
HOUSE BILL No. 1265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-1.5; IC 3-3-2; IC 3-3-3; IC 3-8.

Synopsis: Redistricting commission. 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 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 a contract with the agency to use political data in the creation or evaluation of a redistricting plan. Provides that violation of these restrictions is a Class D felony. Repeals current law relating to congressional redistricting. Continuously appropriates from the state general fund the amounts necessary to pay the expenses to implement the statute.

Effective: July 1, 2007.

Avery

January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

C
O
P
Y



Introduced

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1265



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 2007]:

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 under 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 under IC 2-1.5-2.**
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 five (5) members**
36 **is established as provided in this chapter.**
37 **Sec. 2. Not later than January 15 of a redistricting year, each of**
38 **the appointing authorities shall do the following:**
39 **(1) Appoint one (1) individual to be a commission member.**
40 **(2) Certify to the executive director of the agency the**
41 **appointment of the individual to the commission.**
42 **Sec. 3. (a) The commission members appointed under section 2**

**C
O
P
Y**



1 of this chapter shall meet not later than January 31 of a
2 redistricting year to appoint the commission's chair.

3 (b) The individual appointed the commission's chair under
4 subsection (a) must be appointed by the unanimous vote of the
5 commission members appointed under section 2 of this chapter.

6 (c) The individual appointed the commission's chair under
7 subsection (a) must meet the same qualifications under this chapter
8 as the other commission members.

9 Sec. 4. (a) To be eligible to serve on the commission, an
10 individual must be a resident of Indiana.

11 (b) An individual is not eligible to serve on the commission if the
12 individual has been any of the following at any time less than six (6)
13 years before the individual's appointment to the commission:

14 (1) A member of the general assembly or the Congress of the
15 United States.

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

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

19 (4) An appointed public official.

20 (5) The chairman or treasurer of a candidate's committee of
21 a candidate for election to the general assembly or to the
22 Congress of the United States required by IC 3-9-1 or federal
23 law.

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

25 Sec. 5. (a) Before undertaking the individual's duties as a
26 commission member, an individual appointed under this chapter
27 must do each of the following:

28 (1) Take an oath of office.

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

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

32 (B) uphold public confidence in the integrity of the
33 redistricting process.

34 (3) Make a written pledge that the individual will not be a
35 candidate for:

36 (A) election to the general assembly; or

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

38 at any time before the second election for members of the
39 general assembly after the individual's appointment to the
40 commission.

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

C
O
P
Y



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

3 **(1) The individual vacates the individual's membership on the**
4 **commission.**

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

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

11 **Sec. 8. (a) If the position of commission chair becomes vacant,**
12 **the four (4) remaining commission members shall appoint an**
13 **individual to become the commission's chair. The appointment of**
14 **an individual under this subsection must be by a unanimous vote.**

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

20 **Sec. 9. Except as otherwise provided in this article, the**
21 **affirmative vote of three (3) commission members is necessary for**
22 **the commission to take official action.**

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

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

29 **Sec. 12. The amounts necessary to pay the commission's and the**
30 **agency's expenses to implement this article are continuously**
31 **appropriated to the agency from the state general fund.**

32 **Chapter 3. Redistricting Procedure**

33 **Sec. 1. (a) Before January 1 of a redistricting year, the agency**
34 **shall acquire any hardware, software, and supplies necessary to**
35 **assist the commission in the performance of its duties under this**
36 **article.**

37 **(b) At any time, the agency may acquire additional hardware,**
38 **software, and supplies that the executive director of the agency**
39 **considers necessary to assist the commission in performance of its**
40 **duties under this article.**

41 **Sec. 2. Not later than March 15 of a redistricting year, the**
42 **commission's chair shall convene the commission to do the**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

following:

- (1) Organize the commission.
- (2) Receive reports from the agency concerning the following:
 - (A) Information relating to the receipt of census data from the Bureau.
 - (B) The readiness of the agency to assist the commission's work.
 - (C) Any other matter requested by the commission.
- (3) Provide initial instructions to the agency regarding the commission's work.
- (4) Schedule hearings required or permitted under section 5 of this chapter.
- (5) Schedule other meetings the commission considers necessary.
- (6) Schedule receipt of maps from the public.

Sec. 3. If the agency needs to make a decision for which no clearly applicable provision of this article or instruction of the commission provides an answer, the executive director of the agency shall submit a written request to the commission for direction.

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

- (1) Create maps of legislative district plans and congressional district plans that conform to this article and the commission's instructions.
- (2) Prepare written descriptions of the maps created under subdivision (1).
- (3) Evaluate maps submitted by the public for conformance with the standards set forth in IC 2-1.5-4.

(b) The agency shall produce as many different plans as the commission instructs:

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

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

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

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

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

(b) Not later than June 30 of a redistricting year, the commission shall conduct at least one (1) public hearing in each of

