
SENATE BILL No. 54

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-1.5; IC 2-2.1-1-2.7; IC 3-3; IC 3-8; IC 35-51-2-1.

Synopsis: Redistricting. Establishes a redistricting commission (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 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. 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. Repeals the current law relating to congressional redistricting by a commission when the general assembly fails to enact a congressional redistricting plan. Appropriates from the state general fund the amounts necessary to pay the expenses of implementing the statute.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Elections.



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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 54



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 **2013]:**

ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS

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 a
4 ninth 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;

15 (2) may not be a member appointed under subsection (a); and

16 (3) may reside in any congressional district;

17 but is otherwise subject to the same qualifications set forth in this
18 chapter for the other commission members.

19 Sec. 3. To serve on the commission, an individual must be a
20 resident of Indiana.

21 Sec. 4. An individual may not serve on the commission if the
22 individual has been any of the following at any time less than six (6)
23 years before the individual's appointment to the commission:

24 (1) A member of the general assembly or the Congress of the
25 United States.

26 (2) A candidate for election to the general assembly or the
27 Congress of the United States.

28 (3) The holder of a state office (as defined in IC 3-5-2-48).

29 (4) An appointed public official.

30 (5) The chairman or treasurer of a candidate's committee of
31 a candidate for election to the general assembly or the
32 Congress of the United States as required by IC 3-9-1 or
33 federal law.

34 (6) An individual registered as a lobbyist under IC 2-7.

35 Sec. 5. (a) Before undertaking duties as a commission member,
36 an individual appointed under section 2 or 8 of this chapter must
37 do the following:

38 (1) Take an oath of office.

39 (2) Make an affirmation that the individual will:

40 (A) apply the provisions of this article in an honest and
41 independent manner; and

42 (B) uphold public confidence in the integrity of the

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redistricting process.
(3) Make a written pledge that the individual will not be a candidate for:
(A) election to the general assembly; or
(B) selection to fill a vacancy in the general assembly; at any time before the second election for members of the general assembly after the individual's appointment to the commission.

(b) A member's oath, affirmation, and pledge shall be filed with the agency.

Sec. 6. An individual serves as a commission member until the earlier of the following:

- (1) The individual vacates the individual's membership on the commission.
- (2) The appointment of a new commission under this chapter following a federal decennial census.

Sec. 7. A commission member may be removed from office for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office as provided by law for the removal of other public officers.

Sec. 8. (a) If the position of commission chair becomes vacant, the commission shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs. If the commission does not make the appointment as provided in this subsection, the chief justice of the supreme court shall:

- (1) make the appointment not later than thirty (30) days after the vacancy occurs; and
- (2) certify the appointment to the executive director of the agency.

(b) If a vacancy other than a vacancy described in subsection (a) occurs on the commission, the leader of the caucus whose leader appointed the member whose position is vacant shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs.

Sec. 9. The affirmative vote of at least five (5) commission members is necessary for the commission to take official action.

Sec. 10. Each commission member is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 11. The agency shall provide the commission with staff and administrative services.

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1 **Sec. 12.** The amounts necessary to pay the expenses of the
 2 commission and the agency to implement this article are
 3 continuously appropriated to the agency from the state general
 4 fund.

5 **Chapter 3. Redistricting Procedure**

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

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

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

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

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

37 **Sec. 4.** (a) The agency shall do the following:

- 38 (1) Create maps of legislative district plans and congressional
 39 district plans that conform to this article and the
 40 commission's instructions.
 41 (2) Prepare written descriptions of the maps created under
 42 subdivision (1).

