



Reprinted
January 28, 2022

HOUSE BILL No. 1285

DIGEST OF HB 1285 (Updated January 27, 2022 3:19 pm - DI 75)

Citations Affected: IC 1-1; IC 3-5; IC 3-11; 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.

January 27, 2022, read second time, amended, ordered engrossed.

HB 1285—LS 6948/DI 75



Reprinted
January 28, 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 1-1-3.5-2.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 2.3. As used in this chapter, "special census" means**
4 **a basic enumeration of population, housing units, group quarters**
5 **and transitory locations conducted by the U.S. Census Bureau at**
6 **the request of a political subdivision.**
- 7 SECTION 2. IC 3-5-10 IS ADDED TO THE INDIANA CODE AS
8 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2022]:
- 10 **Chapter 10. Drawing Election Districts for Local and School**
11 **Board Offices**
- 12 **Sec. 1. (a) This chapter applies when a redistricting authority**
13 **redraws election districts required by law.**
- 14 **(b) In addition to the provisions of this chapter, the provisions**
15 **of the applicable statute apply to redistricting.**
- 16 **Sec. 2. The definitions in IC 1-1-3.5 apply throughout this**
17 **chapter.**

HB 1285—LS 6948/DI 75



1 **Sec. 3.** As used in this chapter, "applicable statute" refers to the
 2 statute under which a redistricting authority is required to
 3 establish election districts.

4 **Sec. 4.** As used in this chapter, "census event" refers to any of
 5 the following:

- 6 (1) A federal decennial census.
- 7 (2) A federal special census.
- 8 (3) A special tabulation.
- 9 (4) A corrected population count.

10 **Sec. 5. (a)** As used in this chapter, "plan" refers to the
 11 description of the districts that a redistricting authority is required
 12 to establish.

13 **(b)** The term includes the maps and written descriptions of the
 14 maps that define all the districts that a plan is required to have
 15 under the applicable law.

16 **Sec. 6.** As used in this chapter, "redistricting authority" refers
 17 to the body or other authority that is required to redraw election
 18 districts for local or school board offices.

19 **Sec. 7. (a)** Subject to section 8 of this chapter, a redistricting
 20 authority shall redistrict election districts according to the
 21 following schedule:

22 **(1)** If the census event is a federal decennial census, the
 23 following:

24 **(A)** For a county executive or county fiscal body, only
 25 during the first year after the federal decennial census is
 26 conducted.

27 **(B)** For a school corporation, only during the first year
 28 after the federal decennial census is conducted.

29 **(C)** For a municipality that conducts its municipal elections
 30 in an odd numbered year, only during the second year
 31 after the federal decennial census is conducted.

32 **(D)** For a municipality that conducts its municipal elections
 33 in:

34 (i) an even numbered year; or

35 (i) both an even numbered year and an odd numbered
 36 year;

37 only during the first year after the federal decennial census
 38 is conducted.

39 **(2)** For a census event other than a federal decennial census,
 40 only during the first year after the year the census event
 41 becomes effective with respect to the political subdivision, as
 42 provided in IC 1-1-3.5-3.



- 1 (3) Whenever a county adopts an order declaring a county
- 2 boundary to be changed under IC 36-2-1-2 that affects the
- 3 boundaries of the political subdivision.
- 4 (4) Whenever required to assign annexed territory to a
- 5 district, subject to the provisions of IC 36-4-3.
- 6 (5) Whenever the boundary of the political subdivision is
- 7 changed.
- 8 (6) As provided in the order of a court that has found the
- 9 current redistricting plan unconstitutional or otherwise
- 10 unlawful.

11 (b) A redistricting authority may not redistrict at a time other
 12 than is provided in subsection (a).

13 Sec. 8. A redistricting authority is not required to redistrict if
 14 the applicable statute provides that the redistricting authority may
 15 certify that the existing districts continue to satisfy all the
 16 requirements of the applicable statute and other applicable law.

17 Sec. 9. 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
- 20 the plan;

21 the district boundaries are the description of the boundaries set
 22 forth in the plan, not the boundaries shown on the map, but only to
 23 the extent there is a conflict between the description and the map.

24 Sec. 10. If any territory in the political subdivision is not
 25 included in one (1) of the districts, the territory is included in the
 26 district that:

- 27 (1) is contiguous to that territory; and
- 28 (2) contains the least population of all districts contiguous to
- 29 that territory.

30 Sec. 11. If any territory in the political subdivision is included
 31 in more than one (1) of the districts, the territory is included in the
 32 district that:

- 33 (1) is one (1) of the districts in which the territory is described
- 34 in the ordinance or resolution that establishes the plan;
- 35 (2) is contiguous to that territory; and
- 36 (3) contains the least population of all districts contiguous to
- 37 that territory.

