

JOINT STATEMENT

The United States Constitution, and Indiana law adopted under the Constitution, require that voting rights be equal. In turn, this means that representative districts such as County Council Districts, must have as close to equal populations as possible.

Accordingly, Indiana law requires County Boards of Commissioners to redistrict the County Council Districts in their County, based on population changes revealed by the most recent federal census. Indiana law further requires that the redistricting be concluded in the first calendar year after a federal census or in a subsequent odd numbered year. In order to perform the redistricting, the County Board of Commissioners must first receive permission from the Indiana Election Division through what is known as a precinct establishment order.

The last federal census was in 2020, but as a result of COVID-19 and other delaying factors, the Johnson County Commissioners did not receive Johnson County's precinct establishment order from the State of Indiana until December 20, 2021, only 11 days before the final statutory deadline under Section 36-2-3-4 of the Indiana Code. As a result of Johnson County's significant growth over the last decade, the County Council Districts drawn after the previous 2010 federal census were no longer viable. In other words, the Commissioners were obligated to redraw the County Council District maps and boundaries. The full redistricting process that provides the opportunity for public input and comment, however, takes several weeks, and it was therefore impossible for the Commissioners to commence and conclude that process between December 20 and December 31, especially given the Christmas and New Year's Eve holidays in that time frame.

The voters of Johnson County, however, have the constitutional and statutory right to vote in properly drawn districts, notwithstanding the date of the notice received by the Commissioners, and this created a problem for the Commissioners. After December 31, 2021, they had no authority to complete the required redistricting until January of 2023, but 2022 is a County Council District seat election year, and the districts had not been updated.

The Commissioners hired Kroger Gardis & Regas, the law firm of former Indiana Speaker of the House Brian Bosma, to perform the redistricting, but the process could not result in new District maps and boundaries for the 2022 election due to the requirements of the Indiana Code limiting redistricting authority to odd-numbered years.

Given these circumstances, the only method to complete the redistricting prior to the 2022 Election and to fulfill the voters' Constitutional and statutory right to vote in equal districts was for a court to intervene. Accordingly, Ms. Beth Boyce, a registered voter residing in Johnson County and the Chair of the Johnson County Republican Party, filed an action requesting a court order that would give the Commissioners the authority to conduct the redistricting in 2022. She also named the Johnson County Auditor because Section 36-2-3-4 requires the Auditor to call a special meeting for the Commissioners to adopt a redistricting plan, and the Auditor, like the Commissioners, has no free-standing authority in this regard in an even-numbered year. The Commissioners, the Auditor, and the Johnson County Clerk share Ms. Boyce's goals of vindicating the constitutional and statutory rights of Johnson County voters and citizens, and they did not disagree with the goals of Ms. Boyce's action. Therefore, today, January 28, 2022, Morgan Superior Court No. 1 issued the order to allow the Commissioners and Auditor to act.

Finally, because the goal is to protect the rights of voters, the redistricting has to take effect prior to the Primary and General Elections in 2022. Although the Primary Election itself does not take place for over three months, on May 3, the period for a potential candidate to file to be placed on the Primary Election ballot expires at noon on February 4. The redistricting process ordered by the court cannot be completed by that time.

Accordingly, the court's order also allows and requires the Johnson County Clerk to extend the filing period for potential Johnson County Council Candidates, Districts 1, 2, 3, and 4 (that is to say, all of the County Council Districts), to file their *Declaration of Candidacy for Primary Nomination in 2022 (Form CAN-2)* until noon Eastern Standard Time on Friday, February 25, 2022. The court's order does NOT extend the filing period for any other office or position. All other offices and positions remain subject to the normal statutory deadline.

Ms. Boyce and all the elected officials party to the lawsuit join in this statement, and all are glad that the interests of the voting public were kept uppermost throughout this process and that the lawsuit has successfully vindicated those interests. In that regard, it should be noted that **the lawsuit did not allege any wrongdoing or failure on the part of the Commissioners, the Auditor, or the Clerk, and it did not seek any damages or other compensation from**

Johnson County or any of the elected officials. The purpose of the lawsuit was simply to give the Commissioners the authority to perform the redistricting in 2022 that they could not complete in 2021, and to ensure that the redistricting takes effect for both the 2022 Primary Election and 2022 General Election.

Questions may be addressed to Lynnette Gray, JOHNSON, GRAY & JOHNSON, 317-738-3365 or William Barrett, WILLIAMS BARRETT & WILKOWSKI, 317-888-1121

Beth Boyce

Johnson County Board of Commissioners

Johnson County Auditor

Johnson County Clerk of Courts