



February 9, 2021

SENATE BILL No. 179

DIGEST OF SB 179 (Updated February 8, 2021 9:51 am - DI 140)

Citations Affected: IC 14-13; IC 36-2.

Synopsis: County commissioner districts. Requires all county commissioner districts to contain, as nearly as possible, equal population and compact boundaries (currently, equal population and compactness requirements apply to only Lake County and St. Joseph County). Specifies ordinance requirements for the division of the county districts and specifies severability of the ordinance.

Effective: July 1, 2021.

Gaskill, Walker G

January 5, 2021, read first time and referred to Committee on Elections.
February 8, 2021, reported favorably — Do Pass.

SB 179—LS 6632/DI 104



February 9, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 179

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

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

- 1 SECTION 1. IC 14-13-2-7, AS AMENDED BY P.L.160-2012,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 7. (a) The commission has
4 ~~(1) before July 1, 2012, five (5) members appointed by the~~
5 ~~governor; and~~
6 ~~(2) after June 30, 2012, nine (9) members appointed by the~~
7 ~~governor.~~
8 (b) The following requirements apply to the governor's
9 appointments: ~~under subsection (a)(1):~~
10 (1) One (1) member must be a representative of the department of
11 natural resources. The member may not be an employee or elected
12 official of a city, town, or county governmental unit.
13 (2) ~~The remaining~~ Four (4) members must meet the following
14 requirements:
15 (A) Four (4) members must reside in a:
16 (i) city;
17 (ii) town; or

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- 1 (iii) township (if the member resides in an unincorporated
2 area of the county);
3 that borders the Little Calumet River **and each of whom must**
4 **have been nominated by the executive of a municipality**
5 **located in the watershed other than a city described in**
6 **subdivision (3).**
- 7 (B) At least three (3) of the members must have a background
8 in:
9 (i) construction;
10 (ii) project management; or
11 (iii) flood control;
12 or a similar professional background.
- 13 (C) A member may not be an employee or elected official of
14 a city, town, or county governmental unit.
- 15 (c) ~~The following apply to the membership of the commission after~~
16 ~~June 30, 2012:~~
17 ~~(1) Before August 1, 2012, (3) Another four (4) members~~
18 ~~appointed by the governor shall appoint four (4) additional~~
19 ~~members to the commission for four (4) year terms as follows:~~
20 ~~must meet the following requirements:~~
21 (A) One (1) member nominated by the mayor of a city having
22 a population of more than eighty thousand five hundred
23 (80,500) but less than one hundred thousand (100,000).
24 (B) One (1) member nominated by the mayor of a city having
25 a population of more than eighty thousand (80,000) but less
26 than eighty thousand four hundred (80,400).
27 (C) Two (2) members nominated by the board of county
28 commissioners of Lake County.
- 29 ~~(2) Notwithstanding section 8 of this chapter, the term of the~~
30 ~~member described in subsection (b)(1) expires January 7, 2013.~~
31 ~~The governor shall appoint one (1) member nominated by the~~
32 ~~department of natural resources for a four (4) year term beginning~~
33 ~~January 7, 2013.~~
34 ~~(3) Notwithstanding section 8 of this chapter, the terms of the~~
35 ~~members described in subsection (b)(2) expire January 1, 2014.~~
36 ~~The governor shall appoint for four (4) year terms beginning~~
37 ~~January 1, 2014, four (4) members, each of whom must have been~~
38 ~~nominated by the executive of a municipality located in the~~
39 ~~watershed other than a city described in subdivision (1).~~
40 ~~(4) A member appointed to succeed a member appointed under~~
41 ~~subdivision (1) or (2) must be nominated by the nominating~~
42 ~~authority that nominated the member's predecessor, and a member~~



1 appointed to succeed a member appointed under subdivision (3)
 2 must be nominated by the executive of a municipality located in
 3 the watershed other than a city described in subdivision (1).

4 ~~(d)~~ (c) The following apply to a member appointed under subsection
 5 (c) and to any member appointed to succeed a member appointed under
 6 subsection (c):

7 ~~(1) After July 31, 2012;~~

8 **subsection (b)(3):**

9 **(1) Each member must have a background in:**

10 **(A) construction;**

11 **(B) project management;**

12 **(C) flood control; or**

13 **(D) a similar professional background.**

14 **(2) A member may not be an employee or elected official of a**
 15 **city, town, or county governmental unit.**

16 **(3) The members must be from different municipalities.**

17 **(4) The members appointed under subsection (b)(3)(C) may**
 18 **not be from the same district created under IC 36-2-2-3.4.**

19 **(d)** Not more than five (5) members of the commission may belong
 20 to the same political party.

