

## AUTHORIZED REFERENDA

### *Constitutional Amendments*

Approving a proposed state constitutional amendments or other statewide public questions. (IC 3-10-3)

### *Local Government Structure*

Forming a new county from Perry and Spencer Counties. (State Constitution, Schedule, Paragraph 1)

Reorganizing political subdivisions (IC 36-1.5)

Changing county boundaries. (IC 36-2-1-2)

Town with a population of more than 2,000 becoming city. (IC 36-4-1.5-2)

Merging municipalities. (IC 36-4-2-2; See also IC 36-4-2-3, IC 36-4-2-4, and IC 36-5-2-6)

Choosing a new name for merged municipalities. (IC 36-4-2-5)

Dissolving a town located outside of Marion County. (IC 36-5-1-17; See also IC 36-5-1-16)

Changing the name of a town located outside of Marion County. (IC 36-5-1-17; See also IC 36-5-1-16)

Dissolving an included town in Marion County. (IC 36-5-1.1-10.6; See also IC 36-5-1.1-10.5)

Increasing or decreasing the number of town council members. (IC 36-5-2-4.2)

Transfer of Municipality to Adjacent Township (IC 36-1-1.5)

### *Schools*

Providing an additional tax levy for school corporations (IC 20-46-1-10)

Allowing a school corporation to refinance bonds (IC 5-1-5-2.5)

Creating a community school corporation. (IC 20-23-4-21; See also IC 20-23-4-21)

Creating a consolidated school corporation. (IC 20-23-6-3; See also IC 20-23-6-5 and IC 20-23-6-6)

Creating a metropolitan school district. (IC 20-23-7-2)

Creating metropolitan school districts in school townships.(IC 20-23-7-12; IC 20-23-8-18)

Changing a school board organization plan. (IC 20-23-8-16; See also IC 20-23-8-10, IC 20-23-8-17, and IC 20-23-8-18)

### *Local Government Controlled Projects and Property Taxes*

Permitting a local government to issue bonds or enter into a lease to finance a "controlled project" with an estimated increase in property taxes. (IC 6-1.1-20-3.6)

### *Special Service Districts*

Creating a local airport authority. (IC 8-22-3-2)

Establishing or expanding public transportation services (other than light rail) and to give a county the ability to impose certain county income taxes to pay for the services (in Delaware County, Hamilton County, Hancock County, Johnson County, Madison County, or Marion County). (IC 8-25-2-3, 4, and 5)

Levying and discontinuing library tax for 1899 Township Library. (IC 36-12-7-7)

Withdrawing a township from the zoning and subdivision control jurisdiction of a municipality or county. (IC 36-7-4-1212)

Extending park and recreation service by a city or town to an unincorporated area of a township. (IC 36-10-3-35 & IC 36-10-3-33)

Extending a second class city park district to establish a county park district. (IC 36-10-4-5)

### *Gambling*

Allowing pari-mutuel wagering at horse racing meetings in a county. (IC 4-31-4-3)

Allowing pari-mutuel wagering at satellite facilities in a county. (IC 4-31-4-3)

Issuing licenses to permit riverboat gambling. (IC 4-33-6-19; 4-33-6-20)

### *Utilities*

Refinancing and improving a municipally owned public utility. Issuance of refunding bonds. (IC 5-1-6-4)

Selling non-surplus municipally owned utility property. (IC 8-1.5-2-5)  
Creating or abolishing a city or town utility service board. (IC 8-1.5-3-3)

Removing municipal utility from the jurisdiction of the Utility Regulatory Commission for approval of rates, charges, and indebtedness. (IC 8-1.5-3-9)

Removing a second class city, third class city, or town water utility from the jurisdiction of the Utility Regulatory Commission for approval of rates, charges, and indebtedness. (IC 8-1.5-3-9.1)

Returning municipal utility to the jurisdiction of the Utility Regulatory Commission that was removed from Commission jurisdiction under IC 8-1.5-3-9. (IC 8-1.5-3-9.5)

Returning a second class city, third class city, or town water utility to the jurisdiction of the Utility Regulatory Commission that was removed from Commission jurisdiction under IC 8-1.5-3-9.1. (IC 8-1.5-3-9.6)

# Referendum, Recall, Impeachment, And Initiative in Indiana



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This brochure discusses the basic difference between a referendum, an initiative, a recall and impeachment. The information in this brochure reflects current Indiana law as of October 2018.

