

SENATE BILL No. 136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-1.5; IC 2-2.1-1-2.7; IC 3-3-2; IC 3-3-5-10; 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. Requires the legislative services agency to provide staff and administrative services to the commission. Establishes standards to govern the commission and the legislative services agency in the creation of redistricting plans. Requires the general assembly to meet and to enact redistricting plans for general assembly districts before October 1 of a redistricting year. Provides that the commission's plan for congressional districts becomes the congressional district plan when adopted by the commission unless the general assembly enacts a different plan by law. 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. Provides that the new redistricting procedures apply to the establishment of legislative or congressional districts required after June 30, 2014. Repeals the current law relating to congressional redistricting. Makes an appropriation.

Effective: July 1, 2014.

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January 8, 2014, read first time and referred to Committee on Elections.



Second Regular Session 118th General Assembly (2014)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 136

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

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 **2014]:**
4 **ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY**
5 **AND CONGRESSIONAL DISTRICTS**
6 **Chapter 1. Application**
7 **Sec. 1. This article applies to the establishment of legislative or**
8 **congressional districts required after June 30, 2014.**
9 **Chapter 2. Definitions**
10 **Sec. 1. The definitions in this chapter apply throughout this**
11 **article.**
12 **Sec. 2. "Agency" refers to the legislative services agency**
13 **established by IC 2-5-1.1-7.**
14 **Sec. 3. "Appointing authority" refers to any of the following:**
15 **(1) The speaker of the house of representatives.**
16 **(2) The minority leader of the house of representatives.**



1 (3) The president pro tempore of the senate.

2 (4) The minority leader of the senate.

3 Sec. 4. "Bureau" refers to the United States Department of
4 Commerce, United States Census Bureau.

5 Sec. 5. "Census data" means the population data that the
6 bureau is required to provide to the state under 13 U.S.C. 141.

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

9 Sec. 7. "Commission" refers to the redistricting commission
10 established under IC 2-1.5-3.

11 Sec. 8. "Federal decennial census" refers to a federal decennial
12 census conducted under 13 U.S.C. 141.

13 Sec. 9. "House of representatives" refers to the house of
14 representatives of the general assembly.

15 Sec. 10. "Ideal district population" for a plan refers to the
16 number equal to the quotient of the following, rounded to the
17 nearest whole number:

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

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

22 Sec. 11. (a) "Plan" refers to any of the following:

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

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

25 (3) A plan for congressional districts.

26 (b) A plan includes maps and written descriptions of the maps
27 that define all the districts that a plan is required to have under
28 this article.

29 Sec. 12. "Political subdivision" means a city, county, town, or
30 township.

31 Sec. 13. "Redistricting year" refers to the year immediately
32 following a census year.

33 Sec. 14. "Senate" refers to the senate of the general assembly.

34 Chapter 3. Redistricting Commission

35 Sec. 1. A redistricting commission consisting of nine (9)
36 members is established as provided in this chapter.

37 Sec. 2. Not later than January 15 of a redistricting year, each of
38 the appointing authorities shall do the following:

39 (1) Appoint two (2) individuals to be commission members.

40 (2) Certify to the executive director of the agency the
41 appointment of each individual to the commission.

42 Sec. 3. To be eligible to serve on the commission, an individual



1 must be a resident of Indiana.

2 **Sec. 4. An individual is not eligible to serve on the commission**
 3 **if the individual has been any of the following at any time less than**
 4 **six (6) years before the individual's appointment to the**
 5 **commission:**

6 (1) A member of the general assembly or the Congress of the
 7 United States.

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

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

11 (4) An appointed public official.

12 (5) The chairman or treasurer of a candidate's committee of
 13 a candidate for election to the general assembly or to the
 14 Congress of the United States required by IC 3-9-1 or federal
 15 law.

16 (6) An individual registered as a lobbyist under IC 2-7.

17 **Sec. 5. (a) Before undertaking the individual's duties as a**
 18 **commission member, an individual appointed under section 2 or 9**
 19 **of this chapter or elected under section 7 of this chapter must do**
 20 **each of the following:**

21 (1) Take an oath of office.

22 (2) Make an affirmation that the individual will:

23 (A) apply the provisions of this article in an honest and
 24 independent manner; and

25 (B) uphold public confidence in the integrity of the
 26 redistricting process.

27 (3) Make a written pledge that the individual will not be a
 28 candidate for:

29 (A) election to the general assembly; or

30 (B) selection to fill a vacancy in the general assembly;

31 at any time before the second election for members of the
 32 general assembly after the individual's appointment to the
 33 commission.

34 (b) A member's oath, affirmation, and pledge shall be filed with
 35 the agency.

36 **Sec. 6. An individual serves as a commission member until the**
 37 **earlier of the following:**

38 (1) The individual vacates the individual's membership on the
 39 commission.

40 (2) The appointment of a new commission under this chapter
 41 following a federal decennial census.

42 **Sec. 7. (a) Not later than February 1 of a redistricting year, the**



1 executive director of the agency shall convene the members
2 appointed under section 2 of this chapter to elect the commission's
3 chair.

