

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: All County Recorders, Political Subdivisions, County Election Boards
FROM: Micah G. Vincent, Commissioner *MGV*
RE: Reorganization by Referendum, IC 36-1.5-4 – Senate Enrolled Act 518-2013
DATE: June 6, 2013

I. Introduction

On May 7, 2013, Governor Mike Pence signed into law Senate Enrolled Act 518-2013 (“SEA 518”). Effective July 1, 2013, Sections 101 through 103 of SEA 518 make changes to the law governing reorganization by referendum under the Government Modernization Act, IC 36-1.5-4. This memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

II. Amendments to Duties of Clerk upon Receipt of Referendum Petition

Currently, voters of a political subdivision may initiate a proposed reorganization by filing a written petition with the political subdivision’s clerk, pursuant to IC 36-1.5-4-11. Section 101 of SEA 518 amends this statute to require the clerk to transmit the petition to the county voter registration office of the county in which a majority of the population of the political subdivision is located. Moreover, the county voter registration office determines whether the written petition is signed by at least five percent (5%) of the voters of the political subdivision for purposes of the clerk certifying the petition to the political subdivision’s legislative body.

III. Amendments to Duties of County Recorder and County Election Board

Section 102 of SEA 518 amends IC 36-1.5-4-26 to no longer require the county recorder to notify the county election board that a referendum on a plan of reorganization is eligible to be placed on the ballot.

IC 36-1.5-4-27, as amended by Section 103, states that after the county recorder of each county in which reorganizing political subdivisions are located has notified the county election board under IC 36-1.5-4-26, the county election board must prepare and submit ballot language to the Department of Local Government Finance. This amendment also removes the requirement that the county election board, after receiving the county recorder’s notice that the referendum is eligible, place the referendum on the ballot on the first general or municipal election occurring in all the precincts of the reorganizing political subdivisions.

Contact Information

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