

---

# Petition and Remonstrance



2022 Annual Clerks Conference



1

---

# Discussing

01 Understanding Controlled Projects

02 Phase I

03 Phase II

04 Resources

2

# 01 Understanding Controlled Projects

As defined in IC 6-1.1-20-1.1:

**"controlled project" means any project financed by bonds or a lease**



Petition & Remonstrance

IC 6-1.1-20-3.1 & 3.2

Petition for Public Question (Referendum)

IC 6-1.1-20-3.5 & 3.6



6/2/2022

3

3

## Exceptions in IC 6-1.1-20-1.1

Payments made from funds other than property taxes that are exempt from levy limitations	Projects in response to a natural disaster, accident or an emergency that makes a building or facility unavailable for its intended use
Projects costing no more than the lesser determined by DLGF using the maximum levy growth quotient or \$1,000,000	Project of Little Calumet River Basin Dev. Commission payable from special assessments
Refinancing of Projects	A project for engineering, land and right-of-way acquisitions, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for local or arterial road and street systems or combination of both including designated bridges.
Federally mandated projects	

6/2/2022

4

4

## Petition & Remonstrance Per IC 6-1.1-20-3.1 Applies to:

- ❖ Controlled Projects for:
  - Elementary, middle, high, or other school building for academic instruction for any combination of grades K-12 and costs no more than
    - ✓ \$10,000,000 (before 2018), \$15,000,000 (only 2018) or DLGF determined (after 2018)
  - OR
  - ✓ 1% of total gross AV if > \$1 billion OR \$10 million is total gross AV is < \$1 billion

6/2/2022

5

5

## Petition & Remonstrance Per IC 6-1.1-20-3.1 Applies to:

- ❖ Controlled Projects for:
  - Other controlled projects not described about above and costing less than the lesser of
    - ✓ \$12,000,000 (before 2017), \$15,000,000 (2018), and DLGF determines 2019 (and after)
  - OR
  - ✓ 1 % of total gross AV if > \$100 million OR \$1,000,000 if total gross AV is < \$100 million
- ❖ School Bond Refunding under IC 5-1-5-2.5

6/2/2022

6

6



6/2/2022

- 
- A political subdivision decides to impose property taxes to pay debt service on bonds or lease rentals for a controlled project
  - Publish notice in accordance with IC 5-3-1
  - Send notice to the Clerk
  - Conduct at least 2 public hearing to adopt Preliminary Determination to issue bonds or enter lease
  - Publish notice of Preliminary Determination and send to Clerk

7

7

---

## Notice of Preliminary Determination

1. Maximum term of bonds or lease
2. Maximum principal amount
3. Estimated interest rates and total interest
4. Purpose of bonds or lease
5. Statement that owners and registered voters who want to initiate this process must file petition within 30 days of notice publication
6. New and reopened schools – estimated annual operating costs
7. If school – expectation regarding appeal for new facility adjustment
8. Current debt service levy & rate and estimated increase

6/2/2022

8

8

# 02 Phase I

## Petition Forms

- Contact SBOA for current forms
- Voter Registration shall issue to the number of forms requested to owners of property or registered voters
- Each Petition Form must be accompanied by instructions



6/2/2022

9

9



## Phase I Petition and Instructions

# 201K & 201L

10

6/2/2022

10

## Phase I - Petition

The Petition (with all counterparts) must be filed not later than 30 days after publication of the notice by the lesser of:

- 500 persons who are either owners of real property or registered voters, or
- 5% of the registered voters within the political subdivision

In order to go forward into Phase II of the process

6/2/2022

11

11

Phase I Verification  
and Certification

201M  
&  
201N

6/2/2022

12

12

## Phase I – Counting Signatures

- Voter registration office shall determine whether each person is a registered voter (up to 525 persons)
- If 525 registered voters have not been identified, provide copy of the petition to county auditor not more than 15 business days after receipt
- Not more than 10 business days after receipt, the county auditor shall provide verification of property owners – Form 201M
- Final determination to be made by the county voter registration office not more than 10 business days after receiving county auditor verification - Form 201N
- File 201N with governing body within 35 business days of receipt

6/2/2022

13

13

## 03 Phase 2

### Signature Race

- If sufficient phase I petition certified
- The political subdivision must give notice of the petition and remonstrance process to go forward
  - ❖ Publication Notice
  - ❖ Mail notice to Clerk



6/2/2022

14

14

## Phase II - Notice

Statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to petition in favor of or remonstrance against the proposed debt service or lease payments must file petitions and remonstrances not earlier than 30 days or later than 60 days after publication of the notice.

6/2/2022

15

15

## Phase 2 – Issuance of Forms

- Contact SBOA for current forms
- Forms cannot be issued before the 29th day after publication of the notice
- Voter Registration shall issue to the number of forms requested to owners of property or registered voters
- Again, each Petition Form must be accompanied by instructions

6/2/2022

16

16



## Phase II Forms

201	201F
201A	201G
201B	201H
201D	201I
201E	

6/2/2022

17

17

## Phase II – Filing Requirements

- Petitions and Remonstrances must be filed not earlier than 30 days and not later than 60 days after notice publication
- Date of signature may not be before the date on which the petition and remonstrance forms may be issued

6/2/2022

18

18

---

## Removal of Signatures

- Form 201C used for both:
  - ❖ Petition (In Favor of)
  - ❖ Remonstrance (In Opposition of)



6/2/2022

19

19

---

## Phase II Verification and Certificate

---

201J  
&  
2010



6/2/2022

20

20

## Phase II – Counting Signatures

- Voter registration office shall determine whether each person is a registered voter
- Provide copy of the petition to county auditor not more than 15 business days after receipt
- Not more than 10 business days after receipt, the county auditor shall provide verification – Form 201J
- Final determination to be made by the county voter registration office not more than 10 business days after receipt of auditor verification – Form 2010