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

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- 1 (3) A summary of the public comments and suggestions
 2 received in writing and at the hearings.
 3 (4) The commission's recommendation to the general
 4 assembly for each of the following:
 5 (A) A district plan for the house of representatives.
 6 (B) A district plan for the senate.
 7 (C) A congressional district plan.
 8 (5) Maps for each plan, including both a statewide map and a
 9 map for each district.
 10 (6) A bill that would enact each of the plans. This subdivision
 11 applies only if the Constitution of the State of Indiana
 12 requires the general assembly to establish legislative districts.
 13 (b) The commission shall recommend to the general assembly
 14 the plan that the commission considers the best in meeting the
 15 standards set forth in IC 2-1.5-4.
 16 (c) The commission may include any other information in the
 17 report that the commission considers useful to explain the
 18 commission's work or recommendations.
 19 (d) The report required by this section must be submitted to the
 20 legislative council in an electronic format under IC 5-14-6.
 21 Sec. 7. (a) This section does not apply if the Constitution of the
 22 State of Indiana requires the general assembly to establish
 23 legislative districts.
 24 (b) The agency shall file the commission's report under section
 25 6 of this chapter with the secretary of state not later than August
 26 15 of a redistricting year.
 27 (c) The commission's recommendations become the plans for the
 28 districts for the house of representatives, for the senate, and for
 29 congressional districts, beginning with the first general election
 30 held after the redistricting year.
 31 Chapter 4. Redistricting Standards
 32 Sec. 1. Districts created for the house of representatives, the
 33 senate, and the United States House of Representatives must
 34 comply with the standards of this chapter.
 35 Sec. 2. (a) A plan for house of representatives districts must
 36 provide for one hundred (100) districts.
 37 (b) A plan for senate districts must provide for fifty (50)
 38 districts.
 39 (c) A plan for congressional districts must provide for as many
 40 districts as are allocated to Indiana under 2 U.S.C. 2a.
 41 Sec. 3. Districts shall be established on the basis of population.
 42 Sec. 4. Each district shall be represented by one (1) individual.

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1 **Sec. 5. (a) Each house of representatives district must be**
 2 **included entirely within one (1) senate district.**

3 **(b) Each senate district must consist of two (2) house of**
 4 **representatives districts and no other territory.**

5 **Sec. 6. (a) The population of a house district or a senate district**
 6 **may not deviate from the ideal district population by more than**
 7 **five percent (5%) of the ideal district population.**

8 **(b) When the percentage of deviation from the ideal district**
 9 **population of the district with the smallest population under the**
 10 **plan is added to the percentage of deviation from the ideal district**
 11 **population of the district with the largest population under the**
 12 **plan, the total percentage of deviation under the plan may not**
 13 **exceed ten percent (10%).**

14 **Sec. 7. (a) A congressional district plan must provide for**
 15 **districts that are as nearly equal in population as is practicable.**
 16 **However, a congressional district plan may provide for districts**
 17 **that are not equal in population if the resulting plan:**

18 **(1) produces more compact congressional districts; or**

19 **(2) better respects the boundaries of political subdivisions as**
 20 **required by this chapter;**

21 **than a plan with districts that have equal population.**

22 **(b) Notwithstanding subsection (a), when the percentage of**
 23 **deviation from the ideal district population in the congressional**
 24 **district with the smallest population under the plan is added to the**
 25 **percentage of deviation from the ideal district population in the**
 26 **congressional district with the largest population under the plan,**
 27 **the total percentage of deviation under the plan may not exceed**
 28 **thirty-five hundredths of one percent (0.35%).**

29 **Sec. 8. (a) Districts must be composed of contiguous territory.**

30 **(b) For purposes of this section, areas that meet only at the point**
 31 **of adjoining corners are not considered contiguous.**

32 **Sec. 9. (a) Districts must be as compact as possible.**

33 **(b) The compactness of a district shall be determined by**
 34 **measuring the total length of the boundary of the district.**

35 **(c) The compactness of a plan shall be determined by adding the**
 36 **compactness measures of all the districts in the plan as determined**
 37 **under subsection (b).**

38 **(d) A plan is considered more compact than another plan if, as**
 39 **determined under subsection (c), the compactness measure of the**
 40 **plan is less than the compactness measure of the other plan.**

41 **Sec. 10. (a) To the extent possible consistent with sections 3**
 42 **through 9 of this chapter, the boundaries of the districts of a plan**

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1 must coincide with the boundaries of Indiana political subdivisions
2 as follows:

3 (1) The plan must minimize the number of counties divided
4 among more than one (1) district. If it is necessary to divide
5 counties among districts, a more populous county shall be
6 divided before a less populous county is divided.

7 (2) The plan must minimize the number of municipalities
8 divided among more than one (1) district. If it is necessary to
9 divide municipalities among districts, a more populous
10 municipality shall be divided before a less populous
11 municipality is divided. This requirement does not apply to a
12 district boundary drawn along a county line that passes
13 through a municipality that lies in more than one (1) county.