4 (b) The commission's chair:

5 (1) may not be an individual appointed under section 2 of this
6 chapter; and

7 (2) must have all the other qualifications required by this
8 chapter to be a commission member.

9 (c) The individual elected under this section becomes the
10 commission's chair upon satisfying the requirements of section 5
11 of this chapter.

12 Sec. 8. A commission member may be removed from office for
13 substantial neglect of duty, gross misconduct in office, or inability
14 to discharge the duties of office as provided by law for the removal
15 of other public officers.

16 Sec. 9. (a) If the position of commission chair becomes vacant,
17 the executive director of the agency shall convene the commission
18 in the same manner as provided in section 7 of this chapter to elect
19 an individual to fill the vacancy not later than fifteen (15) days
20 after the vacancy occurs.

21 (b) If a vacancy other than a vacancy described in subsection (a)
22 occurs on the commission, the leader of the caucus whose leader
23 appointed the member whose position is vacant shall appoint an
24 individual to fill the vacancy not later than fifteen (15) days after
25 the vacancy occurs.

26 Sec. 10. (a) Except as provided in subsection (b), five (5)
27 members of the commission constitute a quorum.

28 (b) All commission members must be present for the
29 commission to adopt or recommend a plan.

30 Sec. 11. The affirmative vote of five (5) commission members is
31 necessary for the commission to take official action.

32 Sec. 12. Each commission member is entitled to receive the same
33 per diem, mileage, and travel allowances paid to members of the
34 general assembly serving on interim study committees established
35 by the legislative council.

36 Sec. 13. The agency shall provide the commission with staff and
37 administrative services.

38 Sec. 14. The amounts necessary to pay the commission's and the
39 agency's expenses to implement this article are continuously
40 appropriated to the agency from the state general fund.

41 Chapter 4. Redistricting Procedure

42 Sec. 1. (a) Before January 1 of a redistricting year, the agency



1 shall acquire any hardware, software, and supplies necessary to
 2 assist the commission in the performance of its duties under this
 3 article.

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

8 Sec. 2. Not later than March 15 of a redistricting year, the
 9 commission's chair shall convene the commission to do the
 10 following:

- 11 (1) Organize the commission.
 12 (2) Receive reports from the agency concerning the following:
 13 (A) Information relating to the receipt of census data from
 14 the bureau.
 15 (B) The readiness of the agency to assist the commission's
 16 work.
 17 (C) Any other matter requested by the commission.
 18 (3) Provide initial instructions to the agency regarding the
 19 commission's work.
 20 (4) Schedule hearings required or permitted under section 5
 21 of this chapter.
 22 (5) Schedule other meetings the commission considers
 23 necessary.
 24 (6) Schedule receipt of maps from the public.

25 Sec. 3. If the agency is confronted with the necessity to make a
 26 decision for which no clearly applicable provision of this article or
 27 instruction of the commission provides an answer, the executive
 28 director of the agency shall submit a written request to the
 29 commission for direction.

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

- 31 (1) Create maps of legislative district plans and congressional
 32 district plans that conform to this article and the
 33 commission's instructions.
 34 (2) Prepare written descriptions of the maps created under
 35 subdivision (1).
 36 (3) Evaluate maps submitted by the public for conformance
 37 with the standards described in IC 2-1.5-5.

38 (b) The agency shall produce as many different plans as the
 39 commission instructs:

- 40 (1) not earlier than June 1 of a redistricting year; and
 41 (2) not later than June 15 of the redistricting year.

42 (c) The agency shall publish the descriptions and maps:



1 (1) prepared for the commission by the agency; and
 2 (2) submitted to the commission from the public;
 3 as directed by the commission not later than June 15 of a
 4 redistricting year.

5 Sec. 5. (a) As directed by the commission, the agency shall
 6 receive for the commission written public comments regarding the
 7 plans after publication of the plans.

8 (b) Not later than July 31 of a redistricting year, the commission
 9 shall conduct at least one (1) public hearing in each of the following
 10 regions of Indiana, as determined by the commission:

- 11 (1) Northern Indiana.
 12 (2) Central Indiana.
 13 (3) Southern Indiana.

14 (c) The commission may hold hearings in addition to the
 15 hearings required by subsection (b).

16 (d) The commission shall do the following at any hearings held
 17 under this section:

- 18 (1) Explain the redistricting procedure.
 19 (2) Present the plans prepared for the commission by the
 20 agency.
 21 (3) Have available the plans submitted by the public and the
 22 agency's evaluation of those plans.
 23 (4) Hear public comments and suggestions.

24 (e) The commission may take other actions the commission
 25 considers appropriate to do the following:

- 26 (1) Explain the redistricting procedure or the plans to the
 27 public.
 28 (2) Receive public comments and suggestions.

