

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

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

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

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

HOUSE ENROLLED ACT No. 1285

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 1-1-3.5-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.**

SECTION 2. IC 3-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:**

Chapter 10. Drawing Election Districts for Local and School Board Offices

Sec. 1. (a) This chapter applies when a redistricting authority redraws election districts required by law.

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

Sec. 2. The definitions in IC 1-1-3.5 apply throughout this chapter.

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

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

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

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

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

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

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

- (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.

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.

- (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.
- (3) Whenever a county adopts an order declaring a county



boundary to be changed under IC 36-2-1-2 that affects the boundaries of the political subdivision.

(4) Whenever required to assign annexed territory to a district, subject to the provisions of IC 36-4-3.

(5) Whenever the boundary of the political subdivision is changed.

(6) As provided in the order of a court that has found the current redistricting plan unconstitutional or otherwise unlawful.

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

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

Sec. 9. If a conflict exists between:

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

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

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

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

(1) is contiguous to that territory; and

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

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

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

(2) is contiguous to that territory; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

must reside within the boundaries of the district the member represents.

(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

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(e) The members of the governing body serving at the time a plan is amended under this section shall establish the election and residential districts described in subsection (b).

(f) The election districts described in subsection (b)(1):

- (1) shall be drawn on the basis of precinct lines;
- (2) may not cross precinct lines; and
- (3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

(g) The residential districts described in subsection (b)(2) may:

- (1) be drawn in any manner considered appropriate by the governing body; and
- (2) be drawn along township lines.

(h) The governing body shall certify the districts that are established under subsections (f) and (g), amended under subsection (e), or recertified under section 35.5 of this chapter to:

- (1) the state board; and
- (2) the circuit court clerk of each county in which the school corporation is located as provided in section 35.5 of this chapter.

(i) The governing body shall designate:

- (1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and
- (2) the remaining four (4) districts to be elected at the second school board election that occurs after the effective date of the plan.

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

(k) If a conflict exists between:

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

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

SECTION 5. IC 20-23-7-4.5, AS ADDED BY P.L.271-2013,



SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Not later than December 31, 2013, the board of commissioners shall do the following:

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

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

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

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

(1) A copy of the amendment.

(2) Either of the following:

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

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

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

(e) If a conflict exists between:

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

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

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

SECTION 6. IC 20-23-8-8.5, AS AMENDED BY P.L.278-2019, SECTION 170, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) The governing body shall do the following:

- (1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
- (2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 8 of this chapter.

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

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

- (1) A copy of the amendment.
- (2) Either of the following:
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 8 of this chapter.
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 8 of this chapter, a map of the new district boundaries.

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

(e) If a conflict exists between:

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

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

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

SECTION 7. IC 20-23-14-4.5, AS ADDED BY P.L.271-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Until the first reapportionment

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redistricting required under this section, the school districts for the election of the members of the governing body under section 3(b) of this chapter are the districts set forth in section 4 of this chapter (before its repeal).

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

(c) The school districts established must:

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

- (A) the Constitution of the United States; and
- (B) the Constitution of the State of Indiana;

including the equal protection clauses of both constitutions.

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

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

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

- (1) A copy of the amendment or recertification.
- (2) One (1) of the following:
 - (A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).
 - (B) If reapportionment of the school districts and changes to



their boundaries are required to comply with subsection (c), a map showing the boundaries of the new school districts.

- (g) ~~If a conflict exists between:~~
 (1) ~~a map showing the boundaries of a school district; and~~
 (2) ~~a description of the boundaries of that school district set forth in the resolution or resolution amendment;~~

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

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

- (1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
- (2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 7 of this chapter.

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

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

- (1) A copy of the amendment.
- (2) Either of the following:
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 7 of this chapter.
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 7 of this chapter, a map of the new district boundaries.

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



recertification occurs.

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

(f) ~~If a conflict exists between:~~

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

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

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

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

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.

