



STATE OF INDIANA

Indiana Election Division

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Memorandum

To: Circuit Court Clerks and County Election Directors
From: J. Bradley King and Angie Nussmeyer, Co-Directors
Subject: Procedures and Deadlines for 2022 Precinct Boundary Changes
Date: July 1, 2021

If you are considering proposing changes in the boundary lines of your county's precincts for the 2022 primary and general elections, please read this memo carefully, and let us know if you have questions about the process.

Please note that this year has several significant differences, owing to both the normal procedures conducted in the year following a decennial federal Census and the delay in Indiana receiving the 2020 Census data from the U.S. Bureau of the Census caused by the Covid-19 pandemic.

In the year immediately after a decennial Census is conducted, all Indiana Congressional and State Legislative boundaries must be redrawn to account for shifts in population. This makes a review of precinct boundaries in every county necessary, as precinct boundaries are not permitted to cross the new Congressional or State Legislative district boundaries after those district lines are drawn.

The Covid-19 pandemic resulted in a six-month delay to the release of all Census data, including the population data used to conduct redistricting. This data typically arrives in March, and the new Congressional and State Legislative boundaries are drawn and approved before the Indiana General Assembly adjourns sine die in April, and then signed into law by the Governor. This year, the hope is that the Indiana General Assembly will approve each of these new district boundaries in September or October and that the Governor will take action promptly on this legislation.

This delay means the reprecincting following redistricting – which usually occurs over the course of six months – must be completed in a span of approximately six weeks. **Therefore, it is crucial that you follow the instructions, complete all reviews and stages, and submit all documentation before the appropriate deadlines.** If you complete all appropriate reviews and can submit a reprecincting plan early, please do so – this will help you, us, and the rest of the counties.

Please note that if you hope to change precinct boundaries for other reasons, such as making your precinct lines follow city or town limit lines which have changed due to annexation, or by eliminating some “non-voting” precincts, as at least one county may wish to do, that you should not wait until the legislature draws the new district lines this fall to begin your work on these other precincts, such as gathering information and supporting documents.

This information will set the foundation for your proposed changes to make it easier to evaluate how the proposed precinct boundaries may be impacted by changes in federal, state, or local office (or election district) boundaries. We encourage you to wait to submit all of your proposed precinct changes for 2022 in one “bundle”, rather than submitting two or more proposals separately to the Election Division. When your county has a complete picture for how precinct boundaries need to change, send those proposed precincts to IED for review.

DEFINITIONS FOR TERMS USED IN THIS MEMO

County Executive: County commissioners are the “county executive” in all counties in Indiana except Marion County. In Marion County, the mayor of Indianapolis is the county executive.

Census Block: Smallest level of geography for which the Census Bureau provides basic demographic data, such as total population by age, sex, and race. A group of census blocks is sometimes referred to as a census tract.

Decennial Census: Headcount performed by the U.S. Census Bureau every ten years. States are awaiting the results of the 2020 census, which will update population counts and demographic information in every census block. These updates may result in adding or reducing the number of census blocks in a voting district or precinct.

OCD: Office of Census Data in the Indiana Legislative Services Agency. OCD is made up of a bi-partisan team and partners with IED to assist with a secondary review of reprecincting requests filed by the county executive. Their team also supports state legislators with redrawing state legislative and Congressional district boundaries after the decennial census.

Precinct: A precinct is composed of census blocks, and precinct boundaries guide district boundary placement during redistricting following the decennial census – though the legislature may draw and has previously drawn district lines that split some existing precincts to reach equal population requirements. Any precincts split by congressional, or state legislative district lines must be redrawn in 2021. Precincts are also used to organize voters for voting purposes, such as determining which offices are to be printed on the precinct’s ballot or where a person is to go vote on Election Day.

Redistricting: Process by which a unit of government redraws its election districts. State legislative, congressional, and local office election districts (such as county council and county commissioner districts) must be redrawn or the “old” districts re-

certified following a decennial census, which is a process driven by Indiana state law. Redistricting for local office election districts can occur more often, but at minimum, must occur by the deadlines set forth in state law after the decennial census. More information about those procedures for counties, cities, and towns can be found in Title 36 of the Indiana Code. Some school corporations may be required to redraw school board member districts, depending upon whether the school board's organization plan under IC 20 requires that the populations in their districts be equal. This is NOT a requirement for all school districts but varies depending upon the school board's organization plan.

Reprecincting: Process to redraw boundaries of a county's voting precincts. IC 3-11-1.5, generally, outlines the procedures. In most counties, the county executive manages this process. However, in Lake, Porter and Tippecanoe Counties, the county election board manages the reprecincting process. In some other counties, such as Allen, the county commissioners have delegated their authority to perform reprecincting to the county election board. If you are uncertain regarding whether your commissioners have done so, or may decide to do so, contact your county attorney for more information.

