
SENATE BILL No. 597

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10; IC 3-11-1.5; IC 36-3-4-3; IC 36-4-6; IC 36-5-2-4.1; IC 3-11-1.5-35.

Synopsis: Municipal primary election date after census year. Requires a municipality to reestablish municipal legislative body districts not later than May 15 if a municipal election will be held the year after the year a federal decennial census is conducted. Provides that in such a year, the municipal primary election shall be held on the fourth Tuesday in June. Removes provisions that provide that a precinct boundary may not cross the boundary of a congressional or legislative district. Repeals a statute that authorizes the Indiana election commission to reestablish precincts in a county that have precincts that cross congressional or legislative district boundaries.

Effective: Upon passage.

Young R Michael

January 20, 2011, read first time and referred to Committee on Elections.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 597



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

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

1 SECTION 1. IC 3-10-6-2, AS AMENDED BY P.L.230-2005,
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) Except as otherwise provided in this
4 chapter **and in IC 3-10-6.5**, a municipal primary election shall be held
5 on the first Tuesday after the first Monday in May ~~2007~~ **2015** and every
6 four (4) years thereafter.

7 (b) Each political party whose nominee received at least ten percent
8 (10%) of the votes cast in the state for secretary of state at the last
9 election shall nominate all candidates to be voted for at the municipal
10 election to be held in November.

11 SECTION 2. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]:

14 **Chapter 6.5. Municipal Primary Elections in the Year Following**
15 **the Year of a Federal Decennial Census**

16 **Sec. 1. (a) This chapter applies to a municipal primary election**
17 **held the year after a year in which a federal decennial census is**



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conducted.

(b) Except as provided in this chapter, all the laws that apply to a municipal primary election not subject to this chapter apply to a municipal primary election subject to this chapter.

Sec. 2. Notwithstanding IC 3-10-6-2, a municipal primary election shall be held on the fourth Tuesday in June.

Sec. 3. Notwithstanding IC 3-8-2, a declaration of candidacy or a declaration of intent to be a write-in candidate of a candidate in a municipal primary election subject to this chapter must be filed as required in IC 3-8-2:

- (1) not earlier than May 15 before the primary election; and
- (2) not later than May 31 before the primary election.

Sec. 4. Notwithstanding IC 3-8-2, a candidate in a municipal primary election subject to this chapter may withdraw the candidate's declaration of candidacy or declaration of intent to be a write-in candidate not later than noon June 3 before the primary election.

Sec. 5. Notwithstanding IC 3-8-2, a question concerning the validity of a declaration of candidacy or a declaration of intent to be a write-in candidate must be filed with the county election board under IC 3-8-1-2(c) not later than noon June 7. The county election board shall determine all questions regarding the validity of the declaration not later than noon June 14.

SECTION 3. IC 3-11-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of **any of the following**:

- (1) The state.
- (2) A county.
- (3) A township.
- (4) a district of the House of Representatives of the Congress of the United States;
- (5) a district of the senate of the general assembly; or
- (6) a district of the house of representatives of the general assembly.

SECTION 4. IC 3-11-1.5-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This section applies when:

- (1) a county executive is advised that a proposed precinct establishment order does not comply with this chapter; and
- (2) the county executive determines that the noncompliance cannot be corrected by the establishment of a precinct that

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1 complies with both:
 2 (A) the maximum voter requirement of section 3 of this
 3 chapter; and
 4 (B) the precinct boundary requirements of section 5 of this
 5 chapter.
 6 (b) The county executive may request the commission to grant an
 7 exemption from the precinct boundary requirements of section 5 of this
 8 chapter to establish a precinct boundary described by this section.
 9 (c) The commission shall conduct a hearing on the exemption
 10 request. If the commission determines that the noncompliance cannot
 11 be corrected by the establishment of a precinct that complies with both:
 12 (1) the maximum voter requirement of section 3 of this chapter;
 13 and
 14 (2) the precinct boundary requirements of section 5 of this
 15 chapter;
 16 the commission shall grant the exemption. However, the commission
 17 may not grant an exemption that violates section 4(1) ~~4(5), 4(6), or 4(7)~~
 18 of this chapter.
 19 (d) If the commission grants the exemption, the county executive
 20 shall amend the proposed precinct establishment order described by
 21 section 19 of this chapter to establish precinct boundaries:
 22 (1) in accordance with the exemption granted by the commission;
 23 and
 24 (2) that comply with all other requirements established by this
 25 chapter.
 26 (e) The proposed precinct establishment order described in
 27 subsection (d) must include a description in metes and bounds of the
 28 boundaries authorized by the exemption granted under this section.
 29 SECTION 5. IC 3-11-1.5-32 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) **This**
 31 **section does not apply if a municipal election is held the year after**
 32 **a year in which a federal decennial census is conducted.**
 33 (b) The legislative body of a municipality may not change the
 34 boundary of a district established under:
 35 (1) IC 36-3-4-3;
 36 (2) IC 36-4-6-3;
 37 (3) IC 36-4-6-4;
 38 (4) IC 36-4-6-5;
 39 (5) IC 36-5-1-10.1;
 40 (6) IC 36-5-2-4.1; or
 41 (7) IC 36-5-2-4.2;
 42 after November 8 of the year preceding the year in which a municipal

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1 election is to be held and before the day following the date on which
 2 the municipal election is held except to assign territory to a municipal
 3 legislative body district in an annexation ordinance.

