

ORDINANCE 20-30
TO ESTABLISH THE CITIZENS' REDISTRICTING ADVISORY COMMISSION
(To Establish an Independent Redistricting Commission)

- WHEREAS, Indiana Code § 36-4-6-3 requires that the City be divided into six (6) councilmanic districts during the second year after a year in which a federal decennial Census is conducted; and
- WHEREAS, this statute also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and
- WHEREAS, while federal law provides vital voter protection in its requirements that districts be equally populous and that redistricting comply with the Voting Rights Act, Indiana's redistricting process is still fundamentally unfair; and
- WHEREAS, a fundamental tenet of democratic rule is that voters choose their representatives and that representatives reflect the will of the people; and
- WHEREAS, district boundaries are drawn by legislative incumbents, thereby favoring incumbency and reducing competition while creating an inherent conflict of interest; and
- WHEREAS, elected officials are more responsive to constituents when voters have a greater chance of a choice of candidates, thereby increasing accountability and serving the best interests of the voters of Indiana; and
- WHEREAS, an independent redistricting commission would lend greater public legitimacy to the redistricting process and minimize the conflicts of interest otherwise inherent in redistricting; and
- WHEREAS, the Common Council of Bloomington has the opportunity to model a system in which the process of redistricting is done in an open manner with meaningful opportunities for public feedback and engagement, and wishes to persuade the State of Indiana to do likewise; and
- WHEREAS, Indiana requires counties to redraw precinct maps by the end of the year following the Decennial Census; and
- WHEREAS, the drawing of precincts materially affects the drawing of districts and the establishment of the Commission in the year following the decennial Census would allow for informed Commission input into the precinct redrawing process; and
- WHEREAS, Bloomington is home to the flagship residential campus of the state's primary institution of higher education, whose more than 40,000 full-time students compose almost half the city's population; and
- WHEREAS, official guidance from the U.S. Census Bureau holds that, "even though many residents of a typical American college town might move away after they graduate, they have to be counted while they live there...Students in college towns use critical local resources, including roads, public transportation and health clinics... college students should be counted where they live and sleep most of the time as of [Census Day].";

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Chapter 2.12 entitled "Boards, Commissions, and Councils" shall be amended by inserting Section 2.12.120, entitled "Citizens' Redistricting Advisory Commission" with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.12.120 – Citizens’ Redistricting Advisory Commission

- (a) Establishment and Purpose. There is hereby established a nine-member Citizens’ Redistricting Advisory Commission, hereinafter "Commission," whose purpose shall be to make recommendations to the Common Council regarding its decennial redistricting ordinance, which divides the city into the six council districts from which councilmembers shall be elected; and to make recommendations to the Monroe County Commissioners on dividing the City into precincts.
- (b) Term. Because of the time-limited nature of the Commission’s purpose, the Commission shall be limited in term to two years from the date of its formation (“formation date”), after which time it shall disband. The Commission’s first formation date shall be January 1, 2021, and shall be reformed at the beginning of the year following each decennial United States Census (“Census year”). All Commission members shall be appointed to serve until final district boundaries are adopted by the Common Council, or until two years after the Commission’s formation date, whichever comes first. The Commission shall be reformed in the event that the City is required, due to annexation or other legal procedures, to redraw council-district lines outside of these periods. The same membership selection process shall be followed in the event the commission is reformed.
- (c) Membership Qualifications. The Commission shall consist of nine members, subject to the following qualifications and limitations.
 - (1) Registered Voters. Each member must be a registered voter residing within city limits.
 - (2) Political Affiliations. Commissioners shall be evenly divided by political affiliation:
 - A. Three shall be affiliated with the Democratic Party; and
 - B. Three shall be affiliated with the Republican Party; and
 - C. Three shall be independent of affiliation with either of the two major political parties in the state.
 - (3) Student Status. One member from each delegation in (c)(2) above shall also be a duly enrolled full-time student at Indiana University Bloomington, and shall otherwise meet all other qualifications in BMC 2.12.120(c) (hereinafter referred to as a “student member”).
 - (4) Voting Record. Each commission member shall have voted as a resident of the city of Bloomington in at least one of the last two general elections immediately preceding their application.
 - (5) Limitations. The following individuals are excluded from serving on the Commission:
 - A. Anyone who is currently a public office holder, or has held public office or has been a candidate for public office in the City of Bloomington within ten years of the Commission’s formation date;
 - B. Anyone who has been an employee for an elected official, including anyone who has been employed by the City of Bloomington, within ten years of the Commission’s formation date;
 - C. Anyone who is currently an officer of any county-level political party in Monroe County (not including people serving as precinct committee persons), or has been an officer within 10 years of the Commission’s formation date;
 - D. Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within five years of the Commission’s formation date;
 - E. Anyone registered with the Indiana Lobby Registration Commission;
 - F. Immediate family members of any excluded person.

