divide the city
 4 into six (6) districts that:
- 5 (1) are composed of contiguous territory, except for territory that
 - 6 is not contiguous to any other part of the city;
 - 7 (2) are reasonably compact;
 - 8 (3) do not cross precinct boundary lines, except as provided in
 - 9 subsection (c) or (d); and
 - 10 (4) contain, as nearly as is possible, equal population.
- 11 (c) The boundary of a city legislative body district may cross a
 12 precinct boundary line if:
- 13 (1) more than one (1) member of the legislative body elected from
 - 14 the districts established under subsection (b) resides in one (1)
 - 15 precinct established under IC 3-11-1.5 after the most recent
 - 16 municipal election; and
 - 17 (2) following the establishment of a legislative body district
 - 18 whose boundary crosses a precinct boundary line, not more than
 - 19 one (1) member of the legislative body elected from districts
 - 20 resides within the same city legislative body district.
- 21 (d) The boundary of a city legislative body district may cross a
 22 precinct line if the districts would not otherwise contain, as nearly as
 23 is possible, equal population.
- 24 (e) A city legislative body district with a boundary described by
 25 subsection (c) or (d) may not cross a census block boundary line:
- 26 (1) except when following a precinct boundary line; or
 - 27 (2) unless the city legislative body certifies in the ordinance that
 - 28 the census block has no population, and is not likely to ever have
 - 29 population.
- 30 (f) The legislative body may not adopt an ordinance dividing the city
 31 into districts with boundaries described by subsection (c) or (d) unless
 32 the clerk of the city mails a written notice to the circuit court clerk. The
 33 notice must:
- 34 (1) state that the legislative body is considering the adoption of an
 - 35 ordinance described by this subsection; and
 - 36 (2) be mailed not later than ten (10) days before the legislative
 - 37 body adopts the ordinance.
- 38 (g) Except as provided in subsection ~~(h)~~; ~~(j)~~, the division under
 39 subsection (b) shall be made
- 40 ~~(1) during the second year after a year in which a federal~~
 - 41 ~~decennial census is conducted; and~~
 - 42 ~~(2) when required to assign annexed territory to a district.~~



1 This division may be made at any other time, subject to ~~IC 3-11-1.5-32.~~
 2 **only at times permitted under IC 3-5-10.**

3 (h) The legislative body is composed of six (6) members elected
 4 from the districts established under subsection (b) and three (3) at-large
 5 members.

6 (i) Each voter of the city may vote for three (3) candidates for
 7 at-large membership and one (1) candidate from the district in which
 8 the voter resides. The three (3) at-large candidates receiving the most
 9 votes from the whole city and the district candidates receiving the most
 10 votes from their respective districts are elected to the legislative body.

11 ~~(j) If any territory in the city is not included in one (1) of the~~
 12 ~~districts established under this section, the territory is included in the~~
 13 ~~district that:~~

14 ~~(1) is contiguous to that territory; and~~

15 ~~(2) contains the least population of all districts contiguous to that~~
 16 ~~territory;~~

17 ~~(k) If any territory in the city is included in more than one (1) of the~~
 18 ~~districts established under this section, the territory is included in the~~
 19 ~~district that:~~

20 ~~(1) is one (1) of the districts in which the territory is described in~~
 21 ~~the ordinance adopted under this section;~~

22 ~~(2) is contiguous to that territory; and~~

23 ~~(3) contains the least population of all districts contiguous to that~~
 24 ~~territory;~~

25 ~~(l) This subsection applies during the second year after a year in~~
 26 ~~which a federal decennial census is conducted. (j) If the legislative~~
 27 ~~body determines that a division under subsection (g) is not required,~~
 28 ~~the legislative body shall adopt an ordinance recertifying that the~~
 29 ~~districts as drawn comply with this section.~~

30 ~~(m) (k) A copy of the ordinance establishing districts or a~~
 31 ~~recertification adopted under this section must be filed with the circuit~~
 32 ~~court clerk of the county that contains the greatest population of the~~
 33 ~~city not later than thirty (30) days after the ordinance or recertification~~
 34 ~~is adopted. The filing must include a map of the district boundaries:~~

