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# SENATE BILL No. 198

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Redistricting commission. Establishes a redistricting commission 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 (agency) to provide staff and administrative services to the commission. Establishes standards to govern the commission and the agency in the creation of redistricting plans. Provides that a person employed by the agency or under contract with the agency may not knowingly or intentionally use political data in the creation or evaluation of a redistricting plan. Provides that a person may not knowingly or intentionally solicit, aid, induce, or cause a person employed by the agency or under contract with the agency to use political data in the creation or evaluation of a redistricting plan. Makes a violation of these restrictions a Class D felony. Provides that if the Constitution of the State of Indiana does not require the general assembly to establish legislative districts, the commission's recommendations for legislative plans define those districts. Provides that, if the Constitution requires the general assembly to establish the districts, the general assembly must meet and enact redistricting plans before October 1 of a redistricting year. Authorizes the general assembly to convene in a session to act on redistricting bills at times other than the times the general assembly is currently authorized to meet. Repeals the current law relating to congressional redistricting. Appropriates from the state general fund the amounts necessary to pay the expenses of implementing the statute.

**Effective:** July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 198



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 2009]:

### 4 **ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY** 5 **AND CONGRESSIONAL DISTRICTS**

#### 6 **Chapter 1. Definitions**

7 **Sec. 1. The definitions in this chapter apply throughout this**  
8 **article.**

9 **Sec. 2. "Agency" refers to the legislative services agency**  
10 **established by IC 2-5-1.1-7.**

11 **Sec. 3. "Appointing authority" refers to any of the following:**

- 12 (1) **The speaker of the house of representatives.**
- 13 (2) **The minority leader of the house of representatives.**
- 14 (3) **The president pro tempore of the senate.**
- 15 (4) **The minority leader of the senate.**

16 **Sec. 4. "Bureau" refers to the United States Department of**  
17 **Commerce, Bureau of the Census.**



1           **Sec. 5. "Census data" means the population data that the**  
2 **Bureau is required to provide to the state under 13 U.S.C. 141.**  
3           **Sec. 6. "Census year" refers to the year in which a federal**  
4 **decennial census is conducted.**  
5           **Sec. 7. "Commission" refers to the redistricting commission**  
6 **established by IC 2-1.5-2-1.**  
7           **Sec. 8. "Federal decennial census" refers to a federal decennial**  
8 **census conducted under 13 U.S.C. 141.**  
9           **Sec. 9. "House of representatives" refers to the house of**  
10 **representatives of the general assembly.**  
11           **Sec. 10. "Ideal district population" for a plan refers to the**  
12 **number equal to the quotient of the following, rounded to the**  
13 **nearest whole number:**  
14           **(1) The numerator is the population of Indiana as reported by**  
15 **the most recent federal decennial census.**  
16           **(2) The denominator is the number of districts required by**  
17 **this article for the plan.**  
18           **Sec. 11. (a) "Plan" refers to any of the following:**  
19           **(1) A plan for districts for the house of representatives.**  
20           **(2) A plan for districts for the senate.**  
21           **(3) A plan for congressional districts.**  
22           **(b) A plan includes maps and written descriptions of the maps**  
23 **that define all the districts that a plan is required to have under**  
24 **this article.**  
25           **Sec. 12. "Political data" refers only to the following:**  
26           **(1) Data relating to party registration.**  
27           **(2) Data relating to voting history.**  
28           **(3) Election returns.**  
29           **Sec. 13. "Political subdivision" means a city, county, town, or**  
30 **township.**  
31           **Sec. 14. "Redistricting year" refers to the year immediately**  
32 **following a census year.**  
33           **Sec. 15. "Senate" refers to the senate of the general assembly.**  
34           **Chapter 2. Redistricting Commission**  
35           **Sec. 1. A redistricting commission consisting of nine (9)**  
36 **members is established as provided in this chapter.**  
37           **Sec. 2. (a) Not later than January 15 of a redistricting year, each**  
38 **of 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 the individuals to the commission.**  
42 **Not more than one (1) member appointed under this subsection**