- (d) Membership Selection Process. Commissioners shall be selected after an open application process:
- (1) Applicants shall attest that they are eligible to serve per the conditions of 2.12.120(c).
 - (2) The process shall be conducted by a selection committee made up of the three at-large councilmembers. The selection committee shall review all applications and in a public meeting choose 18 applicants in three pools of six, one pool for each of the party affiliations noted in BMC 2.12.120(c)(2), whom they believe are the most qualified to carry out the Commission's duties. At least two applicants from each pool shall be eligible to be student members.
 - (3) The ranking at-large councilmember shall determine and administer a method of random selection, such as a lottery or coin flip, to select two non-student members from each pool of applicants. The ranking at-large councilmember shall use a coin flip to select between the two student applicants from each pool.
 - (4) The remaining nine candidates shall be named as alternates, in the event one or more commissioners cannot fulfill their duty. Upon a member's resignation or departure from the Commission, the ranking at-large councilmember shall (if necessary) determine the replacement member as in (d)(3) above. If no eligible alternate is available, the seat shall be left empty.
 - (5) The commission shall select as its chair one of the members not affiliated with either of the two major political parties.
- (e) Redistricting Criteria.
- (1) The Commission shall recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and Indiana Code §36-4-6-3.
 - (2) The Commission shall prepare descriptions and a map of recommended council district boundaries.
 - (3) Whenever possible, the Commission should avoid recommending districts that split communities of interest into multiple districts. These communities include, but are not limited to, political subdivisions, neighborhoods, school districts, historic districts and other areas where residents share common traits and concerns.
 - (4) Where it does not negatively impact the above criteria, districts shall be drawn to encourage political competition.
- (f) Commission Processes and Transparency.
- (1) The City shall establish and maintain, at least until the redistricting process is concluded, a webpage for the Commission where redistricting materials shall be published, including the roster of commissioners, meeting agendas and minutes, and draft maps created by the Commission.
 - (2) The Commission shall hold public hearings at least every other month, but may choose to meet more often.
 - (3) A hearing shall be held in at least three of the six existing city council districts. Each meeting location shall be accessible to persons with disabilities and, to the extent practicable, shall have parking nearby and be accessible by public transit. Public meetings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.
 - (4) The Commission shall issue descriptions of recommended council districts, an accompanying map depicting the recommended districts, and a report that explains how the recommended districts comply with BMC 2.12.120(e).

- (5) Approval of recommended council districts, including a map and accompanying report, by the Commission requires an affirmative vote from at least two-thirds of serving commissioners. All other actions of the Commission require a simple majority vote to pass.
- (6) The Commission shall be subject to the Indiana Open Door Law and the Access to Public Records Act.

(g) Legislative Approval.

- (1) The Commission shall provide, and publish on its webpage, the descriptions of its recommended council districts, along with the accompanying map and report, to the Common Council no later than the first Wednesday in September of the second year following a decennial Census.
- (2) In performing its responsibilities under Indiana Code § 36-4-6-3, the Common Council shall determine whether the Commission's recommended districts conform to the criteria contained in federal and state law.
- (3) The Common Council shall act on the Commission's recommended districts before November 1 of the second year following a decennial Census. If the Common Council rejects the Commission's recommended districts, the Common Council shall return the matter to the Commission with a written statement of the reasons for the rejection.
- (4) If the Common Council rejects the Commission's recommended districts, the Commission shall, before December 1 of the second year following a decennial Census, consider the Common Council's written statement of reasons for the rejection, revise the map and descriptions accordingly, and return them along with any revised report, to the Common Council.
- (5) After considering the Commission's final recommendations, or if the Commission fails to complete its work, the Common Council shall perform its duties under Indiana Code §36-4-6-3. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.

SECTION 2. If any section, sentence, or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication or other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this day of DECEMBER 16, 2020.



STEPHEN VOLAN, President
Bloomington Common Council

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st
day of December, 2020.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of December, 2020.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is authored by Councilmember Volan and amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to create a nine-member Citizens' Redistricting Advisory Commission. This Commission would have a two-year mandate to make recommendations to the Common Council on how to divide the city into six councilmanic districts following a federal decennial Census.

Note: At the December 16 Regular Session, the Council adopted five amendments to the ordinance as follows:

- *Am 01 – stated that the three at-large councilmembers, rather than an executive committee of the Council, shall help conduct the commission's selection process;*
- *Am 02 - revised the membership qualifications such that the voting record requirements are the same for all members (student or non-student);*
- *Am 03 - stated that the ranking (longest-serving) at-large councilmember, rather than the City Clerk, shall determine and administer the method of random selection;*
- *Am 04 – corrected a misspelled word in the tenth Whereas clause; and*
- *Am 05 - removed reference to specific months during which the commission would otherwise have to meet.*

Distributed to: Clerk, Council Attorney, Legal, and Mayor.