



February 15, 2022

ENGROSSED HOUSE BILL No. 1285

DIGEST OF HB 1285 (Updated February 14, 2022 11:54 am - DI 104)

Citations Affected: IC 1-1; IC 3-5; IC 3-11; IC 20-23; IC 20-25; 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 a provision that limited the number of school board members that may reside in the same school board district for the Indianapolis public school board. Changes the entity that establishes the Indianapolis public school districts within the school city from the Indiana state board of education to the board of school commissioners. Removes the discretionary ability of political subdivisions to redistrict election districts at times other than those required by statute. Allows for additional time for redistricting after the 2020 decennial census. 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: Upon passage.

Teshka

(SENATE SPONSORS — ROGERS, WALKER K)

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.

January 28, 2022, engrossed.

January 31, 2022, read third time, passed. Yeas 81, nays 10.

SENATE ACTION

February 8, 2022, read first time and referred to Committee on Elections.

February 14, 2022, amended, reported favorably — Do Pass.

EH 1285—LS 6948/DI 75



February 15, 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.

ENGROSSED 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
3 UPON PASSAGE]: **Sec. 2.3. As used in this chapter, "special**
4 **census" means a basic enumeration of population, housing units,**
5 **group quarters and transitory locations conducted by the U.S.**
6 **Census Bureau at 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 UPON
9 PASSAGE]:
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.**

EH 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 **However,** a body described in clauses **(A)** through **(D)** that has
40 not completed the redistricting on March 1, 2022, has until
41 December 31, 2022 to redistrict the election districts from the
42 2020 decennial census.



- 1 (2) For a census event other than a federal decennial census,
- 2 only during the first year after the year the census event
- 3 becomes effective with respect to the political subdivision, as
- 4 provided in IC 1-1-3.5-3.
- 5 (3) Whenever a county adopts an order declaring a county
- 6 boundary to be changed under IC 36-2-1-2 that affects the
- 7 boundaries of the political subdivision.
- 8 (4) Whenever required to assign annexed territory to a
- 9 district, subject to the provisions of IC 36-4-3.
- 10 (5) Whenever the boundary of the political subdivision is
- 11 changed.
- 12 (6) As provided in the order of a court that has found the
- 13 current redistricting plan unconstitutional or otherwise
- 14 unlawful.

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

17 Sec. 8. A redistricting authority is not required to redistrict if
 18 the applicable statute provides that the redistricting authority may
 19 certify that the existing districts continue to satisfy all the
 20 requirements of the applicable statute and other applicable law.

21 Sec. 9. If a conflict exists between:

- 22 (1) a map showing the boundaries of a district; and
- 23 (2) a description of the boundaries of that district set forth in
 24 the plan;

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

28 Sec. 10. If any territory in the political subdivision is not
 29 included in one (1) of the districts, the territory is included in the
 30 district that:

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

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

- 37 (1) is one (1) of the districts in which the territory is described
 38 in the ordinance or resolution that establishes the plan;
- 39 (2) is contiguous to that territory; and
- 40 (3) contains the least population of all districts contiguous to
 41 that territory.

42 SECTION 3. IC 3-11-1.5-32 IS REPEALED [EFFECTIVE UPON



1 PASSAGE]. Sec. 32: The legislative body of a municipality may not
2 change the boundary of a district established under:

3 (1) IC 36-3-4-3;

4 (2) IC 36-4-6-3;

5 (3) IC 36-4-6-4;

6 (4) IC 36-4-6-5;

7 (5) IC 36-5-1-10.1;

8 (6) IC 36-5-2-4.1; or

9 (7) IC 36-5-2-4.2;

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

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

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

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

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

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

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

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

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

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

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

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

41 (2) appointed to fill a vacancy from an election or a residential
42 district;



- 1 must reside within the boundaries of the district the member represents.
 2 (d) A vacancy on the governing body shall be filled by the
 3 governing body as soon as practicable after the vacancy occurs. A
 4 member chosen by the governing body to fill a vacancy holds office for
 5 the remainder of the unexpired term.
 6 (e) The members of the governing body serving at the time a plan
 7 is amended under this section shall establish the election and
 8 residential districts described in subsection (b).
 9 (f) The election districts described in subsection (b)(1):
 10 (1) shall be drawn on the basis of precinct lines;
 11 (2) may not cross precinct lines; and
 12 (3) as nearly as practicable, be of equal population, with the
 13 population of the largest exceeding the population of the smallest
 14 by not more than fifteen percent (15%).
 15 (g) The residential districts described in subsection (b)(2) may:
 16 (1) be drawn in any manner considered appropriate by the
 17 governing body; and
 18 (2) be drawn along township lines.
 19 (h) The governing body shall certify the districts that are established
 20 under subsections (f) and (g), amended under subsection (e), or
 21 recertified under section 35.5 of this chapter to:
 22 (1) the state board; and
 23 (2) the circuit court clerk of each county in which the school
 24 corporation is located as provided in section 35.5 of this chapter.
 25 (i) The governing body shall designate:
 26 (1) three (3) of the districts established under this section to be
 27 elected at the first school board election that occurs after the
 28 effective date of the plan; and
 29 (2) the remaining four (4) districts to be elected at the second
 30 school board election that occurs after the effective date of the
 31 plan.
 32 (j) The limitations set forth in this section are part of the plan, but
 33 do not have to be specifically set forth in the plan. The plan must be
 34 construed, if possible, to comply with this chapter. If a provision of the
 35 plan or an application of the plan violates this chapter, the invalidity
 36 does not affect the other provisions or applications of the plan that can
 37 be given effect without the invalid provision or application. The
 38 provisions of the plan are severable.
 39 (k) ~~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 20-23-7-4.5, AS ADDED BY P.L.271-2013,
 6 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 4.5. (a) Not later than December 31, 2013, the
 8 board of commissioners shall do the following:

