

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;

(2) contains at least one (1) member of the general assembly, other than a legislative standing committee or an interim study committee under IC 2-5;

(3) is authorized to exist for at least two (2) years; and

(4) does not have an annual reporting requirement, other than the requirements provided in this section, to the executive branch, judicial branch, or the general assembly;

shall submit a report to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the interim committee on government in accordance with IC 2-5-1.3-13(g).

(c) The report under subsection (b) shall describe:

(1) official action taken; and

(2) actionable items considered;

by the committee during the preceding two (2) years.

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

(1) before July 1, 2012, five (5) members appointed by the governor; and

(2) after June 30, 2012, nine (9) members appointed by the governor.

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

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

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

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

(i) city;

(ii) town; or

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

that borders the Little Calumet River.

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

(i) construction;

(ii) project management; or

(iii) flood control;

or a similar professional background.

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

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

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

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

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

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

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

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

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

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

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

36 (2) Each member must have a background in:

37 (A) construction;

38 (B) project management;

39 (C) flood control; or

40 (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.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

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

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

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question

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

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

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

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

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

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

(1) The executive shall:

(A) publish proposed district boundaries; and

(B) hold a public hearing concerning proposed district boundaries;

before adopting an ordinance to establish or revise districts.

(2) Districts must be:

(A) composed of contiguous territory; and

(B) reasonably compact.

(3) District boundaries must:

(A) not cross precinct boundary lines; and

(B) divide townships only when a division is clearly necessary to accomplish redistricting under this section.

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

(A) geography; and

(B) the differences in population between each district.

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

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

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

(d) This subsection applies to 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 described in subsection (e), sections 4.7(c) and 5(d)(2) of this chapter, IC 36-2-3-2(b), IC 36-2-3-4(c), and IC 36-2-3.5-1(2) by passing a resolution by a majority vote of its executive body not later than September 1, 2023. In the event the executive body of a county described in this subsection does not opt in by September 1, 2023, the county shall be governed by the general provisions of this chapter. The executive shall divide the county into three (3) single-member districts that comply with subsection (e).

(e) Single-member districts established under subsection (c) or (d) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) contain, as nearly as is possible, equal population; and
- (3) not cross precinct lines.

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

(g) If the county executive or county redistricting commission determines that a division under subsection (f) is not required, the county executive or county redistricting commission shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (f) or a recertification under subsection (g), the county executive or county redistricting commission shall file with the circuit court clerk of the

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

(1) adopted under subsection (f); or

(2) recertified under subsection (g).

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

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

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

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

(c) This subsection applies to 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 section 4(c) **(before its expiration on January 1, 2031) or 4.1(d) (after December 31, 2030)** of this chapter. Whenever the executive divides the county into districts under section 4 **(before its expiration on January 1, 2031) or 4.1 (after December 31, 2030)** of this chapter, the executive shall adopt a resolution at two (2) separate public meetings. The executive shall file a copy of the resolution adopted under this subsection with the circuit court clerk.

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

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

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

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

2 (c) If the person does not remain a resident of the county and district
3 after taking office, the person forfeits the office. The county fiscal body
4 shall declare the office vacant whenever a member of the executive
5 forfeits office under this subsection.

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".

25 (b) Notwithstanding subsection (a), in a county having a population
26 of more than one hundred eighty-five thousand (185,000) and less than
27 three hundred thousand (300,000) that opts in to the system of county
28 government as described in IC 36-2-2-4(c) **(before its expiration on**
29 **January 1, 2031) or IC 36-2-2-4.1(d) (after December 31, 2030),** the
30 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

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

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

(c) This subsection applies to 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 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 fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under 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).** One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

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

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

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

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

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

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

(1) adopted under subsection (e); or

(2) recertified under subsection (f).

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

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

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

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

(2) 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).**

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

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.)