21 ~~(2) Each member must have a background in:~~

22 ~~(A) construction;~~

23 ~~(B) project management;~~

24 ~~(C) flood control; or~~

25 ~~(D) a similar professional background.~~

26 ~~(3) A member may not be an employee or elected official of a~~
 27 ~~city, town, or county governmental unit.~~

28 ~~(4) The members:~~

29 ~~(A) appointed under subsection (c)(3); or~~

30 ~~(B) appointed to succeed members appointed under subsection~~
 31 ~~(c)(3);~~

32 ~~must be from different municipalities.~~

33 ~~(5) Neither the two (2) members appointed under subsection~~
 34 ~~(c)(1)(C) nor any two (2) members appointed to succeed them~~
 35 ~~may be from the same district created under IC 36-2-2-4(b).~~

36 SECTION 2. IC 36-2-1-2, AS AMENDED BY P.L.113-2010,
 37 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) If the resident voters in a
 39 specified territory in two (2) or more contiguous counties desire to
 40 change the boundaries of their respective counties, they may file a
 41 petition with the executives of their respective counties requesting that
 42 the territory be transferred. The petition must:

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1 (1) be signed by at least the number of voters resident in the
 2 territory requested to be transferred required to place a candidate
 3 on the ballot under IC 3-8-6-3;

4 (2) contain a clear, distinct description of the requested boundary
 5 change; and

6 (3) not propose to decrease the area of any county below four
 7 hundred (400) square miles in compliance with Article 15,
 8 Section 7 of the Constitution of the State of Indiana.

9 (b) Whenever a petition under subsection (a) is filed with a county
 10 executive, the executive shall determine, at its first meeting after the
 11 petition is filed:

12 (1) whether the signatures on the petition are genuine; and

13 (2) whether the petition complies with subsection (a).

14 (c) If the determinations under subsection (b) are affirmative, the
 15 executive shall certify the question to the county election board of each
 16 affected county. The county election boards shall jointly order a special
 17 election to be held, scheduling the election so that the election is held
 18 on the same date in each county interested in the change, but not later
 19 than thirty (30) days and not on the same date as a general election. The
 20 election shall be conducted under IC 3-10-8-6. All voters of each
 21 interested county are entitled to vote on the question. The question
 22 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
 23 must state "Shall the boundaries of _____ County and
 24 _____ County change?".

25 (d) After an election under subsection (c), the clerk of each county
 26 shall make a certified copy of the election returns and not later than
 27 five (5) days after the election file the copy with the auditor of the
 28 county. The auditor shall, not later than five (5) days after the filing of
 29 the returns in the auditor's office, make a true and complete copy of the
 30 returns, certified under the auditor's hand and seal, and deposit the copy
 31 with the auditor of every other county interested in the change.

32 (e) After copies have been filed under subsection (d), the auditor of
 33 each county shall call a meeting of the executive of the county, which
 34 shall examine the returns. If a majority of the voters of each interested
 35 county voted in favor of change, the executive shall:

36 (1) enter an order declaring their boundaries to be changed as
 37 described in the petition; and

38 (2) if the county has received territory from the transfer, adopt
 39 revised descriptions of:

40 (A) county commissioner districts under ~~IC 36-2-2-4;~~
 41 **IC 36-2-2-3.2 or IC 36-2-2-3.4, whichever is applicable;** and

42 (B) county council districts under IC 36-2-3-4;



1 so that the transferred territory is assigned to at least one (1) county
2 commissioner district and at least one (1) county council district.

3 (f) The executive of each county shall file a copy of the order
4 described in subsection (e)(1) with:

- 5 (1) the office of the secretary of state; and
- 6 (2) the circuit court clerk of the county.

7 Except as provided in subsection (g), the transfer of territory becomes
8 effective when the last county order is filed under this subsection.

9 (g) An order declaring county boundaries to be changed may not
10 take effect during the year preceding a year in which a federal
11 decennial census is conducted. An order that would otherwise take
12 effect during the year preceding a year in which a federal decennial
13 census is conducted takes effect January 1 of the year in which a
14 federal decennial census is conducted.

