

County Clerks
Annual Meeting
2007

Petition/Remonstrance

Petition/Remonstrance

Origination
Phase I
Phase II

Petition/Remonstrance

ORIGINATION

A political subdivision decides to incur debt or enter into a lease - Preliminary determination (IC 6-1.1-20-3.1)

Notice published in accordance with IC 5-3-1

Petition/Remonstrance

Notice to property owners and registered voters:

May initiate a petition/remonstrance against the proposed debt service or lease payments

Must file a petition not later than 30 days after publication of notice – Phase I

Petition/Remonstrance

PHASE I – PETITION

Filed not later than 30 days after publication of the notice by:

Lesser of:

100 persons who are either owners of real property or registered voters, or 5% of the registered voters within the political subdivision

Phase I petition requests the application of a petition remonstrance process

Petition/Remonstrance

PHASE I – PETITION

County voter registration office must provide upon request the number of petition forms requested.

Petition/Remonstrance

PHASE I – PETITION

- Carrier and signers must be owners of real property or registered voters
- Carrier must be a signatory on the petition
- Carrier must swear or affirm before a notary
- Each person signing must indicate property owner or registered voter
- Each counterpart may be circulated by only one person (signatures made in the presence of that person)

Petition/Remonstrance

PHASE I – PETITION

- Voter registration office shall determine whether each person is a registered voter
- Provide copy of the petition to county auditor not more than 15 days after receiving
- Not more than 10 days after receiving petition, the county auditor shall provide verification – Form 201M
- Final determination to be made by the county voter registration office not more than 10 business days after receiving county auditor verification - Form 201N

Petition/Remonstrance

PHASE II – PETITION/REMONSTRANCE

If the application of a petition/remonstrance process has been filed (Phase I), the political subdivision may not impose property taxes to pay debt service or lease rentals without giving notice of the petition/remonstrance process.

Petition/Remonstrance

PHASE II - NOTICE

Notice to property owners and registered voters:

Who want to petition in favor of or remonstrance against the proposed debt service or lease payments must file petitions and remonstrances **not earlier than 30 days or later than 60 days** after publication of the notice.

Petition/Remonstrance

PHASE II – Petition and Remonstrance Forms

County voter registration office must provide upon request the number of petition/remonstrance forms requested.

Log each Counterpart issued – Forms 201D and 201H

Petition/Remonstrance

PHASE II – Petition and Remonstrance Forms

- Carrier and signers must be owners of real property or registered voters
- Carrier must be a signatory on the petition
- Carrier must swear or affirm before a notary
- Each person signing must indicate property owner or registered voter

Petition/Remonstrance

PHASE II – PETITION and REMONSTRANCE Forms

- Voter registration office shall determine whether each person is a registered voter
- Provide copy of the petition to county auditor not more than 15 days after receiving
- Not more than 10 days after receiving petition, the county auditor shall provide verification – Form 201J
- Final determination to be made by the county voter registration office not more than 10 business days after receiving county auditor verification - Form 201O

Petition/Remonstrance

PHASE II – PETITION and REMONSTRANCE Forms

Petition or remonstrance containing more than 10,000 signatures

CVR – additional 5 days to review and certify for each additional 5,000 signatures (up to a max. of 60 days)

Removing signature from a petition or remonstrance form – Form 201C

Phase II Forms

County Form No. 201 (2007)	Taxpayer Petition In Favor Of
County Form No. 201A (2007)	Taxpayer Counterpart In Favor Of
County Form No. 201B (2007)	Verifying Affidavit (In Favor Of)
County Form No. 201C (2007)	Verified Request to Remove Signature
County Form No. 201D (2007)	Log of Counterparts (In Favor Of)
County Form No. 201E (2007)	Taxpayer Remonstrance In Opposition
County Form No. 201F (2007)	Taxpayer Counterpart in Opposition
County Form No. 201G (2007)	Verifying Affidavit (In Opposition)
County Form No. 20H1 (2007)	Log of Counterparts (In Opposition)
County Form No. 201I (2007)	Instructions Relative to Circulation
County Form No. 201J (2007)	Auditor's Verification Statement
County Form No. 201O (2007)	Voter Registration Office Certificate

Phase I Forms

County Form No. 201K (2007)	Petition Requesting the Application of a Petition and Remonstrance Process
County Form No. 201L (2007)	Instruction Relative to Circulation of Petition Requesting the Application of a Petition and Remonstrance Process
County Form No. 201M (2007)	Auditor's Verification Statement
County Form No. 201N (2007)	Voter Registration Office Certificate

[TO BE PRINTED ON YELLOW PAPER]

TO BE COMPLETED BY VOTER	
REGISTRATION OFFICE	
Counterpart Number:	_____
Date Issued:	_____
Date Returned:	_____
Number of Registered Voters:	_____
Number of Owners:	_____
Number Not Counted:	_____
Total Signatures:	_____

PETITION
IN FAVOR OF

_____ [Insert Project Description] _____

TO: _____ [Insert Governing Board of Taxing Unit]

We the undersigned owners of real property and/or registered voters in _____ [Taxing Unit] _____ County, Indiana, are in favor of and hereby petition **FOR** the following proposals to (lease) (issue bonds) for a term of _____ years and a maximum (annual rental) (debt service) of \$ _____:

_____ [Insert Project Description]

This petition may be circulated in several counterparts, and all of said counterparts are to be considered as constituting one petition.