Shapefile: Simple format for storing the location, shape, and attributes of geographic features used with GIS mapping software. For example, the county's precinct boundaries are stored in shapefile A and its Congressional district boundaries are stored in shapefile B. The GIS software can place one shapefile on top of the other to ensure the Congressional district boundaries do not split a precinct in the county.

Split Precinct: A precinct that is divided into a smaller area for purposes of creating an election district. However, precinct splits are only permitted in a handful of scenarios when creating an election district.

Technical Corrections: When used in this memo, the term is used to identify updates to census blocks that do NOT change precinct boundaries, or which identify "slivers" in maps where mapping software has improved to better align with the visible features in the geography of the census block. For example, precinct A had census blocks 1, 2 & 3 after the 2010 census or "old" data. After the 2020 census, the "new" data shows precinct A is made up of census blocks 1, 2, 3, & 4 BUT the precinct boundaries did not change. Or, the "new" precinct shapefile with the 2020 census updates is placed on top of the "old" precinct shapefile. After review of the map, it's determined that census block A has a more refined boundary and creates a "sliver" of geography (for example, a piece of land 10 feet wide and 30 feet long) that is assigned to a precinct. If improperly assigned, its precinct assignment must be corrected to eliminate the "sliver".

PRELIMINARY REVIEW OF CENSUS DATA & ELECTION DISTRICTS

To determine how the Census data and redistricting affect your county's precincts, there are several reviews you should complete.

Reviews to complete now:

1. **2020 Census Blocks and Census Bureau Precincts.** After each decennial Census, the Census Bureau updates census block boundaries and releases a map layer of precincts using these new census blocks. On some occasions, minor technical corrections are needed. For example, a census block may become too large and is then divided into two new blocks, but the change does not impact the precinct boundaries. This means the precinct definition maintained by the county needs to be updated to include the name of the new census block. A census block boundary may also be updated to reflect improved information, which slightly shifts the boundary of the precinct the block is in, which results in a "sliver." The mapping software may assign the sliver to precinct A, but your records indicate it should be assigned to precinct B. Therefore, a technical correction needs to be made to the boundary to properly assign this sliver to the correct precinct.

To review the 2020 census blocks, you should:

- a. Compare the list of census blocks forming each precinct using the "new" 2020 data against the current list of census blocks which use the "old" data. Take note of any differences as it will inform decision-making later in the year to either make a technical correction or be used to complete the IEC-8 for reprecincting.
- b. Compare maps of your existing precincts and census blocks using the "old" data against maps of the existing precincts using the "new" 2020 census blocks. This will help identify "slivers," where the census block lines are more refined and minimally impact precinct boundaries. Take note of any differences and slivers that are present. Include in these notes whether each difference or the precinct assignment of each sliver is correct, or if it will require a technical correction.

A list of 2020 census blocks in each precinct will be provided to you by Lori Clark (lclark27@iec.in.gov) and Stephanie Davidsen (sdavidsen@iec.in.gov) with IED. If you have staff that is familiar with using GIS mapping software and want to get started earlier, Lori and Stephanie can share the files found on the US Census Bureau website.

2. **Annexations completed since your last reprecincting.** Precincts may be redrawn following the boundaries of an annexation to avoid having a split precinct in future city or town elections. Doing so can avoid confusion among election workers and voters and helps avoid errors such as issuing a voter the wrong ballot style. To conduct this review, you should:

- a. Ensure all municipalities in the county have filed all their annexations (or disannexations) with the Clerk's office.
- b. Gather all the annexations filed with the Clerk's office since the last reprecincting conducted in your county.
- c. Check the boundaries of the annexations against the boundaries of the precincts using the "new" 2020 data, as found on the Census website above in #1 or as provided to you by our office.
- d. For any precinct boundaries that need to be updated to reflect annexations, make detailed notes to share with your county's reprecincting team.

NOTE: Precinct boundaries are NOT REQUIRED to follow all city and town boundary lines. For example, you may have a small town that is entirely within a rural township that is not large enough to justify having its own separate town precinct. It is the county's decision whether it is more convenient (and less risky) in each case whether to change precinct boundary lines to follow changes in city or town boundary lines.

3. **Local redistricting ordinances.** As a general rule, the district boundaries for county commissioner, county council, city common council, and town council are not permitted under state law to cross precinct boundaries. As is typical in election law, there are a few exceptions for cities and towns, such as when necessary to achieve equal population or when two incumbents would be placed in the same council district.

