

# SENATE BILL No. 91

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-1.5; IC 2-2.1-1-2.7; IC 3-3; IC 3-8.

**Synopsis:** Redistricting commission. Establishes a redistricting commission (commission) to create, hold hearings on, take public comment about, and recommend plans to redraw general assembly districts and congressional districts. Provides for appointment of four commission members by the legislative leadership. Establishes the redistricting commission nominating committee (committee) to receive applications from and evaluate applicants to fill the five remaining positions on the commission. Provides for selection of those five commission members from pools of applicants selected by the committee. Requires the legislative services agency (agency) to provide staff and administrative services to the commission. Establishes standards to govern the commission and the agency in the creation of redistricting plans. Provides that the general assembly must meet and enact redistricting plans before October 1 of a redistricting year. Authorizes the general assembly to convene in a session to act on redistricting bills at times other than the times the general assembly is currently authorized to meet. Repeals the current law establishing a redistricting commission for congressional redistricting.

**Effective:** July 1, 2019.

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**Ruckelshaus, Bohacek, Ford Jon**

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January 3, 2019, read first time and referred to Committee on Elections.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 91

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

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

- 1 SECTION 1. IC 2-1.5 IS ADDED TO THE INDIANA CODE AS A
- 2 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
- 3 **2019]:**
- 4 **ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY**
- 5 **AND CONGRESSIONAL DISTRICTS**
- 6 **Chapter 1. Definitions**
- 7 **Sec. 1. The definitions in this chapter apply throughout this**
- 8 **article.**
- 9 **Sec. 2. "Agency" refers to the legislative services agency**
- 10 **established by IC 2-5-1.1-7.**
- 11 **Sec. 3. "Applicant pool" refers to any of the applicant pools**
- 12 **described in IC 2-1.5-2-7(b).**
- 13 **Sec. 4. "Appointing authority" refers to any of the following:**
- 14 **(1) The speaker of the house of representatives.**
- 15 **(2) The minority leader of the house of representatives.**
- 16 **(3) The president pro tempore of the senate.**
- 17 **(4) The minority leader of the senate.**



1           **Sec. 5. "Bureau"** refers to the United States Department of  
2 Commerce, Bureau of the Census.

3           **Sec. 6. "Census data"** means the population data that the  
4 bureau is required to provide to the state under 13 U.S.C. 141.

5           **Sec. 7. "Census year"** refers to the year in which a federal  
6 decennial census is conducted.

7           **Sec. 8. (a) "Close relative"** refers to the following relatives of an  
8 individual:

9               (1) The individual's parent.

10              (2) The individual's spouse.

11              (3) The individual's children.

12           **(b)** A relative by adoption, half-blood, marriage, or remarriage  
13 is considered as a relative of whole kinship.

14           **Sec. 9. "Commission"** refers to the redistricting commission  
15 established by IC 2-1.5-3-1.

16           **Sec. 10. "Committee"** refers to the redistricting commission  
17 nominating committee established by IC 2-1.5-2-1.

18           **Sec. 11. "Federal decennial census"** refers to a federal decennial  
19 census conducted under 13 U.S.C. 141.

20           **Sec. 12. "House of representatives"** refers to the house of  
21 representatives of the general assembly.

22           **Sec. 13. "Ideal district population"** for a plan refers to the  
23 number equal to the quotient of the following, rounded to the  
24 nearest whole number:

25               (1) The numerator is the population of Indiana as reported by  
26 the most recent federal decennial census.

27               (2) The denominator is the number of districts required by  
28 this article for the plan.

29           **Sec. 14. "Nominee pool"** refers to any of the nominee pools  
30 described in IC 2-1.5-2-7(d).

31           **Sec. 15. (a) "Plan"** refers to any of the following:

32               (1) A plan for districts for the house of representatives.

33               (2) A plan for districts for the senate.

34               (3) A plan for congressional districts.

35           **(b)** A plan includes maps and written descriptions of the maps  
36 that define all the districts that a plan is required to have under  
37 this article.

38           **Sec. 16. "Political subdivision"** means a city, county, town, or  
39 township.

40           **Sec. 17. "Redistricting year"** refers to the year immediately  
41 following a census year.

42           **Sec. 18. "Senate"** refers to the senate of the general assembly.