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

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

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

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

27 (1) A copy of the amendment.

28 (2) Either of the following:

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

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

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

38 (e) If a conflict exists between:

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

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

42 the district boundaries are the description of the boundaries set forth in



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

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

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

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

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

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

26 (1) A copy of the amendment.

27 (2) Either of the following:

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

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

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

37 (e) 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 the
 40 plan or plan amendment;

41 the district boundaries are the description of the boundaries set forth in
 42 the plan or plan amendment, not the boundaries shown on the map; to



1 the extent there is a conflict between the description and the map:
 2 **IC 3-5-10 applies to a plan established under this section.**

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

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

14 (c) The school districts established must:

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

20 including the equal protection clauses of both constitutions.

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

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

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

- 42 (1) A copy of the amendment or recertification.



1 (2) One (1) of the following:

2 (A) A certification that changes to the school district
3 boundaries as established are not required to comply with
4 subsection (c).

5 (B) If reapportionment of the school districts and changes to
6 their boundaries are required to comply with subsection (c), a
7 map showing the boundaries of the new school districts.

8 (g) ~~If a conflict exists between:~~

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

10 ~~(2) a description of the boundaries of that school district set forth~~
11 ~~in the resolution or resolution amendment;~~

12 ~~the school district boundaries are the description of the boundaries set~~
13 ~~forth in the resolution or resolution amendment; not the boundaries~~
14 ~~shown on the map; to the extent there is a conflict between the~~
15 ~~description and the map. IC 3-5-10 applies to a plan established~~
16 ~~under this section.~~

17 SECTION 8. IC 20-23-15-7.5, AS ADDED BY P.L.271-2013,
18 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 7.5. (a) Not later than December 31, 2013, the
20 governing body shall do the following:

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

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

28 ~~(b) This subsection applies during the first year after a year in which~~
29 ~~a federal decennial census is conducted.~~ The governing body shall
30 amend the plan if an amendment is necessary to reestablish the districts
31 in compliance with section 7 of this chapter. If the governing body
32 determines that a plan amendment is not required, the governing body
33 shall recertify that the districts as established comply with section 7 of
34 this chapter.

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

38 (1) A copy of the amendment.

39 (2) Either of the following:

40 (A) A certification that the plan amendment does not require
41 reestablishment of the school corporation's election districts to
42 comply with section 7 of this chapter.



- 1 (B) If the plan amendment requires reestablishment of the
 2 school corporation's election districts to comply with section
 3 7 of this chapter, a map of the new district boundaries.
- 4 (d) A plan amendment or recertification under this section must be
 5 filed not later than thirty (30) days after the amendment or
 6 recertification occurs.
- 7 (e) The limitations set forth in this section are part of the plan, but
 8 do not have to be specifically set forth in the plan. The plan must be
 9 construed, if possible, to comply with this chapter. If a provision of the
 10 plan or an application of the plan violates this chapter, the invalidity
 11 does not affect the other provisions or applications of the plan that can
 12 be given effect without the invalid provision or application. The
 13 provisions of the plan are severable.
- 14 (f) ~~If a conflict exists between:~~
 15 ~~(1) a map showing the boundaries of a district; and~~
 16 ~~(2) a description of the boundaries of that district set forth in the~~
 17 ~~plan or plan amendment;~~
 18 ~~the district boundaries are the description of the boundaries set forth in~~
 19 ~~the plan or plan amendment; not the boundaries shown on the map; to~~
 20 ~~the extent there is a conflict between the description and the map.~~
 21 **IC 3-5-10 applies to a plan established under this section.**
- 22 SECTION 9. IC 20-25-3-4, AS AMENDED BY P.L.219-2013,
 23 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7)
 25 members. A member:
 26 (1) must be elected on a nonpartisan basis in general elections
 27 held in the county as specified in this section; and
 28 (2) serves a four (4) year term.
- 29 (b) Five (5) members shall be elected from the school board districts
 30 in which the members reside, and two (2) members must be elected at
 31 large. ~~Not more than two (2) of the members who serve on the board~~
 32 ~~may reside in the same school board district.~~
- 33 (c) If a candidate runs for one (1) of the district positions on the
 34 board, only eligible voters residing in the candidate's district may vote
 35 for that candidate. If a person is a candidate for one (1) of the at-large
 36 positions, eligible voters from all the districts may vote for that
 37 candidate.
- 38 (d) If a candidate files to run for a position on the board, the
 39 candidate must specify whether the candidate is running for a district
 40 or an at-large position.
- 41 (e) A candidate who runs for a district or an at-large position wins
 42 if the candidate receives the greatest number of votes of all the



1 candidates for the position.

