

HOUSE BILL No. 1127

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-3.

Synopsis: County fiscal body single member districts. Allows an executive of a county (other than St. Joseph County) to adopt an ordinance during an odd-numbered year to establish single-member districts for the county fiscal body that take effect for the second general election after the year in which the districts are drawn.

Effective: July 1, 2015.

Cherry

January 8, 2015, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1127

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

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

1 SECTION 1. IC 36-2-3-4, AS AMENDED BY P.L.77-2014,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 4. (a) This subsection does not apply to a county
4 having a population of:
5 (1) more than four hundred thousand (400,000) but less than
6 seven hundred thousand (700,000); or
7 (2) more than two hundred fifty thousand (250,000) but less than
8 two hundred seventy thousand (270,000).
9 Except as provided in section ~~4.1~~ **4.3** of this chapter, the county
10 executive shall, by ordinance, divide the county into four (4)
11 contiguous, single-member districts that comply with subsection (d).
12 If necessary, the county auditor shall call a special meeting of the
13 executive to establish or revise districts. One (1) member of the fiscal
14 body shall be elected by the voters of each of the four (4) districts.
15 Three (3) at-large members of the fiscal body shall be elected by the



1 voters of the whole county.

2 (b) This subsection applies to a county having a population of more
3 than four hundred thousand (400,000) but less than seven hundred
4 thousand (700,000). The county redistricting commission established
5 under IC 36-2-2-4 shall divide the county into seven (7) single-member
6 districts that comply with subsection (d). One (1) member of the fiscal
7 body shall be elected by the voters of each of these seven (7)
8 single-member districts.

9 (c) This subsection applies to a county having a population of more
10 than two hundred fifty thousand (250,000) but less than two hundred
11 seventy thousand (270,000). The fiscal body shall divide the county
12 into nine (9) single-member districts that comply with subsection (d).
13 Three (3) of these districts must be contained within each of the three
14 (3) districts established under IC 36-2-2-4(c). One (1) member of the
15 fiscal body shall be elected by the voters of each of these nine (9)
16 single-member districts.

17 (d) Single-member districts established under subsection (a), (b), or
18 (c) must:

- 19 (1) be compact, subject only to natural boundary lines (such as
20 railroads, major highways, rivers, creeks, parks, and major
21 industrial complexes);
22 (2) not cross precinct boundary lines;
23 (3) contain, as nearly as possible, equal population; and
24 (4) include whole townships, except when a division is clearly
25 necessary to accomplish redistricting under this section.

26 (e) Except as provided by subsection (g), a division under
27 subsection (a), (b), or (c) shall be made:

- 28 (1) during the first year after a year in which a federal decennial
29 census is conducted; and
30 (2) when the county executive adopts an order declaring a county
31 boundary to be changed under IC 36-2-1-2.

32 (f) A division under subsection (a), (b), or (c) may be made in any
33 odd-numbered year not described in subsection (e). In a county in
34 which a public question is approved under IC 36-2-2.7-5, a division
35 under subsection (a) shall be made by the county council during the
36 year before county council members will be elected under
37 IC 36-2-2.7-6(8).

38 (g) This subsection applies during the first year after a year in which
39 a federal decennial census is conducted. If the county executive, county
40 redistricting commission, or county fiscal body determines that a
41 division under subsection (e) is not required, the county executive,
42 county redistricting commission, or county fiscal body shall adopt an



1 ordinance recertifying that the districts as drawn comply with this
2 section.

3 (h) Each time there is a division under subsection (e) or (f) or a
4 recertification under subsection (g), the county executive, county
5 redistricting commission, or county fiscal body shall file with the
6 circuit court clerk of the county, not later than thirty (30) days after the
7 division or recertification occurs, a map of the district boundaries:

8 (1) adopted under subsection (e) or (f); or

9 (2) recertified under subsection (g).

10 (i) The limitations set forth in this section are part of the ordinance,
11 but do not have to be specifically set forth in the ordinance. The
12 ordinance must be construed, if possible, to comply with this chapter.
13 If a provision of the ordinance or an application of the ordinance
14 violates this chapter, the invalidity does not affect the other provisions
15 or applications of the ordinance that can be given effect without the
16 invalid provision or application. The provisions of the ordinance are
17 severable.

18 (j) If a conflict exists between:

19 (1) a map showing the boundaries of a district; and

20 (2) a description of the boundaries of that district set forth in the
21 ordinance;

22 the district boundaries are the description of the boundaries set forth in
23 the ordinance, not the boundaries shown on the map, to the extent there
24 is a conflict between the description and the map.

25 SECTION 2. IC 36-2-3-4.3 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2015]: **Sec. 4.3. (a) This section does not apply to a county
28 described in section 4(c) of this chapter. The county executive may
29 adopt an ordinance during any odd-numbered year to divide the
30 county into seven (7) single-member districts that comply with
31 section 4(d) of this chapter. The ordinance must provide that the
32 districts drawn under this subsection take effect for the second
33 general election after the districts are drawn and that the terms of
34 office for members of the fiscal body are governed by section 3 of
35 this chapter. The provisions of section 4(h) through 4(j) of this
36 chapter apply to districts drawn under this subsection.**

37 **(b) This subsection applies to a member of the fiscal body whose
38 term expires following the general election held in the year
39 immediately after the year in which the districts are drawn under
40 subsection (a). Notwithstanding section 3 of this chapter, the
41 successor of such a member shall be elected to serve a term of
42 office of two (2) years, beginning January 1, after election.**



1 (c) At the second general election after the districts are drawn
2 under subsection (a), one (1) member of the fiscal body shall be
3 elected by the voters of each of the seven (7) single-member
4 districts drawn under subsection (a). The term of office for a
5 member elected under this subsection is governed by section 3 of
6 this chapter.

7 (d) Except as provided in subsection (f), a division under
8 subsection (a) shall be made:

9 (1) during the first year after a year in which a federal
10 decennial census is conducted; and

11 (2) whenever the county executive adopts an order declaring
12 a county boundary to be changed under IC 36-2-1-2.

13 (e) After the initial division made under subsection (a), another
14 division may be made in any odd-numbered year not described in
15 subsection (d).

16 (f) If the county executive determines that a division under
17 subsection (d) is not required, the county executive shall adopt an
18 ordinance recertifying that the districts as drawn comply with
19 subsection (a).

20 SECTION 3. IC 36-2-3-4.5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) If any territory
22 in any county is not included in one (1) of the districts established
23 under section 4 **or** 4.3 of this chapter, 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 (b) If any territory in any county is included in more than one (1) of
29 the districts established under section 4 **or** 4.3 of this chapter, the
30 territory is included in the district that:

31 (1) is one (1) of the districts in which the territory is described in
32 the ordinance adopted under section 4 **or** 4.3 of this chapter;

33 (2) is contiguous to that territory; and

34 (3) contains the least population of all districts contiguous to that
35 territory.

36 SECTION 4. IC 36-2-3-4.7 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.7. (a) Whenever the
38 county executive or the county fiscal body divides the county into
39 districts under section 4 **or** 4.3 of this chapter, the county executive or
40 the county fiscal body shall adopt an ordinance.

41 (b) The county executive or the county fiscal body shall file a copy
42 of an ordinance adopted under subsection (a) with the circuit court



1 clerk.