1 **Chapter 2. Redistricting Commission Nominating Committee**

2 **Sec. 1. The redistricting commission nominating committee is**  
 3 **established.**

4 **Sec. 2. (a) Before July 1 of a census year, the president of each**  
 5 **state educational institution shall designate an employee of the**  
 6 **president's state educational institution to serve as a member of the**  
 7 **committee. The president may not serve as a member of the**  
 8 **committee.**

9 **(b) An individual who serves as a member of the committee**  
 10 **serves at the pleasure of the president, and any of the president's**  
 11 **successors, of the state educational institution from which the**  
 12 **individual was designated.**

13 **(c) If a vacancy occurs on the committee, the president of the**  
 14 **state educational institution whose membership on the committee**  
 15 **is vacant shall, not later than fifteen (15) days after the vacancy**  
 16 **occurs, designate another employee of the president's state**  
 17 **educational institution to serve on the committee.**

18 **(d) Not later than seven (7) days after a president makes a**  
 19 **designation under this section, the president shall notify the**  
 20 **executive director of the agency of the name of the president's**  
 21 **designee. The agency shall publish the names of the committee**  
 22 **members on the general assembly's Internet web site.**

23 **Sec. 3. Not later than August 1 of a census year, the committee**  
 24 **shall meet and do the following:**

25 **(1) Select one (1) member of the committee to be the**  
 26 **committee's chair.**

27 **(2) Establish the committee's procedures.**

28 **(3) Perform the functions described in section 4 of this**  
 29 **chapter.**

30 **(4) Provide for other matters for conducting the committee's**  
 31 **business as the committee considers necessary or desirable.**

32 **Sec. 4. (a) The committee shall do the following:**

33 **(1) Establish a written procedure by which individuals who**  
 34 **are qualified to serve on the commission apply to serve on the**  
 35 **commission.**

36 **(2) Write a statement that describes all of the following:**

37 **(A) The purpose of the commission.**

38 **(B) The requirements of this article that apply to an**  
 39 **individual's membership on the commission.**

40 **(C) Other qualifications that an individual who wants to**  
 41 **serve on the commission should have.**

42 **(D) The process that the committee will use to evaluate the**



- 1           **qualifications of individuals who apply to serve on the**  
 2           **commission.**  
 3           **(E) All criteria the committee will use to evaluate the**  
 4           **qualifications of individuals who apply to serve on the**  
 5           **commission.**  
 6           **(F) Any other information the committee determines that**  
 7           **an applicant to serve on the commission should, or would**  
 8           **want to, know.**  
 9           **(3) Not later than September 1 of a census year, give to the**  
 10           **agency a copy of the written procedure established under**  
 11           **subdivision (1) and a copy of the statement written under**  
 12           **subdivision (2).**  
 13           **(b) The agency shall publish the written procedure and the**  
 14           **statement on the general assembly's Internet web site not later**  
 15           **than September 10 of the census year.**  
 16           **Sec. 5. An application form prescribed by the committee must**  
 17           **require an applicant to state whether the applicant is:**  
 18           **(1) a member of either of the major political parties (as**  
 19           **defined in IC 3-5-2-30); or**  
 20           **(2) not a member of either of the major political parties.**  
 21           **If an applicant states that the applicant is a member of either of the**  
 22           **major political parties, the applicant must state the political party**  
 23           **of which the applicant is a member.**  
 24           **Sec. 6. An individual who wants to apply to be a commission**  
 25           **member must complete an application prescribed by the committee**  
 26           **not later than October 15 of the census year.**  
 27           **Sec. 7. (a) After October 15, but not later than December 31, of**  
 28           **the census year, the committee shall meet to evaluate the**  
 29           **applications the committee has received.**  
 30           **(b) The committee shall sort applicants into the following three**  
 31           **(3) applicant pools:**  
 32           **(1) Applicant pool 1 consists of all applicants who have**  
 33           **indicated on their applications that the applicant is a member**  
 34           **of the political party whose candidate for secretary of state at**  
 35           **the most recent election for secretary of state received the**  
 36           **greatest number of votes.**  
 37           **(2) Applicant pool 2 consists of all applicants who have**  
 38           **indicated on their applications that the applicant is a member**  
 39           **of the political party whose candidate for secretary of state at**  
 40           **the most recent election for secretary of state received the**  
 41           **second greatest number of votes.**  
 42           **(3) Applicant pool 3 consists of all applicants who have**