To conduct this review and ensure this remains true, you should:

- a. Double check with municipalities to be sure you have all redistricting ordinances passed at the county and municipal level. State law already requires that these ordinances be filed with the office of the circuit court clerk.
- b. Check the boundaries of the districts against the boundaries using the "new" 2020 data, as found on the Census website above in #1 or as provided to you by our office.
- c. Make detailed notes on any instances where district boundaries cross precinct boundaries to share with your team. You should also check to see if each instance falls under an exception set forth in state law. (IC 36-2-2; IC 36-2-3; IC 36-3-4; IC 36-4-6; IC 36-5-2, generally)

We recommend you complete these reviews and begin planning for reprecincting, if necessary or desired by your county, as soon as possible. This will allow your county to react swiftly when reprecincting documents are allowed be submitted to IED.

Review to complete AFTER the General Assembly approves Congressional and State Legislative districts in Fall 2020:

4. Precinct boundaries are not permitted to cross the state legislative and Congressional district boundaries. If the new districts split any precinct, your county MUST reprecinct. To conduct this review, you should compare each of the Congressional Legislative shapefiles – which will be provided to you by IED – to the precinct shapefile using the “new” 2020 data either found on the website in #1 above or as provided to your county by our office. **Each precinct split by a state legislative or Congressional district line MUST be redrawn so that it is not split.** If you need assistance conducting this review before responding to the reprecincting survey, contact Lori Clark (lclark27@iec.in.gov) or Stephanie Davidsen (sdavidsen@iec.in.gov) in our office.

NEXT STEPS: TECHNICAL CORRECTIONS OR REPRECINCTING OR BOTH

After completing the review of the “new” 2020 census block data and any impacts on precinct boundaries related to federal, state, and local redistricting efforts, counties will need to determine the best path forward to ensure work is completed before the statutory deadlines ahead of the 2022 election cycle.

If only reprecincting due to census block changes (described in #1 above) applies to your county, that is, only technical corrections need to be made as noted in the above section, then your county executive has two options:

- a) Adopt an order to accept and incorporate the technical corrections in their precinct descriptions; OR
- b) Do nothing.

If no order is adopted by the county commissioners (or when appropriate, the county election board) before January 1, 2022, the precinct boundaries as presented in the 2020 Census shapefile will become the new official precinct boundary lines for your county. By state law, no changes to precinct boundaries will be permitted until after the November 2022 general election but before candidate filing opens in January 2023.

If only reprecincting due to annexations (described in #2 above) applies to your county, that is, precincts only need to be updated for annexations as noted in the above section, your county has two options:

- a) Create a split precinct, if permissible under state law. (NOTE: Only a few local offices can “split” a precinct and comply with Indiana law.) This option only requires updates to be made in SVRS by county election and voter registration officials. However, split precincts do make it easier for errors to be made during voting. For example, a voter who resides in a split precinct can be given the wrong ballot style.

- b) Redraw precinct boundaries to align with municipality borders to avoid a “split,” even if it may be permitted under state law, which would require the county executive to adopt a reprecincting order and go through the formal process outlined later in the document.

If only reprecincting due to local redistricting ordinances (described in #3 above) applies to your county, that is, precincts only need to be updated for changes to local office district boundaries as noted in the above section, your county has two options:

- a) Change the boundaries of the election district to avoid a “split” precinct, which requires the legislative body in question to adopt an ordinance defining the new election districts that comply with the new precincts.
- b) Redraw precinct boundaries to align with existing election districts to avoid a “split” where it may not be permitted, which would require the county executive to adopt a reprecincting order and go through the formal process outlined later in the document.

NOTE: This assumes there are no exceptions to a “split” precinct allowed under state law or the legislative body does not want to exercise this option when redistricting.

If reprecincting due to new congressional or state legislative district lines (described in #4 above) applies to your county, that is a precinct is split by a Congressional or State Legislative district, then:

Your county executive must redraw that precinct(s) through the formal reprecincting process. **This requires your county to respond to a survey from IED to express your intent to reprecinct in 2021.** A county may retract their intent. **However, any survey response received after the deadline will put that county at the end of the line and will only be processed if the IED review requested by counties who DID meet the deadline to respond has been completed. IC 3-11-1.5-14(c)**

Counties responding to the survey will be assigned an IED staff person, either Lori Clark or Stephanie Davidsen, to assist the designated county representative(s) with the process.

Once IED is aware the county intends to reprecinct, then the county executive must meet the next deadline to file IEC-8 forms, which is a state form that documents information about each precinct; map(s) of the proposed boundaries for each precinct; a proposed or adopted order of the county executive (or county election board when appropriate) regarding the new precinct boundaries; and other information required in the reprecincting packet. As an alternative to paper filing, the state is launching a new reprecincting online module to assist counties with the mapping and form process. Stay tuned for those details.

