



February 15, 2024

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# ENGROSSED SENATE BILL No. 135

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DIGEST OF SB 135 (Updated February 14, 2024 9:16 am - DI 140)

**Citations Affected:** IC 3-5.

**Synopsis:** Redistricting deadline. Requires certain redistricting authorities to redistrict or recertify election districts before June 30, 2025, if the election district does not have an office on the ballot during the 2024 general election. Requires certain redistricting authorities to redistrict or recertify election districts after January 1, 2025 and before June 30, 2025, if the election district does have an office on the ballot during the 2024 general election. Assesses a penalty if a redistricting authority fails to redistrict or recertify election districts. Makes conforming changes.

**Effective:** Upon passage.

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## Gaskill, Crane

(HOUSE SPONSOR — WESCO)

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January 8, 2024, read first time and referred to Committee on Elections.  
January 22, 2024, reported favorably — Do Pass.  
January 29, 2024, read second time, amended, ordered engrossed.  
January 30, 2024, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Elections and Apportionment.  
February 15, 2024, reported — Do Pass.

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ES 135—LS 6278/DI 149





February 15, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 135

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

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

- 1           SECTION 1. IC 3-5-10-7, AS AMENDED BY P.L.227-2023,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 7. (a) Subject to ~~section~~ **sections 7.1 and 8** of  
4 this chapter, a redistricting authority shall redistrict election districts at  
5 the following times:  
6           (1) If the census event is a federal decennial census, the  
7 following:  
8           (A) For a county executive or county fiscal body, only during  
9 the first year after the federal decennial census is conducted.  
10          (B) For a school corporation, only during the first year after  
11 the federal decennial census is conducted.  
12          (C) For a municipality that conducts its municipal elections in  
13 an odd-numbered year, only during the second year after the  
14 federal decennial census is conducted.  
15          (D) For a municipality that conducts its municipal elections in:  
16           (i) an even-numbered year; or  
17           (ii) both an even-numbered year and an odd-numbered year;

ES 135—LS 6278/DI 149



- 1           only during the first year after the federal decennial census is  
2           conducted.
- 3           (E) For the legislative body of a township in a county having  
4           a consolidated city, only during the first year after the federal  
5           decennial census is conducted.
- 6           (2) For a census event other than a federal decennial census, only  
7           during the first year after the year the census event becomes  
8           effective with respect to the political subdivision, as provided in  
9           IC 1-1-3.5-3.
- 10          (3) Whenever a county adopts an order declaring a county  
11          boundary to be changed under IC 36-2-1-2 that affects the  
12          boundaries of the political subdivision.
- 13          (4) Whenever required to assign annexed territory to a district,  
14          subject to the provisions of IC 36-4-3.
- 15          (5) Whenever the boundary of the political subdivision is  
16          changed.
- 17          (6) As provided in the order of a court that has found the current  
18          redistricting plan unconstitutional or otherwise unlawful.
- 19          (b) **Except as provided in section 7.1 of this chapter, a**  
20          redistricting authority may not redistrict at a time other than is provided  
21          in subsection (a).
- 22          SECTION 2. IC 3-5-10-7.1 IS ADDED TO THE INDIANA CODE  
23          AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
24          **UPON PASSAGE]: Sec. 7.1. (a) A redistricting authority described**  
25          **in section 7(a)(1) of this chapter that did not redistrict election**  
26          **districts or did not recertify existing districts following the 2020**  
27          **decennial census, shall:**
- 28                  (1) **after January 1, 2025, and before June 30, 2025, redistrict**  
29                  **election districts for an office that is on the ballot during the**  
30                  **2024 general election; or**
- 31                  (2) **before June 30, 2025:**
- 32                          (A) **recertify existing districts under section 8 of this**  
33                          **chapter; or**
- 34                          (B) **redistrict election districts for an office that is not on**  
35                          **the ballot during the 2024 general election.**
- 36          (b) **Redistricting or recertifying under this section must be**  
37          **based on the 2020 decennial census.**
- 38          (c) **A member of a redistricting authority described in**  
39          **subsection (a) that fails to:**
- 40                  (1) **redistrict election districts; or**
- 41                  (2) **recertify existing districts under section 8 of this chapter;**  
42          **before June 30, 2025, shall not be entitled to receive payment of**



1     **any salary or fees, as fixed by law, until the redistricting authority**  
2     **complies with subsection (a).**

3         **(d) This section expires July 1, 2025.**

4         **SECTION 3. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 135 as introduced.)

GASKILL, Chairperson

Committee Vote: Yeas 7, Nays 0

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 SENATE MOTION

Madam President: I move that Senate Bill 135 be amended to read as follows:

Page 1, line 3, delete "subsection (c) and".

Page 1, line 3, strike "section" and insert "**sections 7.1 and**".

Page 2, line 19, delete "subsection (c)," and insert "**section 7.1 of this chapter,**".

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 2. IC 3-5-10-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) A redistricting authority described in section 7(a)(1) of this chapter that did not redistrict election districts or did not recertify existing districts following the 2020 decennial census, shall:**

**(1) after January 1, 2025, and before June 30, 2025, redistrict election districts for an office that is on the ballot during the 2024 general election; or**

**(2) before June 30, 2025:**

**(A) recertify existing districts under section 8 of this chapter; or**

**(B) redistrict election districts for an office that is not on the ballot during the 2024 general election.**

**(b) Redistricting or recertifying under this section must be based on the 2020 decennial census.**

**(c) A member of a redistricting authority described in subsection (a) that fails to:**

**(1) redistrict election districts; or**

ES 135—LS 6278/DI 149



**(2) recertify existing districts under section 8 of this chapter; before June 30, 2025, shall not be entitled to receive payment of any salary or fees, as fixed by law, until the redistricting authority complies with subsection (a).**

**(d) This section expires July 1, 2025.**

**SECTION 3. An emergency is declared for this act."**

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 135 as printed January 23, 2024.)

GASKILL

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 135, 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 SB 135 as reprinted January 30, 2024.)

WESCO

Committee Vote: Yeas 11, Nays 0