- 1 indicated on their applications that the applicant is not a  
 2 member of either political party described in subdivision (1)  
 3 or (2).
- 4 (c) The committee shall determine, for each applicant pool, the  
 5 seven (7) individuals who, in the committee's judgment, best satisfy  
 6 the qualifications and criteria established under section 4 of this  
 7 chapter. In making its determinations under this section, the  
 8 committee shall seek to reflect the geographic, minority, and  
 9 gender diversity of Indiana.
- 10 (d) Except as provided in subsection (e), for purposes of this  
 11 article, the following apply:
- 12 (1) Nominee pool 1 consists of the seven (7) individuals  
 13 selected under subsection (c) from applicant pool 1.
- 14 (2) Nominee pool 2 consists of the seven (7) individuals  
 15 selected under subsection (c) from applicant pool 2.
- 16 (3) Nominee pool 3 consists of the seven (7) individuals  
 17 selected under subsection (c) from applicant pool 3.
- 18 (e) If a particular applicant pool does not include at least seven  
 19 (7) individuals who are qualified under this article to serve on the  
 20 commission, the corresponding nominee pool consists of all  
 21 individuals from the applicant pool the committee determines  
 22 satisfy the qualifications and criteria established under section 4 of  
 23 this chapter.
- 24 (f) Not later than December 31 of the census year, the committee  
 25 shall certify to the executive director of the agency the names of the  
 26 individuals selected under subsection (c), sorted by nominee pools.  
 27 The agency shall publish the list of individuals in each nominee  
 28 pool on the general assembly's Internet web site.
- 29 **Sec. 8. (a)** The committee may meet as often as necessary to  
 30 perform the committee's duties at the call of either of the  
 31 following:
- 32 (1) The committee's chair.
- 33 (2) Any two (2) committee members other than the  
 34 committee's chair.
- 35 (b) If the position of the committee's chair becomes vacant, the  
 36 committee shall select one (1) of its remaining members as chair at  
 37 the committee's next meeting.
- 38 (c) Four (4) committee members constitute a quorum of the  
 39 committee.
- 40 (d) IC 5-14-1.5 and IC 5-14-3 apply to the committee's meetings  
 41 and records.
- 42 (e) Except as otherwise provided in subsection (f), the state



1 educational institutions shall jointly share the costs of the  
 2 committee's operations as determined jointly by the presidents of  
 3 the state educational institutions.

4 (f) A member of the committee shall be compensated and be  
 5 reimbursed for expenses as determined by the state educational  
 6 institution president who designated the committee member.

7 **Chapter 3. Redistricting Commission**

8 **Sec. 1. A redistricting commission is established as provided in**  
 9 **this chapter.**

10 **Sec. 2. (a) Not later than January 10 of a redistricting year, each**  
 11 **of the appointing authorities shall appoint one (1) individual to be**  
 12 **a commission member. Each of the appointing authorities shall**  
 13 **certify to the executive director of the agency the name of the**  
 14 **individual appointed by the appointing authority.**

15 (b) Four (4) members of the commission shall be selected as  
 16 provided in this subsection. Not later than January 15 of a  
 17 redistricting year, the four (4) members of the commission  
 18 appointed under subsection (a) shall meet at the call of the  
 19 executive director of the agency and do the following:

20 (1) One (1) commission member, as determined by the four (4)  
 21 members, shall randomly select the name of an individual  
 22 from nominee pool 1.

23 (2) Another commission member, as determined by the four  
 24 (4) members, shall randomly select the name of an individual  
 25 from nominee pool 2.

26 (3) Each of the two (2) remaining commission members shall  
 27 randomly select a name of an individual from nominee pool 3.

28 (c) If any of the nominee pools is empty before the selection  
 29 required by subsection (b), the remaining nominee pools shall be  
 30 consolidated and all selections required under subsection (b) shall  
 31 come from the consolidated nominee pool.

32 (d) The individuals whose names have been selected under  
 33 subsection (b) or (c) are considered appointed to the commission.  
 34 The executive director of the agency shall notify each of the  
 35 individuals appointed under this subsection of the appointment.

36 (e) The agency shall determine the random method for selecting  
 37 the names of individuals from their respective pools under  
 38 subsection (b) or (c).

39 (f) Not later than February 15 of a redistricting year, the  
 40 members appointed under subsections (a) and (d) shall meet to  
 41 appoint the commission's chair. The members shall meet at the call  
 42 of the executive director of the agency.



1 (g) The chair may be a member appointed to the commission  
 2 under subsection (d), or another individual from any of the  
 3 nominee pools, but may not be a member appointed to the  
 4 commission under subsection (a). If the commission selects as the  
 5 chair a member appointed to the commission under subsection (d),  
 6 the commission shall appoint to the commission by majority vote  
 7 another applicant from any of the nominee pools. The commission  
 8 shall certify to the executive director of the agency the appointment  
 9 of the commission's chair and the other commission member, if  
 10 any, selected under this subsection, and the executive director of  
 11 the agency shall notify the individual of the appointment.

12 (h) In selecting individuals for appointment under subsection  
 13 (a), and in making any appointments under subsection (g), the  
 14 appointing authorities and the commission members shall seek to  
 15 optimize the geographic, minority, and gender diversity of the  
 16 commission.

17 Sec. 3. To serve on the commission, an individual must be a  
 18 resident of Indiana.

19 Sec. 4. (a) The definitions in IC 3-5-2 apply throughout this  
 20 section.

21 (b) An individual may not serve on the commission if the  
 22 individual has been any of the following at any time less than six (6)  
 23 years before the individual's appointment to the commission:

24 (1) A member of the general assembly or the Congress of the  
 25 United States.

26 (2) A candidate for election to the general assembly or the  
 27 Congress of the United States.

28 (3) The holder of a state office (as defined in IC 3-5-2-48).

29 (4) An appointed public official.

30 (5) An employee of any of the following:

31 (A) The general assembly.