The IEC-8 and other materials must be filed by the deadline noted later in the document. **Late or incomplete filings will put your county at the end of the line for processing.** Once the review is complete, the IED co-directors will notify the county commissioners, who must then publish notice in the newspaper and provide at least a 10-day public comment period before the deadline. If it is not possible to publish notice

to allow for the public comment period, then the county can petition the Indiana Election Commission for a hearing.

FREQUENTLY ASKED QUESTIONS (FAQ)

You should discuss possible precinct changes with your county commissioners, county attorney, county election board members, and county political party chairs as soon as possible.

If your county intends to participate in reprecincting, please respond to the survey to signal your intent **not later than noon (Indianapolis time), Wednesday, August 11, 2021**. We recommend a county indicate their intent to reprecinct even if a decision has not yet been made to formally participate. It is in the county's best interest to withdraw a request, rather than submit a late request.

Please note that to ensure that there is sufficient time to review your proposed precinct boundary changes to make certain that your proposal complies with state law, your proposed precinct establishment order and all accompanying documentation must be received by the Election Division **not later than noon (Indianapolis time), Friday, October 15, 2021**.

Here are answers to some questions that you may have about this process:

Q1: What are the key deadlines in the re-precincting process?

A: There are three key milestones:

1. Return county survey included with this memo not later than noon, Wednesday, August 11, 2021, to the Election Division at elections@iec.in.gov or complete survey online at <https://kwiksurveys.com/s/bZKTKpoB>
2. File proposed re-precincting orders with the Indiana Election Division no later than noon (Indianapolis time), Friday, October 15, 2021.
3. Publish legal notice after IED approves the re-precincting order at least ten (10) days before January 4, 2022 (in other words, published not later than Saturday, December 25, 2022). (See IC 3-11-1.5-18)

Q2: Do I have to change precinct boundary lines?

A: Not necessarily. Unless a precinct in your county is split by a Congressional or State Legislative boundary or certain local offices following redistricting, no one is required to change precinct boundary lines before the 2022 elections. But you may want to do so for several reasons. These include:

Redistricting: If a precinct in your county is split by a newly drawn Congressional or State Legislative district boundary or split between boundaries

of certain local offices required to be redistricted in 2021, you **must** reprecinct to adjust the precinct boundaries to match the new district boundaries.

Technical Corrections: If your review of the precinct boundaries provided by the Census Bureau identifies errors or instances where the boundaries do not match your files, you may want to submit these to IED for correction through the reprecincting process.

Annexations: A precinct boundary line does not "automatically" change whenever a city or town annexes new territory that borders the current precinct. Instead, the county may propose new precinct boundary lines that follow the new city or town line (and receive state approval for this change); however, State law does **not** require your county precinct lines to follow city or town boundaries.

If you have any town elections in 2022, having your precinct lines follow town boundaries may reduce the number of "split" precincts (out of town versus in town) for the 2022 town election. Reducing the number of "split" precincts may decrease the chance for poll workers to provide voters with the incorrect ballot.

Voter Population Growth: Indiana Code 3-11-1.5-3 provides that a county "**shall** establish precincts so that a precinct contains no more than 2,000 **active** voters."

There are some exceptions spelled out in IC 3-11-1.5-3(b) and (c) to the 2,000 active voter requirement that permit precincts to contain up to 2,300 **active** voters. IC 3-11-1.5-3.5 also permits exceptions to this requirement in some precincts within colleges and universities.

Another reason to change precinct lines may be because there has been (or will be) voter population growth (for example, a new subdivision) that could result in congestion at polling places unless precinct lines are changed.

County, City, and Town Redistricting: Town council districts may sometimes "split" existing county precincts. State law does not **require** your county precinct lines to be changed to follow these town council district lines, but your precinct lines may follow these district lines if it is convenient to do so.

In many cases, changing precinct lines to conform to council districts will reduce the need for more than one ballot style within the same precinct. Poll workers who err and distribute an incorrect ballot style to a voter in a "split" precinct can cause a recount or contest action.

Minimum Number of "Active" Voters in Proposed Precincts: Indiana Code 3-11-1.5-3.1 requires that a county may not establish a precinct that has less than 600 "active" voters. There are several exceptions to this requirement:

- 1. This requirement does not apply to precinct boundaries already established before July 1, 2019. These precincts are "grandfathered."**

2. This requirement does not apply to a precinct which, when established, would consist of an entire county commissioner district, county council district, township, city, town, city common council district, or town council district.
3. This requirement also does not apply to establishing a precinct so that the precinct boundary does not cross a township, a U.S. Representative (Congressional) district, Indiana State Senate district, or Indiana State Representative district.
4. As of July 1, 2021, this requirement does not apply if establishing the precinct would prevent a precinct from having to be split.

