
HOUSE BILL No. 1446

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-1.5; IC 2-2.1-1-2.7; IC 3-3-2; IC 3-3-5-10; 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 if the Constitution of the State of Indiana does not require the general assembly to establish legislative districts, the commission's recommendations for legislative and congressional districts become the plans that define those districts. Provides that, if the Constitution of the State of Indiana so requires, 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 establishing a redistricting commission for congressional redistricting. 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 22, 2013, read first time and referred to Committee on Elections and Apportionment.

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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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HOUSE BILL No. 1446



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]:**
 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 2-1.5-3-1.

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. "Nominating commission"** refers to the judicial
19 nominating commission established by Article 7, Section 9 of the
20 Constitution of the State of Indiana.

21 **Sec. 12. (a) "Plan"** refers to any of the following:

22 (1) A plan for districts for the house of representatives.

23 (2) A plan for districts for the senate.

24 (3) A plan for congressional districts.

25 (b) A plan includes maps and written descriptions of the maps
26 that define all the districts that a plan is required to have under
27 this article.

28 **Sec. 13. "Political subdivision"** means a city, county, town, or
29 township.

30 **Sec. 14. "Redistricting year"** refers to the year immediately
31 following a census year.

32 **Sec. 15. "Senate"** refers to the senate of the general assembly.

33 **Chapter 2. Nomination of Redistricting Commission Members**

34 **Sec. 1. An individual who wishes to serve as a member of the**
35 **commission must make an application to the nominating**
36 **commission:**

37 (1) not sooner than January 1 of the census year; and

38 (2) not later than July 1 of the census year.

39 **Sec. 2. (a) An individual who wishes to serve as a member of the**
40 **commission must be a resident of Indiana.**

41 (b) An individual may not serve on the commission if the
42 individual has been any of the following at any time less than six (6)

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1 years before January 1 of the redistricting year for which the
2 individual will serve as a commission member:

- 3 (1) A member of the general assembly or the Congress of the
4 United States.
5 (2) A candidate for election to the general assembly or the
6 Congress of the United States.
7 (3) The holder of a state office (as defined in IC 3-5-2-48).
8 (4) An appointed public official.
9 (5) The chairman or treasurer of a candidate's committee of
10 a candidate for election to the general assembly or the
11 Congress of the United States as required by IC 3-9-1 or
12 federal law.
13 (6) An individual registered as a lobbyist under IC 2-7.

14 **Sec. 3. (a) An individual's application to serve on the**
15 **commission must contain the following information:**

- 16 (1) The individual's name.
17 (2) The individual's address.
18 (3) The individual's telephone number.
19 (4) The individual's electronic mail address.
20 (5) The individual's occupation.
21 (6) A brief biography of the individual.
22 (7) A brief statement why the individual:
23 (A) wishes to be a commission member; and
24 (B) believes the individual is qualified to be a commission
25 member.
26 (8) A statement that the individual is either of the following:
27 (A) A member of a major political party of the state (as
28 defined in IC 3-5-2-30).
29 (B) A political independent.
30 (9) A statement made under the penalties for perjury stating
31 that the information that the individual has supplied on the
32 individual's application is true to the best of the individual's
33 knowledge and belief.

34 (b) For purposes of subsection (a)(8), an individual is considered
35 a political independent only if the individual satisfies all of the
36 following during the ten (10) year period immediately before the
37 census year:

- 38 (1) The individual has not voted in a primary election of a
39 major political party of the state.
40 (2) The individual has not been a candidate of a major
41 political party of the state for any office.
42 (3) The individual has not served as a precinct committeeman

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- 1 or a precinct vice committeeman of a major political party of
2 the state.
- 3 (4) The individual has not served as a member of a
4 candidate's committee of a candidate of a major political
5 party of the state.
- 6 (5) The individual has not served as a member of a regular
7 party committee of a major political party of the state.
- 8 (6) The individual has not served as a delegate of a state
9 convention or a national convention of a major political party
10 of the state.
- 11 (7) The individual has not served as a candidate for the office
12 of elector for President and Vice President of the United
13 States.
- 14 **Sec. 4. (a) Not later than September 1 of a census year, the**
15 **nominating commission shall recommend the names of not more**
16 **than twenty-five (25) individuals who:**
- 17 (1) have applied to be a member of the commission under this
18 chapter; and
- 19 (2) the nominating commission considers the most qualified to
20 serve as members of the commission.
- 21 (b) The names of the individuals recommended under subsection
22 (a) shall be sorted into three (3) lists as follows:
- 23 (1) A list of the names of the ten (10) individuals who are
24 members of the same major political party of the state who
25 the nominating commission considers most qualified to serve
26 as a member of the commission. If ten (10) or fewer
27 individuals applied whose names could be placed on this list,
28 the names of all the individuals shall be placed on the list.
- 29 (2) A list of the names of the ten (10) individuals who are
30 members of the other major political party of the state who
31 the nominating commission considers most qualified to serve
32 as a member of the commission. If ten (10) or fewer
33 individuals applied whose names could be placed on this list,
34 the names of all the individuals shall be placed on the list.
- 35 (3) A list of the names of the five (5) individuals who are
36 political independents who the nominating commission
37 considers most qualified to serve as the chair of the
38 commission. If five (5) or fewer individuals applied whose
39 names could be placed on this list, the names of all the
40 individuals shall be placed on the list.
- 41 **Sec. 5. The nominating commission shall certify a copy of each**
42 **of the lists to the following, not later than October 1 of a census**

