

PROPOSED AMENDMENT

HB 1342 # 1

DIGEST

County commissioner districts. Requires, after December 31, 2030, the county executive in certain counties to adopt an ordinance to divide the county into three districts. Requires publication of proposed district boundaries and a public hearing before an ordinance is adopted. Specifies that the county executive may consider geography and the differences in population between each district.

1 Replace the effective date in SECTION 3 with "[EFFECTIVE JULY
2 1, 2026]".
3 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
4 "SECTION 1. IC 1-1-15.5-4, AS ADDED BY P.L.161-2025,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 4. (a) This section does not apply to:
7 (1) the governor's workforce cabinet established by IC 4-3-27-3;
8 (2) the budget committee established by IC 4-12-1-3;
9 (3) the simplified sales and use tax agreement entered into in
10 accordance with IC 6-2.5-11-5;
11 (4) the Indiana state board of education established by
12 IC 20-19-2-2.1;
13 (5) the Indiana School for the Blind and Visually Impaired board
14 established by IC 20-21-3-1;
15 (6) the Indiana School for the Deaf board established by
16 IC 20-22-3-1;
17 (7) a county redistricting commission established under
18 IC 36-2-2-4 (**before its expiration on January 1, 2031**) or
19 **IC 36-2-2-4.1 (after December 31, 2030)**;
20 (8) an economic enhancement district board established under
21 IC 36-7-40-5; or
22 (9) the Indiana protection and advocacy services commission
23 established by IC 12-28-1-6.
24 (b) On or before July 1, 2027, and July 1 biennially thereafter, a
25 committee that:
26 (1) is established by the Indiana Code;

15 SECTION 2. IC 14-13-2-7, AS AMENDED BY P.L.104-2022,
16 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 7. (a) The commission has:

18 (1) before July 1, 2012, five (5) members appointed by the
19 governor; and
20 (2) after June 30, 2012, nine (9) members appointed by the
21 governor.

22 (b) The following requirements apply to the governor's
23 appointments under subsection (a)(1):

24 (1) One (1) member must be a representative of the department of
25 natural resources. The member may not be an employee or elected
26 official of a city, town, or county governmental unit.

27 (2) The remaining four (4) members must meet the following
28 requirements:

29 (A) Four (4) members must reside in a:

30 (i) city;

31 (ii) town; or

32 (iii) township (if the member resides in an unincorporated
33 area of the county);

34 that borders the Little Calumet River.

35 (B) At least three (3) of the members must have a background
36 in:

37 (i) construction;

38 (ii) project management; or

39 (iii) flood control;

40 or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of the city of Hammond.

(B) One (1) member nominated by the mayor of the city of Gary.

(C) Two (2) members nominated by the board of county commissioners of Lake County.

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(d) The following apply to a member appointed under subsection (c) and to any member appointed to succeed a member appointed under subsection (c):

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;

(C) flood control; or

(D) a similar professional background.

(3) A member may not be an employee or elected official of a city, town, or county governmental unit.

(4) The members:

(A) appointed under subsection (c)(3); or

(B) appointed to succeed members appointed under subsection (c)(3);

must be from different municipalities.

(5) Neither the two (2) members appointed under subsection (c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under IC 36-2-2-4(b) **(before its expiration on January 1, 2031) or IC 36-2-2-4.1(c) (after December 31, 2030).**

SECTION 3. IC 36-2-1-2, AS AMENDED BY P.L.104-2022,

SECTION 145, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

(1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;

(2) contain a clear, distinct description of the requested boundary change; and

(3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(1) whether the signatures on the petition are genuine; and

(2) whether the petition complies with subsection (a).

1 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
2 must state "Shall the boundaries of _____ County and
3 _____ County change?".

4 (d) After an election under subsection (c), the clerk of each county
5 shall make a certified copy of the election returns and not later than
6 five (5) days after the election file the copy with the auditor of the
7 county. The auditor shall, not later than five (5) days after the filing of
8 the returns in the auditor's office, make a true and complete copy of the
9 returns, certified under the auditor's hand and seal, and deposit the copy
10 with the auditor of every other county interested in the change.