4 SECTION 6. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 3. (a) The city-county legislative body shall,
 7 by ordinance, divide the whole county into twenty-five (25) districts
 8 that:

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

14 ~~(b)~~ **This The division required by subsection (a) shall be made as**
 15 **follows:**

16 **(1) This subdivision applies to a municipal election held the**
 17 **year after a year in which a federal decennial census is**
 18 **conducted. The division shall be made not later than May 15**
 19 **of the year of the municipal election.**

20 **(2) If a municipal election is not held in a year described in**
 21 **subdivision (1), the division shall be made during the second**
 22 **year after a year in which a federal decennial census is conducted.**
 23 **and**

24 **This division** may also be made at any other time, subject to
 25 IC 3-11-1.5-32.

26 ~~(b)~~ **(c)** The legislative body is composed of twenty-five (25)
 27 members elected from the districts established under subsection (a) and
 28 four (4) members elected from an at-large district containing the whole
 29 county.

30 ~~(c)~~ **(d)** Each voter of the county may vote for four (4) candidates for
 31 at-large membership and one (1) candidate from the district in which
 32 the voter resides. The four (4) at-large candidates receiving the most
 33 votes from the whole county and the district candidates receiving the
 34 most votes from their respective districts are elected to the legislative
 35 body.

36 ~~(d)~~ **(e)** If the legislative body fails to make the division before the
 37 date prescribed by subsection ~~(a)~~ **(b)** or the division is alleged to violate
 38 subsection ~~(a)~~ **(b)** or other law, a taxpayer or registered voter of the
 39 county may petition the superior court of the county to hear and
 40 determine the matter. The court shall hear and determine the matter as
 41 a five (5) member panel of judges from the superior court. The clerk of
 42 the court shall select the judges electronically and randomly. Not more

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1 than three (3) members of the five (5) member panel of judges may be
2 of the same political party. The first judge selected shall maintain the
3 case file and preside over the proceedings. There may not be a change
4 of venue from the court or from the county. The court may appoint a
5 master to assist in its determination and may draw proper district
6 boundaries if necessary. An appeal from the court's judgment must be
7 taken within thirty (30) days, directly to the supreme court, in the same
8 manner as appeals from other actions.

9 (e) An election of the legislative body held under the ordinance or
10 court judgment determining districts that is in effect on the date of the
11 election is valid, regardless of whether the ordinance or judgment is
12 later determined to be invalid.

13 SECTION 7. IC 36-4-6-3, AS AMENDED BY P.L.230-2005,
14 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 3. (a) This section applies only to second class
16 cities.

17 (b) The legislative body shall adopt an ordinance to divide the city
18 into six (6) districts that:

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

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

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

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

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

- 40 (1) except when following a precinct boundary line; or
- 41 (2) unless the city legislative body certifies in the ordinance that
- 42 the census block has no population, and is not likely to ever have

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1 population.

2 (f) The legislative body may not adopt an ordinance dividing the city

3 into districts with boundaries described by subsection (c) or (d) unless

4 the clerk of the city mails a written notice to the circuit court clerk. The

5 notice must:

6 (1) state that the legislative body is considering the adoption of an

7 ordinance described by this subsection; and

8 (2) be mailed not later than ten (10) days before the legislative

9 body adopts the ordinance.

10 (g) The division under subsection (b) shall be made **as follows:**

11 **(1) This subdivision applies to a municipal election held the**

12 **year after a year in which a federal decennial census is**

13 **conducted. The division shall be made not later than May 15**

14 **of the year of the municipal election.**

15 ~~(+)~~ **(2) If a municipal election is not held in a year described in**

16 **subdivision (1), the division must be made** during the second

17 year after a year in which a federal decennial census is conducted.

18 ~~and~~

19 ~~(2)~~ **(3) When required to assign annexed territory to a district.**

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

21 (h) The legislative body is composed of six (6) members elected

22 from the districts established under subsection (b) and three (3) at-large

23 members.

24 (i) Each voter of the city may vote for three (3) candidates for

25 at-large membership and one (1) candidate from the district in which

26 the voter resides. The three (3) at-large candidates receiving the most

27 votes from the whole city and the district candidates receiving the most

28 votes from their respective districts are elected to the legislative body.

