



Reprinted
February 23, 2021

SENATE BILL No. 179

DIGEST OF SB 179 (Updated February 22, 2021 3:00 pm - DI 75)

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 or resolution requirements for the division of the county districts and provides for the severability of the ordinance or resolution.

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.
February 22, 2021, read second time, amended, ordered engrossed.

SB 179—LS 6632/DI 104



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



1 and to any member appointed to succeed a member appointed under
2 subsection (c):

3 (1) After July 31, 2012, not more than five (5) members of the
4 commission may belong to the same political party.

5 (2) Each member must have a background in:

6 (A) construction;

7 (B) project management;

8 (C) flood control; or

9 (D) a similar professional background.

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

12 (4) The members:

13 (A) appointed under subsection (c)(3); or

14 (B) appointed to succeed members appointed under subsection
15 (c)(3);

16 must be from different municipalities.

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

20 **IC 36-2-2-3.4.**

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

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

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

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

36 (b) Whenever a petition under subsection (a) is filed with a county
37 executive, the executive shall determine, at its first meeting after the
38 petition is filed:

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

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

41 (c) If the determinations under subsection (b) are affirmative, the
42 executive shall certify the question to the county election board of each



1 affected county. The county election boards shall jointly order a special
 2 election to be held, scheduling the election so that the election is held
 3 on the same date in each county interested in the change, but not later
 4 than thirty (30) days and not on the same date as a general election. The
 5 election shall be conducted under IC 3-10-8-6. All voters of each
 6 interested county are entitled to vote on the question. The question
 7 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
 8 must state "Shall the boundaries of _____ County and
 9 _____ County change?".

10 (d) After an election under subsection (c), the clerk of each county
 11 shall make a certified copy of the election returns and not later than
 12 five (5) days after the election file the copy with the auditor of the
 13 county. The auditor shall, not later than five (5) days after the filing of
 14 the returns in the auditor's office, make a true and complete copy of the
 15 returns, certified under the auditor's hand and seal, and deposit the copy
 16 with the auditor of every other county interested in the change.

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

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

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

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

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

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

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

32 (1) the office of the secretary of state; and

33 (2) the circuit court clerk of the county.

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

36 (g) An order declaring county boundaries to be changed may not
 37 take effect during the year preceding a year in which a federal
 38 decennial census is conducted. An order that would otherwise take
 39 effect during the year preceding a year in which a federal decennial
 40 census is conducted takes effect January 1 of the year in which a
 41 federal decennial census is conducted.

42 (h) An election under this section may be held only once every three



1 (3) years.

2 (i) Notwithstanding subsection (g) as that subsection existed on
3 December 31, 2009; a boundary change that took effect January 2,
4 2010; because of the application of subsection (g); as that subsection
5 existed on December 31, 2009; is instead considered to take effect
6 January 1, 2010; without an amended order or any other additional
7 action being required.

8 SECTION 3. IC 36-2-2-3.2 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2021]: **Sec. 3.2. (a) This section applies to all counties except the
11 following counties:**

12 **(1) A county having a consolidated city.**

13 **(2) A county having a population of more than four hundred
14 thousand (400,000) but less than seven hundred thousand
15 (700,000).**

16 **(3) A county having a population of more than two hundred
17 fifty thousand (250,000) but less than two hundred seventy
18 thousand (270,000).**