38 SECTION 3. IC 3-11-1.5-32 IS REPEALED [EFFECTIVE JULY
 39 1, 2022]. Sec. 32. The legislative body of a municipality may not
 40 change the boundary of a district established under:

- 41 (1) IC 36-3-4-3;
- 42 (2) IC 36-4-6-3;



- 1 (3) IC 36-4-6-4;
 2 (4) IC 36-4-6-5;
 3 (5) IC 36-5-1-10.1;
 4 (6) IC 36-5-2-4.1; or
 5 (7) IC 36-5-2-4.2;
 6 after November 8 of the year preceding the year in which a municipal
 7 election is to be held and before the day following the date on which
 8 the municipal election is held except to assign territory to a municipal
 9 legislative body district in an annexation ordinance.
 10 SECTION 4. IC 20-23-4-35, AS AMENDED BY P.L.271-2013,
 11 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 35. (a) The governing body of a school
 13 corporation may be organized under this section.
 14 (b) The governing body consists of seven (7) members, elected as
 15 follows:
 16 (1) Four (4) members elected from districts, with one (1) member
 17 serving from each election district. A member elected under this
 18 subdivision must be:
 19 (A) a resident of the election district from which the member
 20 is elected; and
 21 (B) voted upon by only the registered voters residing within
 22 the election district and voting at a governing body election.
 23 (2) Three (3) members, who are voted upon by all the registered
 24 voters residing within the school corporation and voting at a
 25 governing body election, elected under this subdivision. The
 26 governing body shall establish three (3) residential districts as
 27 follows:
 28 (A) One (1) residential district must be the township that has
 29 the greatest population within the school corporation.
 30 (B) Two (2) residential districts must divide the remaining
 31 area within the school corporation.
 32 Only one (1) member who resides within a particular residential
 33 district established under this subdivision may serve on the
 34 governing body at a time.
 35 (c) A member of the governing body who is:
 36 (1) elected from an election or a residential district; or
 37 (2) appointed to fill a vacancy from an election or a residential
 38 district;
 39 must reside within the boundaries of the district the member represents.
 40 (d) A vacancy on the governing body shall be filled by the
 41 governing body as soon as practicable after the vacancy occurs. A
 42 member chosen by the governing body to fill a vacancy holds office for



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



1 SECTION 5. IC 20-23-7-4.5, AS ADDED BY P.L.271-2013,
 2 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 4.5. (a) Not later than December 31, 2013, the
 4 board of commissioners shall do the following:

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

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

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

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

23 (1) A copy of the amendment.

24 (2) Either of the following:

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

28 (B) If the plan amendment requires reestablishment of the
 29 school corporation's election districts to comply with section
 30 4 of this chapter, a map of the new district boundaries.

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

34 (e) ~~If a conflict exists between:~~

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

36 ~~(2) a description of the boundaries of that district set forth in the~~
 37 ~~plan or plan amendment;~~

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

42 SECTION 6. IC 20-23-8-8.5, AS AMENDED BY P.L.278-2019,



1 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2022]: Sec. 8.5. (a) The governing body shall
 3 do the following:

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

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

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

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

22 (1) A copy of the amendment.

23 (2) Either of the following:

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

27 (B) If the plan amendment requires reestablishment of the
 28 school corporation's election districts to comply with section
 29 8 of this chapter, a map of the new district boundaries.

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

33 (e) 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 ~~plan or plan amendment;~~

37 ~~the district boundaries are the description of the boundaries set forth in~~
 38 ~~the plan or plan amendment; not the boundaries shown on the map; to~~
 39 ~~the extent there is a conflict between the description and the map:~~

40 **IC 3-5-10 applies to a plan established under this section.**

41 SECTION 7. IC 20-23-14-4.5, AS ADDED BY P.L.271-2013,
 42 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 4.5. (a) Until the first **reapportionment**
 2 **redistricting** required under this section, the school districts for the
 3 election of the members of the governing body under section 3(b) of
 4 this chapter are the districts set forth in section 4 of this chapter (before
 5 its repeal).

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

10 (c) The school districts established must:

- 11 (1) be as near as practicable equal in population;
- 12 (2) have boundaries set forth in the text of the resolution; and
- 13 (3) comply with:
 - 14 (A) the Constitution of the United States; and
 - 15 (B) the Constitution of the State of Indiana;

16 including the equal protection clauses of both constitutions.

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

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

33 (f) Each time the governing body amends the resolution or makes a
 34 recertification, the governing body shall file a copy of the following
 35 with the board of elections and registration established by IC 3-6-5.2-3
 36 not later than thirty (30) days after the amendment or recertification
 37 occurs:

- 38 (1) A copy of the amendment or recertification.
- 39 (2) One (1) of the following:
 - 40 (A) A certification that changes to the school district
 - 41 boundaries as established are not required to comply with
 - 42 subsection (c).



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



1 filed not later than thirty (30) days after the amendment or
2 recertification occurs.

3 (e) The limitations set forth in this section are part of the plan, but
4 do not have to be specifically set forth in the plan. The plan must be
5 construed, if possible, to comply with this chapter. If a provision of the
6 plan or an application of the plan violates this chapter, the invalidity
7 does not affect the other provisions or applications of the plan that can
8 be given effect without the invalid provision or application. The
9 provisions of the plan are severable.

10 (f) If a conflict exists between:

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

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

14 the district boundaries are the description of the boundaries set forth in
15 the plan or plan amendment; not the boundaries shown on the map; to
16 the extent there is a conflict between the description and the map.