35 ~~(1) adopted under subsection (b); or~~

36 ~~(2) recertified under subsection ~~(l)~~: (j).~~

37 ~~(n) (l) The limitations set forth in this section are part of the~~
 38 ~~ordinance, but do not have to be specifically set forth in the ordinance.~~
 39 ~~The ordinance must be construed, if possible, to comply with this~~
 40 ~~chapter. If a provision of the ordinance or an application of the~~
 41 ~~ordinance violates this chapter, the invalidity does not affect the other~~
 42 ~~provisions or applications of the ordinance that can be given effect~~



1 without the invalid provision or application. The provisions of the
2 ordinance are severable.

3 ~~(o) If a conflict exists between:~~

4 ~~(1) a map showing the boundaries of a district; and~~

5 ~~(2) a description of the boundaries of that district set forth in the~~
6 ~~ordinance;~~

7 ~~the district boundaries are the description of the boundaries set forth in~~
8 ~~the ordinance, not the boundaries shown on the map, to the extent there~~
9 ~~is a conflict between the description and the map.~~

10 **(m) IC 3-5-10 applies to a plan established under this section.**

11 SECTION 13. IC 36-4-6-4, AS AMENDED BY P.L.271-2013,
12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 4. (a) This section applies to third class cities,
14 except as provided by section 5 of this chapter.

15 (b) This subsection does not apply to a city with an ordinance
16 described by subsection (j) or (m). The legislative body shall adopt an
17 ordinance to divide the city into five (5) districts that:

18 (1) are composed of contiguous territory, except for territory that
19 is not contiguous to any other part of the city;

20 (2) are reasonably compact;

21 (3) do not cross precinct boundary lines except as provided in
22 subsection (c) or (d); and

23 (4) contain, as nearly as is possible, equal population.

24 (c) The boundary of a city legislative body district may cross a
25 precinct boundary line if:

26 (1) more than one (1) member of the legislative body elected from
27 the districts established under subsection (b), (j), or (m) resides in
28 one (1) precinct established under IC 3-11-1.5 after the most
29 recent municipal election; and

30 (2) following the establishment of a legislative body district
31 whose boundary crosses a precinct boundary line, not more than
32 one (1) member of the legislative body elected from the districts
33 resides within the same city legislative body district.

34 (d) The boundary of a city legislative body district may cross a
35 precinct line if the districts would not otherwise contain, as nearly as
36 is possible, equal population.

37 (e) A city legislative body district with a boundary described by
38 subsection (c) or (d) may not cross a census block boundary line:

39 (1) except when following a precinct boundary line; or

40 (2) unless the city legislative body certifies in the ordinance that
41 the census block has no population, and is not likely to ever have
42 population.



1 (f) The legislative body may not adopt an ordinance dividing the city
 2 into districts with boundaries described by subsection (c) or (d) unless
 3 the clerk of the city mails a written notice to the circuit court clerk. The
 4 notice must:

5 (1) state that the legislative body is considering the adoption of an
 6 ordinance described by this subsection; and

7 (2) be mailed not later than ten (10) days before the legislative
 8 body adopts the ordinance.

9 (g) Except as provided in subsection ~~(q)~~, **(o)**, the division under
 10 subsection (b), (j), or (m) shall be made

11 ~~(1) during the second year after a year in which a federal~~
 12 ~~decennial census is conducted; and~~

13 ~~(2) when required to assign annexed territory to a district.~~

14 ~~This division may be made at any other time, subject to IC 3-11-1.5-32.~~
 15 **only at times permitted under IC 3-5-10.**

16 (h) This subsection does not apply to a city with an ordinance
 17 described by subsection (j) or (m). The legislative body is composed of
 18 five (5) members elected from the districts established under
 19 subsection (b) and two (2) at-large members.

20 (i) This subsection does not apply to a city with an ordinance
 21 described by subsection (j) or (m). Each voter of the city may vote for
 22 two (2) candidates for at-large membership and one (1) candidate from
 23 the district in which the voter resides. The two (2) at-large candidates
 24 receiving the most votes from the whole city and the district candidates
 25 receiving the most votes from their respective districts are elected to
 26 the legislative body.