2 (f) Districts shall be established within the school city by the ~~state~~
3 **board of school commissioners**. The districts must be drawn on the
4 basis of precinct lines, and as nearly as practicable, of equal population
5 with the population of the largest district not to exceed the population
6 of the smallest district by more than five percent (5%). District lines
7 must not cross precinct lines. The ~~state~~ **board of school commissioners**
8 shall establish:

9 (1) balloting procedures for the election under IC 3; and

10 (2) other procedures required to implement this section.

11 (g) A member of the board serves under section 3 of this chapter.

12 (h) In accordance with subsection (k), a vacancy in the board shall
13 be filled temporarily by the board as soon as practicable after the
14 vacancy occurs. The member chosen by the board to fill a vacancy
15 holds office until the member's successor is elected and qualified. The
16 successor shall be elected at the next regular school board election
17 occurring after the date on which the vacancy occurs. The successor
18 fills the vacancy for the remainder of the term.

19 (i) An individual elected to serve on the board begins the
20 individual's term on the date set in the school corporation's organization
21 plan. The date set in the organization plan for an elected member of the
22 board to take office may not be more than fourteen (14) months after
23 the date of the member's election. If the school corporation's
24 organization plan does not set a date for a member of the board to take
25 office, the member takes office January 1 immediately following the
26 individual's election.

27 (j) Notwithstanding any law to the contrary, each voter must cast a
28 vote for a school board candidate or school board candidates by voting
29 system or paper ballot. However, the same method used to cast votes
30 for all other offices for which candidates have qualified to be on the
31 election ballot must be used for the board offices.

32 (k) If a vacancy in the board exists because of the death of a
33 member, the remaining members of the board shall meet and select an
34 individual to fill the vacancy in accordance with subsection (h) after
35 the secretary of the board receives notice of the death under IC 5-8-6.

36 SECTION 10. IC 36-2-2-4, AS AMENDED BY P.L.271-2013,
37 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
39 ~~county having a population of:~~ **the following counties:**

40 (1) **A county having a population of** more than four hundred
41 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
42 (700,000). ~~or~~



1 (2) **A county having a population of more than two hundred fifty**
 2 **thousand (250,000) but less than two hundred seventy thousand**
 3 **(270,000): two hundred fifty thousand (250,000) and less than**
 4 **three hundred thousand (300,000).**

5 The executive shall divide the county into three (3) districts that are
 6 composed of contiguous territory and are reasonably compact. The
 7 district boundaries drawn by the executive must not cross precinct
 8 boundary lines and must divide townships only when a division is
 9 clearly necessary to accomplish redistricting under this section. If
 10 necessary, the county auditor shall call a special meeting of the
 11 executive to establish or revise districts.

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

- 17 (1) the members of the Indiana election commission;
 18 (2) two (2) members of the senate selected by the president pro
 19 tempore, one (1) from each political party; and
 20 (3) two (2) members of the house of representatives selected by
 21 the speaker, one (1) from each political party.

22 The legislative members of the commission have no vote and may act
 23 only in an advisory capacity. A majority vote of the voting members is
 24 required for the commission to take action. The commission may meet
 25 as frequently as necessary to perform its duty under this subsection.
 26 The commission's members serve without additional compensation
 27 above that provided for them as members of the Indiana election
 28 commission, the senate, or the house of representatives.

29 (c) This subsection applies to a county having a population of more
 30 than ~~two hundred fifty thousand (250,000) but less than two hundred~~
 31 ~~seventy thousand (270,000):~~ **two hundred fifty thousand (250,000)**
 32 **and less than three hundred thousand (300,00).** The executive shall
 33 divide the county into three (3) single-member districts that comply
 34 with subsection (d).

35 (d) Single-member districts established under subsection (b) or (c)
 36 must:

- 37 (1) be compact, subject only to natural boundary lines (such as
 38 railroads, major highways, rivers, creeks, parks, and major
 39 industrial complexes);
 40 (2) contain, as nearly as is possible, equal population; and
 41 (3) not cross precinct lines.

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 adopts an order declaring a county boundary
5 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 or
11 county redistricting commission determines that a division under
12 subsection (e) is not required, the county executive or county
13 redistricting commission shall adopt an ordinance recertifying that the
14 districts as drawn comply with this section.

