

# STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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**TO:** All County Election Boards, Towns, Townships, & Cities  
**FROM:** Micah G. Vincent, Commissioner *MGV*  
**RE:** Local Government Reorganization Referendum & Reclassification SEA 343  
**DATE:** June 6, 2013

On May 8, 2013, Governor Pence signed into law Senate Enrolled Act 343-2013 ("SEA 343"). SEA 343 extensively amends the provisions of the Indiana Code concerning reorganization of political subdivisions under the Government Modernization Act, IC 36-1.5, the government of cities and towns under IC 36-4, and planning and development powers under IC 36-7. The purpose of this memorandum is to inform local units of the amendments concerning the necessity of Department of Local Government Finance (Department) approval of referendum language for a public vote on a proposed reorganization, as well as approval of a reclassification of a reorganized municipality. This memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

Effective July 1, 2013, Section 17 of SEA 343 amends IC 36-1.5-4-28 with respect to the ballot language for a referendum on reorganization. This amendment requires, among other things, that the Department review the referendum language submitted by the county election board ("board") to determine whether the description of the reorganized political subdivision is accurate and not biased either for or against reorganization. The Department may approve the referendum language as submitted or modify the language to ensure accuracy and impartiality. The Department must certify its approval or recommendation to the board not more than ten (10) days after the referendum language is submitted. If the Department recommends modification, the board must submit the modified referendum language to the Department for further review. The Department may then approve the language or recommend additional modifications. The referendum may not be certified under IC 3-10-9-3 until the Department has certified final approval of the referendum language.

Effective July 1, 2013, Section 28 of SEA 343 adds IC 36-4-1-1.5, concerning reclassification of a reorganized municipality. A municipality reorganized under IC 36-1.5 may, for purposes of local administration, and subject to the approval of the Department:

- (1) be classified and described as set forth in the reorganization plan adopted under IC 36-1.5-4; and
- (2) maintain characteristics of any of the reorganizing political subdivisions.

If you have any questions, please contact Staff Attorney David Marusarz at 317-233-6770 or [dmarusarz@dlgf.in.gov](mailto:dmarusarz@dlgf.in.gov).