17 **IC 3-5-10 applies to a plan established under this section.**

18 SECTION 9. IC 36-2-2-4, AS AMENDED BY P.L.271-2013,
19 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2022]: Sec. 4. (a) This subsection does not apply to a county
21 having a population of: **the following counties:**

22 (1) **A county having a population of** more than four hundred
23 thousand (400,000) **but and** less than seven hundred thousand
24 (700,000). **or**

25 (2) **A county having a population of** more than two hundred fifty
26 thousand (250,000) **but less than two hundred seventy thousand**
27 **(270,000): two hundred fifty thousand (250,000) and less than**
28 **three hundred thousand (300,000).**

29 The executive shall divide the county into three (3) districts that are
30 composed of contiguous territory and are reasonably compact. The
31 district boundaries drawn by the executive must not cross precinct
32 boundary lines and must divide townships only when a division is
33 clearly necessary to accomplish redistricting under this section. If
34 necessary, the county auditor shall call a special meeting of the
35 executive to establish or revise districts.

36 (b) This subsection applies to a county having a population of more
37 than four hundred thousand (400,000) **but and** less than seven hundred
38 thousand (700,000). A county redistricting commission shall divide the
39 county into three (3) single-member districts that comply with
40 subsection (d). The commission is composed of:

41 (1) the members of the Indiana election commission;

42 (2) two (2) members of the senate selected by the president pro



1 tempore, one (1) from each political party; and
 2 (3) two (2) members of the house of representatives selected by
 3 the speaker, one (1) from each political party.
 4 The legislative members of the commission have no vote and may act
 5 only in an advisory capacity. A majority vote of the voting members is
 6 required for the commission to take action. The commission may meet
 7 as frequently as necessary to perform its duty under this subsection.
 8 The commission's members serve without additional compensation
 9 above that provided for them as members of the Indiana election
 10 commission, the senate, or the house of representatives.
 11 (c) This subsection applies to a county having a population of more
 12 than ~~two hundred fifty thousand (250,000) but less than two hundred~~
 13 ~~seventy thousand (270,000):~~ **two hundred fifty thousand (250,000)**
 14 **and less than three hundred thousand (300,00).** The executive shall
 15 divide the county into three (3) single-member districts that comply
 16 with subsection (d).
 17 (d) Single-member districts established under subsection (b) or (c)
 18 must:
 19 (1) be compact, subject only to natural boundary lines (such as
 20 railroads, major highways, rivers, creeks, parks, and major
 21 industrial complexes);
 22 (2) contain, as nearly as is possible, equal population; and
 23 (3) not cross precinct lines.
 24 (e) Except as provided by subsection ~~(g)~~; **(f)**, a division under
 25 subsection (a), (b), or (c) shall be made
 26 ~~(1) during the first year after a year in which a federal decennial~~
 27 ~~census is conducted; and~~
 28 ~~(2) when the county adopts an order declaring a county boundary~~
 29 ~~to be changed under IC 36-2-1-2.~~
 30 ~~(f) A division under subsection (a), (b), or (c) may be made in any~~
 31 ~~odd-numbered year not described in subsection (e):~~ **only at times**
 32 **permitted under IC 3-5-10.**
 33 ~~(g) This subsection applies during the first year after a year in which~~
 34 ~~a federal decennial census is conducted:~~ **(f)** If the county executive or
 35 county redistricting commission determines that a division under
 36 subsection (e) is not required, the county executive or county
 37 redistricting commission shall adopt an ordinance recertifying that the
 38 districts as drawn comply with this section.
 39 ~~(h)~~ **(g)** Each time there is a division under subsection (e) ~~or~~ ~~(f)~~ or a
 40 recertification under subsection ~~(g)~~; **(f)**, the county executive or county
 41 redistricting commission shall file with the circuit court clerk of the
 42 county, not later than thirty (30) days after the division or



1 recertification occurs, a map of the district boundaries:

2 (1) adopted under subsection (e); ~~or (f)~~; or

3 (2) recertified under subsection ~~(g)~~: **(f)**.

4 ~~(j)~~ **(h)** The limitations set forth in this section are part of the
5 ordinance, but do not have to be specifically set forth in the ordinance.
6 The ordinance must be construed, if possible, to comply with this
7 chapter. If a provision of the ordinance or an application of the
8 ordinance violates this chapter, the invalidity does not affect the other
9 provisions or applications of the ordinance that can be given effect
10 without the invalid provision or application. The provisions of the
11 ordinance are severable.

12 ~~(j)~~ If a conflict exists between:

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

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

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

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

20 SECTION 10. IC 36-2-2-4.5 IS REPEALED [EFFECTIVE JULY
21 1, 2022]. Sec. 4.5: (a) If any territory in a county is not included in one
22 ~~(1)~~ of the districts established under section 4 of this chapter, the
23 territory is included in the district that:

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

25 ~~(2) contains the least population of all districts contiguous to that~~
26 ~~territory.~~

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

30 ~~(1) is one (1) of the districts in which the territory is described in~~
31 ~~the ordinance adopted under section 4 of this chapter;~~

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

33 ~~(3) contains the least population of all districts contiguous to that~~
34 ~~territory.~~

35 SECTION 11. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
36 SECTION 186, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) This subsection does not
38 apply to a county having a population of: **the following counties:**

39 (1) **A county having a population of** more than four hundred
40 thousand (400,000) ~~but and~~ less than seven hundred thousand
41 (700,000). ~~or~~

42 (2) **A county having a population of** more than two hundred fifty



1 thousand (250,000) but less than two hundred seventy thousand
 2 ~~(270,000)~~; **two hundred fifty thousand (250,000) and less than**
 3 **three hundred thousand (300,000).**

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

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

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

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

- 29 (1) be compact, subject only to natural boundary lines (such as
- 30 railroads, major highways, rivers, creeks, parks, and major
- 31 industrial complexes);
- 32 (2) not cross precinct boundary lines;
- 33 (3) contain, as nearly as possible, equal population; and
- 34 (4) include whole townships, except when a division is clearly
- 35 necessary to accomplish redistricting under this section.