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

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

21 (2) recertified under subsection (g): (f).

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

30 (j) If a conflict exists between:

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

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

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

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

38 SECTION 11. IC 36-2-2-4.5 IS REPEALED [EFFECTIVE UPON
39 PASSAGE]. Sec. 4-5: (a) If any territory in a county is not included in
40 one (1) of the districts established under section 4 of this chapter, the
41 territory is included in the district that:

42 (1) is contiguous to that territory; and



- 1 (2) contains the least population of all districts contiguous to that
- 2 territory;
- 3 (b) If any territory in any county is included in more than one (1) of
- 4 the districts established under section 4 of this chapter, the territory is
- 5 included in the district that:
- 6 (1) is one (1) of the districts in which the territory is described in
- 7 the ordinance adopted under section 4 of this chapter;
- 8 (2) is contiguous to that territory; and
- 9 (3) contains the least population of all districts contiguous to that
- 10 territory.

11 SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
 12 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not
 14 apply to a county having a population of: **the following counties:**

- 15 (1) **A county having a population of** more than four hundred
- 16 thousand (400,000) ~~but and~~ less than seven hundred thousand
- 17 (700,000). ~~or~~
- 18 (2) **A county having a population of** more than ~~two hundred fifty~~
- 19 thousand (250,000) ~~but less than two hundred seventy thousand~~
- 20 (~~270,000~~): **two hundred fifty thousand (250,000) and less than**
- 21 **three hundred thousand (300,000).**

22 The county executive shall, by ordinance, divide the county into four
 23 (4) contiguous, single-member districts that comply with subsection
 24 (d). If necessary, the county auditor shall call a special meeting of the
 25 executive to establish or revise districts. One (1) member of the fiscal
 26 body shall be elected by the voters of each of the four (4) districts.
 27 Three (3) at-large members of the fiscal body shall be elected by the
 28 voters of the whole county.

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

36 (c) This subsection applies to a county having a population of more
 37 than ~~two hundred fifty thousand (250,000) but less than two hundred~~
 38 ~~seventy thousand (270,000):~~ **two hundred fifty thousand (250,000)**
 39 **and less than three hundred thousand (300,000).** The fiscal body
 40 shall divide the county into nine (9) single-member districts that
 41 comply with subsection (d). Three (3) of these districts must be
 42 contained within each of the three (3) districts established under



1 IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by
2 the voters of each of these nine (9) single-member districts.

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

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

8 (2) not cross precinct boundary lines;

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

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

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

14 ~~(1) during the first year after a year in which a federal decennial
15 census is conducted; and~~

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

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

21 ~~(g) This subsection applies during the first year after a year in which
22 a federal decennial census is conducted. (f) If the county executive,
23 county redistricting commission, or county fiscal body determines that
24 a division under subsection (e) is not required, the county executive,
25 county redistricting commission, or county fiscal body shall adopt an
26 ordinance recertifying that the districts as drawn comply with this
27 section.~~

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

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

34 ~~(2) recertified under subsection (g); (f).~~

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



1 (j) If a conflict exists between:
 2 (1) a map showing the boundaries of a district; and
 3 (2) a description of the boundaries of that district set forth in the
 4 ordinance;
 5 the district boundaries are the description of the boundaries set forth in
 6 the ordinance, not the boundaries shown on the map; to the extent there
 7 is a conflict between the description and the map.
 8 (i) **IC 3-5-10 applies to a plan established under this section.**
 9 SECTION 13. IC 36-2-3-4.5 IS REPEALED [EFFECTIVE UPON
 10 PASSAGE]. Sec. 4.5: (a) If any territory in any county is not included
 11 in one (1) of the districts established under section 4 of this chapter, the
 12 territory is included in the district that:
 13 (1) is contiguous to that territory; and
 14 (2) contains the least population of all districts contiguous to that
 15 territory.
 16 (b) If any territory in any county is included in more than one (1) of
 17 the districts established under section 4 of this chapter, the territory is
 18 included in the district that:
 19 (1) is one (1) of the districts in which the territory is described in
 20 the ordinance adopted under section 4 of this chapter;
 21 (2) is contiguous to that territory; and
 22 (3) contains the least population of all districts contiguous to that
 23 territory.
 24 SECTION 14. IC 36-3-4-3, AS AMENDED BY P.L.2-2014,
 25 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The city-county
 27 legislative body shall, by ordinance, divide the whole county into
 28 twenty-five (25) districts that:
 29 (1) are compact, subject only to natural boundary lines (such as
 30 railroads, major highways, rivers, creeks, parks, and major
 31 industrial complexes);
 32 (2) contain, as nearly as is possible, equal population; and
 33 (3) do not cross precinct boundary lines.
 34 Except as provided by subsection (f), this division shall be made before
 35 the end of the second year after a year in which a federal decennial
 36 census is conducted and may also be made at any other time, subject to
 37 ~~IC 3-11-1.5-32~~: **only at times permitted under IC 3-5-10.**
 38 (b) The legislative body is composed of the following:
 39 (1) Before January 1, 2016, twenty-five (25) members elected
 40 from the districts established under subsection (a) and four (4)
 41 members elected from an at-large district containing the whole
 42 county.