Q3: What is the first step in the reprecincting process?

A: Engage your county executive, county party chairs, election board, county attorney and other interested parties, as their support will be critical throughout this process.

If everyone believes drawing new precinct boundaries is a worthwhile project, complete the "2022 Precinct Change" survey included in this packet or online at <https://kwiksurveys.com/s/bZKTKpoB>. This survey must be on file with the Election Division no later than noon (Indianapolis time), Wednesday, August 11, 2021. Please provide as much written detail as possible regarding the specific precincts that you wish to change or create.

The Co-Directors will notify you that a specific Election Division staff member has been assigned to work with you regarding your precinct changes.

Q4: After the survey is submitted with the Election Division, what additional information does our county need to file?

A: Your county must file the following information with the Election Division not later than noon, (Indianapolis time), Friday, October 15, 2021, to qualify for review:

- (A) **Completed IEC-8 precinct boundary change forms for each affected precinct.** In addition, a list of census blocks to be included in each precinct must be attached to the IEC-8 form. (A copy of the IEC-8 is attached.)

NOTE: It is critically important to make certain that your county uses census blocks to build the precinct file! Contact the Election Division if you do not have the most recent census block file, and our office will provide a disc or zipped file to you. This office will also provide the most recent precinct file provided by the Census Bureau if you have not changed precinct boundaries in the last few years. Using the most recent version of the census blocks will simplify and speed up this work.

- (B) **Draft of the proposed order from your county executive.** This order does NOT have to be signed by your county executive; rather, it's a

proposed draft that will signed by them **after** the Indiana Election Division co-directors have approved the proposed precinct changes. (A copy of a sample proposed order is attached.)

- (C) **Additional supporting documents for the proposed order as required under IC 3-11- 1.5-15.** This includes but is not limited to a map or electronic shape file of the proposed precincts, boundary descriptions, estimated number of voters, and polling place designations that meet accessibility requirements. (See pages 344-345 of the *2020 Election Code* for more details.) A map or shape file must be drawn using census block lines to be acceptable.
- (D) **Copy of the city or town annexation ordinance or aerial photograph depicting the annexation, if the proposed change concerns a city or town annexation.** Please write the name of the precincts affected by the annexation in RED ink at the top of the first page of the ordinance.
- (E) **Statement that the chairs of the county Democratic and Republican parties were notified that the proposed boundary changes are being submitted to the Election Division.** This statement can be in the form of a letter signed or email submitted by the county circuit court clerk or election director. This statement simply documents notice given by the county to these chairmen and is not required to indicate whether either county chairman approves of the proposed changes.

Q5: When will our county's precinct boundary change request be processed?

A: County submissions to change precinct lines will be processed on a first-come, first-served basis. The first county with a complete submission will be processed before counties whose **complete** submissions come in at a later date.

If a county does not submit a complete request by noon (Indianapolis time), Friday, October 15, 2021, deadline, state law requires the Election Division to complete its review for those counties that did meet the deadline before reviewing orders from counties who filed late.

As a result, we cannot guarantee that a late submission from a county will be recommended for approval to take effect for the 2022 elections. Late submissions will only be processed if both Co-Directors agree there is enough time for adequate staff review.

If you choose not to participate in reprecincting, or do not complete reprecincting before the deadlines, the “new” precincts from the Census Bureau will become your official precincts on January 1, 2022.

Q6: What support does the Election Division provide as part of this process?

A: To assist you in complying with the January 4, 2022 deadline for final approval of precinct changes, ongoing planning and communication with your county is needed:

- Plan to contact your designated Election Division staff member not later than Wednesday, August 18, 2021. Either in person or by telephone conference, you will review your submission, identify any issues, and ask questions.
- After submitting your county's complete precinct boundary change proposal, including any technical corrections from the Census data, staff at the Election Division and the Office of Census Data in the Legislative Services Agency will review your filing.

You may be asked additional technical questions regarding your submission by the Office of Census Data and the Election Division. The sooner you respond to any questions, the sooner your precinct change review process will be completed.

Q7: Who has final approval of the final precinct boundary changes?

A: Ultimately, registered voters of your county approve precinct boundary changes. After staff review, precinct boundary changes are submitted to the Co-Directors of the Election Division. If the Co-Directors determine that the proposed precincts would comply with the standards set by state law, an order is issued to the county executive, who is then required to publish legal notice pursuant to IC 5-3-1-4.