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

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

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

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

27 **(d) Each district must:**

28 **(1) be contiguous;**

29 **(2) not cross precinct boundary lines;**

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

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

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

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

39 **(f) The ordinance must include a map of the district boundaries.**

40 **If a conflict exists between:**

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



- 1 **(2) a description of the boundaries of a district set forth in the**
 2 **ordinance;**
 3 **the district boundaries are the description of the boundaries set**
 4 **forth in the ordinance, not the boundaries shown on the map, to the**
 5 **extent that there is a conflict between the description and the map.**
 6 **(g) The limitations set forth in this section are part of the**
 7 **ordinance, but do not have to be specifically set forth in the**
 8 **ordinance. The ordinance must be construed, if possible, to comply**
 9 **with this chapter. If a provision of the ordinance or an application**
 10 **of the ordinance violates this chapter, the invalidity does not affect**
 11 **the other provisions or applications of the ordinance that can be**
 12 **given effect without the invalid provision or application. The**
 13 **provisions of the ordinance are severable.**
 14 **SECTION 4. IC 36-2-2-3.4 IS ADDED TO THE INDIANA CODE**
 15 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 16 **1, 2021]: Sec. 3.4. (a) This section applies to a county having a**
 17 **population of more than four hundred thousand (400,000) but less**
 18 **than seven hundred thousand (700,000).**
 19 **(b) A county redistricting commission shall adopt an order to**
 20 **divide the county into three (3) single-member districts. The**
 21 **commission is composed of the following:**
 22 **(1) The members of the Indiana election commission.**
 23 **(2) Two (2) members of the senate selected by the president**
 24 **pro tempore, one (1) from each political party represented in**
 25 **the senate.**
 26 **(3) Two (2) members of the house of representatives selected**
 27 **by the speaker, one (1) from each political party represented**
 28 **in the house.**
 29 **(c) The legislative members of the commission have no vote and**
 30 **may act only in an advisory capacity. A majority vote of the voting**
 31 **members is required for the commission to take action. The**
 32 **commission may meet as frequently as necessary to perform its**
 33 **duty under this section. The commission's members serve without**
 34 **additional compensation above that provided for them as members**
 35 **of the Indiana election commission, the senate, or the house of**
 36 **representatives.**
 37 **(d) The commission shall adopt an order to divide the county**
 38 **into three (3) districts at each of the following times:**
 39 **(1) Not later than December 31 of a year that a federal**
 40 **decennial census becomes effective under IC 1-1-3.5.**
 41 **(2) When the county adopts an order declaring a county**
 42 **boundary to be changed under IC 36-2-1-2.**



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

3 (f) Each district must:

4 (1) be contiguous;

5 (2) not cross precinct boundary lines;

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

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

11 (5) contain as nearly as possible, equal population.

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

15 (h) The ordinance must include a map of the district boundaries.
16 If a conflict exists between:

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

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

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

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

31 SECTION 5. IC 36-2-2-4 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) This subsection does not
33 apply to a county having a population of:

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

36 (2) more than two hundred fifty thousand (250,000) but less than
37 two hundred seventy thousand (270,000):

38 The executive shall divide the county into three (3) districts that are
39 composed of contiguous territory and are reasonably compact. The
40 district boundaries drawn by the executive must not cross precinct
41 boundary lines and must divide townships only when a division is
42 clearly necessary to accomplish redistricting under this section. If



1 necessary; the county auditor shall call a special meeting of the
2 executive to establish or revise districts:

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

8 (1) the members of the Indiana election commission;

9 (2) two (2) members of the senate selected by the president pro
10 tempore; one (1) from each political party; and

11 (3) two (2) members of the house of representatives selected by
12 the speaker; one (1) from each political party.

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

20 (e) (a) This subsection applies to a county having a population of
21 more than two hundred fifty thousand (250,000) but less than two
22 hundred seventy thousand (270,000). The executive shall divide the
23 county into three (3) single-member districts that comply with
24 subsection (d). (b).

25 (d) (b) Single-member districts established under subsection (b) or
26 (e) (a) must:

27 (1) be compact, subject only to natural boundary lines (such as
28 railroads, major highways, rivers, creeks, parks, and major
29 industrial complexes);

30 (2) contain, as nearly as is possible, equal population; and

31 (3) not cross precinct lines.

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

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

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

38 (f) (d) A division under subsection (a) (b); or (e) may be made in
39 any odd-numbered year not described in subsection (e): (c).

40 (g) (e) This subsection applies during the first year after a year in
41 which a federal decennial census is conducted. If the county executive
42 or county redistricting commission determines that a division under



1 subsection ~~(e)~~ (c) is not required, the county executive ~~or county~~
 2 ~~redistricting commission~~ shall adopt ~~an ordinance a resolution~~
 3 recertifying that the districts as drawn comply with this section.

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

9 (1) adopted under subsection ~~(e)~~ (c) or ~~(f)~~; (d); or

10 (2) recertified under subsection ~~(g)~~; (e).