27 (j) A city may adopt an ordinance under this subsection to divide the
 28 city into four (4) districts that:

29 (1) are composed of contiguous territory;

30 (2) are reasonably compact;

31 (3) do not cross precinct boundary lines, except as provided in
 32 subsection (c) or (d); and

33 (4) contain, as nearly as is possible, equal population.

34 (k) This subsection applies to a city with an ordinance described by
 35 subsection (j). The legislative body is composed of four (4) members
 36 elected from the districts established under subsection (j) and three (3)
 37 at-large members.

38 (l) This subsection applies to a city with an ordinance described by
 39 subsection (j). Each voter of the city may vote for three (3) candidates
 40 for at-large membership and one (1) candidate from the district in
 41 which the voter resides. The three (3) at-large candidates receiving the
 42 most votes from the whole city and the district candidates receiving the



1 most votes from their respective districts are elected to the legislative
2 body.

3 (m) This subsection applies only if the ordinance adopted under
4 IC 36-4-1.5-3 by the town legislative body of a town that has a
5 population of less than ten thousand (10,000) and that becomes a city
6 specifies that the city legislative body districts are governed by this
7 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
8 the town into city legislative body districts may provide that:

9 (1) the city shall be divided into three (3) districts that:

10 (A) are composed of contiguous territory;

11 (B) are reasonably compact;

12 (C) do not cross precinct boundary lines, except as provided in
13 subsection (c) or (d); and

14 (D) contain, as nearly as is possible, equal population; and

15 (2) the legislative body of the city is composed of three (3)
16 members elected from the districts established under this
17 subsection and two (2) at-large members.

18 Each voter of the city may vote for two (2) candidates for at-large
19 membership and one (1) candidate from the district in which the voter
20 resides. The two (2) at-large candidates receiving the most votes from
21 the whole city and the district candidates receiving the most votes from
22 their respective districts are elected to the legislative body.

23 (n) A copy of the ordinance establishing districts or a recertification
24 adopted under this section must be filed with the circuit court clerk of
25 the county that contains the greatest population of the city no later than
26 thirty (30) days after the ordinance or recertification is adopted. The
27 filing must include a map of the district boundaries:

28 (1) adopted under subsection (b), (j), or (m); or

29 (2) recertified under subsection (q): (o).

30 (o) If any territory in the city is not included in one (1) of the
31 districts established under this section, the territory is included in the
32 district that:

33 (1) is contiguous to that territory; and

34 (2) contains the least population of all districts contiguous to that
35 territory;

36 (p) If any territory in the city is included in more than one (1) of the
37 districts established under this section, the territory is included in the
38 district that:

39 (1) is one (1) of the districts in which the territory is described in
40 the ordinance adopted under this section;