32 (B) A member of the House of Representatives of the  
 33 United States from Indiana.

34 (C) A United States senator representing Indiana.

35 (6) The chairman or treasurer of a candidate's committee of  
 36 a candidate for election to the general assembly or the  
 37 Congress of the United States as required by IC 3-9-1 or  
 38 federal law.

39 (7) A precinct committeeman or a precinct vice  
 40 committeeman.

41 (8) A member of a candidate's committee.

42 (9) A member of a central committee.





- 1           **(10) A member of a national committee of a political party.**  
 2           **(11) An employee or an agent of a political party or of an**  
 3           **entity described in subdivision (8), (9), or (10).**  
 4           **(12) An individual who is either of the following:**  
 5               **(A) A paid consultant of an entity or individual described**  
 6               **in subdivision (8), (9), (10), or (11).**  
 7               **(B) An employee of a paid consultant of an entity or**  
 8               **individual described in subdivision (8), (9), (10), or (11).**  
 9           **(13) An individual registered as a lobbyist under IC 2-7.**  
 10           **(14) An individual who is a close relative of an individual**  
 11           **described in subdivisions (1) through (13).**

12           **Sec. 5. (a) Before undertaking duties as a commission member,**  
 13           **an individual appointed under section 2 or 8 of this chapter must**  
 14           **do each of the following:**

- 15               **(1) Take an oath of office.**  
 16               **(2) Make an affirmation that the individual will:**  
 17                   **(A) apply the provisions of this article in an honest and**  
 18                   **independent manner; and**  
 19                   **(B) uphold public confidence in the integrity of the**  
 20                   **redistricting process.**  
 21               **(3) Make a written pledge that the individual will not be a**  
 22               **candidate for:**  
 23                   **(A) election to the general assembly; or**  
 24                   **(B) selection to fill a vacancy in the general assembly;**  
 25               **at any time before the second election for members of the**  
 26               **general assembly after the individual's appointment to the**  
 27               **commission.**  
 28               **(4) Make a written pledge that the individual will not do any**  
 29               **of the following until plans are adopted as provided in this**  
 30               **article:**  
 31                   **(A) Make a contribution (as defined in IC 3-5-2-15).**  
 32                   **(B) Make a political contribution to any candidate for a**  
 33                   **federal office.**  
 34                   **(C) Attend any function relating to the election of a**  
 35                   **candidate.**  
 36                   **(D) Serve in any capacity described in section 4 of this**  
 37                   **chapter.**

38           **(b) A member's oath, affirmation, and pledge shall be filed with**  
 39           **the agency.**

40           **Sec. 6. An individual serves as a commission member until the**  
 41           **earliest of the following:**

- 42               **(1) The individual resigns the individual's membership on the**



- 1           **commission.**
- 2           **(2) The individual is removed as a member of the commission**
- 3           **under section 7 of this chapter.**
- 4           **(3) A new commission is appointed under this chapter**
- 5           **following a federal decennial census.**
- 6           **Sec. 7. (a) A commission member may be removed from office**
- 7           **for any of the following:**
- 8           **(1) Substantial neglect of duty.**
- 9           **(2) Gross misconduct in office.**
- 10          **(3) Inability to discharge the duties of a member of the**
- 11          **commission.**
- 12          **(4) Becoming a candidate in violation of the commission**
- 13          **member's pledge under section 5(a)(3) of this chapter.**
- 14          **(5) Taking an action in violation of the commission member's**
- 15          **pledge under section 5(a)(4) of this chapter.**
- 16          **(6) Ceasing to be a resident of Indiana as required by section**
- 17          **3 of this chapter.**
- 18          **(7) Being convicted of an action that would result in the**
- 19          **removal of a public officer under IC 5-8-1-38 or IC 5-8-3-1.**
- 20          **(b) The supreme court has original and exclusive jurisdiction to**
- 21          **remove a commission member. Any resident of Indiana may seek**
- 22          **to remove a commission member by filing a verified complaint**
- 23          **with the clerk of the supreme court and serving the agency with a**
- 24          **copy. The agency shall immediately transmit a copy of the**
- 25          **complaint to all commission members by electronic mail or by a**
- 26          **faster method, if available.**
- 27          **(c) The supreme court may decide the matter by summary**
- 28          **disposition, or after a hearing, if necessary, under such procedures**
- 29          **as the supreme court establishes by rule or order to resolve the**
- 30          **matter. The supreme court shall decide the matter as expeditiously**
- 31          **as possible, but not later than seven (7) days after the date the**
- 32          **complaint is filed, in order to permit the commission to complete**
- 33          **its duties under the schedule established by IC 2-1.5-4.**
- 34          **Sec. 8. (a) If a vacancy occurs in the position of a commission**
- 35          **member who was appointed under section 2(a) of this chapter, the**
- 36          **leader of the caucus whose leader appointed the member whose**
- 37          **position is vacant shall appoint an individual to fill the vacancy:**
- 38               **(1) not later than fifteen (15) days after the vacancy occurs;**
- 39               **and**
- 40               **(2) in the same manner described in section 2(a) of this**
- 41               **chapter.**
- 42          **(b) If a vacancy occurs in the position of a commission member**