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1 may reside in any particular congressional district.  
 2 (b) Not later than February 15 of a redistricting year, the  
 3 members appointed under subsection (a) shall meet and appoint an  
 4 individual to be the commission's chair.  
 5 (c) If the commission does not appoint an individual as  
 6 commission chair before March 1 of a redistricting year, the chief  
 7 justice of the supreme court shall appoint an individual to be the  
 8 commission's chair. The chief justice shall:  
 9 (1) make the appointment before March 15 of the redistricting  
 10 year; and  
 11 (2) certify the appointment to the executive director of the  
 12 agency.  
 13 (d) The individual appointed commission chair:  
 14 (1) must be a retired judge; and  
 15 (2) may reside in any congressional district;  
 16 but is otherwise subject to the same qualifications set forth in this  
 17 chapter for the other commission members.  
 18 Sec. 3. To serve on the commission, an individual must be a  
 19 resident of Indiana.  
 20 Sec. 4. An individual may not serve on the commission if the  
 21 individual has been any of the following at any time less than six (6)  
 22 years before the individual's appointment to the commission:  
 23 (1) A member of the general assembly or the Congress of the  
 24 United States.  
 25 (2) A candidate for election to the general assembly or the  
 26 Congress of the United States.  
 27 (3) The holder of a state office (as defined in IC 3-5-2-48).  
 28 (4) An appointed public official.  
 29 (5) The chairman or treasurer of a candidate's committee of  
 30 a candidate for election to the general assembly or the  
 31 Congress of the United States as required by IC 3-9-1 or  
 32 federal law.  
 33 (6) An individual registered as a lobbyist under IC 2-7.  
 34 Sec. 5. (a) Before undertaking duties as a commission member,  
 35 an individual appointed under section 2 or 8 of this chapter must  
 36 do each of the following:  
 37 (1) Take an oath of office.  
 38 (2) Make an affirmation that the individual will:  
 39 (A) apply the provisions of this article in an honest and  
 40 independent manner; and  
 41 (B) uphold public confidence in the integrity of the  
 42 redistricting process.

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1           **(3) Make a written pledge that the individual will not be a**  
 2           **candidate for:**  
 3                 **(A) election to the general assembly; or**  
 4                 **(B) selection to fill a vacancy in the general assembly;**  
 5           **at any time before the second election for members of the**  
 6           **general assembly after the individual's appointment to the**  
 7           **commission.**  
 8           **(b) A member's oath, affirmation, and pledge shall be filed with**  
 9           **the agency.**  
 10          **Sec. 6. An individual serves as a commission member until the**  
 11          **earlier of the following:**  
 12                 **(1) The individual vacates the individual's membership on the**  
 13                 **commission.**  
 14                 **(2) The appointment of a new commission under this chapter**  
 15                 **following a federal decennial census.**  
 16          **Sec. 7. A commission member may be removed from office for**  
 17          **substantial neglect of duty, gross misconduct in office, or inability**  
 18          **to discharge the duties of office as provided by law for the removal**  
 19          **of other public officers.**  
 20          **Sec. 8. (a) If the position of commission chair becomes vacant,**  
 21          **the commission shall appoint an individual to fill the vacancy not**  
 22          **later than fifteen (15) days after the vacancy occurs. If the**  
 23          **commission does not make the appointment as provided in this**  
 24          **subsection, the chief justice shall:**  
 25                 **(1) make the appointment not later than thirty (30) days after**  
 26                 **the vacancy occurs; and**  
 27                 **(2) certify the appointment to the executive director of the**  
 28                 **agency.**  
 29                 **(b) If a vacancy other than a vacancy described in subsection (a)**  
 30                 **occurs on the commission, the leader of the caucus whose leader**  
 31                 **appointed the member whose position is vacant shall appoint an**  
 32                 **individual to fill the vacancy not later than fifteen (15) days after**  
 33                 **the vacancy occurs.**  
 34          **Sec. 9. The affirmative vote of five (5) commission members is**  
 35          **necessary for the commission to take official action.**  
 36          **Sec. 10. Each commission member is entitled to receive the same**  
 37          **per diem, mileage, and travel allowances paid to members of the**  
 38          **general assembly serving on interim study committees established**  
 39          **by the legislative council.**  
 40          **Sec. 11. The agency shall provide the commission with staff and**  
 41          **administrative services.**  
 42          **Sec. 12. The amounts necessary to pay the expenses of the**

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1 commission and the agency to implement this article are  
2 continuously appropriated to the agency from the state general  
3 fund.