41 (2) is contiguous to that territory; and

42 (3) contains the least population of all districts contiguous to that



- 1 territory.
- 2 ~~(q)~~ This subsection applies during the second year after a year in
- 3 which a federal decennial census is conducted. ~~(o)~~ If the legislative
- 4 body determines that a division under subsection (g) is not required,
- 5 the legislative body shall adopt an ordinance recertifying that the
- 6 districts as drawn comply with this section.
- 7 ~~(r)~~ **(p)** The limitations set forth in this section are part of the
- 8 ordinance, but do not have to be specifically set forth in the ordinance.
- 9 The ordinance must be construed, if possible, to comply with this
- 10 chapter. If a provision of the ordinance or an application of the
- 11 ordinance violates this chapter, the invalidity does not affect the other
- 12 provisions or applications of the ordinance that can be given effect
- 13 without the invalid provision or application. The provisions of the
- 14 ordinance are severable.
- 15 ~~(s)~~ If a conflict exists between:
- 16 ~~(1)~~ a map showing the boundaries of a district; and
- 17 ~~(2)~~ a description of the boundaries of that district set forth in the
- 18 ordinance;
- 19 the district boundaries are the description of the boundaries set forth in
- 20 the ordinance, not the boundaries shown on the map; to the extent there
- 21 is a conflict between the description and the map:
- 22 **(q) IC 3-5-10 applies to a plan established under this section.**
- 23 SECTION 14. IC 36-4-6-5, AS AMENDED BY P.L.271-2013,
- 24 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2022]: Sec. 5. (a) This section applies to third class cities
- 26 having a population of less than ten thousand (10,000). The legislative
- 27 body of such a city may, by ordinance adopted after June 30, 2010, and
- 28 during a year in which an election of the legislative body will not
- 29 occur, decide to be governed by this section instead of section 4 of this
- 30 chapter. The legislative body districts created by an ordinance adopted
- 31 under this subsection apply to the first election of the legislative body
- 32 held after the date the ordinance is adopted. The clerk of the legislative
- 33 body shall send a certified copy of any ordinance adopted under this
- 34 subsection to the secretary of the county election board.
- 35 (b) This subsection does not apply to a city with an ordinance
- 36 described by subsection (j). The legislative body shall adopt an
- 37 ordinance to divide the city into four (4) districts that:
- 38 (1) are composed of contiguous territory, except for territory that
- 39 is not contiguous to any other part of the city;
- 40 (2) are reasonably compact;
- 41 (3) do not cross precinct boundary lines except as provided in
- 42 subsection (c) or (d); and



- 1 (4) contain, as nearly as is possible, equal population.
- 2 (c) The boundary of a city legislative body district may cross a
3 precinct boundary line if:
- 4 (1) more than one (1) member of the legislative body elected from
5 the districts established under subsection (b) or (j) resides in one
6 (1) precinct established under IC 3-11-1.5 after the most recent
7 municipal election; and
- 8 (2) following the establishment of a legislative body district
9 whose boundary crosses a precinct boundary line, not more than
10 one (1) member of the legislative body elected from the districts
11 resides within the same city legislative body district.
- 12 (d) The boundary of a city legislative body district may cross a
13 precinct line if the districts would not otherwise contain, as nearly as
14 is possible, equal population.
- 15 (e) A city legislative body district with a boundary described by
16 subsection (c) or (d) may not cross a census block boundary line:
- 17 (1) except when following a precinct boundary line; or
18 (2) unless the city legislative body certifies in the ordinance that
19 the census block has no population, and is not likely to ever have
20 population.
- 21 (f) The legislative body may not adopt an ordinance dividing the city
22 into districts with boundaries described by subsection (c) or (d) unless
23 the clerk of the city mails a written notice to the circuit court clerk. The
24 notice must:
- 25 (1) state that the legislative body is considering the adoption of an
26 ordinance described by this subsection; and
27 (2) be mailed not later than ten (10) days before the legislative
28 body adopts the ordinance.
- 29 (g) Except as provided in subsection ~~(q)~~; **(o)**, the division under
30 subsection (b) or (j) shall be made
- 31 ~~(1) during the second year after a year in which a federal~~
32 ~~decennial census is conducted; and~~
33 ~~(2) when required to assign annexed territory to a district.~~
34 **This division may be made at any other time; subject to IC 3-11-1.5-32-**
35 **only at times permitted under IC 3-5-10.**
- 36 (h) This subsection does not apply to a city with an ordinance
37 described by subsection (j). The legislative body is composed of four
38 (4) members elected from the districts established under subsection (b)
39 and one (1) at-large member.
- 40 (i) This subsection does not apply to a city with an ordinance
41 described by subsection (j). Each voter may vote for one (1) candidate
42 for at-large membership and one (1) candidate from the district in



1 which the voter resides. The at-large candidate receiving the most votes
 2 from the whole city and the district candidates receiving the most votes
 3 from their respective districts are elected to the legislative body.

4 (j) A city may adopt an ordinance under this subsection to divide the
 5 city into three (3) districts that:

6 (1) are composed of contiguous territory, except for territory that
 7 is not contiguous to any other part of the city;

8 (2) are reasonably compact;

9 (3) do not cross precinct boundary lines, except as provided in
 10 subsection (c) or (d); and

11 (4) contain, as nearly as is possible, equal population.