15 (h) An election under this section may be held only once every three
16 (3) years.

17 ~~(i) Notwithstanding subsection (g) as that subsection existed on~~
18 ~~December 31, 2009; a boundary change that took effect January 2,~~
19 ~~2010; because of the application of subsection (g); as that subsection~~
20 ~~existed on December 31, 2009; is instead considered to take effect~~
21 ~~January 1, 2010; without an amended order or any other additional~~
22 ~~action being required.~~

23 SECTION 3. IC 36-2-2-3.2 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2021]: **Sec. 3.2. (a) This section applies to all counties except the**
26 **following counties:**

- 27 (1) A county having a consolidated city.
- 28 (2) A county having a population of more than four hundred
29 thousand (400,000) but less than seven hundred thousand
30 (700,000).

31 (b) The county executive shall adopt an ordinance to divide the
32 county into three (3) districts at each of the following times:

- 33 (1) Not later than December 31 of a year that a federal
34 decennial census becomes effective under IC 1-1-3.5.
- 35 (2) When the county adopts an order declaring a county
36 boundary to be changed under IC 36-2-1-2.

37 (c) An ordinance may be adopted under this section in any
38 odd-numbered year not described in subsection (b).

39 (d) Each district must:

- 40 (1) be contiguous;
- 41 (2) not cross precinct boundary lines;



1 **(3) not divide a township unless a division is clearly necessary**
 2 **to accomplish redistricting under this section;**

3 **(4) be compact, subject only to natural boundary lines (such**
 4 **as railroads, major highways, rivers, creeks, parks, and major**
 5 **industrial complexes); and**

6 **(5) contain as nearly as is possible, equal population.**

7 **(e) The county executive shall file a copy of each ordinance**
 8 **adopted under this section with the circuit court clerk not later**
 9 **than thirty (30) days after adoption.**

10 **(f) The ordinance must include a map of the district boundaries.**
 11 **If a conflict exists between:**

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

13 **(2) a description of the boundaries of a district set forth in the**
 14 **ordinance;**

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

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

26 SECTION 4. IC 36-2-2-3.4 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2021]: **Sec. 3.4. (a) This section applies to a county having a**
 29 **population of more than four hundred thousand (400,000) but less**
 30 **than seven hundred thousand (700,000).**

31 **(b) A county redistricting commission shall adopt an order to**
 32 **divide the county into three (3) single-member districts. The**
 33 **commission is composed of the following:**

34 **(1) The members of the Indiana election commission.**

35 **(2) Two (2) members of the senate selected by the president**
 36 **pro tempore, one (1) from each political party represented in**
 37 **the senate.**

38 **(3) Two (2) members of the house of representatives selected**
 39 **by the speaker, one (1) from each political party represented**
 40 **in the house.**

41 **(c) The legislative members of the commission have no vote and**
 42 **may act only in an advisory capacity. A majority vote of the voting**



1 members is required for the commission to take action. The
 2 commission may meet as frequently as necessary to perform its
 3 duty under this section. The commission's members serve without
 4 additional compensation above that provided for them as members
 5 of the Indiana election commission, the senate, or the house of
 6 representatives.

7 (d) The commission shall adopt an order to divide the county
 8 into three (3) districts at each of the following times:

9 (1) Not later than December 31 of a year that a federal
 10 decennial census becomes effective under IC 1-1-3.5.

11 (2) When the county adopts an order declaring a county
 12 boundary to be changed under IC 36-2-1-2.

13 (e) An ordinance may be adopted under this section in any
 14 odd-numbered year not described in subsection (d).

15 (f) Each district must:

16 (1) be contiguous;

17 (2) not cross precinct boundary lines;

18 (3) not divide a township unless a division is clearly necessary
 19 to accomplish redistricting under this section;

20 (4) be compact, subject only to natural boundary lines (such
 21 as railroads, major highways, rivers, creeks, parks, and major
 22 industrial complexes); and

23 (5) contain as nearly as is possible, equal population.

24 (g) The commission shall file a copy of each order adopted
 25 under this section with the circuit court clerk not later than thirty
 26 (30) days after adoption.

27 (h) The ordinance must include a map of the district boundaries.