4 Chapter 3. Redistricting Procedure

5 Sec. 1. (a) Before January 1 of a redistricting year, the agency  
6 shall acquire any hardware, software, and supplies necessary to  
7 assist the commission in the performance of the commission's  
8 duties under this article.

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

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

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

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

- 36 Sec. 4. (a) The agency shall do the following:
  - 37 (1) Create maps of legislative district plans and congressional
  - 38 district plans that conform to this article and the
  - 39 commission's instructions.
  - 40 (2) Prepare written descriptions of the maps created under
  - 41 subdivision (1).
  - 42 (3) Evaluate maps submitted by the public for conformance

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1 with the standards set forth in IC 2-1.5-4.  
 2 (b) The agency shall produce as many different plans as the  
 3 commission instructs:  
 4 (1) not earlier than May 1 of a redistricting year; and  
 5 (2) not later than May 15 of the redistricting year.  
 6 (c) The agency shall publish the maps and descriptions:  
 7 (1) prepared for the commission by the agency; and  
 8 (2) submitted to the commission from the public;  
 9 as directed by the commission not later than May 15 of a  
 10 redistricting year.  
 11 Sec. 5. (a) As directed by the commission, the agency shall  
 12 receive for the commission written public comments regarding the  
 13 plans after publication of the plans.  
 14 (b) Not later than June 30 of a redistricting year, the  
 15 commission shall conduct at least one (1) public hearing in each of  
 16 the following regions of Indiana, as determined by the commission:  
 17 (1) Northern Indiana.  
 18 (2) Central Indiana.  
 19 (3) Southern Indiana.  
 20 (c) The commission may hold hearings in addition to the  
 21 hearings required by subsection (b).  
 22 (d) The commission shall do the following at any hearings held  
 23 under this section:  
 24 (1) Explain the redistricting procedure.  
 25 (2) Present the plans prepared for the commission by the  
 26 agency.  
 27 (3) Have available the plans submitted by the public and the  
 28 agency's evaluation of those plans.  
 29 (4) Hear public comments and suggestions.  
 30 (e) The commission may take other actions the commission  
 31 considers appropriate to do the following:  
 32 (1) Explain the redistricting procedure or the plans to the  
 33 public.  
 34 (2) Receive public comments and suggestions.  
 35 Sec. 6. (a) Not later than August 1 of a redistricting year, the  
 36 commission shall meet to adopt a report to the general assembly.  
 37 The report must include the following:  
 38 (1) A summary of the commission's and the agency's  
 39 preparation for the commission's work.  
 40 (2) A description of the hearings held under section 5 of this  
 41 chapter.  
 42 (3) A summary of the public comments and suggestions

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received in writing and at the hearings.

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

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

(B) A district plan for the senate.

(C) A congressional district plan.

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

(6) A bill that would enact each of the plans. This subdivision applies only if the Constitution of the State of Indiana requires the general assembly to establish legislative districts.

(b) The commission shall recommend to the general assembly the plan that the commission considers the best in meeting the standards set forth in IC 2-1.5-4.

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

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

Sec. 7. (a) This section does not apply if the Constitution of the State of Indiana requires the general assembly to establish legislative districts.

(b) The agency shall file the commission's report under section 6 of this chapter with the secretary of state not later than August 15 of a redistricting year.

(c) The commission's recommendations become the plans for the districts for the house of representatives, for the senate, and for congressional districts, beginning with the first general election held after the redistricting year.

**Chapter 4. Redistricting Standards**

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

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

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

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

Sec. 3. Districts shall be established on the basis of population.

Sec. 4. The population of a district of the house of representatives or the senate may not deviate from the ideal

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1 district population by more than one percent (1%) of the ideal  
2 district population.

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

4 (b) Areas that meet only at the point of adjoining corners are  
5 not considered contiguous.

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

7 (b) The compactness of a district shall be determined by  
8 measuring the total length of the boundary of the district.

9 (c) The compactness of a plan shall be determined by adding the  
10 compactness measures of all the districts in the plan as determined  
11 under subsection (b).

12 (d) A plan is considered more compact than another plan if, as  
13 determined under subsection (c), the compactness measure of the  
14 plan is less than the compactness measure of the other plan.

