

DRAFT

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SECTION 1. IC 2-1-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 12. Redistricting Standards and Procedures.

Sec. 1. This chapter applies to the establishment of:

- (1) house of representatives districts;**
- (2) senate districts; and**
- (3) congressional districts.**

Sec. 2. The standards for redistricting set forth in this chapter apply to the general assembly and to any commission, committee, or other entity authorized by the general assembly to propose or recommend plans to establish districts.

Sec. 3. The general assembly finds the following:

- (1) Indiana has only one parameter for redistricting spelled out in its Constitution or statutes: the contiguity of house of representatives districts and senate districts is required by Article 4, Section 7 of the Constitution of the State of Indiana. Compliance with contiguity in establishing congressional districts upholds voter confidence in the election process.**
- (2) A sensible set of criteria must be established in order to create legislative district maps that create more competition in our representative elections and reduce confusion among voters about their government.**
- (3) The first criterion must be to keep communities of interest together.**
 - a. Certain political subdivisions (counties, cities, towns, townships, and school districts) form communities of interest within Indiana whose citizens share the same or similar concerns regarding the common good, which can be best addressed by a representative who serves all of the citizens of the community.**
 - b. The boundaries of these communities of interest are counties, townships, and school districts, which are stable and rarely change.**
 - c. The state has a valid public interest in the establishment of house of representatives districts, senate districts, and Congressional districts which respect the boundaries of counties, cities, towns, townships, and school districts and preserve the communities of interest embodied by those political subdivisions.**
- (4) The second criterion must be to respect known community boundaries.**
 - a. Voter confusion regarding which individuals represent a voter in the General Assembly or in Congress will be reduced by the establishment of districts which respect the known community boundaries of certain political subdivisions.**

- (5) The third criterion must be to draw compact districts.**
- a. The establishment of districts which are compact, will come naturally as communities of interest are kept together and known community boundaries are respected.**
 - b. Compactness significantly reduces voter confusion regarding who represents them and also increases voter confidence in the election process and in the representative system of government.**
- (6) The fourth criterion must be to eliminate the use of political data for partisan purposes.**
- a. The use of political data for partisanship purposes in redistricting, specifically the residence or voting history of individuals, the residence of incumbents, and results from previous elections, significantly reduces competition for district seats, leading to the establishment of “safe” districts, which injures the health of the democratic process in a Republic.**
 - b. Eliminating the use of political data for partisanship purposes will create more competition. Competitive races will attract the best and brightest candidates to represent Hoosiers.**
- (7) The establishment of districts must comply with constitutional standards to protect the right of one person to have one vote, but that does not prevent the proper recognition of the policy of the state in preserving communities of interest, respecting known community boundaries, compactness of districts and eliminating the use of political data for partisanship purposes.**
- a. The United States Supreme Court has upheld the validity of plans to establish house of representatives districts and senate districts which establish districts which are not exactly equal in population, when based on legitimate considerations incidental to carrying out a rational state policy regarding state legislative districts. The Court has ruled in a series of cases that an “overall range” of ten percent (10%) in population between state legislative districts can result in the required “substantial equality of population among the various districts.” (*Reynolds v. Sims*, 373 U.S. 533 (1964); *White v. Regester*, 412 U.S. 755 (1973); *Voinovich v. Quilter*, 507 U.S. 146 (1993)).**
 - b. The United States Supreme Court has ruled that congressional districts within a state must be as nearly equal in population as practicable, but that consistently applied legislative policies, such as making districts compact or respecting municipal boundaries, could justify population differences between districts if the state showed with specificity that the policy required the specific deviations from exact population equality in each congressional district. The Court has ruled, based on the specific facts found in a challenge to one congressional district plan, that an “overall range” of thirty-five hundredths of one percent (0.35%) in population between congressional districts within a state could**

meet constitutional requirements. (*Karcher v. Daggett*, 462 U.S. 725 (1983); *Abrams v. Johnson*, 521 U.S. 74 (1997)).

- (8) The enactment of redistricting standards by the general assembly prior to the year in which the establishment of districts is constitutionally required will assist in the establishment of districts which comply with the standards set forth in this chapter.
- (9) The development of improved technology for redistricting increases the transparency of the redistricting process, the opportunity for public input, and the ease of reviewing district maps to determine if violations of redistricting standards occur.

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

Sec. 5. (a) A plan for house of representatives districts must have one hundred (100) districts.

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

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

Sec. 6. Each district shall be represented by one (1) individual.

Sec. 7. Each house of representatives district must be included entirely within one (1) senate district. Each senate district must consist of two (2) house of representatives districts and no other territory.

Sec. 8. Districts shall be established in compliance with the standards set forth in this chapter and on the basis of population.

Sec. 9. (a) As used in this section, "ideal district population" for a plan refers to the number equal to the quotient of the following, rounded to the nearest whole number:

(1) The numerator is the population of Indiana as reported by the most recent federal decennial census.

(2) The denominator is the number of districts required by this article for the plan.

(b) The population of a house or a senate district may not deviate from the ideal district population by more than five percent (5%) of the ideal district population.

(c) When the percentage of deviation from the ideal district population in the house or senate district with the smallest population under a house or senate plan is added to the percentage of deviation from the ideal district population in the house

or senate district with the largest population under the plan, the total percentage of deviation under the plan may not exceed ten percent (10%).

(d) A congressional district plan shall provide for districts that are as nearly equal in population as practicable. However, a congressional district plan may provide for districts that are not mathematically equal in population if the result in each of the congressional districts is necessary to achieve the most compact congressional districts possible, or to respect the boundaries of political subdivisions pursuant to this chapter.