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

- 38 ~~(1) during the first year after a year in which a federal decennial~~
- 39 ~~census is conducted;~~ and
- 40 ~~(2) when the county executive adopts an order declaring a county~~
- 41 ~~boundary to be changed under IC 36-2-1-2.~~

42 **(f) A division under subsection (a), (b), or (c) may be made in any**



1 odd-numbered year not described in subsection (e): **only at times**
 2 **permitted under IC 3-5-10.**

3 ~~(g)~~ This subsection applies during the first year after a year in which
 4 a federal decennial census is conducted: **(f)** If the county executive,
 5 county redistricting commission, or county fiscal body determines that
 6 a division under subsection (e) is not required, the county executive,
 7 county redistricting commission, or county fiscal body shall adopt an
 8 ordinance recertifying that the districts as drawn comply with this
 9 section.

10 ~~(h)~~ **(g)** Each time there is a division under subsection (e) ~~or (f)~~ or a
 11 recertification under subsection ~~(g)~~; **(f)**, the county executive, county
 12 redistricting commission, or county fiscal body shall file with the
 13 circuit court clerk of the county, not later than thirty (30) days after the
 14 division or recertification occurs, a map of the district boundaries:

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

17 ~~(i)~~ **(h)** 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 ~~(j)~~ 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 **(i) IC 3-5-10 applies to a plan established under this section.**

33 SECTION 12. IC 36-2-3-4.5 IS REPEALED [EFFECTIVE JULY
 34 1, 2022]. Sec. 4-5: (a) If any territory in any county is not included in
 35 one (1) of the districts established under section 4 of this chapter, the
 36 territory is included in the district that:

- 37 (1) is contiguous to that territory; and
 38 (2) contains the least population of all districts contiguous to that
 39 territory:

40 (b) If any territory in any county is included in more than one (1) of
 41 the districts established under section 4 of this chapter, the territory is
 42 included in the district that:



1 (1) is one (1) of the districts in which the territory is described in
 2 the ordinance adopted under section 4 of this chapter;
 3 (2) is contiguous to that territory; and
 4 (3) contains the least population of all districts contiguous to that
 5 territory.

6 SECTION 13. IC 36-3-4-3, AS AMENDED BY P.L.2-2014,
 7 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The city-county legislative
 9 body shall, by ordinance, divide the whole county into twenty-five (25)
 10 districts that:

11 (1) are compact, subject only to natural boundary lines (such as
 12 railroads, major highways, rivers, creeks, parks, and major
 13 industrial complexes);

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

15 (3) do not cross precinct boundary lines.

16 Except as provided by subsection (f), this division shall be made ~~before~~
 17 ~~the end of the second year after a year in which a federal decennial~~
 18 ~~census is conducted and may also be made at any other time, subject to~~
 19 ~~IC 3-11-1.5-32. only at times permitted under IC 3-5-10.~~

20 (b) The legislative body is composed of ~~the following~~:

21 (1) ~~Before January 1, 2016, twenty-five (25) members elected~~
 22 ~~from the districts established under subsection (a) and four (4)~~
 23 ~~members elected from an at-large district containing the whole~~
 24 ~~county.~~

25 (2) ~~After December 31, 2015, twenty-five (25) members elected~~
 26 ~~from the districts established under subsection (a).~~

27 (c) Each voter of the county may vote for one (1) candidate from the
 28 district in which the voter resides.

29 (d) If the legislative body fails to make the division before the date
 30 prescribed by subsection (a) or the division is alleged to violate
 31 subsection (a) or other law, a taxpayer or registered voter of the county
 32 may petition the superior court of the county to hear and determine the
 33 matter. The court shall hear and determine the matter as a five (5)
 34 member panel of judges from the superior court. The clerk of the court
 35 shall select the judges electronically and randomly. The clerk shall
 36 maintain a record of the method and process used to select the judges
 37 and shall make the record available for public inspection and copying.
 38 Not more than three (3) members of the five (5) member panel of
 39 judges may be of the same political party. The first judge selected shall
 40 maintain the case file and preside over the proceedings. There may not
 41 be a change of venue from the court or from the county. The court may
 42 appoint a master to assist in its determination and may draw proper



1 district boundaries if necessary. An appeal from the court's judgment
 2 must be taken within thirty (30) days, directly to the supreme court, in
 3 the same manner as appeals from other actions.

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

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

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

- 17 (1) adopted under subsection (a); or
- 18 (2) recertified under subsection (f).