12 (k) This subsection applies to a city with an ordinance described by
 13 subsection (j). The legislative body is composed of three (3) members
 14 elected from the districts established under subsection (j) and two (2)
 15 at-large members.

16 (l) This subsection applies to a city with an ordinance described by
 17 subsection (j). Each voter of the city may vote for two (2) candidates
 18 for at-large membership and one (1) candidate from the district in
 19 which the voter resides. The two (2) at-large candidates receiving the
 20 most votes from the whole city and the district candidates receiving the
 21 most votes from their respective districts are elected to the legislative
 22 body.

23 (m) This subsection applies to a city having a population of less than
 24 seven thousand (7,000). A legislative body of such a city that has, by
 25 resolution adopted before May 7, 1991, decided to continue an election
 26 process that permits each voter of the city to vote for one (1) candidate
 27 at large and one (1) candidate from each of its four (4) council districts
 28 may hold elections using that voting arrangement. The at-large
 29 candidate and the candidate from each district receiving the most votes
 30 from the whole city are elected to the legislative body. The districts
 31 established in cities adopting such a resolution may cross precinct
 32 boundary lines.

33 (n) A copy of the ordinance establishing districts or a recertification
 34 under this section must be filed with the circuit court clerk of the
 35 county that contains the greatest population of the city not later than
 36 thirty (30) days after the ordinance or recertification is adopted. The
 37 filing must include a map of the district boundaries:

38 (1) adopted under subsection (b) or (j); or

39 (2) recertified under subsection (q): (o).

40 (o) If any territory in the city is not included in one (1) of the
 41 districts established under this section, the territory is included in the
 42 district that:



- 1 (1) is contiguous to that territory; and
 2 (2) contains the least population of all districts contiguous to that
 3 territory.
 4 (p) If any territory in the city is included in more than one (1) of the
 5 districts established under this section, the territory is included in the
 6 district that:
 7 (1) is one (1) of the districts in which the territory is described in
 8 the ordinance adopted under this section;
 9 (2) is contiguous to that territory; and
 10 (3) contains the least population of all districts contiguous to that
 11 territory.
 12 (q) This subsection applies during the second year after a year in
 13 which a federal decennial census is conducted. (o) If the legislative
 14 body determines that a division under subsection (b) or (j) is not
 15 required, the legislative body shall adopt an ordinance recertifying that
 16 the districts as drawn comply with this section.
 17 (r) (p) The limitations set forth in this section are part of the
 18 ordinance, but do not have to be specifically set forth in the ordinance.
 19 The ordinance must be construed, if possible, to comply with this
 20 chapter. If a provision of the ordinance or an application of the
 21 ordinance violates this chapter, the invalidity does not affect the other
 22 provisions or applications of the ordinance that can be given effect
 23 without the invalid provision or application. The provisions of the
 24 ordinance are severable.
 25 (s) If a conflict exists between:
 26 (1) a map showing the boundaries of a district; and
 27 (2) a description of the boundaries of that district set forth in the
 28 ordinance;
 29 the district boundaries are the description of the boundaries set forth in
 30 the ordinance; not the boundaries shown on the map; to the extent there
 31 is a conflict between the description and the map.
 32 (q) **IC 3-5-10 applies to a plan established under this section.**
 33 SECTION 15. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017,
 34 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2022]: Sec. 4.1. (a) The legislative body may, by ordinance,
 36 divide the town into districts for the purpose of conducting elections of
 37 town officers.
 38 (b) A town legislative body district must comply with the following
 39 standards:
 40 (1) The district must be composed of contiguous territory, except
 41 for territory that is not contiguous to any other part of the town.
 42 (2) The district must be reasonably compact.



