
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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Citizen's Petition and Remonstrance Toolkit

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NOTICE OF DISCLAIMER

This publication is not a legal document. It does not replace the Indiana Code. Every effort has been made to ensure the accuracy of the information contained in this publication. However, this Guide should be used in conjunction with the Indiana statutes and advice from an attorney.

If any inconsistency exists between this publication and the statutes, the statutory language governs.

Some statements in this Guide are followed by a statutory cite, such as “IC 6-1.1-20-3.” The “IC” stands for Indiana Code and the numbers following “IC” refer to the title, article, chapter, and section of an Indiana statute (e.g. “IC 6-1.1-20-3” means Indiana Code title 6, article 1.1, chapter 20, section 3). The code may be found at www.in.gov/legislative/ic/code/.

Consult the Indiana Code to check for changes or updates to the statutes. Since laws may be changed each year, consult with your personal attorney to make certain you know and understand the most current version of the law.

The Indiana Department of Local Government Finance cannot provide legal advice. Remonstrators desiring the advice of an attorney must retain legal counsel at their own expense.

Petition and Remonstrance Process FAQ's

What is the petition and remonstrance process?

The petition and remonstrance is the process that allows for Hoosier taxpayers to object to a “controlled” project proposed by a local unit of government. Controlled projects are projects financed by bonds or a lease that exceed \$2 million, including the funds to cover the amount of bonds issued and interest rates that will be used to pay the total cost associated with the bonds. Examples include new school construction, new library construction, remodeling and renovations of public buildings (including schools, libraries and local government offices), and beautification projects. A project that the government expects to pay for using funds other than property taxes that are exempt from the levy limitations is not a controlled project.

For the complete law related to the petition remonstrance process, please see IC 6-1.1-20:
(<http://www.in.gov/legislative/ic/code/title6/ar1.1/ch20.html>)

How does it work?

Once a government publishes notice of its preliminary determination to issue bonds or enter into a lease for a controlled project, property owners and registered voters within the political subdivision may make application for the full petition and remonstrance process. This is commonly referred to as “Phase I” of the process. If the application is successful and the government publishes notice of its intent to continue with the controlled project, “Phase II” of the process begins.

In Phase II, property owners and registered voters favoring the project and opposing the project collect signatures in support of their position. The side with the most signatures at the end of the signature-collection period wins.

Who should file a petition and initiate the remonstrance process?

Owners of real property or registered voters in a governmental unit opposed to a “controlled” project proposed by a local unit of government. Controlled projects are projects financed by bonds or a lease that exceed \$2 million, including the funds to cover the amount of bonds issued and interest rates that will be used to pay the total cost associated with the bonds. Examples include new school construction, new library construction, remodeling and renovations of public buildings (including schools, libraries and local government offices), roadway construction, and beautification projects.

Projects are outside of the petition-process if:

1. The debt service on the financing is planned to be paid for with revenues other than property taxes. (This is most common with municipal utilities, tax increment financing, county option income tax financing or economic development income tax financing).
2. The project to be financed is less than \$2 million.
3. The debt issue is a refinancing for savings.
4. The project is required by a court order or federal mandate.

Where would a person start if he/she is interested in beginning the remonstrance process?

Property taxpayers and/or registered voters in a community would initiate the remonstrance process by filing a petition with their county voter registration office. The petition must be filed within 30 days after the local unit of government publishes a notice in the newspaper, in accordance with state law. Only owners of real property or registered voters in that governmental taxing unit may sign the petition for or remonstrate against the project.

How many signatures are needed to initiate the process?

To initiate the full petition-remonstrance process in Phase II, the opposition must have the lesser of (1) 100 signatures of persons who are either registered voters or owners of real property or (2) five percent of the registered voters in the district of the local unit of government. Only owners of real property or registered voters in that governmental taxing unit may sign the petition in Phase I and the petition or remonstrance forms in Phase II of the process.

Who can sign the petition?

Only owners of real property or registered voters in that governmental taxing unit may sign the petition for or remonstrate against the project. The petition documents become a public record upon filing.

Once the petition has been filed, what happens?

Once the Phase I petition has been filed in the voter registration office, the voter registration office verifies the signatures of registered voters and the county auditor verifies the signatures are of real property owners in the affected taxing district. After verification of all signatures on the petition, the county voter registration officer certifies the results to the governing body (i.e. school board, city or county council, etc.) of taxing unit proposing the project. If enough signatures are collected, this first petition only initiates the process that may prevent the local unit of government from moving forward with the project. The government taxing unit may choose to discontinue the project or continue with Phase II of the petition and remonstrance project.

The petition documents become a public record upon filing.

How long does the voter registration office have to verify the signatures?

The voter registration office can take up to 15 business days to confirm if those signing the petition are registered voters. From there, the county auditor has up to 10 business days to verify that the remaining signatures are of real property owners living within the affected district. The voter registration officer has an additional 10 days to finalize the results and certify to the government. The timing of the signature verification may be extended if the petition is filed within 35 days of an election. The statute provides additional time for signature verification in phase II if more than 10,000 signatures are collected.

Only owners of real property or registered voters in that governmental taxing unit may sign the petition for or remonstrate against the project.

After the signatures have been verified, what happens?

