

**DEPARTMENT OF LOCAL GOVERNMENT FINANCE
100 NORTH SENATE AVENUE
IGC-N, ROOM N1058
INDIANAPOLIS, INDIANA 46204**

**IN THE MATTER OF THE REVIEW)
OF PROPOSED LANGUAGE FOR A)
BALLOT QUESTION REGARDING) No. 17-004-REF
TRI-COUNTY SCHOOL CORPORATION)**

**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED
JANUARY 25, 2017**

1. Tri-County School Corporation (“Corporation”) proposes to place an operating referendum on the ballot for the purpose of establishing a referendum tax levy with a tax rate not to exceed twenty-seven and thirty-seven hundredths cents (\$0.2737) per one hundred dollars (\$100) of assessed value.
2. Under Indiana law, voters in the area served by the Corporation will vote in a referendum to approve or deny the Corporation’s proposed tax rate.
3. Indiana law governs the format and wording of the ballot question for the referendum.
4. Under Indiana law, the “question to be submitted to the voters in the referendum **must read as follows**”:

“For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property taxes imposed by the school corporation for the purpose of funding _____ (insert short description of purposes)?”

Indiana Code 20-46-1-10 (emphasis added).
5. The ballot question then must contain three parts:
 - the number of calendar years for which the tax will be in effect;
 - the amount of the tax rate; and
 - the purpose of the funding.
6. The law requires the Department of Local Government Finance (“Department”) to review the language for compliance with IC 20-46-1-10. The Department may either approve or reject the language.
7. On January 25, 2017, the Department received an e-mail from the Corporation presenting the proposed ballot question for the referendum.

8. The Corporation requested that the Department review this proposed question:

“For the next seven calendar years immediately following the holding of the referendum pursuant to Indiana Code 20-46-1-8(a)(1), shall the Tri-County School Corporation impose a property tax rate that does not exceed twenty seven and thirty seven hundredths cents (\$0.2737) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property tax levies imposed by the school corporation for the purpose of providing funding to maintain existing programming and staff, improve student to teach/staff ratio to meet the needs of students, improve student success through curricular programs and educational opportunities including agriculture and the arts, increase counseling services, attract and retain highly qualified and effective staff and any other educational needs of the school corporation?”

Compliance of Language

9. The Department must review the proposed language for compliance with IC 20-46-1-10. The Department may either approve or reject the language. The Department concludes that the language is not in compliance with IC 20-46-1-10 for the following reasons:

- Statute does not provide for the following highlighted language: “For the **next** seven calendar years immediately following the holding of the referendum **pursuant to Indiana Code 20-46-1-8(a)(1).**”
- Statute provides for the phrase “in addition to all other property *taxes* imposed,” not “*tax levies* imposed.”
- The phrasing “to meet the needs of students,” “improve student success,” and “attract and retain highly qualified and effective staff” colors the question and creates a bias in favor of the referendum. Statute requires inclusion of a “short description of purposes” of the funding. The Corporation’s proposed language exceeds a “short description of purposes” by introducing phrasing that qualifies or editorializes the question.

Final Determination

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is not in compliance with IC 20-46-1-10 and disapproves the language as proposed.

Dated this 30th day of January, 2017.

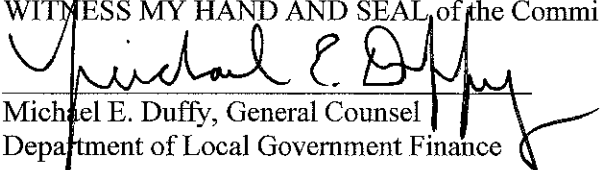
STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE


Courtney L. Schaafsma, Commissioner
Department of Local Government Finance

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

I, Michael E. Duffy, General Counsel for the Department of Local Government Finance, hereby certify that the above is an order of the Commissioner of the Department of Local Government Finance made this date in the above-entitled matter and that the Commissioner has personally signed the same under her statutory authority.

WITNESS MY HAND AND SEAL of the Commissioner on this the 30th day of January, 2017.


Michael E. Duffy, General Counsel
Department of Local Government Finance