



contiguity of common council districts?

Kochevar, Matthew R <MKochevar@iec.in.gov>
To: Dave Askins <dave@bsquarebeacon.com>
Cc: Stephen Lucas <lucass@bloomington.in.gov>

Tue, Aug 23, 2022 at 11:11 AM

Dear Dave,

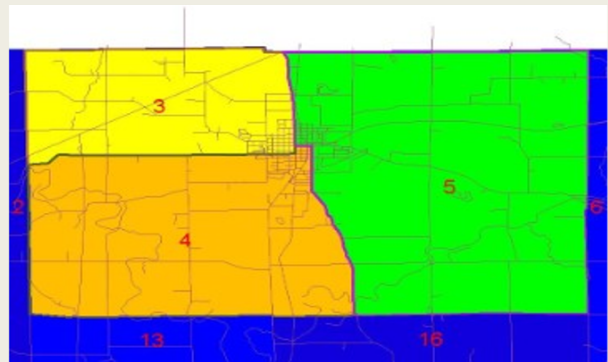
It would not be proper for me to make a determination if a proposed council district plan complies with state law. That is first for the city council to decide when considering the proposed ordinance to enact the district plan and then, if the ordinance is adopted, for a person with standing to bring the matter before a state judge. I can only comment on what IC 36-4-6-3(b)(1), which applies to second class cities like Bloomington, means.

IC 36-4-6-3(b)(1) states, “the legislative body shall adopt an ordinance to divide the city into six (6) districts that (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city.” It is one of many requirements that city council districts must adhere to.

In a CLE presentation I gave in 2020, I use this slide to cover the basic concept of contiguousness:

Common Redistricting Rules - Contiguosness

- Contiguous means a territory touching, adjoining, and connected
- To be contiguous a district should be in one piece and not divided by another district
- This is an example of a contiguous district



Essentially districts that have a contiguity requirement should be made up of one whole piece. But if you look at subdivision (b)(1) of the statute, you can see there is an exception to the contiguity requirements, “except for territory that is not

contiguous to any other part of the city.” This is what some refer to as the “Island exception.” Below is the slide I used in my presentation back in 2020 covering this exception”

Contiguosness Exception

- The “Island” Exception
 - *A municipality may have a noncontiguous territory that has to be part of a council district*
 - *This would lead to the district where the territory is placed in to be noncontiguous*
- Document the fact that the territory is noncontiguous and any reasons that territory was placed in the council district
 - *Recommended in case litigation is filed against redistricting ordinance*

In the end, the city council needs to adopt an ordinance establishing city council districts that comply with all requirements established in IC 36-4-6-3. Beyond contiguousness, those districts need to be reasonably compact, contain nearly as equal population in each district, and contain whole precincts except when splitting a precinct is allowed under IC 36-4-6-3(c) or (d).

I hope this provides some understanding as to local redistricting laws.

Sincerely,

Matthew R. Kochevar

Co-General Counsel

Indiana Election Division

[302 W. Washington St., Room E-204](#)

Indianapolis, Indiana 46204

317-232-3942

mkochevar@iec.in.gov

If a person is unclear concerning election law provisions, the Election Division can serve as an interpretive source. However, where important legal rights are concerned, you must consult with your own attorney to be fully and properly advised.

From: Dave Askins <dave@bsquarebeacon.com>
Sent: Tuesday, August 23, 2022 2:07 AM
To: Kochevar, Matthew R <MKochevar@iec.IN.gov>
Cc: Stephen Lucas <lucass@bloomington.in.gov>
Subject: contiguity of common council districts?

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

[Quoted text hidden]