

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 110 be amended to read as follows:

- 1 Page 32, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 23. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) The city-county legislative body shall,
5 by ordinance, divide the whole county into twenty-five (25) districts
6 that:
7 (1) are compact, subject only to natural boundary lines (such as
8 railroads, major highways, rivers, creeks, parks, and major
9 industrial complexes);
10 (2) contain, as nearly as is possible, equal population; and
11 (3) do not cross precinct boundary lines.
12 This division shall be made during the second year after a year in
13 which a federal decennial census is conducted and may also be made
14 at any other time, subject to IC 3-11-1.5-32.
15 (b) The legislative body is composed of twenty-five (25) members
16 elected from the districts established under subsection (a) and four (4)
17 members elected from an at-large district containing the whole county.
18 (c) Each voter of the county may vote for four (4) candidates for
19 at-large membership and one (1) candidate from the district in which
20 the voter resides. The four (4) at-large candidates receiving the most
21 votes from the whole county and the district candidates receiving the
22 most votes from their respective districts are elected to the legislative
23 body.
24 (d) If the legislative body fails to make the division before the date
25 prescribed by subsection (a) or the division is alleged to violate
26 subsection (a) or other law, a taxpayer or registered voter of the county
27 may petition the superior court of the county to hear and determine the
28 matter. The court shall hear and determine the matter as a five (5)
29 member panel of judges from the superior court. The clerk of the court
30 shall select **four (4) of** the judges electronically and randomly. Not

1 more than ~~three (3)~~ **members two (2)** of the ~~five (5)~~ **member panel of**
2 **four (4)** judges may be of the same political party. **The mayor of the**
3 **consolidated city shall appoint a fifth judge from the superior court**
4 **to this panel.** The first judge selected shall maintain the case file and
5 preside over the proceedings. There may not be a change of venue from
6 the court or from the county. The court may appoint a master to assist
7 in its determination and may draw proper district boundaries if
8 necessary. An appeal from the court's judgment must be taken within
9 thirty (30) days, directly to the supreme court, in the same manner as
10 appeals from other actions.

11 (e) An election of the legislative body held under the ordinance or
12 court judgment determining districts that is in effect on the date of the
13 election is valid, regardless of whether the ordinance or judgment is
14 later determined to be invalid."

15 Renumber all SECTIONS consecutively.

(Reference is to SB 110 as reprinted January 20, 2012.)

Senator TAYLOR