- 1 who was appointed under section 2(d) of this chapter, the
- 2 commission shall do both of the following:
- 3 (1) Not later than fifteen (15) days after the vacancy occurs
- 4 either:
- 5 (A) appoint an individual from any of the nominee pools to
- 6 fill the vacancy; or
- 7 (B) if no individual described in clause (A) meets the
- 8 qualifications of this article or is available to serve, appoint
- 9 any individual qualified under this article to fill the
- 10 vacancy.
- 11 (2) Certify to the executive director of the agency the
- 12 appointment of the individual to the commission.
- 13 (c) If the position of commission chair becomes vacant, the
- 14 commission shall appoint an individual to fill the vacancy:
- 15 (1) not later than fifteen (15) days after the vacancy occurs;
- 16 and
- 17 (2) either from:
- 18 (A) the remaining members of the commission appointed
- 19 under section 2(d) of this chapter; or
- 20 (B) any of the nominee pools.
- 21 **Sec. 9.** The affirmative vote of seven (7) commission members
- 22 is necessary for the commission to take official action.
- 23 **Sec. 10.** Each commission member is entitled to receive the same
- 24 per diem, mileage, and travel allowances paid to members of the
- 25 general assembly serving on interim study committees established
- 26 by the legislative council.
- 27 **Sec. 11. (a)** The agency shall provide the commission with staff
- 28 and administrative services.
- 29 (b) The expenses of the commission shall be paid out of amounts
- 30 appropriated to the legislative council or the agency, including the
- 31 costs of litigation (if any).
- 32 **Sec. 12. (a)** The general assembly intends that each commission
- 33 member not communicate with any individual described in
- 34 subsection (c), directly or indirectly, regarding redistricting, other
- 35 than during a public meeting of the commission. However, the
- 36 general assembly also recognizes that such communications could
- 37 happen inadvertently and without intent to violate this article. The
- 38 general assembly therefore enacts this section to maintain the
- 39 public's confidence in the redistricting process established by this
- 40 article.
- 41 (b) The definitions in IC 3-5-2 apply throughout this section.
- 42 (c) A commission member who has communicated, directly or



1 indirectly, regarding redistricting with any of the following, other  
 2 than during a public meeting of the commission, shall take the  
 3 action described in subsection (d):

- 4 (1) A member of the Congress of the United States.  
 5 (2) A member of the general assembly.  
 6 (3) An individual who holds any other public office.  
 7 (4) An individual who has held a public office described in  
 8 subdivision (1), (2), or (3).  
 9 (5) A candidate for a public office described in subdivision (1),  
 10 (2), or (3).  
 11 (6) An individual otherwise described in section 4 of this  
 12 chapter, other than an employee of the agency acting within  
 13 the scope of the employee's responsibilities under section 11  
 14 of this chapter.

15 (d) If a commission member communicates regarding  
 16 redistricting with an individual described in subsection (c), the  
 17 commission member shall do the following:

- 18 (1) If the communication is written or electronic material,  
 19 instruct that the written or electronic material be placed in  
 20 the commission's public records.  
 21 (2) If the communication is other than written or electronic  
 22 material, place a verified written description of the  
 23 communication in the commission's public records. The  
 24 verified written description must include the following  
 25 information:  
 26 (A) The name of the individual with whom the  
 27 communication occurred.  
 28 (B) The date and approximate time of the communication.  
 29 (C) A description of the nature and substance of the  
 30 communication.

31 (e) A commission member required to act under subsection (d)  
 32 must take that action not later than five (5) days after the  
 33 commission member becomes aware that a communication subject  
 34 to this section has occurred.

35 (f) A commission member who fails to comply with this section  
 36 commits gross misconduct in office and is subject to removal from  
 37 the commission under section 7 of this chapter.

#### 38 Chapter 4. Redistricting Procedure

39 Sec. 1. (a) Before January 1 of a redistricting year, the agency  
 40 shall do the following:

- 41 (1) Acquire any hardware, software, and supplies necessary  
 42 to assist the commission in the performance of the



1           **commission's duties under this article.**

2           **(2) Establish an Internet based redistricting portal to:**

3               **(A) assist the public in drawing maps and providing input**  
4               **on the redistricting process; and**

5               **(B) allow members of the public to upload their own maps.**

6           **(b) At any time, the agency may acquire additional hardware,**  
7           **software, and supplies the executive director of the agency**  
8           **considers necessary to assist the commission in performance of the**  
9           **commission's duties under this article.**