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

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

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

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

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

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

32 (1) is contiguous to that territory; and

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

35 (b) If any territory in any county is included in more than one (1) of
 36 the districts established under ~~section 4 section 3.2, 3.4, or 4~~ of this
 37 chapter, the territory is included in the district that:

38 (1) is one (1) of the districts in which the territory is described in
 39 the ordinance adopted under ~~section 4 section 3.2, 3.4, or 4~~ of
 40 this chapter;

41 (2) is contiguous to that territory; and



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

3 SECTION 7. IC 36-2-2-5, AS AMENDED BY P.L.119-2012,
4 SECTION 180, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) To be eligible for election to
6 the executive, a person must meet the qualifications prescribed by
7 IC 3-8-1-21.

8 (b) A member of the executive must reside within:

9 (1) the county as provided in Article 6, Section 6 of the
10 Constitution of the State of Indiana; and

11 (2) the district from which the member was elected.

12 (c) If the person does not remain a resident of the county and district
13 after taking office, the person forfeits the office. The county fiscal body
14 shall declare the office vacant whenever a member of the executive
15 forfeits office under this subsection.

16 (d) ~~In a county having a population of:~~

17 ~~(1) more than four hundred thousand (400,000) but less than~~
18 ~~seven hundred thousand (700,000); or~~

19 ~~(2) more than two hundred fifty thousand (250,000) but less than~~
20 ~~two hundred seventy thousand (270,000);~~

21 ~~one (1) member of the executive shall be elected by the voters of each~~
22 ~~of the three (3) single-member districts established under section 4(b)~~
23 ~~or 4(c) of this chapter. In other counties, all three (3) members of the~~
24 ~~executive shall be elected by the voters of the whole county. In a~~
25 ~~county having a population of more than four hundred thousand~~
26 ~~(400,000) but less than seven hundred thousand (700,000), the~~
27 ~~voters of each single-member district established under section 3.4~~
28 ~~of this chapter shall elect one (1) member of the county executive.~~

29 ~~(e) In a county having a population of more than two hundred~~
30 ~~fifty thousand (250,000) but less than two hundred seventy~~
31 ~~thousand (270,000), the voters of each single-member district~~
32 ~~established under section 4 of this chapter shall elect one (1)~~
33 ~~member of the county executive.~~

34 ~~(f) In every other county (other than a county having a~~
35 ~~consolidated city), all three (3) members of the county executive~~
36 ~~shall be elected by the voters of the whole county.~~

37 SECTION 8. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
38 SECTION 186, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) This subsection does not
40 apply to a county having a population of:

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



- 1 (2) more than two hundred fifty thousand (250,000) but less than
 2 two hundred seventy thousand (270,000).
- 3 The county executive shall, by ordinance, divide the county into four
 4 (4) contiguous, single-member districts that comply with subsection
 5 (d). If necessary, the county auditor shall call a special meeting of the
 6 executive to establish or revise districts. One (1) member of the fiscal
 7 body shall be elected by the voters of each of the four (4) districts.
 8 Three (3) at-large members of the fiscal body shall be elected by the
 9 voters of the whole county.
- 10 (b) This subsection applies to a county having a population of more
 11 than four hundred thousand (400,000) but less than seven hundred
 12 thousand (700,000). The county redistricting commission established
 13 under ~~IC 36-2-2-4~~ **IC 36-2-2-3.4** shall divide the county into seven (7)
 14 single-member districts that comply with subsection (d). One (1)
 15 member of the fiscal body shall be elected by the voters of each of
 16 these seven (7) single-member districts.
- 17 (c) This subsection applies to a county having a population of more
 18 than two hundred fifty thousand (250,000) but less than two hundred
 19 seventy thousand (270,000). The fiscal body shall divide the county
 20 into nine (9) single-member districts that comply with subsection (d).
 21 Three (3) of these districts must be contained within each of the three
 22 (3) districts established under ~~IC 36-2-2-4(e)~~ **IC 36-2-2-4**. One (1)
 23 member of the fiscal body shall be elected by the voters of each of
 24 these nine (9) single-member districts.
- 25 (d) Single-member districts established under subsection (a), (b), or
 26 (c) must:
- 27 (1) be compact, subject only to natural boundary lines (such as
 - 28 railroads, major highways, rivers, creeks, parks, and major
 - 29 industrial complexes);
 - 30 (2) not cross precinct boundary lines;
 - 31 (3) contain, as nearly as possible, equal population; and
 - 32 (4) include whole townships, except when a division is clearly
 - 33 necessary to accomplish redistricting under this section.
- 34 (e) Except as provided by subsection (g), a division under
 35 subsection (a), (b), or (c) shall be made **at each of the following times:**
 36 (1) ~~during the first year after~~ **Not later than December 31** of a
 37 year in which a federal decennial census is ~~conducted;~~ **and**
 38 **becomes effective under IC 1-1-3.5.**
- 39 (2) When the county executive adopts an order declaring a county
 - 40 boundary to be changed under IC 36-2-1-2.
- 41 (f) A division under subsection (a), (b), or (c) may be made in any
 42 odd-numbered year not described in subsection (e).



