

HOUSE BILL No. 1375

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-3.

Synopsis: Election of county fiscal body by districts. Provides that a county executive may adopt an ordinance during an odd-numbered year to establish single-member districts for the county fiscal body that take effect for the second general election after the year in which the districts are drawn.

Effective: July 1, 2014.

Mahan

January 21, 2014, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1375

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

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

1 SECTION 1. IC 36-2-3-4, AS AMENDED BY P.L.271-2013,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 4. (a) This subsection does not apply to a county
4 having a population of:
5 (1) more than four hundred thousand (400,000) but less than
6 seven hundred thousand (700,000); or
7 (2) more than two hundred fifty thousand (250,000) but less than
8 two hundred seventy thousand (270,000).
9 **Except as provided in section 4.3 of this chapter,** the county
10 executive shall, by ordinance, divide the county into four (4)
11 contiguous, single-member districts that comply with subsection (d).
12 If necessary, the county auditor shall call a special meeting of the
13 executive to establish or revise districts. One (1) member of the fiscal
14 body shall be elected by the voters of each of the four (4) districts.
15 Three (3) at-large members of the fiscal body shall be elected by the
16 voters of the whole county.



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

8 (c) This subsection applies to a county having a population of more
9 than two hundred fifty thousand (250,000) but less than two hundred
10 seventy thousand (270,000). The fiscal body shall divide the county
11 into nine (9) single-member districts that comply with subsection (d).
12 Three (3) of these districts must be contained within each of the three
13 (3) districts established under IC 36-2-2-4(c). One (1) member of the
14 fiscal body shall be elected by the voters of each of these nine (9)
15 single-member districts.

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

- 18 (1) be compact, subject only to natural boundary lines (such as
19 railroads, major highways, rivers, creeks, parks, and major
20 industrial complexes);
- 21 (2) not cross precinct boundary lines;
- 22 (3) contain, as nearly as possible, equal population; and
- 23 (4) include whole townships, except when a division is clearly
24 necessary to accomplish redistricting under this section.

25 (e) Except as provided by subsection (g), a division under
26 subsection (a), (b), or (c) shall be made:

- 27 (1) during the first year after a year in which a federal decennial
28 census is conducted; and
- 29 (2) when the county executive adopts an order declaring a county
30 boundary to be changed under IC 36-2-1-2.

31 (f) A division under subsection (a), (b), or (c) may be made in any
32 odd-numbered year not described in subsection (e).

33 (g) This subsection applies during the first year after a year in which
34 a federal decennial census is conducted. If the county executive, county
35 redistricting commission, or county fiscal body determines that a
36 division under subsection (e) is not required, the county executive,
37 county redistricting commission, or county fiscal body shall adopt an
38 ordinance recertifying that the districts as drawn comply with this
39 section.

40 (h) Each time there is a division under subsection (e) or (f) or a
41 recertification under subsection (g), the county executive, county
42 redistricting commission, or county fiscal body shall file with the



1 circuit court clerk of the county, not later than thirty (30) days after the
2 division or recertification occurs, a map of the district boundaries:

- 3 (1) adopted under subsection (e) or (f); or
4 (2) recertified under subsection (g).

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

13 (j) If a conflict exists between:

- 14 (1) a map showing the boundaries of a district; and
15 (2) a description of the boundaries of that district set forth in the
16 ordinance;

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

20 SECTION 2. IC 36-2-3-4.3 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2014]: **Sec. 4.3. (a) The county executive may adopt an ordinance
23 during any odd-numbered year to divide the county into seven (7)
24 single-member districts that comply with section 4(d) of this
25 chapter. The ordinance must provide that the districts drawn
26 under this subsection take effect for the second general election
27 after the districts are drawn and that the terms of office for
28 members of the fiscal body are governed by section 3 of this
29 chapter. The provisions of section 4(e) through 4(j) apply to
30 districts drawn under this subsection.**

31 **(b) This subsection applies to a member of the fiscal body whose
32 term expires following the general election held in the year
33 immediately after the year in which the districts are drawn under
34 subsection (a). Notwithstanding section 3 of this chapter, the
35 successor of such a member shall be elected to serve a term of
36 office of two (2) years, beginning January 1, after election.**

37 **(c) At the second general election after the districts are drawn
38 under subsection (a), one (1) member of the fiscal body shall be
39 elected by the voters of each of the seven (7) single-member
40 districts drawn under subsection (a). The term of office for a
41 member elected under this subsection is governed by section 3 of
42 this chapter.**



1 **(d) Except as provided in subsection (f), a division under**
 2 **subsection (a) shall be made:**

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

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

7 **(e) After the initial division made under subsection (a), another**
 8 **division may be made in any odd-numbered year not described in**
 9 **subsection (d).**

10 **(f) If the county executive determines that a division under**
 11 **subsection (d) is not required, the county executive shall adopt an**
 12 **ordinance recertifying that the districts as drawn comply with**
 13 **subsection (a).**

14 SECTION 3. IC 36-2-3-4.5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) If any territory
 16 in any county is not included in one (1) of the districts established
 17 under section 4 **or 4.3** of this chapter, the territory is included in the
 18 district that:

19 (1) is contiguous to that territory; and

20 (2) contains the least population of all districts contiguous to that
 21 territory.

22 (b) If any territory in any county is included in more than one (1) of
 23 the districts established under section 4 **or 4.3** of this chapter, the
 24 territory is included in the district that:

25 (1) is one (1) of the districts in which the territory is described in
 26 the ordinance adopted under section 4 **or 4.3** of this chapter;

27 (2) is contiguous to that territory; and

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

30 SECTION 4. IC 36-2-3-4.7 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.7. (a) Whenever the
 32 county executive or the county fiscal body divides the county into
 33 districts under section 4 **or 4.3** of this chapter, the county executive or
 34 the county fiscal body shall adopt an ordinance.

35 (b) The county executive or the county fiscal body shall file a copy
 36 of an ordinance adopted under subsection (a) with the circuit court
 37 clerk.