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

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

The executive shall divide the county into three (3) districts that are



composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

- (1) be compact, subject only to natural boundary lines (such as

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railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



the ordinance, not the boundaries shown on the map; to the extent there is a conflict between the description and the map:

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

SECTION 13. IC 36-2-3-4.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4.5: (a) If any territory in any county is not included in one (1) of the districts established under section 4 of this chapter, the territory is included in the district that:

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

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

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

SECTION 14. IC 36-3-4-3, AS AMENDED BY P.L.2-2014, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The city-county legislative body shall, by ordinance, divide the whole county into twenty-five (25) districts that:

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

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

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

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

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

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

(d) If the legislative body fails to make the division before the date



prescribed by subsection (a) or the division is alleged to violate subsection (a) or other law, a taxpayer or registered voter of the county may petition the superior court of the county to hear and determine the matter. The court shall hear and determine the matter as a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. The clerk shall maintain a record of the method and process used to select the judges and shall make the record available for public inspection and copying. Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The first judge selected shall maintain the case file and preside over the proceedings. There may not be a change of venue from the court or from the county. The court may appoint a master to assist in its determination and may draw proper district boundaries if necessary. An appeal from the court's judgment must be taken within thirty (30) days, directly to the supreme court, in the same manner as appeals from other actions.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(2) recertified under subsection ~~(h)~~: **(j)**.

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

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

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

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

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

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

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

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

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

(2) are reasonably compact;

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

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

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

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

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

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as



is possible, equal population.

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

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

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

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

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

- ~~(1) during the second year after a year in which a federal decennial census is conducted; and~~
- ~~(2) when required to assign annexed territory to a district.~~

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

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

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

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

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members



elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

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

- (1) the city shall be divided into three (3) districts that:
 - (A) are composed of contiguous territory;
 - (B) are reasonably compact;
 - (C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
 - (D) contain, as nearly as is possible, equal population; and
- (2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

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

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

- (1) adopted under subsection (b), (j), or (m); or
- (2) recertified under subsection ~~(q)~~: **(o)**.

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

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



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

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

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

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

(s) If a conflict exists between:

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

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

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

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

(b) This subsection does not apply to a city with an ordinance



described by subsection (j). The legislative body shall adopt an ordinance to divide the city into four (4) districts that:

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

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

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

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

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

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

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

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

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

- ~~(1) during the second year after a year in which a federal decennial census is conducted; and~~
- ~~(2) when required to assign annexed territory to a district.~~

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

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

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

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

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

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

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

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

(n) A copy of the ordinance establishing districts or a recertification under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than



thirty (30) days after the ordinance or recertification is adopted. The filing must include a map of the district boundaries:

- (1) adopted under subsection (b) or (j); or
- (2) recertified under subsection (q): **(o)**.

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

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

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

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

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

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

~~(s)~~ If a conflict exists between:

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

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

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

SECTION 18. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by



ordinance, divide the town into districts for the purpose of conducting elections of town officers.

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

- (1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town.
- (2) The district must be reasonably compact.
- (3) The district must contain, as nearly as is possible, equal population.
- (4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely to have population before the effective date of the next federal decennial census.
- (5) The district may not cross precinct lines, except as provided in subsection (c).

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

- (1) the legislative body provides by ordinance under section 5 of this chapter that all legislative body members are to be elected at large by the voters of the whole town; or
- (2) the district would not otherwise contain, as nearly as is possible, equal population.

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

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

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

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

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

~~(g)~~ (f) This subsection does not apply to a town with an ordinance

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described by subsection ~~(h)~~: **(g)**. Except as provided in subsection ~~(k)~~: **(j)**, the division permitted by subsection (a) shall be made

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

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

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

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

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

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

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

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

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

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

~~(m)~~ If a conflict exists between:

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



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

~~(n)~~ **(l)** This subsection applies to a town having a population of less than three thousand five hundred (3,500). If the town legislative body has not:

- (1) adopted an ordinance under subsection (a) and subject to subsection ~~(g)~~ **(f)** after December 31, 2011; or
- (2) adopted an ordinance recertifying districts under subsection ~~(h)~~ **(j)** after December 31, 2011;

the town legislative body districts are abolished, effective January 1, 2018. A town described by this subsection may adopt an ordinance to establish town legislative body districts in accordance with subsection (a) and subject to subsection ~~(g)~~ **(f)** after January 1, 2018.

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

SECTION 19. IC 36-6-6-2.5, AS AMENDED BY P.L.271-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to townships in a county containing a consolidated city.

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

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

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

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

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

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

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

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

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

- (1) adopted under subsection (b); or
- (2) recertified under subsection ~~(f)~~: **(e)**.

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

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

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

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

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

SECTION 20. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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