28 If a conflict exists between:

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

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

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

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



1 SECTION 5. IC 36-2-2-4 IS REPEALED [EFFECTIVE JULY 1,
2 2021]. Sec. 4: (a) This subsection does not apply to a county having a
3 population of:

- 4 (1) more than four hundred thousand (400,000) but less than
5 seven hundred thousand (700,000); or
6 (2) more than two hundred fifty thousand (250,000) but less than
7 two hundred seventy thousand (270,000):

8 The executive shall divide the county into three (3) districts that are
9 composed of contiguous territory and are reasonably compact. The
10 district boundaries drawn by the executive must not cross precinct
11 boundary lines and must divide townships only when a division is
12 clearly necessary to accomplish redistricting under this section. If
13 necessary, the county auditor shall call a special meeting of the
14 executive to establish or revise districts:

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

- 20 (1) the members of the Indiana election commission;
21 (2) two (2) members of the senate selected by the president pro
22 tempore; one (1) from each political party; and
23 (3) two (2) members of the house of representatives selected by
24 the speaker; one (1) from each political party:

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

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

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

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



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

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

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

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

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

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

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

21 (2) recertified under subsection (g).

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

30 (j) If a conflict exists between:

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

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

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

37 SECTION 6. IC 36-2-2-4.5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) If any territory
39 in a county is not included in one (1) of the districts established under
40 section 4 section 3.2 or 3.4 of this chapter, the territory is included in
41 the district that:

42 (1) is contiguous to that territory; and



1 (2) contains the least population of all districts contiguous to that
 2 territory.
 3 (b) If any territory in any county is included in more than one (1) of
 4 the districts established under ~~section 4~~ **section 3.2 or 3.4** of this
 5 chapter, the territory is included in the district that:
 6 (1) is one (1) of the districts in which the territory is described in
 7 the ordinance adopted under ~~section 4~~ **section 3.2 or 3.4** of this
 8 chapter;
 9 (2) is contiguous to that territory; and
 10 (3) contains the least population of all districts contiguous to that
 11 territory.
 12 SECTION 7. IC 36-2-2-4.7 IS REPEALED [EFFECTIVE JULY 1,
 13 2021]. ~~Sec. 4.7. (a) Whenever the executive divides the county into~~
 14 ~~districts under section 4 of this chapter, the executive shall adopt an~~
 15 ~~ordinance:~~
 16 ~~(b) The executive shall file a copy of an ordinance adopted under~~
 17 ~~subsection (a) with the circuit court clerk.~~
 18 SECTION 8. IC 36-2-2-5, AS AMENDED BY P.L.119-2012,
 19 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) To be eligible for election to
 21 the executive, a person must meet the qualifications prescribed by
 22 IC 3-8-1-21.
 23 (b) A member of the executive must reside within:
 24 (1) the county as provided in Article 6, Section 6 of the
 25 Constitution of the State of Indiana; and
 26 (2) the district from which the member was elected.
 27 (c) If the person does not remain a resident of the county and district
 28 after taking office, the person forfeits the office. The county fiscal body
 29 shall declare the office vacant whenever a member of the executive
 30 forfeits office under this subsection.
 31 (d) ~~In a county having a population of:~~
 32 ~~(1) more than four hundred thousand (400,000) but less than~~
 33 ~~seven hundred thousand (700,000); or~~
 34 ~~(2) more than two hundred fifty thousand (250,000) but less than~~
 35 ~~two hundred seventy thousand (270,000);~~
 36 **one (1) member of the executive shall be elected by the voters of each**
 37 **of the three (3) single-member districts established under section 4(b)**
 38 **or 4(c) of this chapter. In other counties, all three (3) members of the**
 39 **executive shall be elected by the voters of the whole county. In a**
 40 **county having a population of more than four hundred thousand**
 41 **(400,000) but less than seven hundred thousand (700,000), the**



1 voters of each single-member district established under section 3.4
2 of this chapter shall elect one (1) member of the county executive.

3 (e) In a county having a population of more than two hundred
4 fifty thousand (250,000) but less than two hundred seventy
5 thousand (270,000), the voters of each single-member district
6 established under section 3.2 of this chapter shall elect one (1)
7 member of the county executive.

8 (f) In every other county (other than a county having a
9 consolidated city), all three (3) members of the county executive
10 shall be elected by the voters of the whole county.

11 SECTION 9. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
12 SECTION 186, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) This subsection does not
14 apply to a county having a population of:

15 (1) more than four hundred thousand (400,000) but less than
16 seven hundred thousand (700,000); or

17 (2) more than two hundred fifty thousand (250,000) but less than
18 two hundred seventy thousand (270,000).