- 1 (2) ~~After December 31, 2015~~, twenty-five (25) members elected
 2 from the districts established under subsection (a).
- 3 (c) Each voter of the county may vote for one (1) candidate from the
 4 district in which the voter resides.
- 5 (d) If the legislative body fails to make the division before the date
 6 prescribed by subsection (a) or the division is alleged to violate
 7 subsection (a) or other law, a taxpayer or registered voter of the county
 8 may petition the superior court of the county to hear and determine the
 9 matter. The court shall hear and determine the matter as a five (5)
 10 member panel of judges from the superior court. The clerk of the court
 11 shall select the judges electronically and randomly. The clerk shall
 12 maintain a record of the method and process used to select the judges
 13 and shall make the record available for public inspection and copying.
 14 Not more than three (3) members of the five (5) member panel of
 15 judges may be of the same political party. The first judge selected shall
 16 maintain the case file and preside over the proceedings. There may not
 17 be a change of venue from the court or from the county. The court may
 18 appoint a master to assist in its determination and may draw proper
 19 district boundaries if necessary. An appeal from the court's judgment
 20 must be taken within thirty (30) days, directly to the supreme court, in
 21 the same manner as appeals from other actions.
- 22 (e) An election of the legislative body held under the ordinance or
 23 court judgment determining districts that is in effect on the date of the
 24 election is valid, regardless of whether the ordinance or judgment is
 25 later determined to be invalid.
- 26 (f) ~~This subsection applies during the second year after a year in~~
 27 ~~which a federal decennial census is conducted.~~ If the legislative body
 28 determines that a division under subsection (a) is not required, the
 29 legislative body shall adopt an ordinance recertifying that the districts
 30 as drawn comply with this section.
- 31 (g) Each time there is a division under subsection (a) or a
 32 recertification under subsection (f), the legislative body shall file with
 33 the circuit court clerk of the county, not later than thirty (30) days after
 34 the division or recertification occurs, a map of the district boundaries:
 35 (1) adopted under subsection (a); or
 36 (2) recertified under subsection (f).
- 37 (h) The limitations set forth in this section are part of the ordinance,
 38 but do not have to be specifically set forth in the ordinance. The
 39 ordinance must be construed, if possible, to comply with this chapter.
 40 If a provision of the ordinance or an application of the ordinance
 41 violates this chapter, the invalidity does not affect the other provisions
 42 or applications of the ordinance that can be given effect without the



1 invalid provision or application. The provisions of the ordinance are
2 severable.

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

11 SECTION 15. IC 36-4-6-3, AS AMENDED BY P.L.271-2013,
12 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 3. (a) This section applies only to second class
14 cities.

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

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

19 (2) are reasonably compact;

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

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

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

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

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

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

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

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

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

42 (f) The legislative body may not adopt an ordinance dividing the city



1 into districts with boundaries described by subsection (c) or (d) unless
 2 the clerk of the city mails a written notice to the circuit court clerk. The
 3 notice must:

- 4 (1) state that the legislative body is considering the adoption of an
 5 ordinance described by this subsection; and
- 6 (2) be mailed not later than ten (10) days before the legislative
 7 body adopts the ordinance.

8 (g) Except as provided in subsection ~~(f)~~, **(j)**, the division under
 9 subsection (b) shall be made

- 10 ~~(f) during the second year after a year in which a federal~~
 11 ~~decennial census is conducted; and~~
- 12 ~~(2) when required to assign annexed territory to a district.~~

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

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

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

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

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

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

- 32 ~~(f) is one (f) of the districts in which the territory is described in~~
 33 ~~the ordinance adopted under this section;~~
- 34 ~~(2) is contiguous to that territory; and~~
- 35 ~~(3) contains the least population of all districts contiguous to that~~
 36 ~~territory.~~

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

42 ~~(m)~~ **(k)** A copy of the ordinance establishing districts or a



1 recertification adopted under this section must be filed with the circuit
 2 court clerk of the county that contains the greatest population of the
 3 city not later than thirty (30) days after the ordinance or recertification
 4 is adopted. The filing must include a map of the district boundaries:

- 5 (1) adopted under subsection (b); or
- 6 (2) recertified under subsection ~~(f)~~ **(j)**.

7 ~~(n)~~ **(l)** 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 ~~(o)~~ 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 **(m) IC 3-5-10 applies to a plan established under this section.**

23 SECTION 16. IC 36-4-6-4, AS AMENDED BY P.L.271-2013,
 24 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities,
 26 except as provided by section 5 of this chapter.