14 (3) The plan must minimize the number of townships divided
15 among more than one (1) district. If it is necessary to divide
16 townships among districts, a more populous township shall be
17 divided before a less populous township is divided.

18 (4) The plan must minimize the number of school
19 corporations divided among more than one (1) district. If it is
20 necessary to divide school corporations among districts, a
21 more populous school corporation shall be divided before a
22 less populous school corporation is divided.

23 (5) The plan may not divide a precinct (as the precinct exists
24 on April 1 of the redistricting year).

25 (b) To the extent that complying with the standards for
26 respecting the boundaries of political subdivisions under this
27 section conflicts with the compactness standards of this chapter,
28 the requirements of this section prevail over the compactness
29 standards.

30 Sec. 11. The following information may not be considered in
31 drawing districts:

32 (1) The residence address of any individual.

33 (2) Data concerning the voting history of any individual,
34 including whether the individual requested a political party's
35 ballot in a primary election.

36 (3) Election returns.

37 Sec. 12. Notwithstanding any other provision of this chapter,
38 when evaluating plans for recommendation, the commission shall
39 consider the effect that a plan has on language minority groups and
40 racial minority groups to ensure compliance with the federal
41 Voting Rights Act and other relevant federal law.

42 Chapter 5. Offenses

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Sec. 1. A person:
(1) employed by the agency; or
(2) working under a contract with the agency;
who knowingly or intentionally uses political data in the creation or evaluation of a plan under this article commits corrupt redistricting, a Class D felony.

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

(1) employed by the agency; or
(2) working under a contract with the agency;
to use political data in the creation or evaluation of a plan under this article commits solicitation of corrupt redistricting, a Class D felony.

SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.7. (a) This section applies only if the Constitution of the State of Indiana requires the general assembly to establish legislative districts.**

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

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

- (1) House of representatives districts.**
- (2) Senate districts.**
- (3) Congressional districts.**

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

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

- (1) a session convened under another section of this chapter;**
or
- (2) a special session called by the governor;**

the general assembly may not consider a matter that is not relevant to the legislation described in subsection (c) during a session convened under this section.

SECTION 3. IC 3-3-2 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Redistricting Commission).

SECTION 4. IC 3-3-5-10, AS ADDED BY P.L.215-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 10. Beginning November 6, 2012, the 2001 Congressional District Plan:**

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- 1 (1) adopted by the redistricting commission under IC 3-3-2
- 2 **(repealed); and**
- 3 (2) published in the governor's executive order 01-11 in the
- 4 Indiana Register at 24 IR 3293-3298;
- 5 is void.

6 SECTION 5. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A declaration of candidacy
 8 for the office of United States Senator or for the office of governor
 9 must be accompanied by a petition signed by at least four thousand five
 10 hundred (4,500) voters of the state, including at least five hundred
 11 (500) voters from each congressional district.

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

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

26 SECTION 6. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A request filed under section
 28 1 of this chapter must be accompanied by a petition signed by at least
 29 four thousand five hundred (4,500) voters of the state, including at least
 30 five hundred (500) voters from each congressional district.

- 31 (b) Each petition must contain the following:
 - 32 (1) The signature of each petitioner.
 - 33 (2) The name of each petitioner legibly printed.
 - 34 (3) The residence mailing address of each petitioner.
- 35 (c) This subsection applies to a petition filed during the period:
 - 36 (1) beginning on the date that a congressional district plan has
 - 37 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
 - 38 (2) ending on the date that ~~the part of the act or order issued under~~
 - 39 ~~IC 3-3-2~~ **establishing** the previous congressional district plan is
 - 40 repealed or superseded.

41 The petition must be signed by at least four thousand five hundred
 42 (4,500) voters of Indiana, including at least five hundred (500) voters

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1 from each congressional district created by the most recent
2 congressional district plan adopted under ~~IC 3-3~~. **IC 2-1.5.**
3 SECTION 7. IC 35-51-2-1, AS ADDED BY P.L.70-2011,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 2:
6 **IC 2-1.5-5 (Concerning redistricting).**
7 IC 2-4-1-4 (Concerning legislative investigations).
8 IC 2-7-6-2 (Concerning lobbying).
9 IC 2-7-6-3 (Concerning lobbying).
10 IC 2-7-6-4 (Concerning lobbying).

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