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

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

- 28 (1) ~~a map showing the boundaries of a district; and~~
- 29 (2) ~~a description of the boundaries of that district set forth in the~~
 30 ~~ordinance;~~

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

35 SECTION 14. IC 36-4-6-3, AS AMENDED BY P.L.271-2013,
 36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2022]: Sec. 3. (a) This section applies only to second class
 38 cities.

39 (b) The legislative body shall adopt an ordinance to divide the city
 40 into six (6) districts that:

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



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



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

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

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

9 ~~(2)~~ contains the least population of all districts contiguous to that
 10 territory.

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

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

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

17 ~~(3)~~ contains the least population of all districts contiguous to that
 18 territory.

19 ~~(l)~~ 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 (g) is not required,
 22 the legislative body shall adopt an ordinance recertifying that the
 23 districts as drawn comply with this section.

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

29 (1) adopted under subsection (b); or

30 (2) recertified under subsection ~~(1)~~: ~~(j)~~.

31 ~~(n)~~ ~~(l)~~ The limitations set forth in this section are part of the
 32 ordinance, but do not have to be specifically set forth in the ordinance.
 33 The ordinance must be construed, if possible, to comply with this
 34 chapter. If a provision of the ordinance or an application of the
 35 ordinance violates this chapter, the invalidity does not affect the other
 36 provisions or applications of the ordinance that can be given effect
 37 without the invalid provision or application. The provisions of the
 38 ordinance are severable.

39 ~~(o)~~ 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 ordinance;



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

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

5 SECTION 15. IC 36-4-6-4, AS AMENDED BY P.L.271-2013,
 6 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 4. (a) This section applies to third class cities,
 8 except as provided by section 5 of this chapter.

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

- 12 (1) are composed of contiguous territory, except for territory that
- 13 is not contiguous to any other part of the city;
- 14 (2) are reasonably compact;
- 15 (3) do not cross precinct boundary lines except as provided in
- 16 subsection (c) or (d); and
- 17 (4) contain, as nearly as is possible, equal population.

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

- 20 (1) more than one (1) member of the legislative body elected from
- 21 the districts established under subsection (b), (j), or (m) resides in
- 22 one (1) precinct established under IC 3-11-1.5 after the most
- 23 recent municipal election; and
- 24 (2) following the establishment of a legislative body district
- 25 whose boundary crosses a precinct boundary line, not more than
- 26 one (1) member of the legislative body elected from the districts
- 27 resides within the same city legislative body district.

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

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

- 33 (1) except when following a precinct boundary line; or
- 34 (2) unless the city legislative body certifies in the ordinance that
- 35 the census block has no population, and is not likely to ever have
- 36 population.

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

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



- 1 (2) be mailed not later than ten (10) days before the legislative
2 body adopts the ordinance.
- 3 (g) Except as provided in subsection ~~(q)~~; **(o)**, the division under
4 subsection (b), (j), or (m) shall be made
5 ~~(1) during the second year after a year in which a federal~~
6 ~~decennial census is conducted; and~~
7 ~~(2) when required to assign annexed territory to a district.~~
8 ~~This division may be made at any other time; subject to IC 3-11-1.5-32.~~
9 **only at times permitted under IC 3-5-10.**
- 10 (h) This subsection does not apply to a city with an ordinance
11 described by subsection (j) or (m). The legislative body is composed of
12 five (5) members elected from the districts established under
13 subsection (b) and two (2) at-large members.
- 14 (i) This subsection does not apply to a city with an ordinance
15 described by subsection (j) or (m). Each voter of the city may vote for
16 two (2) candidates for at-large membership and one (1) candidate from
17 the district in which the voter resides. The two (2) at-large candidates
18 receiving the most votes from the whole city and the district candidates
19 receiving the most votes from their respective districts are elected to
20 the legislative body.
- 21 (j) A city may adopt an ordinance under this subsection to divide the
22 city into four (4) districts that:
23 (1) are composed of contiguous territory;
24 (2) are reasonably compact;
25 (3) do not cross precinct boundary lines, except as provided in
26 subsection (c) or (d); and
27 (4) contain, as nearly as is possible, equal population.
- 28 (k) This subsection applies to a city with an ordinance described by
29 subsection (j). The legislative body is composed of four (4) members
30 elected from the districts established under subsection (j) and three (3)
31 at-large members.
- 32 (l) This subsection applies to a city with an ordinance described by
33 subsection (j). Each voter of the city may vote for three (3) candidates
34 for at-large membership and one (1) candidate from the district in
35 which the voter resides. The three (3) at-large candidates receiving the
36 most votes from the whole city and the district candidates receiving the
37 most votes from their respective districts are elected to the legislative
38 body.
- 39 (m) This subsection applies only if the ordinance adopted under
40 IC 36-4-1.5-3 by the town legislative body of a town that has a
41 population of less than ten thousand (10,000) and that becomes a city
42 specifies that the city legislative body districts are governed by this



1 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
2 the town into city legislative body districts may provide that:

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

4 (A) are composed of contiguous territory;

5 (B) are reasonably compact;

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

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

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

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

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

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

23 (2) recertified under subsection ~~(q)~~: **(o)**.