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

- 30 (1) are composed of contiguous territory, except for territory that
 31 is not contiguous to any other part of the city;
- 32 (2) are reasonably compact;
- 33 (3) do not cross precinct boundary lines except as provided in
 34 subsection (c) or (d); and
- 35 (4) contain, as nearly as is possible, equal population.

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

- 38 (1) more than one (1) member of the legislative body elected from
 39 the districts established under subsection (b), (j), or (m) resides in
 40 one (1) precinct established under IC 3-11-1.5 after the most
 41 recent municipal election; and
- 42 (2) following the establishment of a legislative body district



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



- 1 (3) do not cross precinct boundary lines, except as provided in
 2 subsection (c) or (d); and
 3 (4) contain, as nearly as is possible, equal population.
- 4 (k) This subsection applies to a city with an ordinance described by
 5 subsection (j). The legislative body is composed of four (4) members
 6 elected from the districts established under subsection (j) and three (3)
 7 at-large members.
- 8 (l) This subsection applies to a city with an ordinance described by
 9 subsection (j). Each voter of the city may vote for three (3) candidates
 10 for at-large membership and one (1) candidate from the district in
 11 which the voter resides. The three (3) at-large candidates receiving the
 12 most votes from the whole city and the district candidates receiving the
 13 most votes from their respective districts are elected to the legislative
 14 body.
- 15 (m) This subsection applies only if the ordinance adopted under
 16 IC 36-4-1.5-3 by the town legislative body of a town that has a
 17 population of less than ten thousand (10,000) and that becomes a city
 18 specifies that the city legislative body districts are governed by this
 19 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
 20 the town into city legislative body districts may provide that:
- 21 (1) the city shall be divided into three (3) districts that:
 22 (A) are composed of contiguous territory;
 23 (B) are reasonably compact;
 24 (C) do not cross precinct boundary lines, except as provided in
 25 subsection (c) or (d); and
 26 (D) contain, as nearly as is possible, equal population; and
 27 (2) the legislative body of the city is composed of three (3)
 28 members elected from the districts established under this
 29 subsection and two (2) at-large members.
- 30 Each voter of the city may vote for two (2) candidates for at-large
 31 membership and one (1) candidate from the district in which the voter
 32 resides. The two (2) at-large candidates receiving the most votes from
 33 the whole city and the district candidates receiving the most votes from
 34 their respective districts are elected to the legislative body.
- 35 (n) A copy of the ordinance establishing districts or a recertification
 36 adopted under this section must be filed with the circuit court clerk of
 37 the county that contains the greatest population of the city no later than
 38 thirty (30) days after the ordinance or recertification is adopted. The
 39 filing must include a map of the district boundaries:
 40 (1) adopted under subsection (b), (j), or (m); or
 41 (2) recertified under subsection ~~(q)~~ (o).
 42 ~~(o) If any territory in the city is not included in one (1) of the~~



1 districts established under this section; the territory is included in the
2 district that:

3 (1) is contiguous to that territory; and

4 (2) contains the least population of all districts contiguous to that
5 territory.

6 (p) If any territory in the city is included in more than one (1) of the
7 districts established under this section; the territory is included in the
8 district that:

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

11 (2) is contiguous to that territory; and

12 (3) contains the least population of all districts contiguous to that
13 territory.

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

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

27 (s) 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:

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

35 SECTION 17. IC 36-4-6-5, AS AMENDED BY P.L.271-2013,
36 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 5. (a) This section applies to third class cities
38 having a population of less than ten thousand (10,000). The legislative
39 body of such a city may, by ordinance adopted after June 30, 2010, and
40 during a year in which an election of the legislative body will not
41 occur, decide to be governed by this section instead of section 4 of this
42 chapter. The legislative body districts created by an ordinance adopted



1 under this subsection apply to the first election of the legislative body
 2 held after the date the ordinance is adopted. The clerk of the legislative
 3 body shall send a certified copy of any ordinance adopted under this
 4 subsection to the secretary of the county election board.

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

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

10 (2) are reasonably compact;

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

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

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

16 (1) more than one (1) member of the legislative body elected from
 17 the districts established under subsection (b) or (j) resides in one
 18 (1) precinct established under IC 3-11-1.5 after the most recent
 19 municipal election; and

20 (2) following the establishment of a legislative body district
 21 whose boundary crosses a precinct boundary line, not more than
 22 one (1) member of the legislative body elected from the districts
 23 resides within the same city legislative body district.

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

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

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

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

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

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

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

41 (g) Except as provided in subsection ~~(e)~~, (o), the division under
 42 subsection (b) or (j) shall be made



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

3 (‡) when required to assign annexed territory to a district.

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

6 (h) This subsection does not apply to a city with an ordinance
7 described by subsection (j). The legislative body is composed of four
8 (4) members elected from the districts established under subsection (b)
9 and one (1) at-large member.