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

26 (b) This subsection applies to a county having a population of more
27 than four hundred thousand (400,000) but less than seven hundred
28 thousand (700,000). The county redistricting commission established
29 under ~~IC 36-2-2-4~~ **IC 36-2-2-3.4** shall divide the county into seven (7)
30 single-member districts that comply with subsection (d). One (1)
31 member of the fiscal body shall be elected by the voters of each of
32 these seven (7) single-member districts.

33 (c) This subsection applies to a county having a population of more
34 than two hundred fifty thousand (250,000) but less than two hundred
35 seventy thousand (270,000). The fiscal body shall divide the county
36 into nine (9) single-member districts that comply with subsection (d).
37 Three (3) of these districts must be contained within each of the three
38 (3) districts established under ~~IC 36-2-2-4(c)~~ **IC 36-2-2-3.2**. One (1)
39 member of the fiscal body shall be elected by the voters of each of
40 these nine (9) single-member districts.

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



- 1 (1) be compact, subject only to natural boundary lines (such as
 2 railroads, major highways, rivers, creeks, parks, and major
 3 industrial complexes);
 4 (2) not cross precinct boundary lines;
 5 (3) contain, as nearly as possible, equal population; and
 6 (4) include whole townships, except when a division is clearly
 7 necessary to accomplish redistricting under this section.
- 8 (e) Except as provided by subsection (g), a division under
 9 subsection (a), (b), or (c) shall be made **at each of the following times:**
 10 (1) ~~during the first year after~~ **Not later than December 31 of a**
 11 **year in which a federal decennial census is conducted, and**
 12 **becomes effective under IC 1-1-3.5.**
 13 (2) When the county executive adopts an order declaring a county
 14 boundary to be changed under IC 36-2-1-2.
- 15 (f) A division under subsection (a), (b), or (c) may be made in any
 16 odd-numbered year not described in subsection (e).
- 17 (g) This subsection applies during ~~the first year after~~ a year in which
 18 a federal decennial census ~~is conducted.~~ **becomes effective under**
 19 **IC 1-1-3.5.** If the county executive, county redistricting commission,
 20 or county fiscal body determines that a division under subsection (e) is
 21 not required, the county executive, county redistricting commission, or
 22 county fiscal body shall adopt an ordinance recertifying that the
 23 districts as drawn comply with this section.
- 24 (h) Each time there is a division under subsection (e) or (f) or a
 25 recertification under subsection (g), the county executive, county
 26 redistricting commission, or county fiscal body shall file with the
 27 circuit court clerk of the county, not later than thirty (30) days after the
 28 division or recertification occurs, a map of the district boundaries:
 29 (1) adopted under subsection (e) or (f); or
 30 (2) recertified under subsection (g).
- 31 (i) The limitations set forth in this section are part of the ordinance,
 32 but do not have to be specifically set forth in the ordinance. The
 33 ordinance must be construed, if possible, to comply with this chapter.
 34 If a provision of the ordinance or an application of the ordinance
 35 violates this chapter, the invalidity does not affect the other provisions
 36 or applications of the ordinance that can be given effect without the
 37 invalid provision or application. The provisions of the ordinance are
 38 severable.
- 39 (j) If a conflict exists between:
 40 (1) a map showing the boundaries of a district; and
 41 (2) a description of the boundaries of that district set forth in the
 42 ordinance;



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

4 SECTION 10. IC 36-2-3.5-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A court may issue
6 an order, before final hearing, to stay an election if there is sufficient
7 evidence to withstand a motion for summary judgment that the county
8 has not been divided into districts that comply with ~~IC 36-2-2-4~~
9 **IC 36-2-2-3.2 or IC 36-2-2-3.4 (whichever is applicable)** or
10 IC 36-2-3-4. A preliminary hearing on the question may be held upon
11 the court's own motion.

12 (b) Final judgment on the merits in such a case shall be made within
13 thirty (30) days of the stay of election order. If the redistricting is found
14 not to be in compliance with law, the court shall retain jurisdiction and
15 shall order the proper officials to submit within thirty (30) days a
16 redistricting plan complying with law. If the proper officials fail to
17 comply with the order, the court shall order the Indiana election
18 commission to divide the county into districts in compliance with law.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 179 as introduced.)

FORD JON, Chairperson

Committee Vote: Yeas 8, Nays 1