15 Sec. 7. Districts must not breach precinct boundaries.

16 Sec. 8. To the extent possible consistent with sections 2 through  
17 6 of this chapter, district boundaries of general assembly districts  
18 must coincide with the boundaries of Indiana political subdivisions  
19 as follows:

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

22 (2) Except as provided in subdivision (3), if there is a choice  
23 between political subdivisions to be divided, a more populous  
24 political subdivision shall be divided before a less populous  
25 political subdivision is divided.

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

29 Sec. 9. In evaluating plans for recommendation, the commission  
30 shall consider the effect that a plan has on language minority  
31 groups and racial minority groups.

32 Chapter 5. Offenses

33 Sec. 1. A person:

34 (1) employed by the agency; or

35 (2) working under a contract with the agency;

36 who knowingly or intentionally uses political data in the creation  
37 or evaluation of a plan under this article commits corrupt  
38 redistricting, a Class D felony.

39 Sec. 2. A person who knowingly or intentionally solicits, aids,  
40 induces, or causes a person:

41 (1) employed by the agency; or

42 (2) working under a contract with the agency;

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1 to use political data in the creation or evaluation of a plan under  
2 this article commits solicitation of corrupt redistricting, a Class D  
3 felony.

4 SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE  
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2009]: Sec. 2.7. (a) This section applies only if the Constitution of  
7 the State of Indiana requires the general assembly to establish  
8 legislative districts.

9 (b) The definitions in IC 2-1.5-1 apply throughout this section.

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

12 (1) House of representatives districts.

13 (2) Senate districts.

14 (3) Congressional districts.

15 (d) A bill to enact a redistricting plan recommended by the  
16 redistricting commission under IC 2-1.5-3 must be introduced in  
17 and considered by each house of the general assembly, without  
18 amendment, except amendments of a technical nature.

19 (e) Unless the general assembly has enacted bills described in  
20 subsection (c) at:

21 (1) a session convened under another section of this chapter;  
22 or

23 (2) a special session called by the governor;  
24 the general assembly may not consider a matter that is not relevant  
25 to the legislation described in subsection (c) during a session  
26 convened under this section.

27 SECTION 3. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A declaration of candidacy  
29 for the office of United States Senator or for the office of governor  
30 must be accompanied by a petition signed by at least four thousand five  
31 hundred (4,500) voters of the state, including at least five hundred  
32 (500) voters from each congressional district.

33 (b) Each petition must contain the following:

34 (1) The signature of each petitioner.

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

36 (3) The residence mailing address of each petitioner.

37 (c) This subsection applies to a petition filed during the period:

38 (1) beginning on the date that a congressional district plan has  
39 been adopted under ~~IC 3-3-3~~ IC 2-1.5; and

40 (2) ending on the date that the part of the act or order issued under  
41 ~~IC 3-3-2~~ establishing the previous congressional district plan is  
42 repealed or superseded.

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1 The petition must be signed by at least four thousand five hundred  
2 (4,500) voters of Indiana, including at least five hundred (500) voters  
3 from each congressional district created by the most recent  
4 congressional district plan adopted under ~~IC 3-3~~ IC 2-1.5.

5 SECTION 4. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A request filed under section  
7 1 of this chapter must be accompanied by a petition signed by at least  
8 four thousand five hundred (4,500) voters of the state, including at least  
9 five hundred (500) voters from each congressional district.

- 10 (b) Each petition must contain the following:
  - 11 (1) The signature of each petitioner.
  - 12 (2) The name of each petitioner legibly printed.
  - 13 (3) The residence mailing address of each petitioner.
- 14 (c) This subsection applies to a petition filed during the period:
  - 15 (1) beginning on the date that a congressional district plan has
  - 16 been adopted under ~~IC 3-3~~ IC 2-1.5; and
  - 17 (2) ending on the date that the part of the act or order issued under
  - 18 ~~IC 3-3-2~~ establishing the previous congressional district plan is
  - 19 repealed or superseded.

20 The petition must be signed by at least four thousand five hundred  
21 (4,500) voters of Indiana, including at least five hundred (500) voters  
22 from each congressional district created by the most recent  
23 congressional district plan adopted under ~~IC 3-3~~ IC 2-1.5.

24 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE  
25 JULY 1, 2009]: IC 3-3-2; IC 3-3-3.

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