

IC 2-1-9

Chapter 9. General Provisions Relating to Establishing Legislative Districts

IC 2-1-9-1

Terms and references to geographic units

Sec. 1. All terms and references to geographic units made in the descriptions of districts in this article:

- (1) have the same meanings as the terms have when used by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana as supplemented by geographic information compiled and documented by the legislative services agency; and
- (2) describe the same geographical boundaries as depicted by maps included in the GIS.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.1.

IC 2-1-9-2

"District"

Sec. 2. (a) This subsection applies before November 6, 2012. As used in this chapter, "district" refers to a district described in IC 2-1-10 or IC 2-1-11.

(b) This subsection applies after November 5, 2012. As used in this chapter, "district" refers to a district described in IC 2-1-12 or IC 2-1-13.

As added by P.L.212-2001, SEC.1. Amended by P.L.6-2012, SEC.2.

IC 2-1-9-3

"GIS"

Sec. 3. As used in this chapter, "GIS" refers to the geographic information system maintained by the office that contains the following information:

- (1) Geographic and population information provided in the official census report to the state by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana.
- (2) Election history and supplemental geographic information compiled by the legislative services agency.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.2.

IC 2-1-9-4

"House district"

Sec. 4. As used in this chapter, "house district" refers to a district of the house of representatives of the general assembly described in IC 2-1-12.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.3.

IC 2-1-9-5

"Office"

Sec. 5. As used in this chapter, "office" refers to the office of census data of the legislative services agency.

As added by P.L.212-2001, SEC.1.

IC 2-1-9-6

"Senate district"

Sec. 6. As used in this chapter, "senate district" refers to a district of the senate of the general assembly described in IC 2-1-13.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.4.

IC 2-1-9-7

Resolution of inconsistent inclusions in house or senate districts

Sec. 7. (a) Any part of Indiana that has not been described as included in a house or senate district is included within the house or senate district that:

- (1) is contiguous to the part; and
- (2) contains the least population of all house or senate districts contiguous to that part according to the 2010 decennial census of Indiana.

(b) If any part of Indiana is described as being in more than one (1) house or senate district, the part is included within the house or senate district that:

- (1) is one (1) of the house or senate districts in which the part is listed in IC 2-1-12 or IC 2-1-13, whichever is applicable;
- (2) is contiguous to the part; and
- (3) contains the least population according to the 2000 decennial census of Indiana.

(c) If any part of Indiana:

- (1) is described in IC 2-1-12 or IC 2-1-13 as being in one (1) house or senate district; and
- (2) entirely surrounded by another house or senate district;

the part shall be incorporated into the house or senate district that surrounds the part.

(d) If any part of Indiana:

- (1) is described as being in one (1) house or senate district; and
- (2) is not contiguous to another part of the house or senate district that contains the majority of the population in the house or senate district;

the part is included with the contiguous house or senate district that contains the least population according to the 2010 decennial census of Indiana.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.5.

IC 2-1-9-7.5

Treatment of geographic slivers

Sec. 7.5. (a) As used in this section, "geographic sliver" means a

polygon contained in the GIS resulting from the overlay of an existing geographic data set onto a more recent version of that geographic data set.

(b) A geographic sliver is considered to be included in the description of the larger unit of geography to which the geographic sliver belongs within the same geographic data set.

(c) If this article provides that a district includes a unit of geography in Indiana, that district contains any geographic slivers included in that unit of geography under subsection (b).

As added by P.L.37-2002, SEC.1.

IC 2-1-9-8

Number of house districts

Sec. 8. Indiana is divided into one hundred (100) house districts as described in IC 2-1-12. From each of these districts there shall be elected one (1) representative of the house of representatives of the Indiana general assembly.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.6.

IC 2-1-9-9

Number of senate districts; effect of redistricting on senators elected in 2010

Sec. 9. (a) Indiana is divided into fifty (50) senate districts as described in IC 2-1-13. From each of these districts there shall be elected one (1) senator of the senate of the Indiana general assembly.

(b) Each senator elected in the general election in 2010 for a full four (4) year term shall continue to hold office until the term for which the senator was elected has expired by limitation, and the senator shall represent the district established under IC 2-1-13 in which the senator's legal residence is located.

As added by P.L.212-2001, SEC.1. Amended by P.L.37-2002, SEC.2; P.L.214-2011, SEC.7.

IC 2-1-9-10

Maintenance of census descriptions and maps

Sec. 10. The legislative services agency shall separately maintain and preserve in the GIS the descriptions and maps included in the 2010 decennial census of Indiana. The legislative services agency shall make those descriptions and maps available for public inspection during regular office hours and on the Internet.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011, SEC.8.

IC 2-1-9-11

Incorporation of census report and documents

Sec. 11. The official report and all official documents relating to the report of the 2010 decennial census are incorporated by reference into this article.

As added by P.L.212-2001, SEC.1. Amended by P.L.214-2011,

SEC.9.

IC 2-1-9-12

Office modifications to GIS

Sec. 12. The office shall make modifications in the GIS necessary to conform the GIS to the rules stated in section 7 and section 7.5 of this chapter.

As added by P.L.37-2002, SEC.3.

IC 2-1-9-13

Severability of redistricting acts; redistricting state legislative function; curing any invalidity by general assembly preferred; legal defense of redistricting plan

Sec. 13. (a) As used in this section, "redistricting act" refers to any act that enacted IC 2-1-12, IC 2-1-13, or both of those statutes.

(b) The provisions of a redistricting act are severable as provided in IC 1-1-1-8(b).

(c) If:

- (1) any portion of a redistricting act, including any district; or
- (2) application of any portion of a redistricting act to any person or circumstance;

is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of the redistricting act, including the remaining districts, that can be given effect without the invalid portions, applications, or districts.

(d) Redistricting is a state legislative function under both the Constitution of the State of Indiana and the Constitution of the United States. Therefore, if a redistricting act or any portion of a redistricting act is found invalid by a court, the general assembly expresses its preference that any court that finds the invalidity give the general assembly the opportunity to cure the invalidity before the court mandates its own remedial plan. The opportunity to cure is without prejudice to the right of either house of the general assembly to seek further appeal of any such court action.

(e) The general assembly reserves the right to replace any redistricting plan mandated by a court immediately, if in session or, if not in session, in a special session or the next regular session, whichever comes first.

(f) In any court proceeding challenging a redistricting plan of the general assembly each of the Indiana house of representatives or the Indiana senate may:

- (1) take independent legal positions in the proceeding; and
- (2) hire independent legal counsel to represent their respective legal positions.

The speaker of the house of representatives shall determine the legal position taken by the house of representatives. The president pro tempore of the senate shall determine the legal position taken by the senate.

As added by P.L.214-2011, SEC.10. Amended by P.L.6-2012, SEC.3.