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1 year:

2 (1) Each of the appointing authorities.

3 (2) The executive director of the agency.

4 **Chapter 3. Redistricting Commission**

5 **Sec. 1. As provided in this chapter, a redistricting commission**
6 **consisting of five (5) members is established.**

7 **Sec. 2. (a) Not later than January 15 of a redistricting year, each**
8 **of the appointing authorities shall do the following:**

9 (1) **Appoint one (1) individual whose name is on a list**
10 **described in IC 2-1.5-2-4(b)(1) or IC 2-1.5-2-4(b)(2) to be a**
11 **commission member.**

12 (2) **Certify to the executive director of the agency the**
13 **appointment of the individual to the commission.**

14 (b) **Not later than February 15 of a redistricting year, the**
15 **members appointed under subsection (a) shall meet and appoint a**
16 **fifth individual to be the commission's chair. The name of the**
17 **individual appointed as chair must appear on the list described in**
18 **IC 2-1.5-2-4(b)(3).**

19 (c) **If the commission does not appoint an individual as**
20 **commission chair before March 1 of a redistricting year, the chief**
21 **justice of the supreme court shall appoint a fifth individual to be**
22 **the commission's chair from the list of names described in**
23 **IC 2-1.5-2-4(b)(3). The chief justice shall:**

24 (1) **make the appointment before March 15 of the redistricting**
25 **year; and**

26 (2) **certify the appointment to the executive director of the**
27 **agency.**

28 **Sec. 3. (a) Before undertaking duties as a commission member,**
29 **an individual appointed under section 2 or 6 of this chapter must**
30 **do each of the following:**

31 (1) **Take an oath of office.**

32 (2) **Make an affirmation that the individual will:**

33 (A) **apply the provisions of this article in an honest and**
34 **independent manner; and**

35 (B) **uphold public confidence in the integrity of the**
36 **redistricting process.**

37 (3) **Make a written pledge that the individual will not be a**
38 **candidate for:**

39 (A) **election to the general assembly; or**

40 (B) **selection to fill a vacancy in the general assembly;**

41 **at any time before the second election for members of the**
42 **general assembly after the individual's appointment to the**

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1 **commission.**

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

4 **Sec. 4. An individual serves as a commission member until the**
5 **earlier of the following:**

6 **(1) The individual vacates the individual's membership on the**
7 **commission.**

8 **(2) The appointment of a new commission under this chapter**
9 **following a federal decennial census.**

10 **Sec. 5. A commission member may be removed from office for**
11 **substantial neglect of duty, gross misconduct in office, or inability**
12 **to discharge the duties of office as provided by law for the removal**
13 **of other public officers.**

14 **Sec. 6. (a) If the position of commission chair becomes vacant,**
15 **the commission shall appoint an individual to fill the vacancy not**
16 **later than fifteen (15) days after the vacancy occurs. If the**
17 **commission does not make the appointment as provided in this**
18 **subsection, the chief justice shall:**

19 **(1) make the appointment not later than thirty (30) days after**
20 **the vacancy occurs; and**

21 **(2) certify the appointment to the executive director of the**
22 **agency.**

23 **The name of the individual appointed under this subsection must**
24 **appear on the list of names described in IC 2-1.5-2-4(b)(3).**

25 **(b) If a vacancy other than a vacancy described in subsection (a)**
26 **occurs on the commission, the leader of the caucus, whose leader**
27 **appointed the member whose position is vacant, shall appoint an**
28 **individual to fill the vacancy not later than fifteen (15) days after**
29 **the vacancy occurs. The name of the individual appointed under**
30 **this subsection must appear on the list of names described in**
31 **IC 2-1.5-2-4(b)(1) or IC 2-1.5-2-4(b)(2).**

32 **Sec. 7. The affirmative vote of three (3) commission members is**
33 **necessary for the commission to take official action.**