- 1 (3) The district must contain, as nearly as is possible, equal
 2 population.
 3 (4) The district may not cross a census block boundary except
 4 when following a precinct boundary line or unless the ordinance
 5 specifies that the census block has no population and is not likely
 6 to have population before the effective date of the next federal
 7 decennial census.
 8 (5) The district may not cross precinct lines, except as provided
 9 in subsection (c).
 10 (c) The boundary of a town legislative body district established
 11 under subsection (a) may cross a precinct boundary line if:
 12 (1) the legislative body provides by ordinance under section 5 of
 13 this chapter that all legislative body members are to be elected at
 14 large by the voters of the whole town; or
 15 (2) the district would not otherwise contain, as nearly as is
 16 possible, equal population.
 17 (d) If any territory in the town is not included in one (1) of the
 18 districts established under this section, the territory is included in the
 19 district that:
 20 (1) is contiguous to that territory; and
 21 (2) contains the least population of all districts contiguous to that
 22 territory.
 23 ~~(e) If any territory in the town is included in more than one (1) of the~~
 24 ~~districts established under this section, the territory is included in the~~
 25 ~~district that:~~
 26 ~~(1) is one (1) of the districts in which the territory is described in~~
 27 ~~the ordinance adopted under this section;~~
 28 ~~(2) is contiguous to that territory; and~~
 29 ~~(3) contains the least population of all districts contiguous to that~~
 30 ~~territory.~~
 31 ~~(f) (e)~~ The ordinance may be appealed in the manner prescribed by
 32 IC 34-13-6. If the town is located in two (2) or more counties, the
 33 appeal may be filed in the circuit or superior court of any of those
 34 counties.
 35 ~~(g) (f)~~ This subsection does not apply to a town with an ordinance
 36 described by subsection ~~(h)~~: ~~(g)~~. Except as provided in subsection ~~(k)~~;
 37 ~~(j)~~, the division permitted by subsection (a) shall be made
 38 ~~(1) during the second year after a year in which a federal~~
 39 ~~decennial census is conducted, subject to IC 3-11-1.5-32; and~~
 40 ~~(2) when required to assign annexed territory to a municipal~~
 41 ~~legislative body district.~~
 42 The division may also be made in any other year: **only at times**



- 1 **permitted under IC 3-5-10.**
- 2 ~~(h)~~ **(g)** This subsection applies to a town having a population of less
3 than three thousand five hundred (3,500). The town legislative body
4 may adopt an ordinance providing that:
- 5 (1) town legislative body districts are abolished; and
6 (2) all members of the legislative body are elected at large.
- 7 ~~(i)~~ **(h)** An ordinance described by subsection ~~(h)~~: **(g)**:
- 8 (1) may not be adopted or repealed during a year in which a
9 municipal election is scheduled to be conducted in the town under
10 IC 3-10-6 or IC 3-10-7; and
11 (2) is effective upon passage.
- 12 ~~(j)~~ **(i)** A copy of the ordinance establishing districts or a
13 recertification under this section must be filed with the circuit court
14 clerk of the county that contains the greatest population of the town not
15 later than thirty (30) days after the ordinance or recertification is
16 adopted. The filing must include a map of the district boundaries:
- 17 (1) adopted under subsection (a); or
18 (2) recertified under subsection ~~(k)~~: **(j)**.
- 19 ~~(k)~~ This subsection applies during the second year after a year in
20 which a federal decennial census is conducted: **(j)** If the legislative
21 body determines that a division under subsection (a) is not required, the
22 legislative body shall adopt an ordinance recertifying that the districts
23 as drawn comply with this section.
- 24 ~~(l)~~ **(k)** The limitations set forth in this section are part of the
25 ordinance, but do not have to be specifically set forth in the ordinance.
26 The ordinance must be construed, if possible, to comply with this
27 chapter. If a provision of the ordinance or an application of the
28 ordinance violates this chapter, the invalidity does not affect the other
29 provisions or applications of the ordinance that can be given effect
30 without the invalid provision or application. The provisions of the
31 ordinance are severable.
- 32 ~~(m)~~ If a conflict exists between:
- 33 ~~(1) a map showing the boundaries of a district; and~~
34 ~~(2) a description of the boundaries of that district set forth in the~~
35 ~~ordinance;~~
36 ~~the district boundaries are the description of the boundaries set forth in~~
37 ~~the ordinance, not the boundaries shown on the map; to the extent there~~
38 ~~is a conflict between the description and the map:~~
- 39 ~~(n)~~ **(l)** This subsection applies to a town having a population of less
40 than three thousand five hundred (3,500). If the town legislative body
41 has not:
42 (1) adopted an ordinance under subsection (a) and subject to



