

**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) No. 20-017-REF
REORGANIZATION BY TOWN OF)
MIDDLETOWN AND FALL CREEK)
TOWNSHIP, HENRY COUNTY)**

**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED
JULY 15, 2020**

1. The Town of Middletown and Fall Creek Township, Henry County, propose to reorganize.
2. Under Indiana law, voters in the political subdivisions proposing to reorganize will vote in a referendum to approve or deny the proposed reorganization.
3. Indiana law governs the format and wording of the ballot question for the referendum.
4. Under Indiana law, the public question shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

(Insert a brief description of the structure of the proposed reorganized political subdivision that will succeed the reorganizing political subdivisions.)

“Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?”.

Indiana Code 36-1.5-4-28.

5. Thus, the ballot question must contain a brief description of the structure of the proposed reorganized political subdivision that will succeed the reorganizing political subdivisions and the names of the political subdivisions proposing to reorganize.
6. The law requires the Department of Local Government Finance (“Department”) to evaluate whether the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is accurate and is not biased against either a vote in favor of the reorganization or a vote against the reorganization. The Department may either approve the ballot language as submitted or modify the ballot language as necessary to ensure that the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is accurate and is not biased.

7. On July 15, 2020, the Department received a letter from the Henry County Election Board (“Board”) presenting the proposed ballot question for the referendum.

8. The Board requested that the Department review this proposed question:

“The Town of Middletown and Fall Creek Township have each adopted a Plan of Reorganization that provides for the consolidation of Middletown and Fall Creek Township into a single governmental unit that will be governed and administered as a town with a five (5) member elected town council.

Shall the Town of Middletown and Fall Creek Township reorganize as a single political subdivision?

YES

NO”

Accuracy and Bias

9. The Department must review the language of the public question to evaluate whether the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is accurate and is not biased against either a vote in favor of the reorganization or a vote against the reorganization. The Department concludes that the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is not inaccurate and not biased against either a vote in favor of or a vote against the reorganization.

Final Determination

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is in compliance with IC 36-1.5-4-28 and approves the language as proposed.

Dated this 21st day of July, 2020.

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Wesley R. Bennett
Wesley R. Bennett, Commissioner
Department of Local Government Finance