

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1030 be amended to read as follows:

- 1 Page 6, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 5. IC 36-4-6-5, AS AMENDED BY P.L.230-2005,
- 3 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities
- 5 having a population of less than ten thousand (10,000). The legislative
- 6 body of such a city may, by ordinance adopted ~~before September 1,~~
- 7 ~~1982,~~ **after June 30, 2010, and during a year in which an election**
- 8 **of the legislative body will not occur,** decide to be governed by this
- 9 section instead of section 4 of this chapter. ~~If this ordinance is repeated~~
- 10 ~~after August 31, 1982, except as a part of a codification of ordinances~~
- 11 ~~that reenacts the ordinance under IC 36-1-5-6, then section 4 of this~~
- 12 ~~chapter again applies to the city. The legislative body districts~~
- 13 **created by an ordinance adopted under this subsection apply to the**
- 14 **first election of the legislative body held after the date the**
- 15 **ordinance is adopted.** The clerk of the legislative body shall send a
- 16 certified copy of any ordinance adopted under this subsection to the
- 17 secretary of the county election board.
- 18 (b) This subsection does not apply to a city with an ordinance
- 19 described by subsection (j). The legislative body shall adopt an
- 20 ordinance to divide the city into four (4) districts that:
- 21 (1) are composed of contiguous territory, except for territory that
- 22 is not contiguous to any other part of the city;
- 23 (2) are reasonably compact;
- 24 (3) do not cross precinct boundary lines except as provided in
- 25 subsection (c) or (d); and
- 26 (4) contain, as nearly as is possible, equal population.
- 27 (c) The boundary of a city legislative body district may cross a
- 28 precinct boundary line if:
- 29 (1) more than one (1) member of the legislative body elected from
- 30 the districts established under subsection (b) or (j) resides in one

- 1 (1) precinct established under IC 3-11-1.5 after the most recent
 2 municipal election; and
- 3 (2) following the establishment of a legislative body district
 4 whose boundary crosses a precinct boundary line, not more than
 5 one (1) member of the legislative body elected from the districts
 6 resides within the same city legislative body district.
- 7 (d) The boundary of a city legislative body district may cross a
 8 precinct line if the districts would not otherwise contain, as nearly as
 9 is possible, equal population.
- 10 (e) A city legislative body district with a boundary described by
 11 subsection (c) or (d) may not cross a census block boundary line:
- 12 (1) except when following a precinct boundary line; or
 13 (2) unless the city legislative body certifies in the ordinance that
 14 the census block has no population, and is not likely to ever have
 15 population.
- 16 (f) The legislative body may not adopt an ordinance dividing the city
 17 into districts with boundaries described by subsection (c) or (d) unless
 18 the clerk of the city mails a written notice to the circuit court clerk. The
 19 notice must:
- 20 (1) state that the legislative body is considering the adoption of an
 21 ordinance described by this subsection; and
 22 (2) be mailed not later than ten (10) days before the legislative
 23 body adopts the ordinance.
- 24 (g) The division under subsection (b) or (j) shall be made:
- 25 (1) during the second year after a year in which a federal
 26 decennial census is conducted; and
 27 (2) when required to assign annexed territory to a district.
- 28 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 29 (h) This subsection does not apply to a city with an ordinance
 30 described by subsection (j). The legislative body is composed of four
 31 (4) members elected from the districts established under subsection (b)
 32 and one (1) at-large member.
- 33 (i) This subsection does not apply to a city with an ordinance
 34 described by subsection (j). Each voter may vote for one (1) candidate
 35 for at-large membership and one (1) candidate from the district in
 36 which the voter resides. The at-large candidate receiving the most votes
 37 from the whole city and the district candidates receiving the most votes
 38 from their respective districts are elected to the legislative body.
- 39 (j) A city may adopt an ordinance under this subsection to divide the
 40 city into three (3) districts that:
- 41 (1) are composed of contiguous territory, except for territory that
 42 is not contiguous to any other part of the city;
 43 (2) are reasonably compact;
 44 (3) do not cross precinct boundary lines, except as provided in
 45 subsection (c) or (d); and
 46 (4) contain, as nearly as is possible, equal population.
- 47 (k) This subsection applies to a city with an ordinance described by

1 subsection (j). The legislative body is composed of three (3) members
2 elected from the districts established under subsection (j) and two (2)
3 at-large members.

4 (l) This subsection applies to a city with an ordinance described by
5 subsection (j). Each voter of the city may vote for two (2) candidates
6 for at-large membership and one (1) candidate from the district in
7 which the voter resides. The two (2) at-large candidates receiving the
8 most votes from the whole city and the district candidates receiving the
9 most votes from their respective districts are elected to the legislative
10 body.

11 (m) This subsection applies to a city having a population of less than
12 seven thousand (7,000). A legislative body of such a city that has, by
13 resolution adopted before May 7, 1991, decided to continue an election
14 process that permits each voter of the city to vote for one (1) candidate
15 at large and one (1) candidate from each of its four (4) council districts
16 may hold elections using that voting arrangement. The at-large
17 candidate and the candidate from each district receiving the most votes
18 from the whole city are elected to the legislative body. The districts
19 established in cities adopting such a resolution may cross precinct
20 boundary lines.

21 (n) A copy of the ordinance establishing districts under this section
22 must be filed with the circuit court clerk of the county that contains the
23 greatest population of the city not later than thirty (30) days after the
24 ordinance is adopted.

25 (o) If any territory in the city is not included in one (1) of the
26 districts established under this section, the territory is included in the
27 district that:

- 28 (1) is contiguous to that territory; and
29 (2) contains the least population of all districts contiguous to that
30 territory.

31 (p) If any territory in the city is included in more than one (1) of the
32 districts established under this section, the territory is included in the
33 district that:

- 34 (1) is one (1) of the districts in which the territory is described in
35 the ordinance adopted under this section;
36 (2) is contiguous to that territory; and

- 1 (3) contains the least population of all districts contiguous to that
- 2 territory."
- 3 Renumber all SECTIONS consecutively.
(Reference is to EHB 1030 as printed February 12, 2010.)

Senator BRODEN