
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: All Political Subdivisions

FROM: Courtney L. Schaafsma, Commissioner

RE: Legislative Changes Affecting the Petition & Remonstrance and Referendum Processes

DATE: March 30, 2016

On March 23, 2016, Governor Pence signed into law Senate Enrolled Act 279-2016 (“SEA 279”). Sections 1 and 2 of SEA 279 make changes concerning the petition and remonstrance and referendum processes. This memorandum addresses these changes, which take effect July 1, 2016. Please note that this memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

SEA 279 amends IC 6-1.1-20-3.1 so that after a political subdivision gives notice of its preliminary determination concerning a controlled project potentially subject to the petition and remonstrance process, a petition requesting the application of the petition and remonstrance process may be filed by the lesser of: 500 persons (rather than 100 under current law) who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or 5% of the registered voters residing within the political subdivision.

SEA 279 similarly amends IC 6-1.1-20-3.5 so that after a political subdivision gives notice of its preliminary determination concerning a controlled project potentially subject to a referendum, a petition requesting the referendum process may be filed by the lesser of: 500 persons (rather than 100 under current law) who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or 5% of the registered voters residing within the political subdivision.

With regard to a petition requesting the referendum process, the county voter registration office must determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least 525 persons (rather than 125 persons under current law) who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least 525 persons (rather than 125 persons under current law) who signed the petition are registered voters, the county voter registration office, not more than 15 business days after receiving a petition, must forward a copy of the petition to the county auditor. The county voter registration office, not more than ten business days after determining that at least

525 persons (rather than 125 persons under current law) who signed the petition are registered voters or after receiving a statement from the county auditor under IC 6-1.1-20-3.5(b)(8) (as applicable), must make the final determination of whether a sufficient number of persons have signed the petition.

Contact Information

Questions may be directed to General Counsel Mike Duffy at (317) 233-9219 or mduffy@dlgf.in.gov.