1 (g) This subsection applies during ~~the first year after~~ a year in which
 2 a federal decennial census is ~~conducted~~. **becomes effective under**
 3 **IC 1-1-3.5**. If the county executive, county redistricting commission,
 4 or county fiscal body determines that a division under subsection (e) is
 5 not required, the county executive, county redistricting commission, or
 6 county fiscal body shall adopt an ordinance recertifying that the
 7 districts as drawn comply with this section.

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

- 13 (1) adopted under subsection (e) or (f); or
 14 (2) recertified under subsection (g).

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

23 (j) If a conflict exists between:

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

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

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

38 (b) Final judgment on the merits in such a case shall be made within
 39 thirty (30) days of the stay of election order. If the redistricting is found
 40 not to be in compliance with law, the court shall retain jurisdiction and
 41 shall order the proper officials to submit within thirty (30) days a
 42 redistricting plan complying with law. If the proper officials fail to



1 comply with the order, the court shall order the Indiana election
2 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

 SENATE MOTION

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 14-13-2-7, AS AMENDED BY P.L.160-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The commission has:

- (1) before July 1, 2012, five (5) members appointed by the governor; and
- (2) after June 30, 2012, nine (9) members appointed by the governor.

(b) The following requirements apply to the governor's appointments under subsection (a)(1):

- (1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.
- (2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

- (i) city;
- (ii) town; or
- (iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

- (i) construction;
- (ii) project management; or

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(iii) flood control;
or a similar professional background.

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

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of a city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(B) One (1) member nominated by the mayor of a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(C) Two (2) members nominated by the board of county commissioners of Lake County.

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

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

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;



- (C) flood control; or
- (D) a similar professional background.
- (3) A member may not be an employee or elected official of a city, town, or county governmental unit.
- (4) The members:
 - (A) appointed under subsection (c)(3); or
 - (B) appointed to succeed members appointed under subsection (c)(3);
 must be from different municipalities.
- (5) Neither the two (2) members appointed under subsection (c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under ~~IC 36-2-2-4(b)~~. **IC 36-2-2-3.4."**

Delete page 2.

Page 3, delete lines 1 through 35.

Page 4, line 40, delete "IC 36-2-2-4;"

Page 4, line 41, delete "or" and insert ",".

Page 4, line 41, after "IC 36-2-2-3.4," insert "**or IC 36-2-2-4,"**

Page 5, between lines 30 and 31, begin a new line block indented and insert:

"(3) A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000)."

Page 7, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 36-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: ~~Sec. 4. (a) This subsection does not apply to a county having a population of:~~

- ~~(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~
- ~~(2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).~~

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

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the



county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

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

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

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

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

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

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

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

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

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

(h) (f) Each time there is a division under subsection (e) (c) or (f) (d) or a recertification under subsection (g); (e), the county executive



or county redistricting commission shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

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

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

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

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

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

Delete page 8.

Page 9, delete lines 1 through 36.

Page 9, line 40, delete "section 3.2 or 3.4" and insert "**section 3.2, 3.4, or 4**".

Page 10, line 4, delete "section 3.2 or 3.4" and insert "**section 3.2, 3.4, or 4**".

Page 10, line 7, delete "section 3.2 or 3.4" and insert "**section 3.2, 3.4, or 4**".

Page 10, delete lines 12 through 17.

Page 11, line 6, delete "3.2" and insert "**4**".

Page 11, line 38, delete "IC 36-2-2-3.2" and insert "**IC 36-2-2-4**".

Page 13, line 9, delete "or" and insert ",".

Page 13, line 9, after "IC 36-2-2-3.4" insert ", **IC 36-2-2-4**".

Page 13, line 9, after "applicable)" insert ",".

Renumber all SECTIONS consecutively.

(Reference is to SB 179 as printed February 9, 2021.)

GASKILL