1 subsection ~~(g)~~ (f) after December 31, 2011; or
 2 (2) adopted an ordinance recertifying districts under subsection
 3 ~~(k)~~ (j) after December 31, 2011;
 4 the town legislative body districts are abolished, effective January 1,
 5 2018. A town described by this subsection may adopt an ordinance to
 6 establish town legislative body districts in accordance with subsection
 7 (a) and subject to subsection ~~(g)~~ (f) after January 1, 2018.

8 **(m) IC 3-5-10 applies to a plan established under this section.**

9 SECTION 16. IC 36-6-6-2.5, AS AMENDED BY P.L.271-2013,
 10 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 2.5. (a) This section applies to townships in a
 12 county containing a consolidated city.

13 (b) The legislative body shall adopt a resolution that divides the
 14 township into legislative body districts that:

- 15 (1) are composed of contiguous territory;
- 16 (2) are reasonably compact;
- 17 (3) respect, as nearly as reasonably practicable, precinct boundary
- 18 lines; and
- 19 (4) contain, as nearly as reasonably practicable, equal population.

20 (c) Before a legislative body may adopt a resolution that divides a
 21 township into legislative body districts, the secretary of the legislative
 22 body shall mail a written notice to the circuit court clerk. This notice
 23 must:

- 24 (1) state that the legislative body is considering the adoption of a
- 25 resolution to divide the township into legislative body districts;
- 26 and
- 27 (2) be mailed not later than ten (10) days before the legislative
- 28 body adopts the resolution.

29 (d) Except as provided in subsection ~~(f)~~; (e), the legislative body
 30 shall make a division into legislative body districts ~~at the following~~
 31 ~~times:~~

- 32 ~~(1) During the second year after a year in which a federal~~
- 33 ~~decennial census is conducted;~~
- 34 ~~(2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the~~
- 35 ~~township changes;~~

36 ~~(e) The legislative body may make the division under this section at~~
 37 ~~any time; subject to IC 3-11-1.5-32.5: only at times permitted under~~
 38 ~~IC 3-5-10.~~

39 ~~(f) This subsection applies during the second year after a year in~~
 40 ~~which a federal decennial census is conducted:~~ (e) If the legislative
 41 body determines that a division is not required under subsection (b),
 42 the legislative body shall adopt an ordinance recertifying that the



- 1 districts as drawn comply with this section.
- 2 ~~(g)~~ (f) Each time there is a division under subsection (b) or a
- 3 recertification under subsection ~~(f)~~; ~~(e)~~, the legislative body shall file
- 4 with the circuit court clerk of the county not later than thirty (30) days
- 5 after the adoption or recertification occurs a map of the district
- 6 boundaries:
- 7 (1) adopted under subsection (b); or
- 8 (2) recertified under subsection ~~(f)~~; ~~(e)~~.
- 9 ~~(h)~~ (g) The limitations set forth in this section are part of the
- 10 ordinance, but do not have to be specifically set forth in the ordinance.
- 11 The ordinance must be construed, if possible, to comply with this
- 12 chapter. If a provision of the ordinance or an application of the
- 13 ordinance violates this chapter, the invalidity does not affect the other
- 14 provisions or applications of the ordinance that can be given effect
- 15 without the invalid provision or application. The provisions of the
- 16 ordinance are severable.
- 17 ~~(i)~~ If a conflict exists between:
- 18 ~~(1)~~ a map showing the boundaries of a district; and
- 19 ~~(2)~~ a description of the boundaries of that district set forth in the
- 20 ordinance;
- 21 the district boundaries are the description of the boundaries set forth in
- 22 the ordinance, not the boundaries shown on the map, to the extent there
- 23 is a conflict between the description and the map.
- 24 (h) IC 3-5-10 applies to a plan established under this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1285 as introduced.)

WESCO

Committee Vote: Yeas 10, Nays 2