29 (j) If any territory in the city is not included in one (1) of the

30 districts established under this section, the territory is included in the

31 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 (k) If any territory in the city is included in more than one (1) of the

36 districts established under this section, the territory is included in the

37 district that:

38 (1) is one (1) of the districts in which the territory is described in

39 the ordinance adopted under this section;

40 (2) is contiguous to that territory; and

41 (3) contains the least population of all districts contiguous to that

42 territory.

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1 (l) A copy of the ordinance establishing districts under this section
 2 must be filed with the circuit court clerk of the county that contains the
 3 greatest population of the city not later than thirty (30) days after the
 4 ordinance is adopted.

5 SECTION 8. IC 36-4-6-4, AS AMENDED BY P.L.169-2006,
 6 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities,
 8 except as provided by section 5 of this chapter.

9 (b) This subsection does not apply to a city with an ordinance
 10 described by subsection (j) or (m). The legislative body shall adopt an
 11 ordinance to divide the city into five (5) districts that:

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

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

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

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

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

- 33 (1) except when following a precinct boundary line; or
- 34 (2) unless the city legislative body certifies in the ordinance that
- 35 the census block has no population, and is not likely to ever have
- 36 population.

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

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

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1 (2) be mailed not later than ten (10) days before the legislative
 2 body adopts the ordinance.
 3 (g) The division under subsection (b), (j), or (m) shall be made as
 4 follows:
 5 (1) This subdivision applies to a municipal election held the
 6 year after a year in which a federal decennial census is
 7 conducted. The division shall be made not later than May 15
 8 of the year of the municipal election.
 9 ~~(†)~~ (2) If a municipal election is not held in a year described in
 10 subdivision (1), the division must be made during the second
 11 year after a year in which a federal decennial census is conducted.
 12 and
 13 ~~(‡)~~ (3) When required to assign annexed territory to a district.
 14 This division may be made at any other time, subject to IC 3-11-1.5-32.
 15 (h) This subsection does not apply to a city with an ordinance
 16 described by subsection (j) or (m). The legislative body is composed of
 17 five (5) members elected from the districts established under
 18 subsection (b) and two (2) at-large members.
 19 (i) This subsection does not apply to a city with an ordinance
 20 described by subsection (j) or (m). Each voter of the city may vote for
 21 two (2) candidates for at-large membership and one (1) candidate from
 22 the district in which the voter resides. The two (2) at-large candidates
 23 receiving the most votes from the whole city and the district candidates
 24 receiving the most votes from their respective districts are elected to
 25 the legislative body.
 26 (j) A city may adopt an ordinance under this subsection to divide the
 27 city into four (4) districts that:
 28 (1) are composed of contiguous territory;
 29 (2) are reasonably compact;
 30 (3) do not cross precinct boundary lines, except as provided in
 31 subsection (c) or (d); and
 32 (4) contain, as nearly as is possible, equal population.
 33 (k) This subsection applies to a city with an ordinance described by
 34 subsection (j). The legislative body is composed of four (4) members
 35 elected from the districts established under subsection (j) and three (3)
 36 at-large members.
 37 (l) This subsection applies to a city with an ordinance described by
 38 subsection (j). Each voter of the city may vote for three (3) candidates
 39 for at-large membership and one (1) candidate from the district in
 40 which the voter resides. The three (3) at-large candidates receiving the
 41 most votes from the whole city and the district candidates receiving the
 42 most votes from their respective districts are elected to the legislative

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body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that becomes a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:

- (1) the city shall be divided into three (3) districts that:
 - (A) are composed of contiguous territory;
 - (B) are reasonably compact;
 - (C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
 - (D) contain, as nearly as is possible, equal population; and
- (2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(n) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

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

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

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

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

SECTION 9. IC 36-4-6-5, AS AMENDED BY P.L.113-2010, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to

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1 third class cities having a population of less than ten thousand
2 (10,000). The legislative body of such a city may, by ordinance adopted
3 after June 30, 2010, and during a year in which an election of the
4 legislative body will not occur, decide to be governed by this section
5 instead of section 4 of this chapter. The legislative body districts
6 created by an ordinance adopted under this subsection apply to the first
7 election of the legislative body held after the date the ordinance is
8 adopted. The clerk of the legislative body shall send a certified copy of
9 any ordinance adopted under this subsection to the secretary of the
10 county election board.

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

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

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

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

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

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

- 35 (1) except when following a precinct boundary line; or
- 36 (2) unless the city legislative body certifies in the ordinance that
- 37 the census block has no population, and is not likely to ever have
- 38 population.

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

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- 1 (1) state that the legislative body is considering the adoption of an
- 2 ordinance described by this subsection; and
- 3 (2) be mailed not later than ten (10) days before the legislative
- 4 body adopts the ordinance.