10          **Sec. 2. (a) Not later than March 15 of a redistricting year, the**  
11          **commission's chair shall convene the commission to do the**  
12          **following:**

13               **(1) Organize the commission.**

14               **(2) Receive reports from the agency concerning the following:**

15                   **(A) Information relating to the receipt of census data from**  
16                   **the bureau.**

17                   **(B) The readiness of the agency to assist the commission's**  
18                   **work.**

19                   **(C) Any other matter on which a report is requested by the**  
20                   **commission.**

21               **(3) Provide initial instructions to the agency regarding the**  
22               **commission's work.**

23               **(4) Schedule hearings required or permitted under section 5**  
24               **of this chapter.**

25               **(5) Schedule other meetings the commission considers**  
26               **necessary.**

27               **(6) Schedule the receipt of maps from the public.**

28           **(b) IC 5-14-1.5 (the open door law) applies to the commission's**  
29           **meetings.**

30           **(c) The commission's records shall be made available for**  
31           **inspection and copying in accordance with IC 5-14-3.**

32          **Sec. 3. If the agency must make a decision on a question for**  
33          **which no clearly applicable provision of this article or instruction**  
34          **of the commission provides an answer, the executive director of the**  
35          **agency shall submit a written request to the commission for**  
36          **direction.**

37          **Sec. 4. (a) The agency shall do the following:**

38               **(1) Create maps of legislative district plans and congressional**  
39               **district plans that conform to this article and the**  
40               **commission's instructions.**

41               **(2) Prepare written descriptions of the maps created under**  
42               **subdivision (1).**



- 1           (3) Evaluate maps submitted by the public for conformance  
2           with the standards set forth in IC 2-1.5-5.
- 3           (b) The agency shall produce as many different plans as the  
4           commission instructs:
- 5                 (1) not earlier than May 1 of a redistricting year; and  
6                 (2) not later than May 15 of the redistricting year.
- 7           (c) The agency shall publish the maps and descriptions:
- 8                 (1) prepared for the commission by the agency; and  
9                 (2) submitted to the commission from the public;
- 10          as directed by the commission not later than May 15 of a  
11          redistricting year.
- 12          Sec. 5. (a) As directed by the commission, the agency shall  
13          receive for the commission written public comments regarding the  
14          plans after publication of the plans.
- 15          (b) The commission shall provide for at least one (1) public  
16          hearing in each Indiana congressional district, and an additional  
17          meeting in Marion County, as determined by the commission. At  
18          least two (2) commission members shall be present at each public  
19          hearing, and a commission member shall preside at and conduct  
20          the hearing. The hearings shall be held not later than June 30 of a  
21          redistricting year and shall be recorded and made available live  
22          and archived for public viewing on the Internet.
- 23          (c) The commission may hold hearings in addition to the  
24          hearings required by subsection (b).
- 25          (d) The commission shall do the following at any hearing held  
26          under this section:
- 27                 (1) Explain the redistricting procedure.  
28                 (2) Present the plans prepared for the commission by the  
29                 agency.  
30                 (3) Have available the plans submitted by the public and the  
31                 agency's evaluation of those plans.  
32                 (4) Hear public comments and suggestions.
- 33          (e) The commission may take other actions the commission  
34          considers appropriate to do the following:
- 35                 (1) Explain the redistricting procedure or the plans to the  
36                 public.  
37                 (2) Receive public comments and suggestions.
- 38          (f) The commission may modify, with or without additional  
39          public hearings under this section, the maps published under  
40          section 4 of this chapter to:
- 41                 (1) incorporate any public comments and suggestions adopted  
42                 by the commission; or



1           (2) comply with the federal Voting Rights Act in accordance  
2           with IC 2-1.5-5-10(b).

3           **The commission shall adopt any modifications made under this**  
4           **subsection in a public meeting.**

5           (g) The commission shall give public notice of a meeting held  
6           under this section not later than ten (10) days before the date of the  
7           meeting.

8           **Sec. 6. (a) Not later than August 1 of a redistricting year, the**  
9           **commission shall meet to adopt a report for the general assembly.**  
10          **The report must include the following:**

11          (1) A summary of the commission's and the agency's  
12          preparation for the commission's work.

13          (2) A description of the hearings held under section 5 of this  
14          chapter.

15          (3) A summary of the public comments and suggestions  
16          received in writing and at the hearings.

17          (4) The commission's recommendation to the general  
18          assembly for each of the following:

19                (A) A district plan for the house of representatives.

20                (B) A district plan for the senate.

21                (C) A congressional district plan.

22          (5) Maps for each plan, including both a statewide map and a  
23          map for each district.

24          (6) A bill that would enact each of the plans.

25          (b) The commission shall recommend to the general assembly  
26          the plan the commission considers the best in meeting the  
27          standards set forth in IC 2-1.5-5.

28          (c) The commission may include any other information in the  
29          report the commission considers useful to explain the commission's  
30          work or recommendations.