24 ~~(o) If any territory in the city is not included in one (1) of the~~
25 ~~districts established under this section, the territory is included in the~~
26 ~~district that:~~

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

28 ~~(2) contains the least population of all districts contiguous to that~~
29 ~~territory.~~

30 ~~(p) If any territory in the city is included in more than one (1) of the~~
31 ~~districts established under this section, the territory is included in the~~
32 ~~district that:~~

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

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

36 ~~(3) contains the least population of all districts contiguous to that~~
37 ~~territory.~~

38 ~~(q) This subsection applies during the second year after a year in~~
39 ~~which a federal decennial census is conducted:~~ **(o)** If the legislative
40 body determines that a division under subsection (g) is not required,
41 the legislative body shall adopt an ordinance recertifying that the
42 districts as drawn comply with this section.



1 (†) (p) The limitations set forth in this section are part of the
 2 ordinance, but do not have to be specifically set forth in the ordinance.
 3 The ordinance must be construed, if possible, to comply with this
 4 chapter. If a provision of the ordinance or an application of the
 5 ordinance violates this chapter, the invalidity does not affect the other
 6 provisions or applications of the ordinance that can be given effect
 7 without the invalid provision or application. The provisions of the
 8 ordinance are severable.

9 (s) If a conflict exists between:

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

11 (2) a description of the boundaries of that district set forth in the
 12 ordinance;

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

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

17 SECTION 16. IC 36-4-6-5, AS AMENDED BY P.L.271-2013,
 18 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 5. (a) This section applies to third class cities
 20 having a population of less than ten thousand (10,000). The legislative
 21 body of such a city may, by ordinance adopted after June 30, 2010, and
 22 during a year in which an election of the legislative body will not
 23 occur, decide to be governed by this section instead of section 4 of this
 24 chapter. The legislative body districts created by an ordinance adopted
 25 under this subsection apply to the first election of the legislative body
 26 held after the date the ordinance is adopted. The clerk of the legislative
 27 body shall send a certified copy of any ordinance adopted under this
 28 subsection to the secretary of the county election board.

29 (b) This subsection does not apply to a city with an ordinance
 30 described by subsection (j). The legislative body shall adopt an
 31 ordinance to divide the city into four (4) districts that:

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

34 (2) are reasonably compact;

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

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

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

40 (1) more than one (1) member of the legislative body elected from
 41 the districts established under subsection (b) or (j) resides in one

42 (1) precinct established under IC 3-11-1.5 after the most recent



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



- 1 is not contiguous to any other part of the city;
 2 (2) are reasonably compact;
 3 (3) do not cross precinct boundary lines, except as provided in
 4 subsection (c) or (d); and
 5 (4) contain, as nearly as is possible, equal population.
- 6 (k) This subsection applies to a city with an ordinance described by
 7 subsection (j). The legislative body is composed of three (3) members
 8 elected from the districts established under subsection (j) and two (2)
 9 at-large members.
- 10 (l) This subsection applies to a city with an ordinance described by
 11 subsection (j). Each voter of the city may vote for two (2) candidates
 12 for at-large membership and one (1) candidate from the district in
 13 which the voter resides. The two (2) at-large candidates receiving the
 14 most votes from the whole city and the district candidates receiving the
 15 most votes from their respective districts are elected to the legislative
 16 body.
- 17 (m) This subsection applies to a city having a population of less than
 18 seven thousand (7,000). A legislative body of such a city that has, by
 19 resolution adopted before May 7, 1991, decided to continue an election
 20 process that permits each voter of the city to vote for one (1) candidate
 21 at large and one (1) candidate from each of its four (4) council districts
 22 may hold elections using that voting arrangement. The at-large
 23 candidate and the candidate from each district receiving the most votes
 24 from the whole city are elected to the legislative body. The districts
 25 established in cities adopting such a resolution may cross precinct
 26 boundary lines.
- 27 (n) A copy of the ordinance establishing districts or a recertification
 28 under this section must be filed with the circuit court clerk of the
 29 county that contains the greatest population of the city not later than
 30 thirty (30) days after the ordinance or recertification is adopted. The
 31 filing must include a map of the district boundaries:
- 32 (1) adopted under subsection (b) or (j); or
 33 (2) recertified under subsection ~~(q)~~: **(o)**.
- 34 ~~(o) If any territory in the city is not included in one (1) of the~~
 35 ~~districts established under this section, the territory is included in the~~
 36 ~~district that:~~
 37 ~~(1) is contiguous to that territory; and~~
 38 ~~(2) contains the least population of all districts contiguous to that~~
 39 ~~territory.~~
- 40 ~~(p) If any territory in the city is included in more than one (1) of the~~
 41 ~~districts established under this section, the territory is included in the~~
 42 ~~district that:~~



1 (†) is one (†) of the districts in which the territory is described in
 2 the ordinance adopted under this section;
 3 (2) is contiguous to that territory; and
 4 (3) contains the least population of all districts contiguous to that
 5 territory.

6 (q) This subsection applies during the second year after a year in
 7 which a federal decennial census is conducted: (o) If the legislative
 8 body determines that a division under subsection (b) or (j) is not
 9 required, the legislative body shall adopt an ordinance recertifying that
 10 the districts as drawn comply with this section.