The legal notice must contain several pieces of information outlined in IC 3-11-1.5-18(c), including the name of each precinct where boundaries are being changed and how registered voters of the county can file an objection with the election division. The notice must be published by Saturday, December 25, 2021, which provides for at least ten days before the January 4, 2022, deadline to allow for an objection to be filed with the Election Division.

If no objection has been filed by the noticed deadline, your county's precinct boundary changes go into effect

Q8: What if a registered voter files an objection to the proposed changes with the Election Division?

A: The Indiana Election Commission will meet to conduct a hearing and decide whether the proposed precinct boundary changes can be adopted by the county.

Q9: What happens if our county's submission review is not completed in time to publish legal notice on time?

A: Under state law, precinct establishment orders may not become effective between January 5, 2022, and the day after the November 8, 2022 election. In other words, your precinct changes must be approved not later than January 4, 2022, either through the publication process described above or a hearing process.

The Indiana Election Commission usually plans to meet on dates like January 4, 2022 to conduct a hearing on any objections or to review submissions that were not able to be timely noticed.

Q10: If an Election Commission meeting is necessary to consider our county's precinct changes, do we need to attend?

A: Yes, a representative of your county **must** plan to be present at that Indiana Election Commission meeting. We will also ask you to notify other interested individuals in your county, such as county commissioners, county party chairs, or others of the date and location of the Commission meeting.

Q11: What can we do to get started on this process now?

A: Complete the survey sent with this memo and email it to our office, if you plan to make precinct changes for the 2022 elections.

Your answers to this survey will help us plan for the precinct boundary work we will need to do during the upcoming months.

Q12: Do we need to wait on the Indiana General Assembly to redistrict Congressional and state legislative districts before reprecincting our county?

A: We recommend waiting for this redistricting information from the Indiana General Assembly before filing the **final** reprecincting request with the Indiana Election Division staff. Although we can begin staff work on proposed precinct changes based on annexations or voter population changes, for example, we will not be able to consider any reprecincting work for **final IED** approval until after the county has completed their final review of the new Congressional and state legislative districts.

Q13: What are the deadlines for redistricting work to be completed by local units of government for the 2022 election cycle? Should we wait for this work to be complete before reprecincting?

A: The redistricting of county board of commissioner districts and county council districts must be completed with the ordinance or resolution describing the new districts and a map of the new district filed with the county clerk not later than Friday, December 31, 2021.

Any city or town that has an office on the ballot in 2022 must complete the redistricting of their city or town council and file the new ordinance and maps with the county clerk not later than Monday, November 8, 2021.

It is important to communicate the reprecincting deadlines to your local units of government so that they are aware the deadlines to change election districts overlap with the reprecincting work. Ideally, their bodies would adopt ordinances to make changes in their districts before the county executive files a final reprecincting plan with the state.

Q14: If a precinct is split only because of an annexation in a municipality, must we redraw the precinct boundaries so that there is clear definition for the municipality and “county” or unannexed areas?

A: Not necessarily. If state law permits the precinct boundary to be “split” for the municipal election district, then the county can choose to put the portion of the precinct within the municipality into split A and the “county” portion into split B. As noted in the memo, however, there are benefits to drawing precinct boundaries to follow municipal boundaries in this instance to improve election administration.

Q15: Can the county executive delegate reprecincting work to another agency or department?

A: IC 3-11-1.5-36 gives the county executive the authority to adopt an order to delegate some or all of its responsibilities change precinct boundaries under IC 3-11-1.5 to the county election board. If the county executive adopts such an order it does not become effective until a copy of the order is filed with the election division.

Q16: Do we need to know what the precinct polling location will be for the 2022 election cycle in order to complete the IEC-8?

A: The form asks for the proposed polling location on the IEC-8 form. However, the county executive retains the right to change polling locations and certify the list not later than 29-days before each election. In other words, the polling place noted on the IEC-8 form may be updated by this deadline. Vote center counties can simply state “any vote center location” on the IEC-8 form.

Q17: Where can we get the active voter counts for purposes of performing this analysis?

A: The active voter counts can be obtained from the SVRS “Voter Status Counts” report. Please run the report shortly before submitting the IEC-8 to IED so that the counts are as current as possible. You can contact IED or Civix for help locating and running this report.

Q18: Our county does not have dedicated staff who can perform GIS mapping. How do we manage this process?

A: The Indiana Election Division is releasing a new mapping module that ties into the statewide voter registration system (SVRS) to aid counties that would like to attempt to redraw their own precinct boundaries using scaled-down mapping software. The module will also populate the IEC-8, which can be filed electronically. Training on this new module will occur later in 2021, after the module is released. However, counties can still file the IEC-8 forms and supporting documentation, including maps, to IED staff on paper. Counties with GIS capabilities can work with the assigned IED staff person to email or upload shapefiles created by the county team as part of the review.