11 (e) After copies have been filed under subsection (d), the auditor of
12 each county shall call a meeting of the executive of the county, which
13 shall examine the returns. If a majority of the voters of each interested
14 county voted in favor of change, the executive shall:

15 (1) enter an order declaring their boundaries to be changed as
16 described in the petition; and

17 (2) if the county has received territory from the transfer, adopt
18 revised descriptions of:

19 (A) county commissioner districts under IC 36-2-2-4 (**before**
20 **its expiration on January 1, 2031 or IC 36-2-2-4.1 (after**
21 **December 31, 2030); and**

22 (B) county council districts under IC 36-2-3-4;

23 so that the transferred territory is assigned to at least one (1) county
24 commissioner district and at least one (1) county council district.

25 (f) The executive of each county shall file a copy of the order
26 described in subsection (e)(1) with:

27 (1) the office of the secretary of state; and

28 (2) the circuit court clerk of the county.

29 The transfer of territory becomes effective when the last county order
30 is filed under this subsection.

31 (g) An election under this section may be held only once every three
32 (3) years.".

33 Page 2, delete lines 1 through 37.

34 Page 3, delete lines 6 through 13, begin a new line blocked left and
35 insert:

36 "The executive shall divide the county into three (3) districts that are
37 composed of contiguous territory and are reasonably compact. The
38 district boundaries drawn by the executive must not cross precinct
39 boundary lines and must divide townships only when a division is
40 clearly necessary to accomplish redistricting under this section. If

1 necessary, the county auditor shall call a special meeting of the
2 executive to establish or revise districts.".

3 Page 4, after line 29, begin a new paragraph and insert:

4 **"(j) This section expires January 1, 2031.**

5 SECTION 5. IC 36-2-2-4.1 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2026]: Sec. 4.1. (a) This section applies after December 31, 2030.

8 (b) This subsection does not apply to a county having a
9 population of more than four hundred fifty thousand (450,000) and
10 less than seven hundred thousand (700,000), or a county having a
11 population of more than one hundred eighty-five thousand
12 (185,000) and less than three hundred thousand (300,000). The
13 executive shall adopt an ordinance to divide the county into three
14 (3) districts. The following apply to districts established or revised
15 under this subsection:

16 (1) The executive shall:

17 (A) publish proposed district boundaries; and
18 (B) hold a public hearing concerning proposed district
19 boundaries;

20 before adopting an ordinance to establish or revise districts.

21 (2) Districts must be:

22 (A) composed of contiguous territory; and
23 (B) reasonably compact.

24 (3) District boundaries must:

25 (A) not cross precinct boundary lines; and
26 (B) divide townships only when a division is clearly
27 necessary to accomplish redistricting under this section.

28 (4) When dividing the county into districts, the executive may
29 consider:

30 (A) geography; and
31 (B) the differences in population between each district.

32 (c) This subsection applies to a county having a population of
33 more than four hundred fifty thousand (450,000) and less than
34 seven hundred thousand (700,000). A county redistricting
35 commission shall divide the county into three (3) single-member
36 districts that comply with subsection (e). The commission is
37 composed of:

38 (1) the members of the Indiana election commission;
39 (2) two (2) members of the senate selected by the president
40 pro tempore, one (1) from each political party; and

3 The legislative members of the commission have no vote and may
4 act only in an advisory capacity. A majority vote of the voting
5 members is required for the commission to take action. The
6 commission may meet as frequently as necessary to perform its
7 duty under this subsection. The commission's members serve
8 without additional compensation above that provided for them as
9 members of the Indiana election commission, the senate, or the
10 house of representatives.

25 **(1) be compact, subject only to natural boundary lines (such**
26 **as railroads, major highways, rivers, creeks, parks, and major**
27 **industrial complexes);**

28 **(2) contain, as nearly as is possible, equal population; and**
29 **(3) not cross precinct lines.**

30 (f) Except as provided by subsection (g), a division under
31 subsection (b), (c), or (d) shall be made only at times permitted
32 under IC 3-5-10.