31          (d) The report required by this section must be submitted to the  
32          legislative council in an electronic format under IC 5-14-6.

33          **Sec. 7. (a) If, for any reason, an appointing authority, the**  
34          **committee, the agency, the commission, or the general assembly is**  
35          **unable to complete a duty required under this article or**  
36          **IC 2-2.1-1-2.7 before the deadline specified by law, the appointing**  
37          **authority, committee, agency, commission, or general assembly, as**  
38          **applicable, shall expedite completion of the requirement as soon as**  
39          **practicable after the deadline.**

40          (b) If a court invalidates a plan after October 1 of a redistricting  
41          year, the commission and the general assembly shall take all  
42          necessary action to expedite the adoption of a plan to replace the



1       invalidated plan.

2           **Chapter 5. Redistricting Standards**

3           **Sec. 1. Districts created for the house of representatives, the**  
 4 **senate, and the United States House of Representatives must**  
 5 **comply with the standards of this chapter.**

6           **Sec. 2. (a) A plan for house of representatives districts must**  
 7 **provide for one hundred (100) districts.**

8           **(b) A plan for senate districts must provide for fifty (50)**  
 9 **districts.**

10          **(c) A plan for congressional districts must provide for as many**  
 11 **districts as are allocated to Indiana under 2 U.S.C. 2a.**

12          **Sec. 3. Districts must be established on the basis of population.**

13          **Sec. 4. Except as provided by section 10 of this chapter, the**  
 14 **population of a district of the house of representatives or the senate**  
 15 **may not deviate from the ideal district population by more than**  
 16 **two percent (2%) of the ideal district population.**

17          **Sec. 5. (a) Districts must be composed of contiguous territory.**

18          **(b) Areas that meet only at the point of adjoining corners are**  
 19 **not considered contiguous.**

20          **Sec. 6. Districts must be as compact as possible to the extent**  
 21 **practicable while considering other provisions of this chapter and**  
 22 **the federal Voting Rights Act.**

23          **Sec. 7. Districts must not breach precinct boundaries.**

24          **Sec. 8. To the extent possible consistent with sections 3 through**  
 25 **7 of this chapter, district boundaries must seek to coincide with the**  
 26 **boundaries of Indiana political subdivisions as follows:**

27           **(1) The commission shall seek to minimize the number of**  
 28 **counties and cities divided among more than one (1) district.**

29           **(2) Except as provided in subdivision (3), if there is a choice**  
 30 **between political subdivisions to be divided, a more populous**  
 31 **political subdivision shall be divided before a less populous**  
 32 **political subdivision is divided.**

33           **(3) Subdivision (2) does not apply to a district boundary**  
 34 **drawn along a county line that passes through a municipality**  
 35 **that lies in more than one (1) county.**

36          **Sec. 9. A plan for senate districts may not include a senate**  
 37 **district that includes the residence address of two (2) or more**  
 38 **senators, one (1) or more of whose term of office expires at the**  
 39 **second general election held after the redistricting year.**

40          **Sec. 10. (a) In evaluating plans for recommendation, the**  
 41 **commission shall consider the effect that a plan has on language**  
 42 **minority groups and racial minority groups as required by the**





1 federal Voting Rights Act.

2 (b) Except as provided in this subsection, the commission and  
 3 the agency may not consider past election results in preparing  
 4 proposed maps of legislative district plans and congressional  
 5 district plans. After the maps have been published under  
 6 IC 2-1.5-4-4, the agency shall review past election results to  
 7 evaluate the proposed maps for compliance with the federal Voting  
 8 Rights Act, and if necessary, shall recommend to the commission  
 9 one (1) or more modifications to the maps to bring the maps into  
 10 compliance with the federal Voting Rights Act. The modifications  
 11 recommended under this subsection may include population  
 12 deviations greater than those imposed under section 4 of this  
 13 chapter. However, the population deviations may not exceed ten  
 14 percent (10%).

15 SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2019]: Sec. 2.7. (a) The definitions in IC 2-1.5-1 apply throughout  
 18 this section.

19 (b) Before October 1 of a redistricting year, the general  
 20 assembly shall convene and enact bills to establish the following:

- 21 (1) House of representatives districts.
- 22 (2) Senate districts.
- 23 (3) Congressional districts.

24 (c) A bill to enact a redistricting plan recommended by the  
 25 redistricting commission under IC 2-1.5-4 must be introduced in,  
 26 considered by, and voted on by each house of the general assembly,  
 27 without amendment, except amendments of a technical nature.

28 (d) If the general assembly does not enact the redistricting plan  
 29 recommended by the redistricting commission under IC 2-1.5-4,  
 30 the general assembly shall provide, not later than two (2) days after  
 31 the general assembly fails to enact the recommended plan, written  
 32 comments to the redistricting commission concerning the reason or  
 33 reasons why the recommended plan was not enacted.