For further information or clarifications, contact your circuit court clerk or the Indiana Election Division.

## WHAT is a “referendum”?

A *referendum* is an election that allows the voters to say “yes” or “no” to a public question on the ballot.

### Can any public question be put on the ballot as a referendum?

**No.** In Indiana, a referendum can only be put on the ballot if authorized by a state law. As a result, a county or town election board cannot print any referendum on the ballot unless the state legislature has already passed a law to permit the referendum to be on the ballot. (IC 3-10-9-5 & IC 36-1-3-8(a)(12))

### If state law allows a referendum, how is a referendum placed on the ballot?

Each referendum law is slightly different and should be studied carefully, but there are some general rules that apply in most cases.

Many referenda must be certified to a county or town election board. If the referendum is not certified by **noon 74 days before a primary election or by August 1 before a general or municipal election**, it is too late for the referendum to appear on the ballot at the election. (IC 3-10-9-3)

The exact language to be printed on the ballot is usually set forth in the state law allowing the referendum.

### Is the vote on the referendum binding?

**Not always.** The state law allowing each referendum says whether the vote is binding.

Some referenda are “**advisory**” and only measure what the voters think about a question. Officials are not required to comply with the results of an advisory referendum.

Other referenda are “**mandatory**” and require officials to comply with the results of the referendum. Each state law must be studied to determine if the referendum is advisory or mandatory.

## What referenda may be placed on the ballot in Indiana?

Some state laws permit a “one-time only” referendum vote at a specific election or in a specific locality. A list of the referenda authorized by state law to be placed on the ballot at any election, if other requirements are met, is included in this brochure.

### What is a “recall”?

A *recall* means a special election held to decide if an elected official should be removed from office before the date that the official’s term is scheduled to end.

### Does Indiana allow elected officials to be removed by recall vote?

**No.** The Indiana Constitution permits state and local officials to be removed only “in the manner provided by law.” (Article 6, Section 8) There is currently no Indiana law to permit recall elections, although some other states do allow recall elections.

### What is “impeachment”?

Impeachment is the removal of a person from office by the state legislature or by a circuit court for committing a crime. (IC 5-8-1)

### Can elected officials be removed from office in some other way?

**Yes.** An elected official is not eligible to hold the office if the official does not comply with a specific requirement to do so under state law.

These requirements include not neglecting to perform official duties pertaining to office (IC 5-8-1-35); not being convicted of a felony or certain other crimes (IC 5-8-1-38; IC 5-8-3); not being habitually intoxicated (IC 5-8-2); and continuing to reside in the election district the person represents (IC 36-2-3-5, for example).

If an elected official does not meet these requirements, then an interested person can file a lawsuit in court to have the official removed. The court must then decide whether the complaints made by the interested person are true, and whether or not the official should be removed from office.

A county council can declare that a county commissioner has forfeited office by no longer residing in the county or applicable county commissioner district (IC 36-2-2-5).

A city council can also remove a council member from office in certain cases. (IC 36-4-6-6)

A town council can remove a council member after conducting a hearing to determine if the council member no longer resides in the member’s district. (IC 5-8-5)

Residents of a township may file a petition with the circuit court of the county alleging that the township trustee is incapable of performing his duties due to mental or physical incapacity. (IC 36-6-4-16)

### What is an “initiative”?

An *initiative* is a law enacted directly by the voters, without being passed by the state legislature or approved by the governor.

### Does Indiana allow laws to be passed by initiative?

**No.** The Indiana Constitution requires that all laws be passed by the state legislature. Article 4, Section 1 of the State Constitution reads in part: “No law shall be enacted, except by bill.” The State Constitution would have to be amended before the voters could pass any initiative.