34 **Sec. 8. Each commission member is entitled to receive the same**
35 **per diem, mileage, and travel allowances paid to members of the**
36 **general assembly serving on interim study committees established**
37 **by the legislative council.**

38 **Sec. 9. The agency shall provide the commission with staff and**
39 **administrative services.**

40 **Sec. 10. The amounts necessary to pay the expenses of the**
41 **commission and the agency to implement this article are**
42 **continuously appropriated to the agency from the state general**

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- 1 fund.
 2 **Chapter 4. Redistricting Procedure**
 3 **Sec. 1. (a) Before January 1 of a redistricting year, the agency**
 4 **shall acquire any hardware, software, and supplies necessary to**
 5 **assist the commission in the performance of the commission's**
 6 **duties under this article.**
 7 **(b) At any time, the agency may acquire additional hardware,**
 8 **software, and supplies the executive director of the agency**
 9 **considers necessary to assist the commission in performance of the**
 10 **commission's duties under this article.**
 11 **Sec. 2. Not later than March 15 of a redistricting year, the**
 12 **commission's chair shall convene the commission to do the**
 13 **following:**
 14 **(1) Organize the commission.**
 15 **(2) Receive reports from the agency concerning the following:**
 16 **(A) Information relating to the receipt of census data from**
 17 **the bureau.**
 18 **(B) The readiness of the agency to assist the commission's**
 19 **work.**
 20 **(C) Any other matter on which a report is requested by the**
 21 **commission.**
 22 **(3) Provide initial instructions to the agency regarding the**
 23 **commission's work.**
 24 **(4) Schedule hearings required or permitted under section 5**
 25 **of this chapter.**
 26 **(5) Schedule other meetings the commission considers**
 27 **necessary.**
 28 **(6) Schedule the receipt of maps from the public.**
 29 **Sec. 3. If the agency must make a decision on a question for**
 30 **which no clearly applicable provision of this article or instruction**
 31 **of the commission provides an answer, the executive director of the**
 32 **agency shall submit a written request to the commission for**
 33 **direction.**
 34 **Sec. 4. (a) The agency shall do the following:**
 35 **(1) Create maps of legislative district plans and congressional**
 36 **district plans that conform to this article and the**
 37 **commission's instructions.**
 38 **(2) Prepare written descriptions of the maps created under**
 39 **subdivision (1).**
 40 **(3) Evaluate maps submitted by the public for conformance**
 41 **with the standards set forth in IC 2-1.5-5.**
 42 **(b) The agency shall produce as many different plans as the**

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1 **commission instructs:**

- 2 (1) not earlier than May 1 of a redistricting year; and
 3 (2) not later than May 15 of the redistricting year.

4 (c) The agency shall publish the maps and descriptions:

- 5 (1) prepared for the commission by the agency; and
 6 (2) submitted to the commission from the public;

7 as directed by the commission not later than May 15 of a
 8 redistricting year.

9 **Sec. 5. (a)** As directed by the commission, the agency shall
 10 receive for the commission written public comments regarding the
 11 plans after publication of the plans.

12 (b) Not later than June 30 of a redistricting year, the
 13 commission shall conduct at least one (1) public hearing in each of
 14 the following regions of Indiana, as determined by the commission:

- 15 (1) Northern Indiana.
 16 (2) Central Indiana.
 17 (3) Southern Indiana.

18 (c) The commission may hold hearings in addition to the
 19 hearings required by subsection (b).

20 (d) The commission shall do the following at any hearings held
 21 under this section:

- 22 (1) Explain the redistricting procedure.
 23 (2) Present the plans prepared for the commission by the
 24 agency.
 25 (3) Have available the plans submitted by the public and the
 26 agency's evaluation of those plans.
 27 (4) Hear public comments and suggestions.

28 (e) The commission may take other actions the commission
 29 considers appropriate to do the following:

- 30 (1) Explain the redistricting procedure or the plans to the
 31 public.
 32 (2) Receive public comments and suggestions.

33 **Sec. 6. (a)** Not later than August 1 of a redistricting year, the
 34 commission shall meet to adopt a report to the general assembly.
 35 The report must include the following:

- 36 (1) A summary of the commission's and the agency's
 37 preparation for the commission's work.
 38 (2) A description of the hearings held under section 5 of this
 39 chapter.
 40 (3) A summary of the public comments and suggestions
 41 received in writing and at the hearings.
 42 (4) The commission's recommendation to the general

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1 assembly for each of the following:

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

3 (B) A district plan for the senate.

4 (C) A congressional district plan.

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

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

10 (b) The commission shall recommend to the general assembly
11 the plan that the commission considers the best in meeting the
12 standards set forth in IC 2-1.5-5.

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

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

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

21 (b) The agency shall file the commission's report under section
22 6 of this chapter with the secretary of state not later than August
23 15 of a redistricting year.