Q19: Are there online tools counties can use to draw their precinct boundaries?

A: Later this year, the Indiana Election Division will deploy an online GIS mapping tool. The tool will allow counties to draw their precinct boundaries based on new census block data and other shapefiles, such as municipal and township boundaries. The tool will also draw in data from the statewide voter registration system to create the IEC-8 and ensure the new precincts will meet the minimum and maximum active voter counts required by state law. Training on this new module will be available this fall and the tool itself should launch in early to mid-October. Counties are encouraged to use the new module, though paper filing of the documents is still permitted.

Q20: Could you point us to the redistricting statutes in case we are asked for those by the county attorney or others involved in this separate process?

A: To be clear, this memo and IED support only relates to the process to redraw precinct boundaries. Due to the unique nature of the release of the 2020 census data, however, redistricting has a greater impact on reprecincting.

To redraw election districts, the attorney advising the local units of government may want to research the following statutes:

- **IC 36-2-2-4 (County commissioner districts).** Deadline: December 31, 2021. Note: Does not apply to Marion County. Lake County commissioner districts are established by the Indiana Election Commission. There are special procedures used in St. Joseph County.
- **IC 36-2-3-4 (County council districts).** Deadline: December 31, 2021. Note: Does not apply to Marion County. Lake County council districts are established by the Indiana Election Commission. There are special procedures used in St. Joseph County.
- **IC 36-3-4-3 (Marion County City-County Council districts).** Deadline: December 31, 2022. But, IC 3-11-1.5-32 requires that these districts may not be changed after November 8, 2022 (the year preceding the next election of these offices) and before the day following the election of these offices. The city-county council should consult with its attorney about establishing a timeline to redistrict these seats before the deadline when changes to the district cannot be made.
- **IC 36-4-6 (city common council districts).** Deadline: December 31, 2022. State law provides several options for city common council districts, such as different total numbers of council members, and at-large and district only election of council members. Some of these options may only be available in some cities, based on the census population of the city. But, IC 3-11-1.5-32 requires that these districts may not be changed after November 8, 2022 (the year preceding the next election of these offices) and before the day following the election of these offices. The city common council should consult with its attorney about establishing a timeline to redistrict these seats before the deadline when changes to the districts cannot be made.
- **IC 36-5-2 (town council districts).** Deadline: December 31, 2022. State law provides several options for town council districts, such as abolishing town council districts entirely, and electing all members at large, and different combinations of at-large and district members. Some of these options may only be available in some towns, based on the census population of the town. But, IC 3-11-1.5-32 requires that these districts

may not be changed after November 8, 2022 (the year preceding the next election of these offices; if any of the town council seats are on the ballot in 2023) and before the day following the election of these offices. The town council should consult with its attorney about establishing a timeline to redistrict these seats before the deadline when changes to these districts cannot be made.

- **IC 20 (school board districts).** Deadline depends on which of several state laws the school corporation was organized under, and whether the school board has established some districts that require equal population. See IC 20-23-4-35 on pages 717-718 of the *2020 Indiana Election Code*, for an example that may apply to some school corporations.

If you have questions about the technical aspects of this process, please contact Lori Clark or Stephanie Davidsen at 317-232-3939 or 800-622-4941. If you have questions about the legal aspects of this process, you can also contact Matthew Kochevar (mkochevar@iec.in.gov) or Valerie Warycha (vawarycha@iec.in.gov) at the same numbers.

Thank you for your assistance and cooperation.

Enclosures: 2021 Precinct Change Survey (paper document and link to online survey, if preferred)

Sample Commissioner Order Establishing Precincts

IEC-8 (current paper form for precinct boundary change submissions)

2022 PRECINCT CHANGE SURVEY

Please email your completed survey to elections@iec.in.gov
OR complete the online survey at <https://kwiksurveys.com/s/bZKTKpoB>
not later than noon (Indianapolis time) Wednesday, August 11, 2021.

If you send your response by email or fax, we will send you an email acknowledging receipt as soon as possible. If you do not receive a receipt from this office, contact us immediately.

- (1) Name of County: _____
- (2) Person completing this survey:
Name: _____
Title, Office: _____
Telephone: _____
Email or fax: _____
- (3) If the person completing this survey is not the proper contact for IED staff, please provide contact information below:
Name: _____
Title, Office: _____
Telephone: _____
Email or fax: _____
- (4) Why are you changing these boundaries? Please check each applicable reason below:
 Population Growth in City or Town/ Number of Active Voters in Precincts
 City or Town Annexations
 County, City, or Town Redistricting
 Other: _____
- (5) Please estimate the number of precincts that will require boundary changes, keeping in mind that each boundary change will affect at least two precincts:

- (6) If you checked "City or Town Annexations", do you have a copy of any annexation ordinance that is basis for each change? (please check one)
 YES NOT YET, BUT WILL ASK

THANK YOU FOR YOUR ASSISTANCE!