(e) Notwithstanding subsection (d), when the percentage of deviation from the ideal district population in the congressional district with the smallest population under a plan is added to the percentage of deviation from the ideal district population in the congressional district with the largest population under the plan, the total percentage of deviation under the plan may not exceed thirty-five hundredths of one percent (0.35%).

Sec. 10. (a) Districts must be composed of contiguous territory.

(b) For purposes of this section, areas that meet only at the point of adjoining corners are not contiguous.

Sec. 11. (a) Districts must be as compact as possible.

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

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

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

Sec. 12. A plan for house of representatives districts, a plan for senate districts, or a plan for congressional districts must coincide with the boundaries of Indiana political subdivisions as follows:

- (1) The plan must minimize the number of counties divided among more than one (1) district. Whenever necessary to divide counties among more than one district, the more populous county shall be divided before a less populous county is divided.
- (2) The plan must minimize the number of cities or towns divided among more than one (1) district. Whenever necessary to divide cities among more than one district, the more populous city or town shall be divided before a less populous city or town is divided. This requirement does not apply to a district boundary drawn along a county line that passes through a municipality that lies in more than one (1) county.
- (3) The plan must minimize the number of townships divided among more than one (1) district. Whenever necessary to divide townships among more than one district, the more populous township shall be divided before a less populous township is divided.

- (4) The plan must minimize the number of school corporations divided among more than one (1) district. Whenever necessary to divide school corporations among more than one district, the more populous school corporation shall be divided before a less populous school corporation is divided.**
- (5) The plan may not divide a precinct (as that precinct exists on April 1 of the year in which the state receives decennial census data from the Bureau of the Census, United States Department of Commerce).**
- (6) To the extent that complying with the standards for respecting communities of interest under this chapter conflict with complying with the standards for compactness under this chapter, the plan must comply with the standards for respecting the boundaries of political subdivisions identified as communities of interest under this chapter.**
- (7) The plan must in every case establish districts that are contiguous, and therefore may locate non-contiguous parts of a municipality within different districts, but only upon documenting the findings of the general assembly that dividing the municipality in that case is the only method possible to comply with standards under this chapter.**

Sec. 13. The following information may not be considered in the establishment of districts:

- (1) The residence address of any individual.**
- (2) Data concerning the voting history of any individual, including whether the individual requested a political party's ballot at a primary election.**
- (3) Election returns.**

Sec. 14. The population data that the Bureau of the Census is required to provide to the state under 13 U.S.C. 141 shall be used to determine the population of districts in a plan established under this chapter.

Sec. 15. Upon the state's receipt of decennial census data from the Bureau of the Census, each chamber of the general assembly shall do the following:

- (1) Schedule meetings of committees of the general assembly to consider the establishment of plans under this chapter.**
- (2) Provide for the filing of plans in either electronic or paper form from any member of the public.**
- (3) Designate a committee to evaluate maps submitted by a member of the public for compliance with the standards set forth in this chapter.**

Sec. 16. Each committee designated under section 15 of this chapter shall do the following:

- (1) Receive written public comments regarding the plans after publication of the plans.**
- (2) Conduct at least one (1) public hearing concerning the proposed plans in each of the following regions of Indiana:**
 - (A) Northern Indiana.**
 - (B) Central Indiana.**
 - (C) Southern Indiana.**
- (3) At each public hearing:**
 - (A) Explain the redistricting procedure.**
 - (B) Present the plans filed with the general assembly, including the committee's evaluation of those plans.**
 - (C) Hear public comments and suggestions.**
 - (D) Provide for the web casting of all committee proceedings.**

Sec. 17. Each chamber of the general assembly shall receive a report from the committee designated by the chamber under section 15 of this chapter. The report must include the following:

- (1) A summary of the committee's work.**
- (2) A description of the hearings held under this section 16 of this chapter.**
- (3) A summary of the public comments and suggestions received in writing and at the hearings.**
- (4) The committee's recommendation to the general assembly for each of the following:**
 - (A) A district plan for the house of representatives.**
 - (B) A district plan for the senate.**
 - (C) A congressional district plan.**
- (5) Maps for each plan, including both a statewide map and a map for each district.**
- (6) A bill that would enact each of the plans.**

Sec. 18. Each committee designated under section 16 of this chapter shall recommend to the general assembly the plan that the committee considers the best in meeting the standards set forth in this chapter. In evaluating plans for recommendation, each committee shall consider the effect that a plan has on language and racial minority groups to ensure compliance with federal law, including the Voting Rights Act.

Sec. 19. (a) Each committee may include any other information in the report that the committee considers useful to explain the committee's recommendations.

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

Sec. 20. Upon receipt of the reports from the committees, the general assembly shall do the following:

- (1) Create maps of house of representatives plans, senate plans, and congressional district plans that conform with this chapter.**
- (2) Prepare written descriptions of the maps, including legislative findings setting forth the basis for each plan's compliance with this chapter.**
- (3) Include the reports described in subdivision (2) as part of the enactment of legislation to establish house of representative districts, senate districts, and congressional districts.**

Sec. 21. The general assembly shall publish the following information on its web site as soon as possible after the information is provided to the general assembly:

- (1) All plans filed by any member of the public under section 15 of this chapter.**
- (2) All written public comments filed with the general assembly concerning these plans.**
- (3) A video recording of each public hearing conducted under section 16 of this chapter.**
- (4) The report received by each chamber under section 17 of this chapter.**
- (5) The recommendation concerning plans received by each chamber under section 18 of this chapter.**
- (6) The written descriptions of maps, including legislative findings, enacted by the general assembly under section 20 of this chapter.**

Sec. 22. Any individual who is a resident and voter of Indiana may file a civil action if the individual alleges that the general assembly has not complied with this chapter.