

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 239 be amended to read as follows:

- 1 Page 67, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 41. IC 36-4-6-5, AS AMENDED BY P.L.230-2005,
- 3 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities
- 5 having a population of less than ten thousand (10,000). The legislative
- 6 body of such a city may, by ordinance adopted ~~before September 1,~~
- 7 ~~1982,~~ **after June 30, 2010, and during a year in which an election**
- 8 **of the legislative body will not occur,** decide to be governed by this
- 9 section instead of section 4 of this chapter. ~~If this ordinance is repeated~~
- 10 ~~after August 31, 1982, except as a part of a codification of ordinances~~
- 11 ~~that reenacts the ordinance under IC 36-1-5-6, then section 4 of this~~
- 12 ~~chapter again applies to the city. The legislative body districts~~
- 13 **created by an ordinance adopted under this subsection apply to the**
- 14 **first election of the legislative body held after the date the**
- 15 **ordinance is adopted.** The clerk of the legislative body shall send a
- 16 certified copy of any ordinance adopted under this subsection to the
- 17 secretary of the county election board.
- 18 (b) This subsection does not apply to a city with an ordinance
- 19 described by subsection (j). The legislative body shall adopt an
- 20 ordinance to divide the city into four (4) districts that:
- 21 (1) are composed of contiguous territory, except for territory that
- 22 is not contiguous to any other part of the city;
- 23 (2) are reasonably compact;
- 24 (3) do not cross precinct boundary lines except as provided in

- 1 subsection (c) or (d); and  
2 (4) contain, as nearly as is possible, equal population.
- 3 (c) The boundary of a city legislative body district may cross a  
4 precinct boundary line if:
- 5 (1) more than one (1) member of the legislative body elected from  
6 the districts established under subsection (b) or (j) resides in one  
7 (1) precinct established under IC 3-11-1.5 after the most recent  
8 municipal election; and
- 9 (2) following the establishment of a legislative body district  
10 whose boundary crosses a precinct boundary line, not more than  
11 one (1) member of the legislative body elected from the districts  
12 resides within the same city legislative body district.
- 13 (d) The boundary of a city legislative body district may cross a  
14 precinct line if the districts would not otherwise contain, as nearly as  
15 is possible, equal population.
- 16 (e) A city legislative body district with a boundary described by  
17 subsection (c) or (d) may not cross a census block boundary line:
- 18 (1) except when following a precinct boundary line; or  
19 (2) unless the city legislative body certifies in the ordinance that  
20 the census block has no population, and is not likely to ever have  
21 population.
- 22 (f) The legislative body may not adopt an ordinance dividing the city  
23 into districts with boundaries described by subsection (c) or (d) unless  
24 the clerk of the city mails a written notice to the circuit court clerk. The  
25 notice must:
- 26 (1) state that the legislative body is considering the adoption of an  
27 ordinance described by this subsection; and  
28 (2) be mailed not later than ten (10) days before the legislative  
29 body adopts the ordinance.
- 30 (g) The division under subsection (b) or (j) shall be made:
- 31 (1) during the second year after a year in which a federal  
32 decennial census is conducted; and  
33 (2) when required to assign annexed territory to a district.
- 34 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 35 (h) This subsection does not apply to a city with an ordinance  
36 described by subsection (j). The legislative body is composed of four  
37 (4) members elected from the districts established under subsection (b)  
38 and one (1) at-large member.
- 39 (i) This subsection does not apply to a city with an ordinance  
40 described by subsection (j). Each voter may vote for one (1) candidate  
41 for at-large membership and one (1) candidate from the district in  
42 which the voter resides. The at-large candidate receiving the most votes  
43 from the whole city and the district candidates receiving the most votes  
44 from their respective districts are elected to the legislative body.
- 45 (j) A city may adopt an ordinance under this subsection to divide the  
46 city into three (3) districts that:

- 1 (1) are composed of contiguous territory, except for territory that  
 2 is not contiguous to any other part of the city;
- 3 (2) are reasonably compact;
- 4 (3) do not cross precinct boundary lines, except as provided in  
 5 subsection (c) or (d); and
- 6 (4) contain, as nearly as is possible, equal population.
- 7 (k) This subsection applies to a city with an ordinance described by  
 8 subsection (j). The legislative body is composed of three (3) members  
 9 elected from the districts established under subsection (j) and two (2)  
 10 at-large members.
- 11 (l) This subsection applies to a city with an ordinance described by  
 12 subsection (j). Each voter of the city may vote for two (2) candidates  
 13 for at-large membership and one (1) candidate from the district in  
 14 which the voter resides. The two (2) at-large candidates receiving the  
 15 most votes from the whole city and the district candidates receiving the  
 16 most votes from their respective districts are elected to the legislative  
 17 body.
- 18 (m) This subsection applies to a city having a population of less than  
 19 seven thousand (7,000). A legislative body of such a city that has, by  
 20 resolution adopted before May 7, 1991, decided to continue an election  
 21 process that permits each voter of the city to vote for one (1) candidate  
 22 at large and one (1) candidate from each of its four (4) council districts  
 23 may hold elections using that voting arrangement. The at-large  
 24 candidate and the candidate from each district receiving the most votes  
 25 from the whole city are elected to the legislative body. The districts  
 26 established in cities adopting such a resolution may cross precinct  
 27 boundary lines.
- 28 (n) A copy of the ordinance establishing districts under this section  
 29 must be filed with the circuit court clerk of the county that contains the  
 30 greatest population of the city not later than thirty (30) days after the  
 31 ordinance is adopted.
- 32 (o) If any territory in the city is not included in one (1) of the  
 33 districts established under this section, the territory is included in the  
 34 district that:
- 35 (1) is contiguous to that territory; and  
 36 (2) contains the least population of all districts contiguous to that  
 37 territory.
- 38 (p) If any territory in the city is included in more than one (1) of the  
 39 districts established under this section, the territory is included in the  
 40 district that:
- 41 (1) is one (1) of the districts in which the territory is described in  
 42 the ordinance adopted under this section;  
 43 (2) is contiguous to that territory; and  
 44 (3) contains the least population of all districts contiguous to that  
 45 territory.".
- 46 Renumber all SECTIONS consecutively.

(Reference is to ESB 239 as printed February 22, 2010.)

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Representative Candelaria Reardon