SAMPLE COMMISSIONER ORDER

(NOTE: Please adapt Order if required to be adopted by county election board under IC 3-11-1.5-36, IC 3-6-5.2-6, IC 3-6-5.4-5, or IC 3-6-5.6-7)

STATE OF INDIANA)
)
COUNTY OF _____) BEFORE THE _____ COUNTY
) BOARD OF COMMISSIONERS

ORDER ESTABLISHING PRECINCTS

Whereas, Indiana Code 3-11-1.5 requires that the boundaries of precincts be established and revised in compliance with that law; and

Whereas, pursuant to IC 3-11-1.5, (Name) County, by and through its Board of County Commissioners, has determined that it is necessary and proper to establish and revise the boundaries of certain precincts for the County;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS OF (Name) COUNTY:

SECTION 1. _____ County, by and through the Board of County Commissioners, establishes and revises the boundaries of certain precincts within the County. A precinct description and map of the boundary of each precinct submitted to the Indiana Election Division is attached hereto and incorporated herein by reference.

SECTION 2. This ORDER becomes effective upon the approval of these precincts by the Indiana Election Division, provided that no objection is filed by a voter of the county with the Indiana Election Division by noon 10 days after the publication of notice of the proposed precinct establishment order, or, if a timely objection is filed by a voter of the county, then upon the approval of the Indiana Election Commission after a hearing, pursuant to IC 3-11-1.5.

SO ORDERED, THIS ___ DAY OF _____, 202__:

THE BOARD OF COUNTY COMMISSIONERS OF _____ COUNTY:

ATTEST:

COUNTY AUDITOR



PRECINCT SUMMARY STATEMENT

(IEC-8)

State Form 13332 (R7/7-06)

Indiana Election Commission (IC 3-11-1.5-15) Name of County _____

- INSTRUCTIONS:** See Indiana Code 3-11-1.5-25 for periods during which precinct boundary changes may NOT take effect.
Indiana Code 3-11-1.5-15 requires that a county include the following items in a proposed precinct establishment order submitted to the Indiana Election Division:
1. A map of each precinct to be established by the proposed order. A county may submit these maps in electronic form.
 2. A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
 3. An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the county voter registration office.
 4. A statement designating a polling place for the precinct that complies with the polling place accessibility requirements.
 5. Any additional information required by rules adopted by the Indiana Election Commission under IC 4-22-2.

General Precinct Information

1. Name Of Proposed Precinct		2. Is this a new precinct? <input type="checkbox"/> Yes <input type="checkbox"/> No	3. Election Division & STFID Number (To Be Completed By Election Division)
4. District Information Congressional _____ Indiana Senate _____ Indiana House _____			
5. Number Of Active Voters (IC 3-5-2-1.7)	6. Number Of Inactive Voters	7. Number Of Registered Voters (Must Equal Total Of Active And Inactive Voters)	
8. Total Number Of Precincts In The County If Submission Is Approved Voting Precincts _____ Non-Voting Precincts _____			
9. Date Of County Executive's Adopted Order		10. Date Of First Election After Precincts Are Approved	
11. Precincts Affected By This Proposed Order (Complete a Precinct Summary Statement for each precinct. Please note that when changing boundaries of one precinct you will need to complete a separate IEC-8 for any other precinct affected by the change.)			
12. List Any Attached Documents (i.e. map 6 of 20 maps, etc.)			

Does any portion of the newly established precinct split or divide any of the following?	Yes	No
13. School Corporation District Boundary		
14. City or Town Boundary		
15. City or Town Council District Boundary		
16. Census Block Boundary		
17. Other (Please Describe)		

Method of Voting

18. Optical Scan Ballot Card Electronic Combination (Please Specify): _____

19. What is the designated location and address for the polling place for this precinct?

(NOTE: This designation of a polling place remains in effect until later action by the county executive under state law.)

20. Does this polling place meet Indiana's polling place accessibility requirements? Yes No

Precinct Change Reason

21. Briefly state the reason for the precinct change. (Attach additional sheet if necessary.)

Additional Information

22. Name and Contact Information Of County Election Staff Person Who Prepared This Form:

23. Does the county have access to Geographic Information System (GIS)? Yes No
Name and Contact Information Of County GIS Staff:

24. Does the county use Census Tiger files? Yes No

State Office Use Only

25. Type Of Geographic Files Used by County (If Known By Staff Of The Indiana Election Division Or Office Of Census Data)

Notes