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

28 **Chapter 5. Redistricting Standards**

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

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

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

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

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

39 Sec. 4. The population of a district of the house of
40 representatives or the senate may not deviate from the ideal
41 district population by more than one percent (1%) of the ideal
42 district population.

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1 **Sec. 5. (a) Districts must be composed of contiguous territory.**
2 **(b) Areas that meet only at the point of adjoining corners are**
3 **not considered contiguous.**
4 **Sec. 6. Districts must be as compact as possible to the extent**
5 **practicable while considering other provisions of this chapter and**
6 **the federal Voting Rights Act.**
7 **Sec. 7. Districts must not breach precinct boundaries.**
8 **Sec. 8. To the extent possible consistent with sections 2 through**
9 **6 of this chapter, district boundaries of general assembly districts**
10 **must coincide with the boundaries of Indiana political subdivisions**
11 **as follows:**
12 **(1) The commission shall minimize the number of counties**
13 **and cities divided among more than one (1) district.**
14 **(2) Except as provided in subdivision (3), if there is a choice**
15 **between political subdivisions to be divided, a more populous**
16 **political subdivision shall be divided before a less populous**
17 **political subdivision is divided.**
18 **(3) Subdivision (2) does not apply to a legislative district**
19 **boundary drawn along a county line that passes through a**
20 **municipality that lies in more than one (1) county.**
21 **Sec. 9. A plan shall maximize the number of competitive**
22 **districts to the extent possible without compromising the other**
23 **standards described in this chapter.**
24 **Sec. 10. (a) In evaluating plans for recommendation, the**
25 **commission shall consider the effect that a plan has on language**
26 **minority groups and racial minority groups as required by the**
27 **federal Voting Rights Act.**
28 **(b) The commission may use political data at least to the extent**
29 **necessary to comply with the federal Voting Rights Act.**
30 **SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE**
31 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
32 **1, 2013]: Sec. 2.7. (a) This section applies only if the Constitution of**
33 **the State of Indiana requires the general assembly to establish**
34 **legislative districts.**
35 **(b) The definitions in IC 2-1.5-1 apply throughout this section.**
36 **(c) Before October 1 of a redistricting year, the general**
37 **assembly shall convene and enact bills to establish the following:**
38 **(1) House of representatives districts.**
39 **(2) Senate districts.**
40 **(3) Congressional districts.**
41 **(d) A bill to enact a redistricting plan recommended by the**
42 **redistricting commission under IC 2-1.5-4 must be introduced in**

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1 and considered by each house of the general assembly, without
2 amendment, except amendments of a technical nature.

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

5 (1) a session convened under another section of this chapter;
6 or

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

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

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

17 (1) adopted by the redistricting commission under IC 3-3-2
18 (repealed); and

19 (2) published in the governor's executive order 01-11 in the
20 Indiana Register at 24 IR 3293-3298;
21 is void.

22 (b) This section expires January 1, 2022.

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

29 (b) Each petition must contain the following:

- 30 (1) The signature of each petitioner.
- 31 (2) The name of each petitioner legibly printed.
- 32 (3) The residence mailing address of each petitioner.

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

- 34 (1) beginning on the date that a congressional district plan has
35 been adopted under ~~IC 3-3~~; IC 2-1.5; and
- 36 (2) ending on the date that the part of the act or order issued under
37 ~~IC 3-3-2~~ establishing the previous congressional district plan is
38 repealed or superseded.

39 The petition must be signed by at least four thousand five hundred
40 (4,500) voters of Indiana, including at least five hundred (500) voters
41 from each congressional district created by the most recent
42 congressional district plan adopted under ~~IC 3-3~~; IC 2-1.5.

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1 SECTION 6. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A request filed under section
 3 1 of this chapter must be accompanied by a petition signed by at least
 4 four thousand five hundred (4,500) voters of the state, including at least
 5 five hundred (500) voters from each congressional district.
 6 (b) Each petition must contain the following:
 7 (1) The signature of each petitioner.
 8 (2) The name of each petitioner legibly printed.
 9 (3) The residence mailing address of each petitioner.
 10 (c) This subsection applies to a petition filed during the period:
 11 (1) beginning on the date that a congressional district plan has
 12 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
 13 (2) ending on the date that ~~the part of the act or order issued under~~
 14 ~~IC 3-3-2 establishing~~ the previous congressional district plan is
 15 repealed or superseded.
 16 The petition must be signed by at least four thousand five hundred
 17 (4,500) voters of Indiana, including at least five hundred (500) voters
 18 from each congressional district created by the most recent
 19 congressional district plan adopted under ~~IC 3-3~~. **IC 2-1.5.**

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