1 county, not later than thirty (30) days after the division or
2 recertification occurs, a map of the district boundaries:

3 (1) adopted under subsection (f); or
4 (2) recertified under subsection (g).

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

13 (j) IC 3-5-10 applies to a plan established under this section.

14 SECTION 6. IC 36-2-2-4.7, AS AMENDED BY P.L.201-2023,
15 SECTION 266, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: Sec. 4.7. (a) Except as provided in
17 subsection (c), whenever the executive divides the county into districts
18 under section 4 (before its expiration on January 1, 2031) or 4.1
19 (after December 31, 2030) of this chapter, the executive shall adopt
20 an ordinance.

21 (b) The executive shall file a copy of an ordinance adopted under
22 subsection (a) with the circuit court clerk.

23 (c) This subsection applies to a county having a population of more
24 than one hundred eighty-five thousand (185,000) and less than three
25 hundred thousand (300,000) that opts in to the system of county
26 government as described in section 4(c) (before its expiration on
27 January 1, 2031) or 4.1(d) (after December 31, 2030) of this chapter.
28 Whenever the executive divides the county into districts under section
29 4 (before its expiration on January 1, 2031) or 4.1 (after December
30 31, 2030) of this chapter, the executive shall adopt a resolution at two
31 (2) separate public meetings. The executive shall file a copy of the
32 resolution adopted under this subsection with the circuit court clerk.

33 SECTION 7. IC 36-2-2-5, AS AMENDED BY P.L.230-2025,
34 SECTION 140, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) To be eligible for election to
36 the executive, a person must meet the qualifications prescribed by
37 IC 3-8-1-21.

38 (b) A member of the executive must reside within:

39 (1) the county as provided in Article 6, Section 6 of the
40 Constitution of the State of Indiana; and

1 (2) the district from which the member was elected.

6 (d) In a county having a population of:

7 (1) more than four hundred fifty thousand (450,000) and less than
8 seven hundred thousand (700,000); or

9 (2) more than one hundred eighty-five thousand (185,000) and
10 less than three hundred thousand (300,000) that opts in to the
11 system of county government as described in section 4(c) (**before**
12 **its expiration on January 1, 2031**) or 4.1(d) (**after December**
13 **31, 2030**) of this chapter;

14 one (1) member of the executive shall be elected by the voters of each
15 of the three (3) single-member districts established under section 4(b)
16 or 4(c) of this chapter **(before its expiration on January 1, 2031) or**
17 **4.1(c) or 4.1(d) of this chapter (after December 31, 2030)**. In other
18 counties, all three (3) members of the executive shall be elected by the
19 voters of the whole county.

20 SECTION 8. IC 36-2-3-2, AS AMENDED BY P.L.201-2023,
21 SECTION 268, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The seven (7) member county
23 council elected under this chapter is the county fiscal body. The fiscal
24 body shall act in the name of "The County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than one hundred eighty-five thousand (185,000) and less than three hundred thousand (300,000) that opts in to the system of county government as described in IC 36-2-2-4(c) **(before its expiration on January 1, 2031) or IC 36-2-2-4.1(d) (after December 31, 2030)**, the county council has nine (9) members.

31 SECTION 9. IC 36-2-3-4, AS AMENDED BY P.L.201-2023,
32 SECTION 269, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This subsection does not
34 apply to the following counties:

35 (1) A county having a population of more than four hundred
36 thousand (400,000) and less than seven hundred thousand
37 (700,000).

38 (2) A county having a population of more than one hundred
39 eighty-five thousand (185,000) and less than three hundred
40 thousand (300,000) that opts in to the system of county

1 government as described in IC 36-2-2-4(c) (**before its expiration**
2 **on January 1, 2031**) or **IC 36-2-2-4.1(d)** (**after December 31,**
3 **2030**).

4 The county executive shall, by ordinance, divide the county into four
5 (4) single-member districts that comply with subsection (d). If
6 necessary, the county auditor shall call a special meeting of the
7 executive to establish or revise districts. One (1) member of the fiscal
8 body shall be elected by the voters of each of the four (4) districts.
9 Three (3) at-large members of the fiscal body shall be elected by the
10 voters of the whole county.

