Local Public Question/Referendum Process*

for bond issue or lease rental with a preliminary determination after December 31, 2018.

The local public question/referendum process only applies to the following controlled projects: *- An elementary school building, middle school building, high school building, or other school building for academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of $15,510,000 or 1% of the total gross assessed value ("AV") within the political subdivision on the last assessment date, if that amount is at least $10,000,000.* *- Any other controlled project that will cost the political subdivision more than the lesser of $15,510,000 or 1% of the total gross AV of property within the political subdivision on the last assessment date, if that amount is at least $1,000,000.* *- Any other controlled project that, when added to the costs of all controlled projects adopted by a political subdivision within the preceding 365 days, makes the sum of all the costs of all the controlled projects to be at least $25,000,001.* *IC 6-1.1-20-3.5(a)(1); DLGF Nonrule Policy Document #2018-1.* *A political subdivision may adopt a resolution to place a referendum on the ballot instead of going through the petition and remonstrance process. A resolution must be adopted by the date of the preliminary determination and must be certified to the county election board in each county where the political subdivision is located.* *IC 6-1.1-20-3.8*	**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)(1)* ⬇ **Publish notice of the preliminary determination within 30 days after the pa0ssage 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)(2), (3)* ⬇ **After notice of preliminary determination is published, a petition on a State Board of Accounts approved form requesting the application of the petition and remonstrance process may be filed by the lesser of: 500 persons who are either owners of property within the political subdivision or registered voters residing in the political subdivision; or 5% of the registered voters residing within the political subdivision.** *Forms are available at the county voter registration office.* *IC 6-1.1-20-3.5(b)(4)* ⬇ **File petitions with the county voter registration office not more than 30 days after publication of notice of the preliminary determination.**	

IC 6-1.1-20-3.5(b)(7) ⬇	*IC 6-1.1-20-3.5(b)(7)* ⬇
County voter registration office determines at least 525 persons who signed the petition are registered voters.	**If county voter registration office does not determine that at least 525 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 who 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 property does in fact own property within the political subdivision.**
IC 6-1.1-20-3.5(b)(8) ⬇	*IC 6-1.1-20-3.5(b)(8)* ⬇
**No later than 10 business days after determining that at least 525 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 500 registered voters/real property owners or 5% of the registered voters have signed the petition.**	
IC 6-1.1-20-3.5(b)(9) ⬇	⬇
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.	**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 execute the lease within 35 business days of the filing of the petition requesting the referendum process.**
IC 6-1.1-20-3.5(b)(10) ⬇	*IC 6-1.1-20-3.5(b)(10)* ⬇

If a sufficient petition requesting the application of the referendum question has been filed, the political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease unless the proposed debt service or lease rental is approved in an election on a local public question. *IC 6-1.1-20-3.6(b)* ⬇ **If the county election board approves the language of the public question, then the county election board shall submit the public question language to the Department for review. The question submitted to voters must use the following language and format: "Shall (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief 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 services by (insert increase in tax rate as determined by the Department)?" The question submitted to voters must use the following language and format: "Shall _____ (insert the name of the political subdivision) issued bonds or enter into a least to finance (insert a brief 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 services by _____ (insert increase in tax rate as determined by the Department)?"** *IC 6-1.1-20-3.6(c), (d)* ⬇ **If the Department recommends a modification, the county election board must, after reviewing the Department's recommendation, submit modified ballot language to the Department for its approval or recommendation of additional modification.** *IC 6-1.1-20-3.6(c), (d)* ⬇ **The county auditor must certify the finally approved question to the county election board no later than noon 74 days before a primary election if the public question is to be placed on the primary or municipal primary election ballot or August 1 if the question is to be placed on the general or municipal election ballot. *** *IC 6-1.1-20-3.6(e); IC 3-10-9-3* ⬇ **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(l), if applicable.** *IC 6-1.1-20-3.6(l)* ⬇ **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(l), if applicable.** *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.	**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 700 days after the date of the election. If a petition of (1) 500 owners of property within the political subdivision, or (2) 5% of registered voters residing within the political subdivision, is filed with the county auditor, another public question on the same or a similar project may not be submitted to the voters earlier than 350 days after the date of the election.**
IC 6-1.1-20-3.6(g); IC 6-1.1-20-7.5	*IC 6-1.1-20-3.6(h)*

*Taxing units with appointed boards, such as libraries, must first receive approval of city, town or county fiscal body (whichever is applicable) before issuing bonds or entering into 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

**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 a special election, the question shall be placed on the ballot at a 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 74 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.

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(e); IC 5-3-1-2(c)