6/2/2022

21

21

## Signatures

- Minor variations from the name on the voter registration records – signature presumed valid
- Voter Registration shall apply the requirements and procedures in IC 3 to determine whether a person is a registered voter for purposes of voting except as stated in IC 6-1.1-20
- A person may only sign 1 time

6/2/2022

22

22

## Signatures

IC 6-1.1-20-11

- If validity of signature is uncertain and not guided by this section of law, a reasonable doubt must be resolved in favor of validity
- names as printed or signed containing minor variations from the county records - signature is valid
- Addresses containing minor variations from the county records - signature is valid

6/2/2022

23

23

## Signatures

IC 6-1.1-20-11 continued...

- Substantial variations in name or address make the signature invalid
- Signatures that do not substantially conform with county records are considered invalid. (Substantial conformity requires consideration to be given to whether this may be attributable to age, disability, or impairment of the individual)

6/2/2022

24

24

## Phase II – Election During the Process

- If a petition or remonstrance is presented within 45 days before an election, the voter registration office may defer acting on the petition or remonstrance
- Time requirements for counting, copying, verification and certificates do not begin to run until 5 days after the date of the election

6/2/2022

25

25

## Phase 2 – Certificate

- Voter Registration must certify within 35 business days unless forms exceed 10,000 signatures
- 5 additional days to review and certify per each additional 5,000 signatures
- Maximum time for certification is 60 days

6/2/2022

26

26

# Flow Chart

<https://www.in.gov/dlgf/files/210325-Flow-Chart-Petition-and-Remonstrance.pdf>

## Construction Project Petition and Remonstrance Process\*

For bond issues or lease rental with a preliminary determination after December 31, 2020.

<i>The petition and remonstrance process may apply to the following controlled projects:</i>	<b>IC 6-1.1-20-10 (a)</b> Public notice of preliminary determination must be filed at least 10 days before the hearing.	<i>*Hearing must be open to the public, and the petitioner must provide approval of city, town, or county clerk.</i>
<i>An elementary school building, middle school building, high school building, or other school building for the academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (b)</b> Public notice of the preliminary determination must be filed within 30 days after the passage of the resolution of preliminary determination vote about bonds, lease rental, or other issue.	<i>The city, town, or county clerk must appear at the preliminary determination hearing in their own right.</i>
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (c)</b> After notice of preliminary determination is published, a petition on a bond issue of \$100,000 or more or other issue of property within the political subdivision or equivalent voters residing in the political subdivision or 7% of the registered voters residing in the political subdivision. <i>Forms are available at the county voter registration office.</i>	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (d)</b> The petition with the county voter registration office no more than 10 days after publication of the preliminary determination.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (e)</b> County voter registration office determines whether each person who signed the petition is a registered voter. No later than 13 business days after receiving a petition, the county voter registration office must forward a copy of the petition to the county auditor.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (f)</b> No later than 10 business days after receiving the copy of the petition from county voter registration office, the county auditor must provide to the county voter registration office a statement certifying: (1) whether a person who signed the petition is a registered voter; and (2) whether a person who signed the petition is the owner of property that is not a registered voter in the political subdivision.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (g)</b> No later than 10 business days after receiving the certification from the county auditor, the county voter registration office must make the final determination of the number of valid petitioners that are registered voters and prepare copies within the political subdivision.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (h)</b> If the petition is not a township, the county voter registration office must file a certificate and each petition with the township board who must pass the petition to the township board within 15 business days of the filing of the petition requesting the petition and the filing of the petition requesting the petition.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (i)</b> If a sufficient petition has been filed, the political subdivision must publicly notice the applicability of the petition and remonstrance process not later than 30 days after the date the county voter registration office files the petition with the political subdivision.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (j)</b> Within 10 days after the notice of the applicability of petition and remonstrance process is published, petitioners in favor of and contrarians against the bonds or lease may be filed with county voter registration office by an owner of property within the political subdivision or a registered voter residing within the political subdivision. State Board of Accounts approval forms are to be used and cannot be obtained before the 7th day. Each signature must be dated. Petitioners and contrarians must be certified and filed with the county voter registration office by the seventh (7th) day.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (k)</b> County voter registration office determines whether each person who signed the petition/remonstrance is a registered voter. No later than 13 business days after receiving a petition/remonstrance, the county voter registration office must forward a copy of the petition/remonstrance to the county auditor.	
<i>Any other controlled project that will cost more than the lesser of \$10,000,000 or 1% of the total gross assessed value of the jurisdiction on the date of the preliminary determination.</i>	<b>IC 6-1.1-20-10 (l)</b> No later than 10 business days after receiving the copy of the petition/remonstrance, the county auditor must provide to the county voter registration office a statement certifying: (1) whether a person who signed the petition/remonstrance is a registered voter but who is not a registered voter in the	

# 04 Other Statutes

- IC 6-1.1-20-10 and IC 6-1.1-20-10 Restrictions on promoting a position
- IC 36-4-3-11 Annexation (Process only for Auditors)
- IC 36-12-5-3 Expansion of Libraries (No SBOA Forms)



---

# Summary

This is a legal process. The information provided through out this presentation was mostly from statute. The county attorney should be consulted throughout the process.

6/2/2022

29

29

## Contact Us:

Government Technical  
Assistance and Compliance  
Directors for Counties

**Email:**

[Counties@sboa.in.gov](mailto:Counties@sboa.in.gov)

**Phone:**

(317) 232-2512



6/2/2022

30

30