11 (b) This subsection applies to a county having a population of more
12 than four hundred thousand (400,000) and less than seven hundred
13 thousand (700,000). The county redistricting commission established
14 under IC 36-2-2-4 (**before its expiration on January 1, 2031**) or
15 **IC 36-2-2-4.1 (after December 31, 2030)** shall divide the county into
16 seven (7) single-member districts that comply with subsection (d). One
17 (1) member of the fiscal body shall be elected by the voters of each of
18 these seven (7) single-member districts.

19 (c) This subsection applies to a county having a population of more
20 than one hundred eighty-five thousand (185,000) and less than three
21 hundred thousand (300,000) that opts in to the system of county
22 government described in IC 36-2-2-4(c) (**before its expiration on**
23 **January 1, 2031**) or **IC 36-2-2-4.1(d) (after December 31, 2030)**. The fiscal
24 body shall divide the county into nine (9) single-member
25 districts that comply with subsection (d). Three (3) of these districts
26 must be contained within each of the three (3) districts established
27 under IC 36-2-2-4(c) (**before its expiration on January 1, 2031**) or
28 **IC 36-2-2-4.1(d) (after December 31, 2030)**. One (1) member of the
29 fiscal body shall be elected by the voters of each of these nine (9)
30 single-member districts.

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

33 (1) be compact and be composed of contiguous territory, subject
34 only to natural boundary lines (such as railroads, major highways,
35 rivers, creeks, parks, and major industrial complexes);
36 (2) not cross precinct boundary lines;
37 (3) contain, as nearly as possible, equal population; and
38 (4) include whole townships, except when a division is clearly
39 necessary to accomplish redistricting under this section.

40 (e) Except as provided by subsection (f), a division under subsection

1 (a), (b), or (c) shall be made only at times permitted under IC 3-5-10.

2 (f) If the county executive, county redistricting commission, or
3 county fiscal body determines that a division under subsection (e) is not
4 required, the county executive, county redistricting commission, or
5 county fiscal body shall adopt an ordinance recertifying that the
6 districts as drawn comply with this section.

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

12 (1) adopted under subsection (e); or
13 (2) recertified under subsection (f).

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

22 (i) IC 3-5-10 applies to a plan established under this section.

23 SECTION 10. IC 36-2-3.5-1, AS AMENDED BY P.L.230-2025,
24 SECTION 141, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to the
26 following counties:

27 (1) A county having a population of more than four hundred fifty
28 thousand (450,000) and less than seven hundred thousand
29 (700,000).

30 (2) A county having a population of more than one hundred
31 eighty-five thousand (185,000) and less than three hundred
32 thousand (300,000) that opts in to the system of county
33 government as described in IC 36-2-2-4(c) (**before its expiration**
34 **on January 1, 2031**) or IC 36-2-2-4.1(d) (**after December 31,**
35 **2030**).

36 (3) Any other county not having a consolidated city, if both the
37 county executive and the county fiscal body adopt identical
38 ordinances providing for the county to be governed by this
39 chapter beginning on a specified effective date.

40 SECTION 11. IC 36-2-3.5-6 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A court may issue
2 an order, before final hearing, to stay an election if there is sufficient
3 evidence to withstand a motion for summary judgment that the county
4 has not been divided into districts that comply with IC 36-2-2-4
5 **(before its expiration on January 1, 2031), IC 36-2-2-4.1(d) (after**
6 **December 31, 2030)**, or IC 36-2-3-4. A preliminary hearing on the
7 question may be held upon the court's own motion.

8 (b) Final judgment on the merits in such a case shall be made within
9 thirty (30) days of the stay of election order. If the redistricting is found
10 not to be in compliance with law, the court shall retain jurisdiction and
11 shall order the proper officials to submit within thirty (30) days a
12 redistricting plan complying with law. If the proper officials fail to
13 comply with the order, the court shall order the Indiana election
14 commission to divide the county into districts in compliance with law.".

15 Renumber all SECTIONS consecutively.
(Reference is to HB 1342 as introduced.)