29 Sec. 6. (a) Not later than September 1 of a redistricting year, the
 30 commission shall meet to adopt a report to the general assembly.
 31 The report must include the following:

- 32 (1) A summary of the commission's and the agency's
 33 preparation for the commission's work.
 34 (2) A description of the hearings held under section 5 of this
 35 chapter.
 36 (3) A summary of the public comments and suggestions
 37 received in writing and at the hearings.
 38 (4) The commission's recommendation to the general
 39 assembly for each of the following:
 40 (A) A district plan for the house of representatives.
 41 (B) A district plan for the senate.
 42 (5) The commission's plan for congressional districts.



1 **(6) Maps for each plan, including both a statewide map and a**
 2 **map for each district.**

3 **(7) A bill that would enact each of the plans described in**
 4 **subdivision (4).**

5 **(b) The commission may include any other information in the**
 6 **report that the commission considers useful to explain the**
 7 **commission's work or recommendations.**

8 **(c) The report required by this section must be submitted to the**
 9 **legislative council in an electronic format under IC 5-14-6.**

10 **Sec. 7. The commission shall:**

11 **(1) recommend to the general assembly the plan for house and**
 12 **senate districts; and**

13 **(2) adopt the plan for congressional districts;**

14 **that the commission considers the best in meeting the standards set**
 15 **forth in IC 2-1.5-5.**

16 **Sec. 8. (a) A plan for congressional districts becomes the plan**
 17 **when adopted by the commission unless the general assembly**
 18 **enacts a different plan by law.**

19 **(b) The executive director of the agency shall file the**
 20 **congressional district plan adopted by the commission with the**
 21 **secretary of state not later than ten (10) days after the commission**
 22 **adopts the plan.**

23 **Chapter 5. Redistricting Standards**

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

27 **Sec. 2. (a) A plan for house of representatives districts must**
 28 **have one hundred (100) districts.**

29 **(b) A plan for senate districts must have fifty (50) districts.**

30 **(c) A plan for congressional districts must have as many**
 31 **districts as are allocated to the state of Indiana under 2 U.S.C. 2a.**

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

33 **Sec. 4. The population of a house or a senate district may not**
 34 **deviate from the ideal district population by more than one percent**
 35 **(1%) of the ideal district population.**

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

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

39 **Sec. 6. (a) Districts must be as compact as possible.**

40 **(b) The compactness of a district shall be measured by**
 41 **determining the total length of the boundary of the district.**

42 **(c) Compactness of a plan shall be measured by adding the**



1 compactness measures of all the districts in the plan as determined
2 under subsection (b).

3 (d) A plan is considered more compact than another plan if the
4 compactness measure of the plan is less than the compactness
5 measure of the other plan.

6 **Sec. 7. Districts must not violate precinct boundaries.**

7 **Sec. 8. To the extent possible consistent with sections 2 through**
8 **6 of this chapter, district boundaries of general assembly districts**
9 **must coincide with the boundaries of Indiana political subdivisions**
10 **as follows:**

11 (1) The commission shall minimize the number of counties
12 and cities divided among more than one (1) district.

13 (2) Except as provided in subdivision (3), if there is a choice
14 between political subdivisions to be divided, the more
15 populous political subdivisions shall be divided before a less
16 populous political subdivision is divided.

17 (3) Subdivision (2) does not apply to a legislative district
18 boundary drawn along a county line that passes through a
19 municipality that lies in more than one (1) county.

20 **Sec. 9. In evaluating plans for recommendation, the commission**
21 **shall consider the following:**

22 (1) The effect that a plan has on language and racial minority
23 groups.

24 (2) Whether a plan preserves traditional neighborhoods.

25 (3) Whether a plan preserves local communities of interest
26 based upon cultural, ethnic, geographic, and socioeconomic
27 similarities.

28 (4) Whether a plan avoids oddly shaped districts. Rational
29 and logical deviations may occur from this standard where an
30 effort is made to follow a political subdivision's boundaries or
31 to follow natural geographic boundaries.

32 SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2014]: **Sec. 2.7. (a) This section applies to the establishment of**
35 **legislative districts required after June 30, 2014.**

36 (b) The definitions in IC 2-1.5-2 apply throughout this section.

37 (c) Before October 1 of a redistricting year, the general
38 assembly shall convene and enact bills to establish the following:

39 (1) House of representatives districts.

40 (2) Senate districts.

41 (d) A bill to enact a redistricting plan recommended by the
42 redistricting commission under IC 2-1.5-4 must be introduced in



1 **and considered by each house of the general assembly, without**
 2 **amendment, except amendments of a technical nature.**

3 **(e) Unless the general assembly enacts bills described in**
 4 **subsection (c) 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 (c) during a session**
 10 **convened under this section.**

11 SECTION 3. IC 3-3-2 IS REPEALED [EFFECTIVE JULY 1, 2014].
 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, 2014]: 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 **(repealed); 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.194-2013,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: 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 commission. The form must set
 41 forth the name and address of the individual providing assistance, and
 42 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.194-2013,
- 13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2014]: 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 commission. The form must set
- 30 forth the name and address of the individual providing assistance, and
- 31 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**.