34 (e) Not later than fifteen (15) days after receiving the general  
 35 assembly's comments under subsection (d), the redistricting  
 36 commission shall recommend to the general assembly a second  
 37 redistricting plan. The second redistricting plan recommended by  
 38 the redistricting commission must be introduced in, considered by,  
 39 and voted on by each house of the general assembly, without  
 40 amendment, except amendments of a technical nature.

41 (f) If the general assembly does not enact the second  
 42 redistricting plan recommended by the redistricting commission



1 under subsection (e), the general assembly may enact any  
2 redistricting plan.

3 (g) Unless the general assembly has enacted bills described in  
4 subsection (b) at:

5 (1) a session convened under another section of this chapter;  
6 or

7 (2) a special session called by the governor;  
8 the general assembly may not consider a matter that is not relevant  
9 to the legislation described in subsection (b) during a session  
10 convened under this section.

11 SECTION 3. IC 3-3-2 IS REPEALED [EFFECTIVE JULY 1, 2019].  
12 (Redistricting Commission).

13 SECTION 4. IC 3-3-5-10, AS ADDED BY P.L.215-2011,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 10. Beginning November 6, 2012, the 2001  
16 Congressional District Plan:

17 (1) adopted by the redistricting commission under IC 3-3-2  
18 (before its repeal); and

19 (2) published in the governor's executive order 01-11 in the  
20 Indiana Register at 24 IR 3293-3298;

21 is void.

22 SECTION 5. IC 3-8-2-8, AS AMENDED BY P.L.169-2015,  
23 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2019]: Sec. 8. (a) A declaration of candidacy for the office of  
25 United States Senator or for the office of governor must be  
26 accompanied by a petition signed by at least four thousand five  
27 hundred (4,500) voters of the state, including at least five hundred  
28 (500) voters from each congressional district.

29 (b) Each petition must contain the following:

30 (1) The signature of each petitioner.

31 (2) The name of each petitioner legibly printed.

32 (3) The residence address of each petitioner as set forth on the  
33 petitioner's voter registration record.

34 (c) Except as provided in this subsection, the signature, printed  
35 name, and residence address of the petitioner must be made in writing  
36 by the petitioner. If a petitioner with a disability is unable to write this  
37 information on the petition, the petitioner may authorize an individual  
38 to do so on the petitioner's behalf. The individual acting under this  
39 subsection shall execute an affidavit of assistance for each such  
40 petitioner, in a form prescribed by the election division. The form must  
41 set forth the name and address of the individual providing assistance,  
42 and the date the individual provided the assistance. The form must be



- 1 submitted with the petition.
- 2 (d) This subsection applies to a petition filed during the period:
- 3 (1) beginning on the date that a congressional district plan has
- 4 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- 5 (2) ending on the date that ~~the part of the act or order issued under~~
- 6 ~~IC 3-3-2~~ **establishing** the previous congressional district plan is
- 7 repealed or superseded.
- 8 The petition must be signed by at least four thousand five hundred
- 9 (4,500) voters of Indiana, including at least five hundred (500) voters
- 10 from each congressional district created by the most recent
- 11 congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.
- 12 SECTION 6. IC 3-8-3-2, AS AMENDED BY P.L.169-2015,
- 13 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2019]: Sec. 2. (a) A request filed under section 1 of this
- 15 chapter must be accompanied by a petition signed by at least four
- 16 thousand five hundred (4,500) voters of the state, including at least five
- 17 hundred (500) voters from each congressional district.
- 18 (b) Each petition must contain the following:
- 19 (1) The signature of each petitioner.
- 20 (2) The name of each petitioner legibly printed.
- 21 (3) The residence address of each petitioner as set forth on the
- 22 petitioner's voter registration record.
- 23 (c) Except as provided in this subsection, the signature, printed
- 24 name, and residence address of the petitioner must be made in writing
- 25 by the petitioner. If a petitioner with a disability is unable to write this
- 26 information on the petition, the petitioner may authorize an individual
- 27 to do so on the petitioner's behalf. The individual acting under this
- 28 subsection shall execute an affidavit of assistance for each such
- 29 petitioner, in a form prescribed by the election division. The form must
- 30 set forth the name and address of the individual providing assistance,
- 31 and the date the individual provided the assistance. The form must be
- 32 submitted with the petition.
- 33 (d) This subsection applies to a petition filed during the period:
- 34 (1) beginning on the date that a congressional district plan has
- 35 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- 36 (2) ending on the date that ~~the part of the act or order issued under~~
- 37 ~~IC 3-3-2~~ **establishing** the previous congressional district plan is
- 38 repealed or superseded.
- 39 The petition must be signed by at least four thousand five hundred
- 40 (4,500) voters of Indiana, including at least five hundred (500) voters
- 41 from each congressional district created by the most recent
- 42 congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.