C
O
P
Y



1 the following regions of Indiana, as determined by the commission:
 2 (1) Northern Indiana.
 3 (2) Central Indiana.
 4 (3) Southern Indiana.
 5 (c) The commission may hold hearings in addition to the
 6 hearings required by subsection (b).
 7 (d) The commission shall do the following at any hearings held
 8 under this section:
 9 (1) Explain the redistricting procedure.
 10 (2) Present the plans prepared for the commission by the
 11 agency.
 12 (3) Have available the plans submitted by the public and the
 13 agency's evaluation of those plans.
 14 (4) Hear public comments and suggestions.
 15 (e) The commission may take other actions the commission
 16 considers appropriate to do the following:
 17 (1) Explain the redistricting procedure or the plans to the
 18 public.
 19 (2) Receive public comments and suggestions.
 20 Sec. 6. (a) Not later than August 1 of a redistricting year, the
 21 commission shall meet to adopt a report to the general assembly.
 22 The report must include the following:
 23 (1) A summary of the commission's and the agency's
 24 preparation for the commission's work.
 25 (2) A description of the hearings held under section 5 of this
 26 chapter.
 27 (3) A summary of the public comments and suggestions
 28 received in writing and at the hearings.
 29 (4) The commission's recommendation to the general
 30 assembly for each of the following:
 31 (A) A district plan for the house of representatives.
 32 (B) A district plan for the senate.
 33 (C) A congressional district plan.
 34 (5) Maps for each plan, including both a statewide map and a
 35 map for each district.
 36 (6) A bill that would enact each of the plans.
 37 (b) The commission shall recommend to the general assembly
 38 the plan that the commission considers the best in meeting the
 39 standards set forth in IC 2-1.5-4.
 40 (c) The commission may include any other information in the
 41 report that the commission considers useful to explain the
 42 commission's work or recommendations.

C
O
P
Y



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

3 **Chapter 4. Redistricting Standards**

4 **Sec. 1. Districts created for the house of representatives, the**
5 **senate, and the United States House of Representatives must**
6 **comply with the standards of this chapter.**

7 **Sec. 2. (a) A plan for house of representatives districts must**
8 **have one hundred (100) districts.**

9 (b) A plan for senate districts must have fifty (50) districts.

10 (c) A plan for congressional districts must have as many
11 districts as are allocated to the state of Indiana under 2 U.S.C. 2a.

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

13 **Sec. 4. The population of a house of representatives district or**
14 **a senate district may not deviate from the ideal district population**
15 **by more than one percent (1%) of the ideal district population.**

16 **Sec. 5. (a) Districts must be composed of contiguous territory.**

17 (b) Areas that meet only at the point of adjoining corners are
18 not considered contiguous for purposes of this section.

19 **Sec. 6. (a) Districts must be as compact as possible.**

20 (b) The compactness of a district shall be measured by
21 determining the total length of the boundary of the district.

22 (c) Compactness of a plan shall be measured by adding the
23 compactness measures of all the districts in the plan as determined
24 under subsection (b).

25 (d) A plan is considered more compact than another plan if the
26 compactness measure of the plan is less than the compactness
27 measure of the other plan.

28 **Sec. 7. Districts must not violate precinct boundaries.**

29 **Sec. 8. To the extent possible consistent with sections 2 through**
30 **6 of this chapter, district boundaries of general assembly districts**
31 **must coincide with the boundaries of Indiana political subdivisions**
32 **as follows:**

33 (1) The commission shall minimize the number of counties
34 and cities divided among more than one (1) district.

35 (2) Except as provided in subdivision (3), if there is a choice
36 between political subdivisions to be divided, the more
37 populous political subdivisions shall be divided before a less
38 populous political subdivision is divided.

39 (3) Subdivision (2) does not apply to a legislative district
40 boundary drawn along a county line that passes through a
41 municipality that lies in more than one (1) county.

42 **Sec. 9. In evaluating plans for recommendation, the commission**

C
O
P
Y



1 shall consider the effect that a plan has on language and racial
2 minority groups.

3 Chapter 5. Offenses

4 Sec. 1. A person:

- 5 (1) employed by the agency; or
- 6 (2) working under a contract with the agency;

7 who knowingly or intentionally uses political data in the creation
8 or evaluation of a plan under this article commits corrupt
9 redistricting, a Class D felony.

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

- 12 (1) employed by the agency; or
- 13 (2) working under a contract with the agency;

14 to use political data in the creation or evaluation of a plan under
15 this article commits solicitation of corrupt redistricting, a Class D
16 felony.

17 SECTION 2. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A declaration of candidacy
19 for the office of United States Senator or for the office of governor
20 must be accompanied by a petition signed by at least four thousand five
21 hundred (4,500) voters of the state, including at least five hundred
22 (500) voters from each congressional district.

23 (b) Each petition must contain the following:

- 24 (1) The signature of each petitioner.
- 25 (2) The name of each petitioner legibly printed.
- 26 (3) The residence mailing address of each petitioner.

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

- 28 (1) beginning on the date that a congressional district plan has
- 29 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- 30 (2) ending on the date that ~~the part of the act or order issued under~~
31 ~~IC 3-3-2~~ establishing the previous congressional district plan is
32 repealed or superseded.

33 The petition must be signed by at least four thousand five hundred
34 (4,500) voters of Indiana, including at least five hundred (500) voters
35 from each congressional district created by the most recent
36 congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.

37 SECTION 3. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A request filed under section
39 1 of this chapter must be accompanied by a petition signed by at least
40 four thousand five hundred (4,500) voters of the state, including at least
41 five hundred (500) voters from each congressional district.

42 (b) Each petition must contain the following:

C
o
p
y



- 1 (1) The signature of each petitioner.
- 2 (2) The name of each petitioner legibly printed.
- 3 (3) The residence mailing address of each petitioner.
- 4 (c) This subsection applies to a petition filed during the period:
 - 5 (1) beginning on the date that a congressional district plan has
 - 6 been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
 - 7 (2) ending on the date that ~~the part of the act or order issued under~~
 - 8 ~~IC 3-3-2~~ establishing the previous congressional district plan is
 - 9 repealed or superseded.
- 10 The petition must be signed by at least four thousand five hundred
- 11 (4,500) voters of Indiana, including at least five hundred (500) voters
- 12 from each congressional district created by the most recent
- 13 congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.
- 14 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 15 JULY 1, 2007]: IC 3-3-2; IC 3-3-3.

**C
o
p
y**