5 (g) The division under subsection (b) or (j) shall be made as
6 follows:

7 **(1) This subdivision applies to a municipal election held the**
8 **year after a year in which a federal decennial census is**
9 **conducted. The division shall be made not later than May 15**
10 **of the year of the municipal election.**

11 ~~(+)~~ **(2) If a municipal election is not held in a year described in**
12 **subdivision (1), the division must be made** during the second
13 year after a year in which a federal decennial census is conducted.
14 ~~and~~

15 ~~(2)~~ **(3) 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.

39 (l) This subsection applies to a city with an ordinance described by
40 subsection (j). Each voter of the city may vote for two (2) candidates
41 for at-large membership and one (1) candidate from the district in
42 which the voter resides. The two (2) at-large candidates receiving the

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1 most votes from the whole city and the district candidates receiving the
 2 most votes from their respective districts are elected to the legislative
 3 body.

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

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

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

- 21 (1) is contiguous to that territory; and
- 22 (2) contains the least population of all districts contiguous to that
 23 territory.

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

- 27 (1) is one (1) of the districts in which the territory is described in
 28 the ordinance adopted under this section;
- 29 (2) is contiguous to that territory; and
- 30 (3) contains the least population of all districts contiguous to that
 31 territory.

32 SECTION 10. IC 36-5-2-4.1, AS AMENDED BY P.L.230-2005,
 33 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by
 35 ordinance, divide the town into districts for the purpose of conducting
 36 elections of town officers.

37 (b) A town legislative body district must comply with the following
 38 standards:

- 39 (1) The district must be composed of contiguous territory, except
 40 for territory that is not contiguous to any other part of the town.
- 41 (2) The district must be reasonably compact.
- 42 (3) The district must contain, as nearly as is possible, equal

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1 population.

2 (4) The district may not cross a census block boundary except

3 when following a precinct boundary line or unless the ordinance

4 specifies that the census block has no population and is not likely

5 to ever have population.

6 (5) The district may not cross precinct lines, except as provided

7 in subsection (c).

8 (c) The boundary of a town legislative body district established

9 under subsection (a) may cross a precinct boundary line if:

10 (1) the legislative body provides by ordinance under section 5 of

11 this chapter that all legislative body members are to be elected at

12 large by the voters of the whole town; or

13 (2) the district would not otherwise contain, as nearly as is

14 possible, equal population.

15 (d) If any territory in the town is not included in one (1) of the

16 districts established under this section, the territory is included in the

17 district that:

18 (1) is contiguous to that territory; and

19 (2) contains the least population of all districts contiguous to that

20 territory.

21 (e) If any territory in the town is included in more than one (1) of the

22 districts established under this section, the territory is included in the

23 district that:

24 (1) is one (1) of the districts in which the territory is described in

25 the ordinance adopted under this section;

26 (2) is contiguous to that territory; and

27 (3) contains the least population of all districts contiguous to that

28 territory.

29 (f) The ordinance may be appealed in the manner prescribed by

30 IC 34-13-6. If the town is located in two (2) or more counties, the

31 appeal may be filed in the circuit or superior court of any of those

32 counties.

33 (g) This subsection does not apply to a town with an ordinance

34 described by subsection (h). The division permitted by subsection (a)

35 shall be made **as follows:**

36 **(1) This subdivision applies to a municipal election held the**

37 **year after a year in which a federal decennial census is**

38 **conducted. The division shall be made not later than May 15**

39 **of the year of the municipal election.**

40 **(†) (2) If a municipal election is not held in a year described in**

41 **subdivision (1), the division must be made** during the second

42 year after a year in which a federal decennial census is conducted,

COPY



1 subject to IC 3-11-1.5-32. ~~and~~
 2 ~~(2)~~ (3) When required to assign annexed territory to a municipal
 3 legislative body district.
 4 The division may also be made in any other year.
 5 (h) This subsection applies to a town having a population of less
 6 than three thousand five hundred (3,500). The town legislative body
 7 may adopt an ordinance providing that:
 8 (1) town legislative body districts are abolished; and
 9 (2) all members of the legislative body are elected at large.
 10 (i) An ordinance described by subsection (h):
 11 (1) may not be adopted or repealed during a year in which a
 12 municipal election is scheduled to be conducted in the town under
 13 IC 3-10-6 or IC 3-10-7; and
 14 (2) is effective upon passage.
 15 (j) A copy of the ordinance establishing districts under this section
 16 must be filed with the circuit court clerk of the county that contains the
 17 greatest population of the town not later than thirty (30) days after the
 18 ordinance is adopted.
 19 SECTION 11. IC 3-11-1.5-35 IS REPEALED [EFFECTIVE UPON
 20 PASSAGE].
 21 SECTION 12. **An emergency is declared for this act.**

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