

# Local Public Question/Referendum Process\*

for bond issue or lease rental with a preliminary determination after July 1, 2008.

The local public question/referendum process only applies to the following controlled projects:

- A school building for academic instruction of any combination of grades K-8 that will cost more than \$10,000,000.

- A school building for academic instruction of any combination of grades 9-12 that will cost more than \$20,000,000.

- Any other controlled project that will cost more than the lesser of \$12,000,000 or an amount equal to 1 percent of the total gross AV of property within the political subdivision on the last assessment date (\$1 million minimum).

IC 6-1.1-20-3.5(a)(1)

Phase I

IC 6-1.1-20-3.5(b)(1)

Publish notice of preliminary determination hearing at least 10 days before the hearing.

IC 6-1.1-20-3.5(b)(1)

Hold preliminary determination public hearing to adopt resolution/ordinance to issue bonds or enter lease to finance project and provide the public certain information regarding the controlled project.

IC 6-1.1-20-3.5(b)(2), (3)

Publish notice of the preliminary determination within 30 days after the passage of the ordinance or resolution (i.e., maximum term of bonds/lease, maximum principal amount of bonds or lease rental, etc.).

IC 6-1.1-20-3.5(b)(4)

After notice of preliminary determination is published, a petition on a State Board of Accounts form (Forms 202K - L\*\*) requesting the application of the local public question/referendum process may be filed by the lesser of 100 real property owners/registered voters residing in the political subdivision or 5% of the registered voters residing within the political subdivision.

IC 6-1.1-20-3.5(b)(7)

File petitions with the county voter registration office not more than 30 days after publication of notice of the preliminary determination results to issue bonds/enter lease.

IC 6-1.1-20-3.5(b)(8)

County voter registration office determines at least 125 persons who signed the petition are registered voters.

IC 6-1.1-20-3.5(b)(8)

If county voter registration office does not determine at least 125 persons who signed the petition are registered voters, no later than 15 business days after receiving a petition, the county voter registration office must forward a copy of the petition to the county auditor.

IC 6-1.1-20-3.5(b)(8)

No later than 10 business days after receiving the copy of the petition, the county auditor must provide to the county voter registration office a statement verifying: (1) whether a person who signed the petition as a registered voter but is not a registered voter is the owner of real property in the political subdivision; and (2) whether a person who signed the petition as an owner of real property does in fact own real property within the political subdivision.

IC 6-1.1-20-3.5(b)(9)

No later than 10 business days after determining that at least 125 persons who signed the petition are registered voters or after receiving the statement from the county auditor, the county voter registration office must make the final determination of whether the lesser of 100 registered voters/real property owners or 5% of the registered voters have signed the petition.

IC 6-1.1-20-3.5(b)(10)

If the political subdivision is a township, the county voter registration office must file a certificate and each petition with the township trustee who must present the petition(s) to the township board within 35 business days of the filing of the petition requesting the referendum process.

IC 6-1.1-20-3.5(b)(10)

If the political subdivision is not a township, the county voter registration office must file a certificate and each petition with the body that has the authority to issue the bonds or the execution of a lease within 35 business days of the filing of the petition requesting the referendum process.

IC 6-1.1-20-3.6(b)

If a sufficient petition requesting the application of the referendum question has been filed, political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease unless proposed debt service or lease rental is approved in an election.

IC 6-1.1-20-3.6(c); IC 3-10-9-3

The county auditor must certify the question to the county election board no later than noon: 60 days before a primary election if public question to be placed on primary or municipal primary election ballot; or August 1 if the public question is to be placed on the general or municipal election ballot.\*\*\* The question must appear on the ballot in the form approved by the county election board as follows: "Shall \_\_\_\_\_(insert the name of the political subdivision) issue bonds or enter into a lease to finance \_\_\_\_\_(insert the description of the controlled project), which is estimated to cost not more than \_\_\_\_\_(insert the total cost of the project) and is estimated to increase the property tax rate for debt service by \_\_\_\_\_(insert increase in tax rate as determined by the Department)?"

IC 6-1.1-20-3.6(k)

At least 30 days before the election, the political subdivision shall submit to the Department all information required by IC 6-1.1-20-3.6(k).

IC 6-1.1-20-3.6(e)

The circuit court clerk must certify the results of the referendum to the county auditor of each county in which the political subdivision is located and the Department of Local Government Finance.

IC 6-1.1-20-3.6(f)

If a majority of the eligible voters voting on the public question vote in favor of the public question, the political subdivision may issue the proposed bonds or enter into the proposed lease rental.

IC 6-1.1-20-7.5

IC 6-1.1-20-3.6(g)

If a majority of the eligible voters voting on the public question vote in opposition, the political subdivision may not issue the bonds or enter into the proposed lease rental. Another public question on the same or substantially similar project may not be submitted to the voters earlier than one year after the date of the election.

\*Taxing units with appointed boards, such as libraries, must first receive approval of city, town or county fiscal body (whichever is applicable) before issuance of bond or lease rental agreements.

The city, town or county fiscal body approval would occur prior to the preliminary determination hearing in these cases.

IC 6-1.1-17-20.5

\*\*Forms are available at the county voter registration office.

\*\*\*If a primary, general or municipal election will not be held during the first year the public question is eligible to be placed on the ballot and the political subdivision requests the question be placed on the ballot at special election, the question shall be placed on the ballot special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon 60 days before a special election to be held in May or noon on August 1 if the special election is to be held in November.

In 2009, a political subdivision may hold a special election on any date scheduled for the special election if notice of the election was given before July 1, 2009 to the election division of the secretary of state's office.

The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the election.

The county election board must publish notice one time, at least 10 days before the date of the special election. The special election is under the direction of the county election board, which must take all steps necessary to carry out the special election.

IC 6-1.1-20-3.6(d)  
IC 5-3-1-2(c)