

Construction Project Petition and Remonstrance Process*

for bond issue or lease rental with a preliminary determination after December 31, 2020.

<p><i>The petition and remonstrance process only applies to the following controlled projects:</i></p> <ul style="list-style-type: none"> - 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 not cost more than the lesser of \$16,727,070 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 not cost the political subdivision more than the lesser of \$16,727,070 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. <p><i>IC 6-1.1-20-3.1(a)(2), (3); DLGF Nonrule Policy Document #2020-1.</i></p> <p><i>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.</i></p> <p><i>IC 6-1.1-20-3.8</i></p>	Publish notice of preliminary determination hearing at least 10 days before the hearing. <i>IC 6-1.1-20-3.1(b)(1)</i>	<p><i>*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.</i></p> <p><i>The city, town, or county fiscal body approval would occur prior to the preliminary determination hearing in these cases.</i></p> <p style="text-align: right;"><i>IC 6-1.1-17-20.5</i></p>	
	Hold at least two (2) preliminary determination public hearings before adoption of a resolution/ordinance to issue bonds or enter lease to finance project. <i>IC 6-1.1-20-3.1(b)(1)</i>		
	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.) <i>IC 6-1.1-20-3.1(b)(2), (3)</i>		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. <i>Forms are available at the county voter registration office.</i> <i>IC 6-1.1-20-3.1(b)(4), (5)</i>
	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. <i>IC 6-1.1-20-3.1(b)(7)</i>		County voter registration office determines whether each person who signed the petition is a registered voter. 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. <i>IC 6-1.1-20-3.1(b)(8)</i>
	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 verifying: (1) whether a person who signed the petition as a registered voter but who is not a registered voter is the owner of 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. <i>IC 6-1.1-20-3.1(b)(8)</i>		No later than 10 business days after receiving the verification 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 property owners within the political subdivision. <i>IC 6-1.1-20-3.1(b)(9)</i>
	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 petition and remonstrance process. <i>IC 6-1.1-20-3.1(b)(10)</i>		If the political subdivision is not a township, the county voter registration office must file a certificate and each petition with the body that can authorize the issuance of the bonds or the execution of a lease within 35 business days of the filing of the petition requesting the petition and remonstrance process. <i>IC 6-1.1-20-3.1(b)(10)</i>
	If a sufficient petition has been filed, the political subdivision must publish notice of the applicability of the petition and remonstrance process one time no later than 30 days after the date the county voter registration office files the certificate with the political subdivision. <i>IC 6-1.1-20-3.2(b)(1)</i>		Thirty to 60 days after the notice of the applicability of petition and remonstrance process is published, petitions in favor of and remonstrances 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 approved forms are to be used and cannot be obtained before the 29th day. Each signature must be dated. Petitions and remonstrances must be verified and filed with the county voter registration office by the sixtieth (60) day. <i>IC 6-1.1-20-3.2(b)(2)-(4)</i>
	County voter registration office determines whether each person who signed the petition/remonstrance is a registered voter. No later than 15 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>IC 6-1.1-20-3.2(b)(5)</i>		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 verifying: (1) whether a person who signed the petition/remonstrance as a registered voter but who is not a registered voter is the owner of property in the political subdivision; and (2) whether a person who signed the petition/remonstrance as an owner of property does in fact own property within the political subdivision. <i>IC 6-1.1-20-3.2(b)(5)</i>
	No later than 10 business days after receiving the statement from the county auditor verifying property owner status, the county voter registration office must make the final tally of the number of eligible voters or property owners who signed a petition form or remonstrance form. <i>IC 6-1.1-20-3.2(b)(6)</i>		Within 35 business days of the filing of the petition/remonstrance containing 10,000 signatures or less, the county voter registration office must file a certificate and the petition or remonstrance with the political subdivision charged with issuing bonds or entering into leases. Voter registration office may take an additional 5 days to review and certify for each additional 5,000 signatures up to a maximum of 60 days. <i>IC 6-1.1-20-3.2(b)(7)</i>
	If the greater number of qualified persons sign a remonstrance than a petition, the bonds may not be issued or the lease may not be entered into. The proper officers of the political subdivision must wait one year from the date the county voter registration office filed a certificate of results to make a new preliminary determination on the project or any other project not substantially different from the defeated project. <i>IC 6-1.1-20-3.2(b)(8)</i>		If the greater number of qualified persons sign a petition than a remonstrance, the bonds may be issued or the lease may be entered into. <i>IC 6-1.1-20-3.2(b)(8),(9); IC 6-1.1-20-7.5</i>