Once the county voter registration officer certifies the results to the local unit of government, they may decide to alter the scope of the project, abandon the plans completely or decide to move forward with the project. If they wish to move forward, they must publish a notice of the petition and remonstrance process. Following that notice, there is a 30-day “cooling off” period, during which no action occurs. After the “cooling off” period, both sides may begin to collect signatures on the respective petition or remonstrance forms.

How long does each group have to collect signatures after the signature race begins?

Each side has 30 days to collect as many signatures as possible. Note that only owners of real property or registered voters in that governmental taxing unit may sign the petition for or remonstrate against the project.

Where can I get the petition/remonstrance forms?

The petition and remonstrance forms are available from the county voter registration office. You can find your voter registration office by visiting the Indiana Statewide Voter Registration System at <http://indianavoters.com/PublicSite/Public/FT1/PublicContactLookup.aspx> or by calling your county clerk's office.

What forms do I need for a remonstrance?

Your local voter registration office will provide you with the necessary forms needed. All forms used during the remonstrance process are listed below and sample forms are provided.

Phase I forms:

- Petition Requesting the Application of a Petition and Remonstrance Process (County Form No. 201K)
- Instruction Relative to Circulation of Petition Requesting the Application of a Petition and Remonstrance Process (County Form No. 201L)
- Auditor's Verification Statement (County Form No. 201M)
- Voter Registration Office Certificate (County Form No. 201N)

Phase II forms:

- Taxpayer Petition In favor Of (County Form No. 201)
- Taxpayer Counterpart In Favor Of (County Form No. 201A)
- Verifying Affidavit (In Favor Of) (County Form No. 201B)
- Verified Request to Remove Signature (County Form No. 201C)
- Log of Counterparts (In Favor Of) (County Form No. 201D)
- Taxpayer Remonstrance in Opposition (County Form No. 201E)
- Taxpayer Counterpart in Opposition (County Form No. 201F)
- Verifying Affidavit (In Opposition) (County Form No. 201G)
- Log of Counterparts (In Opposition) (County Form No. 201H)
- Instructions Relative to Circulation (County Form No. 201I)
- Auditor's Verification Statement (County Form No. 201J)
- Voter Registration Office Certificate (County Form No. 201O)

Where is my county voter registration office?

You can find your voter registration office by visiting the Indiana Statewide Voter Registration System at <http://indianavoters.com/PublicSite/Public/FT1/PublicContactLookup.aspx>.

Who can carry a petition or remonstrance form and what are their responsibilities?

Each person carrying a petition or remonstrance must either be a real property owner or a registered voter in the affected governmental taxing unit.

Additionally, each person carrying a petition or remonstrance must:

- indicate whether they are a real property owner or a registered voter and the address of the real property owned or a registered voter and the address where they are registered to vote.
- sign the petition or remonstrance form (but not every counterpart).
- sign and swear before a notary that they personally witnessed every signature on the petition or remonstrance that they carried.

Can individuals take turns carrying the same petition or remonstrance form?

No. Each person carrying a petition or remonstrance form must carry a separate form (counterpart). Each person carrying a petition or remonstrance form must sign and swear before a notary that they personally witnessed every signature on the petition or remonstrance that they carried.

Can the initial petition used to start the process be reused during Phase II of the petition and remonstrance process?

No. If individuals who signed the initial petition to begin the petition/remonstrance process would like to participate in Phase II, they must sign a petition or remonstrance form during the 30-day Phase II signature collection period.

How is it determined who wins the petition/remonstrance process?

Again, the voter registration office can take up to 15 business days to confirm if those signing the petition and remonstrance are registered voters. From there, the county auditor has up to 10 business days to verify the signatures of qualified real property owners. The voter registration officer has an additional 10 days to finalize the results and certify to the government. The timing of the signature verification may be extended if the petition is filed within 35 days of an election. Indiana law provides additional time for signature verification in Phase II if more than 10,000 signatures are collected. The results are then certified to the government to continue with the project or defeat the project. The side with the most signatures wins.

Only owners of real property or registered voters in that governmental unit may sign the petition for or remonstrate against the project.

What if the remonstrance is successful?

If the remonstrance is successful, the governmental unit may not continue with the project for at least one year.

What if the remonstrance is not successful?

If the remonstrance is not successful, the governmental unit may continue with the appropriate process to issue debt for the project. Once the petition and remonstrance process is complete, the unit of government must still file with the Department of Local Government Finance for approval to issue debt.

If the remonstrance is not successful, what can I do to stop a project?

Taxpayers may appeal the result of the petition/remonstrance process by taking their claim to the Indiana Tax Court. Additionally, taxpayers can write to the Property Tax Control Board to state their opposition for a project. More information on the Property Tax Control Boards is available at www.in.gov/dlgf/boards/.

What if I think the petition and remonstrance process was not handled correctly?

Taxpayers who believe the petition and remonstrance process was not handled appropriately have the option of appealing by taking their claim to the Indiana Tax Court.

What if I missed the deadline to file a petition to initiate a petition/remonstrance?

Unfortunately, if an initial petition is not filed within 30 days of the public notice, a taxpayer cannot initiate a petition/remonstrance. In these cases, taxpayers can write to the Property Tax Control Board to state their opposition for a project. More information on the Property Tax Control Boards is available at www.in.gov/dlgf/boards/.