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

19 (s) If a conflict exists between:

20 (1) a map showing the boundaries of a district; and
 21 (2) a description of the boundaries of that district set forth in the
 22 ordinance;

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

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

27 SECTION 17. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017,
 28 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 4.1. (a) The legislative body may, by ordinance,
 30 divide the town into districts for the purpose of conducting elections of
 31 town officers.

32 (b) A town legislative body district must comply with the following
 33 standards:

34 (1) The district must be composed of contiguous territory, except
 35 for territory that is not contiguous to any other part of the town.

36 (2) The district must be reasonably compact.

37 (3) The district must contain, as nearly as is possible, equal
 38 population.

39 (4) The district may not cross a census block boundary except
 40 when following a precinct boundary line or unless the ordinance
 41 specifies that the census block has no population and is not likely
 42 to have population before the effective date of the next federal



1 decennial census.
 2 (5) The district may not cross precinct lines, except as provided
 3 in subsection (c).
 4 (c) The boundary of a town legislative body district established
 5 under subsection (a) may cross a precinct boundary line if:
 6 (1) the legislative body provides by ordinance under section 5 of
 7 this chapter that all legislative body members are to be elected at
 8 large by the voters of the whole town; or
 9 (2) the district would not otherwise contain, as nearly as is
 10 possible, equal population.
 11 (d) If any territory in the town 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 ~~(e) If any territory in the town 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 ~~(f) (e)~~ The ordinance may be appealed in the manner prescribed by
 26 IC 34-13-6. If the town is located in two (2) or more counties, the
 27 appeal may be filed in the circuit or superior court of any of those
 28 counties.
 29 ~~(g) (f)~~ This subsection does not apply to a town with an ordinance
 30 described by subsection ~~(h)~~: **(g)**. Except as provided in subsection ~~(k)~~;
 31 **(j)**, the division permitted by subsection (a) shall be made
 32 ~~(1) during the second year after a year in which a federal~~
 33 ~~decennial census is conducted; subject to IC 3-11-1.5-32; and~~
 34 ~~(2) when required to assign annexed territory to a municipal~~
 35 ~~legislative body district.~~
 36 **The division may also be made in any other year. only at times**
 37 **permitted under IC 3-5-10.**
 38 ~~(h) (g)~~ This subsection applies to a town having a population of less
 39 than three thousand five hundred (3,500). The town legislative body
 40 may adopt an ordinance providing that:
 41 (1) town legislative body districts are abolished; and
 42 (2) all members of the legislative body are elected at large.



- 1 ~~(h)~~ **(g)** An ordinance described by subsection ~~(h)~~: **(g)**:
- 2 (1) may not be adopted or repealed during a year in which a
- 3 municipal election is scheduled to be conducted in the town under
- 4 IC 3-10-6 or IC 3-10-7; and
- 5 (2) is effective upon passage.
- 6 ~~(j)~~ **(i)** A copy of the ordinance establishing districts or a
- 7 recertification under this section must be filed with the circuit court
- 8 clerk of the county that contains the greatest population of the town not
- 9 later than thirty (30) days after the ordinance or recertification is
- 10 adopted. The filing must include a map of the district boundaries:
- 11 (1) adopted under subsection (a); or
- 12 (2) recertified under subsection ~~(k)~~: **(j)**.
- 13 ~~(k)~~ This subsection applies during the second year after a year in
- 14 which a federal decennial census is conducted: **(j)** If the legislative
- 15 body determines that a division under subsection (a) is not required, the
- 16 legislative body shall adopt an ordinance recertifying that the districts
- 17 as drawn comply with this section.
- 18 ~~(l)~~ **(k)** The limitations set forth in this section are part of the
- 19 ordinance, but do not have to be specifically set forth in the ordinance.
- 20 The ordinance must be construed, if possible, to comply with this
- 21 chapter. If a provision of the ordinance or an application of the
- 22 ordinance violates this chapter, the invalidity does not affect the other
- 23 provisions or applications of the ordinance that can be given effect
- 24 without the invalid provision or application. The provisions of the
- 25 ordinance are severable.
- 26 ~~(m)~~ If a conflict exists between:
- 27 ~~(1) a map showing the boundaries of a district; and~~
- 28 ~~(2) a description of the boundaries of that district set forth in the~~
- 29 ~~ordinance;~~
- 30 the district boundaries are the description of the boundaries set forth in
- 31 the ordinance, not the boundaries shown on the map, to the extent there
- 32 is a conflict between the description and the map:
- 33 ~~(n)~~ **(l)** This subsection applies to a town having a population of less
- 34 than three thousand five hundred (3,500). If the town legislative body
- 35 has not:
- 36 (1) adopted an ordinance under subsection (a) and subject to
- 37 subsection ~~(g)~~ **(f)** after December 31, 2011; or
- 38 (2) adopted an ordinance recertifying districts under subsection
- 39 ~~(k)~~ **(j)** after December 31, 2011;
- 40 the town legislative body districts are abolished, effective January 1,
- 41 2018. A town described by this subsection may adopt an ordinance to
- 42 establish town legislative body districts in accordance with subsection



1 (a) and subject to subsection ~~(g)~~ (f) after January 1, 2018.

