

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Elections, to which was referred House Bill No. 1106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, line 12, after "ballots" insert "**(including provisional**
- 2           **ballots)**".
- 3           Page 1, line 12, after "material" insert "**(including election material**
- 4           **related to provisional ballots)**".
- 5           Page 2, line 12, delete "following apply:".
- 6           Page 2, line 13, delete "(1) The".
- 7           Page 2, run in lines 12 through 13.
- 8           Page 2, delete lines 15 through 18.
- 9           Page 3, delete lines 4 through 7.
- 10          Page 3, delete lines 12 through 42.
- 11          Delete pages 4 through 12.
- 12          Page 14, delete lines 1 through 31.
- 13          Page 15, delete lines 12 through 42.
- 14          Delete page 16.
- 15          Page 17, delete lines 1 through 30, begin a new paragraph and
- 16          insert:
- 17                "SECTION 7. IC 36-4-6-5, AS AMENDED BY P.L.230-2005,
- 18                SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19                JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities

1 having a population of less than ten thousand (10,000). The legislative  
 2 body of such a city may, by ordinance adopted ~~before September 1,~~  
 3 ~~1982,~~ **after June 30, 2010, and during a year in which an election**  
 4 **of the legislative body will not occur,** decide to be governed by this  
 5 section instead of section 4 of this chapter. ~~If this ordinance is repeated~~  
 6 ~~after August 31, 1982,~~ ~~except as a part of a codification of ordinances~~  
 7 ~~that reenacts the ordinance under IC 36-1-5-6,~~ ~~then section 4 of this~~  
 8 ~~chapter again applies to the city.~~ **The legislative body districts**  
 9 **created by an ordinance adopted under this subsection apply to the**  
 10 **first election of the legislative body held after the date the**  
 11 **ordinance is adopted.** The clerk of the legislative body shall send a  
 12 certified copy of any ordinance adopted under this subsection to the  
 13 secretary of the county election board.

14 (b) This subsection does not apply to a city with an ordinance  
 15 described by subsection (j). The legislative body shall adopt an  
 16 ordinance to divide the city into four (4) districts that:

- 17 (1) are composed of contiguous territory, except for territory that
- 18 is not contiguous to any other part of the city;
- 19 (2) are reasonably compact;
- 20 (3) do not cross precinct boundary lines except as provided in
- 21 subsection (c) or (d); and
- 22 (4) contain, as nearly as is possible, equal population.

23 (c) The boundary of a city legislative body district may cross a  
 24 precinct boundary line if:

- 25 (1) more than one (1) member of the legislative body elected from
- 26 the districts established under subsection (b) or (j) resides in one
- 27 (1) precinct established under IC 3-11-1.5 after the most recent
- 28 municipal election; and
- 29 (2) following the establishment of a legislative body district
- 30 whose boundary crosses a precinct boundary line, not more than
- 31 one (1) member of the legislative body elected from the districts
- 32 resides within the same city legislative body district.

33 (d) The boundary of a city legislative body district may cross a  
 34 precinct line if the districts would not otherwise contain, as nearly as  
 35 is possible, equal population.

36 (e) A city legislative body district with a boundary described by  
 37 subsection (c) or (d) may not cross a census block boundary line:

- 38 (1) except when following a precinct boundary line; or

1 (2) unless the city legislative body certifies in the ordinance that  
2 the census block has no population, and is not likely to ever have  
3 population.

4 (f) The legislative body may not adopt an ordinance dividing the city  
5 into districts with boundaries described by subsection (c) or (d) unless  
6 the clerk of the city mails a written notice to the circuit court clerk. The  
7 notice must:

8 (1) state that the legislative body is considering the adoption of an  
9 ordinance described by this subsection; and

10 (2) be mailed not later than ten (10) days before the legislative  
11 body adopts the ordinance.

12 (g) The division under subsection (b) or (j) shall be made:

13 (1) during the second year after a year in which a federal  
14 decennial census is conducted; and

15 (2) when required to assign annexed territory to a district.

16 This division may be made at any other time, subject to IC 3-11-1.5-32.

17 (h) This subsection does not apply to a city with an ordinance  
18 described by subsection (j). The legislative body is composed of four  
19 (4) members elected from the districts established under subsection (b)  
20 and one (1) at-large member.

21 (i) This subsection does not apply to a city with an ordinance  
22 described by subsection (j). Each voter may vote for one (1) candidate  
23 for at-large membership and one (1) candidate from the district in  
24 which the voter resides. The at-large candidate receiving the most votes  
25 from the whole city and the district candidates receiving the most votes  
26 from their respective districts are elected to the legislative body.

27 (j) A city may adopt an ordinance under this subsection to divide the  
28 city into three (3) districts that:

29 (1) are composed of contiguous territory, except for territory that  
30 is not contiguous to any other part of the city;

31 (2) are reasonably compact;

32 (3) do not cross precinct boundary lines, except as provided in  
33 subsection (c) or (d); and

34 (4) contain, as nearly as is possible, equal population.

35 (k) This subsection applies to a city with an ordinance described by  
36 subsection (j). The legislative body is composed of three (3) members  
37 elected from the districts established under subsection (j) and two (2)  
38 at-large members.

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

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

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

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

25               (1) is contiguous to that territory; and

26               (2) contains the least population of all districts contiguous to that  
27 territory.

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

31               (1) is one (1) of the districts in which the territory is described in  
32 the ordinance adopted under this section;

33               (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 HB1106 as reprinted January 12, 2010.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 2.

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**Landske**

**Chairperson**