10 (i) This subsection does not apply to a city with an ordinance
11 described by subsection (j). Each voter may vote for one (1) candidate
12 for at-large membership and one (1) candidate from the district in
13 which the voter resides. The at-large candidate receiving the most votes
14 from the whole city and the district candidates receiving the most votes
15 from their respective districts are elected to the legislative body.

16 (j) A city may adopt an ordinance under this subsection to divide the
17 city into three (3) 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 (k) This subsection applies to a city with an ordinance described by
25 subsection (j). The legislative body is composed of three (3) members
26 elected from the districts established under subsection (j) and two (2)
27 at-large members.

28 (l) This subsection applies to a city with an ordinance described by
29 subsection (j). Each voter of the city may vote for two (2) candidates
30 for at-large membership and one (1) candidate from the district in
31 which the voter resides. The two (2) at-large candidates receiving the
32 most votes from the whole city and the district candidates receiving the
33 most votes from their respective districts are elected to the legislative
34 body.

35 (m) This subsection applies to a city having a population of less than
36 seven thousand (7,000). A legislative body of such a city that has, by
37 resolution adopted before May 7, 1991, decided to continue an election
38 process that permits each voter of the city to vote for one (1) candidate
39 at large and one (1) candidate from each of its four (4) council districts
40 may hold elections using that voting arrangement. The at-large
41 candidate and the candidate from each district receiving the most votes
42 from the whole city are elected to the legislative body. The districts



1 established in cities adopting such a resolution may cross precinct
2 boundary lines.

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

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

9 (2) recertified under subsection (q): **(o).**

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

13 (1) is contiguous to that territory; and

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

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

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

21 (2) is contiguous to that territory; and

22 (3) contains the least population of all districts contiguous to that
23 territory.

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

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

37 (s) 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 the
40 ordinance;

41 the district boundaries are the description of the boundaries set forth in
42 the ordinance, not the boundaries shown on the map; to the extent there



1 is a conflict between the description and the map:

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

3 SECTION 18. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017,
4 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by
6 ordinance, divide the town into districts for the purpose of conducting
7 elections of town officers.

8 (b) A town legislative body district must comply with the following
9 standards:

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

12 (2) The district must be reasonably compact.

13 (3) The district must contain, as nearly as is possible, equal
14 population.

15 (4) The district may not cross a census block boundary except
16 when following a precinct boundary line or unless the ordinance
17 specifies that the census block has no population and is not likely
18 to have population before the effective date of the next federal
19 decennial census.

20 (5) The district may not cross precinct lines, except as provided
21 in subsection (c).

22 (c) The boundary of a town legislative body district established
23 under subsection (a) may cross a precinct boundary line if:

24 (1) the legislative body provides by ordinance under section 5 of
25 this chapter that all legislative body members are to be elected at
26 large by the voters of the whole town; or

27 (2) the district would not otherwise contain, as nearly as is
28 possible, equal population.

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

32 (1) is contiguous to that territory; and

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

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

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

40 (2) is contiguous to that territory; and

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



1 ~~(f)~~ (e) The ordinance may be appealed in the manner prescribed by
 2 IC 34-13-6. If the town is located in two (2) or more counties, the
 3 appeal may be filed in the circuit or superior court of any of those
 4 counties.

5 ~~(g)~~ (f) This subsection does not apply to a town with an ordinance
 6 described by subsection ~~(h)~~: (g). Except as provided in subsection ~~(k)~~;
 7 (j), the division permitted by subsection (a) shall be made

- 8 (1) during the second year after a year in which a federal
 9 decennial census is conducted; subject to IC 3-11-1.5-32; and
 10 (2) when required to assign annexed territory to a municipal
 11 legislative body district.

12 The division may also be made in any other year: **only at times**
 13 **permitted under IC 3-5-10.**

14 ~~(h)~~ (g) This subsection applies to a town having a population of less
 15 than three thousand five hundred (3,500). The town legislative body
 16 may adopt an ordinance providing that:

- 17 (1) town legislative body districts are abolished; and
 18 (2) all members of the legislative body are elected at large.

19 ~~(i)~~ (h) An ordinance described by subsection ~~(h)~~: (g):

- 20 (1) may not be adopted or repealed during a year in which a
 21 municipal election is scheduled to be conducted in the town under
 22 IC 3-10-6 or IC 3-10-7; and
 23 (2) is effective upon passage.

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

- 29 (1) adopted under subsection (a); or
 30 (2) recertified under subsection ~~(k)~~: (j).