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

3 SECTION 18. IC 36-6-6-2.5, AS AMENDED BY P.L.271-2013,
4 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 2.5. (a) This section applies to townships in a
6 county containing a consolidated city.

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

9 (1) are composed of contiguous territory;

10 (2) are reasonably compact;

11 (3) respect, as nearly as reasonably practicable, precinct boundary
12 lines; and

13 (4) contain, as nearly as reasonably practicable, equal population.

14 (c) Before a legislative body may adopt a resolution that divides a
15 township into legislative body districts, the secretary of the legislative
16 body shall mail a written notice to the circuit court clerk. This notice
17 must:

18 (1) state that the legislative body is considering the adoption of a
19 resolution to divide the township into legislative body districts;
20 and

21 (2) be mailed not later than ten (10) days before the legislative
22 body adopts the resolution.

23 (d) Except as provided in subsection ~~(f)~~; **(e)**, the legislative body
24 shall make a division into legislative body districts ~~at the following~~
25 ~~times~~:

26 ~~(1) During the second year after a year in which a federal~~
27 ~~decennial census is conducted.~~

28 ~~(2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the~~
29 ~~township changes.~~

30 ~~(e) The legislative body may make the division under this section at~~
31 ~~any time, subject to IC 3-11-1.5-32.5. **only at times permitted under**~~
32 ~~IC 3-5-10.~~

33 ~~(f) This subsection applies during the second year after a year in~~
34 ~~which a federal decennial census is conducted.~~ (e) If the legislative
35 body determines that a division is not required under subsection (b),
36 the legislative body shall adopt an ordinance recertifying that the
37 districts as drawn comply with this section.

38 ~~(g)~~ (f) Each time there is a division under subsection (b) or a
39 recertification under subsection ~~(f)~~; **(e)**, the legislative body shall file
40 with the circuit court clerk of the county not later than thirty (30) days
41 after the adoption or recertification occurs a map of the district
42 boundaries:



- 1 (1) adopted under subsection (b); or
 2 (2) recertified under subsection ~~(f)~~: **(e)**.
 3 ~~(h)~~ **(g)** The limitations set forth in this section are part of the
 4 ordinance, but do not have to be specifically set forth in the ordinance.
 5 The ordinance must be construed, if possible, to comply with this
 6 chapter. If a provision of the ordinance or an application of the
 7 ordinance violates this chapter, the invalidity does not affect the other
 8 provisions or applications of the ordinance that can be given effect
 9 without the invalid provision or application. The provisions of the
 10 ordinance are severable.
 11 ~~(i)~~ If a conflict exists between:
 12 ~~(1)~~ a map showing the boundaries of a district; and
 13 ~~(2)~~ a description of the boundaries of that district set forth in the
 14 ordinance;
 15 the district boundaries are the description of the boundaries set forth in
 16 the ordinance; not the boundaries shown on the map; to the extent there
 17 is a conflict between the description and the map.
 18 **(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

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1285 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3.5-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 2.3. As used in this chapter, "special census" means a basic enumeration of population, housing units, group quarters and transitory locations conducted by the U.S. Census Bureau at the request of a political subdivision.**"

Page 1, delete lines 8 through 11, begin a new paragraph and insert:

"(b) In addition to the provisions of this chapter, the provisions of the applicable statute apply to redistricting."

Page 2, line 16, delete "not later than the" and insert **"according to the following schedule:"**.

Page 2, delete line 17.

Page 2, delete lines 18 through 20, begin a new line block indented and insert:

"(1) If the census event is a federal decennial census, the following:

(A) For a county executive or county fiscal body, only during the first year after the federal decennial census is conducted.

(B) For a school corporation, only during the first year after the federal decennial census is conducted.

(C) For a municipality that conducts its municipal elections in an odd numbered year, only during the second year after the federal decennial census is conducted.



(D) For a municipality that conducts its municipal elections in:

- (i) an even numbered year; or**
 - (i) both an even numbered year and an odd numbered year;**
- only during the first year after the federal decennial census is conducted.**

(2) For a census event other than a federal decennial census, only during the first year after the year the census event becomes effective with respect to the political subdivision, as provided in IC 1-1-3.5-3."

Page 2, line 21, delete "(2)" and insert "(3)".

Page 2, line 24, delete "(3)" and insert "(4)".

Page 2, line 26, delete "(4)" and insert "(5)".

Page 2, line 28, delete "(5)" and insert "(6)".

Page 3, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 3. IC 3-11-1.5-32 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 32. The legislative body of a municipality may not change the boundary of a district established under:

- (1) IC ~~36-3-4-3~~;
- (2) IC ~~36-4-6-3~~;
- (3) IC ~~36-4-6-4~~;
- (4) IC ~~36-4-6-5~~;
- (5) IC ~~36-5-1-10.1~~;
- (6) IC ~~36-5-2-4.1~~; or
- (7) IC ~~36-5-2-4.2~~;

after November 8 of the year preceding the year in which a municipal election is to be held and before the day following the date on which the municipal election is held except to assign territory to a municipal legislative body district in an annexation ordinance."

Page 11, line 25, after "applies" insert "to".

Renumber all SECTIONS consecutively.

(Reference is to HB 1285 as printed January 25, 2022.)

PIERCE

