

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 FREMONT ) No. 15-020-REF  
COMMUNITY SCHOOLS, STEUBEN COUNTY )

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FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED JULY 8,  
2015

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1. Fremont Community Schools ("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 nineteen and sixty-three hundredths cents (\$.1963) 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 (\$. \_\_) (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 July 8, 2015, 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 seven (7) calendar years immediately following the holding of the referendum, shall the Fremont Community Schools impose a property tax rate that does not exceed nineteen and sixty three hundredths cents (\$.1963) per 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 funding and maintaining current educational programs and class sizes, being able to restore programs that have been cut due to financial constraints, and retaining and fairly compensating employees.”

### 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 proposed language creates a bias. Specifically, the phrasing “being able to restore programs that have been cut due to financial constraints” and “retaining and fairly compensating employees” 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. The Department also notes that statute prescribes the phrasing “on each one hundred dollars” and “other property taxes imposed.” In sum, the Department determines that the proposed language is **not** in compliance with IC 20-46-1-10.

### 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 13<sup>th</sup> day of July, 2015.


STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

  
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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 13<sup>th</sup> day of July, 2015.

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