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

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



- 1 ordinance are severable.
- 2 ~~(m)~~ If a conflict exists between:
- 3 ~~(1)~~ a map showing the boundaries of a district; and
- 4 ~~(2)~~ a description of the boundaries of that district set forth in the
- 5 ordinance;
- 6 the district boundaries are the description of the boundaries set forth in
- 7 the ordinance, not the boundaries shown on the map, to the extent there
- 8 is a conflict between the description and the map.
- 9 ~~(n)~~ **(l)** This subsection applies to a town having a population of less
- 10 than three thousand five hundred (3,500). If the town legislative body
- 11 has not:
- 12 (1) adopted an ordinance under subsection (a) and subject to
- 13 subsection ~~(g)~~ **(f)** after December 31, 2011; or
- 14 (2) adopted an ordinance recertifying districts under subsection
- 15 ~~(k)~~ **(j)** after December 31, 2011;
- 16 the town legislative body districts are abolished, effective January 1,
- 17 2018. A town described by this subsection may adopt an ordinance to
- 18 establish town legislative body districts in accordance with subsection
- 19 (a) and subject to subsection ~~(g)~~ **(f)** after January 1, 2018.
- 20 **(m) IC 3-5-10 applies to a plan established under this section.**
- 21 SECTION 19. IC 36-6-6-2.5, AS AMENDED BY P.L.271-2013,
- 22 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 2.5. (a) This section applies to townships in
- 24 a county containing a consolidated city.
- 25 (b) The legislative body shall adopt a resolution that divides the
- 26 township into legislative body districts that:
- 27 (1) are composed of contiguous territory;
- 28 (2) are reasonably compact;
- 29 (3) respect, as nearly as reasonably practicable, precinct boundary
- 30 lines; and
- 31 (4) contain, as nearly as reasonably practicable, equal population.
- 32 (c) Before a legislative body may adopt a resolution that divides a
- 33 township into legislative body districts, the secretary of the legislative
- 34 body shall mail a written notice to the circuit court clerk. This notice
- 35 must:
- 36 (1) state that the legislative body is considering the adoption of a
- 37 resolution to divide the township into legislative body districts;
- 38 and
- 39 (2) be mailed not later than ten (10) days before the legislative
- 40 body adopts the resolution.
- 41 (d) Except as provided in subsection ~~(f)~~ **(e)**, the legislative body
- 42 shall make a division into legislative body districts ~~at the following~~



- 1 times:
- 2 (1) During the second year after a year in which a federal
- 3 decennial census is conducted.
- 4 (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
- 5 township changes.
- 6 (e) The legislative body may make the division under this section at
- 7 any time, subject to IC 3-11-1.5-32.5: **only at times permitted under**
- 8 **IC 3-5-10.**
- 9 (f) This subsection applies during the second year after a year in
- 10 which a federal decennial census is conducted: (e) If the legislative
- 11 body determines that a division is not required under subsection (b),
- 12 the legislative body shall adopt an ordinance recertifying that the
- 13 districts as drawn comply with this section.
- 14 (g) (f) Each time there is a division under subsection (b) or a
- 15 recertification under subsection (f); (e), the legislative body shall file
- 16 with the circuit court clerk of the county not later than thirty (30) days
- 17 after the adoption or recertification occurs a map of the district
- 18 boundaries:
- 19 (1) adopted under subsection (b); or
- 20 (2) recertified under subsection (f); (e).
- 21 (h) (g) The limitations set forth in this section are part of the
- 22 ordinance, but do not have to be specifically set forth in the ordinance.
- 23 The ordinance must be construed, if possible, to comply with this
- 24 chapter. If a provision of the ordinance or an application of the
- 25 ordinance violates this chapter, the invalidity does not affect the other
- 26 provisions or applications of the ordinance that can be given effect
- 27 without the invalid provision or application. The provisions of the
- 28 ordinance are severable.
- 29 (i) If a conflict exists between:
- 30 (1) a map showing the boundaries of a district; and
- 31 (2) a description of the boundaries of that district set forth in the
- 32 ordinance;
- 33 the district boundaries are the description of the boundaries set forth in
- 34 the ordinance, not the boundaries shown on the map; to the extent there
- 35 is a conflict between the description and the map.
- 36 (h) **IC 3-5-10 applies to a plan established under this section.**
- 37 **SECTION 20. An emergency is declared for this act.**



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



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 18 with "[EFFECTIVE UPON PASSAGE]".

Page 2, between lines 38 and 39, begin a new line block indented and insert:

"However, a body described in clauses (A) through (D) that has not completed the redistricting on March 1, 2022, has until December 31, 2022 to redistrict the election districts from the 2020 decennial census."

Page 10, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 9. IC 20-25-3-4, AS AMENDED BY P.L.219-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7) members. A member:

- (1) must be elected on a nonpartisan basis in general elections held in the county as specified in this section; and
- (2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. ~~Not more than two (2) of the members who serve on the board may reside in the same school board district.~~

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the ~~state~~ **board of school commissioners**. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines



must not cross precinct lines. The ~~state~~ **board of school commissioners** shall establish:

- (1) balloting procedures for the election under IC 3; and
- (2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the board to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for a member of the board to take office, the member takes office January 1 immediately following the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6."

Page 29, after line 18, begin a new paragraph and insert:

"SECTION 20. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1285 as reprinted January 28, 2022.)

FORD JON, Chairperson

Committee Vote: Yeas 7, Nays 1.

EH 1285—LS 6948/DI 75

