

**DEPARTMENT OF LOCAL GOVERNMENT FINANCE
100 NORTH SENATE AVENUE
IGC-N, ROOM N1058
INDIANAPOLIS, INDIANA 46204**

IN THE MATTER OF THE REVIEW OF)
PROPOSED LANGUAGE FOR A BALLOT)
QUESTION REGARDING METROPOLITAN) **No. 16-001-REF-A**
SCHOOL DISTRICT OF SOUTHWEST)
ALLEN COUNTY)

**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION
RESUBMITTED JANUARY 21, 2016**

1. On January 15, 2016, the Department of Local Government Finance (“Department”) disapproved referendum question language proposed by the Metropolitan School District of Southwest Allen County (“Corporation”), which proposes to place an operating referendum on the ballot for the purpose of establishing a referendum tax levy with a tax rate not to exceed fifteen cents (\$0.1500) per one hundred dollars (\$100) of assessed value.
2. On January 21, 2016, the Corporation submitted revised proposed language.
3. Under Indiana law, voters in the area served by the Corporation will vote in a referendum to approve or deny the Corporation’s proposed tax rate.
4. Indiana law governs the format and wording of the ballot question for the referendum.
5. Under Indiana law, the “question to be submitted to the voters in the referendum **must read as follows**”:

“For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property taxes imposed by the school corporation for the purpose of funding _____ (insert short description of purposes)?”

Indiana Code 20-46-1-10 (emphasis added).

6. The law requires the Department of Local Government Finance (“Department”) to review the language for compliance with IC 20-46-1-10. The Department may either approve or reject the language.

7. The Corporation requested that the Department review this proposed question:

“For the seven (7) calendar years immediately following the holding of the referendum, shall the M.S.D. of Southwest Allen County impose a property tax rate that does not exceed fifteen cents (\$0.1500) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property tax levies of the school corporation for the purpose of funding a continuation of the same amount as the existing Referendum Tax Levy to maintain class sizes, student services and school safety?”

Compliance of Language

8. The Department must review the proposed language for compliance with IC 20-46-1-10. The Department may either approve or reject the language. The Department concludes that the language is still not in compliance with IC 20-46-1-10 for the following reasons:

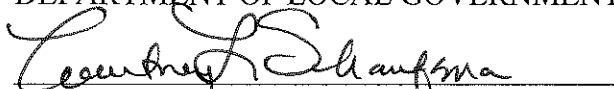
- The phrase “a continuation of the same amount as the existing Referendum Tax Levy” does not constitute a description of the *purpose* of the funding. Rather, it is narrative that characterizes the referendum and creates a bias in favor of the referendum.
- Even if the phrase “a continuation of the same amount as the existing Referendum Tax Levy” was not problematic for the reason stated above, the phrase creates ambiguity for voters. It is not clear if “the same amount as the existing Referendum Tax Levy” being referenced pertains to the existing tax *rate* or the existing tax *levy*.
- Statute prescribes the phrase “in addition to all other property taxes imposed by the school corporation.” Here, the Corporation uses the phrase “in addition to all other property tax levies of the school corporation.”

Final Determination

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is not in compliance with IC 20-46-1-10 and disapproves the language as proposed.

Dated this 29th day of January, 2016.

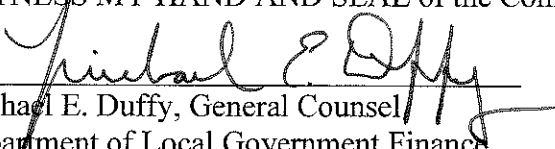
STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE


Courtney L. Schaafsma, Commissioner
Department of Local Government Finance

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

I, Michael E. Duffy, General Counsel for the Department of Local Government Finance, hereby certify that the above is an order of the Commissioner of the Department of Local Government Finance made this date in the above-entitled matter and that the Commissioner has personally signed the same under her statutory authority.

WITNESS MY HAND AND SEAL of the Commissioner on this the 29th day of January, 2016.



Michael E. Duffy, General Counsel
Department of Local Government Finance