For use by: _____ County Voter Registration Office Only

This Petition for _____ [Insert Project Description] _____ is hereby certified to have been issued by the _____ [Insert name of County] Voter Registration Office on _____ [Insert Date] _____.

(Signature)

(Title)

By: _____

[TO BE PRINTED ON YELLOW PAPER]

COUNTERPART NO. _____

IN FAVOR OF

[Insert Project Description]

**Check one
box only**

Real Property Owner

Registered Voter

One Property Owner or Registered Voter Per Number

Name

Address of Real Property or Registered Voter

1. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

2. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

3. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

4. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

5. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

[TO BE PRINTED ON YELLOW PAPER]

COUNTERPART NO. _____

VERIFYING AFFIDAVIT

PETITION IN FAVOR OF

[Insert Project Description]

STATE OF INDIANA)
) SS:
COUNTY OF _____)

_____, being first duly sworn upon his/her oath deposes and says that he/she is an owner of real estate located in or a registered voter in _____ [Insert Name of Taxing Unit] _____, one of the signers (on Counterpart No. _____, line _____) addressed to the _____ [Insert Governing Board of Taxing Unit] _____, _____ County, Indiana, in favor of and petitioning FOR the proposal for the _____ [Insert Project Description] _____; and that all signatures appearing on the attached Petition were affixed in his/her presence on the date indicated for each signature, and to the best of his/her knowledge are the true and lawful signatures of the persons signing the Petition.

Signature

Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public in and for said county and State, this _____ day of _____, _____.

[Seal]

Notary Public

Printed: _____

My Commission Expires: _____

County of Residence: _____

VERIFIED REQUEST TO REMOVE PETITION OR REMONSTRANCE SIGNATURE

The undersigned, an owner of real property or a registered voter in the taxing unit of _____ [Insert Name] _____, who being duly sworn by the undersigned Notary Public, requests that the _____ [Insert Name of County] _____ County Voter Registration Office remove the undersigned's name from the .

PETITION/REMONSTRANCE

(circle one)

signed (for) (against) the proposed _____ [Insert Project Description] _____, which was signed before the date of this request.

Signature

Printed Name

Address of real property or registered voter

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public in and for said county and State, this _____ day of _____, _____.

[Seal]

Notary Public

Printed: _____

My Commission Expires: _____

County of Residence: _____

LOG OF COUNTERPARTS OF PETITION IN FAVOR OF

[Insert Project Description]

[Insert Name of Issuer]

Petition Deadline _____

Counterpart No.	Date Issued	Date Returned	Number of Signatures	Number of Verified Registered Voters	Number of Verified Owners	Number Not Counted
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

Totals _____

[TO BE PRINTED ON BLUE PAPER]

TO BE COMPLETED BY VOTER
REGISTRATION OFFICE
Counterpart Number: _____
Date Issued: _____
Date Returned: _____
Number of Registered Voters: _____
Number of Owners: _____
Number Not Counted: _____
Total Signatures: _____

REMONSTRANCE IN OPPOSITION TO

_____ [Insert Project Description] _____

TO: _____ [Insert Governing Board of Taxing Unit]

We the undersigned owners of real property and/or registered voters in _____ [Taxing Unit] _____, _____ County, Indiana, are opposed to and hereby remonstrate **AGAINST** the following proposals to (lease) (issue bonds) for a term of _____ years and a maximum (annual rental) (debt service) of \$ _____:

_____ [Insert Project Description]

This remonstrance may be circulated in several counterparts, and all of said counterparts are to be considered as constituting one remonstrance.

For use by _____ County Voter Registration Office Only

This Remonstrance against _____ [Insert Project Description] _____ is hereby certified to have been issued by the _____ [Insert name of County] _____ County Voter Registration Office on _____ [Insert Date] _____.

(Signature)

(Title)

By: _____

[TO BE PRINTED ON BLUE PAPER]

COUNTERPART NO. _____

IN OPPOSITION TO

[Insert Project Description]

**Check one
box only**

One Property Owner or Registered Voter Per Number

Real Property Owner

Registered Voter

Name

Address of Real Property or Registered Voter

1. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

2. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

3. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

4. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

5. Signature: _____

Printed Address: _____

Printed: _____

Date Signed: _____

Township: _____

[TO BE PRINTED ON BLUE PAPER]

COUNTERPART NO. _____

VERIFYING AFFIDAVIT

REMONSTRANCE IN OPPOSITION TO

[Insert Project Description]

STATE OF INDIANA)
) SS:
COUNTY OF _____)

_____, being first duly sworn upon his/her oath deposes and says that he/she is an owner of real estate located in or a registered voter in _____ [Insert Name of Taxing Unit], one of the signers (on Counterpart No. _____, line _____) addressed to the _____ [Insert Governing Board of Taxing Unit], _____ County, Indiana, opposed to and remonstrating **AGAINST** the proposal for the _____ [Insert Project Description]; and that all signatures appearing on the attached Remonstrance were affixed in his/her presence on the date indicated for each signature, and to the best of his/her knowledge are the true and lawful signatures of the persons signing the Remonstrance.

Signature

Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public in and for said county and State, this _____ day of _____

[Seal]

Notary Public

Printed: _____

My Commission Expires: _____

County of Residence: _____

LOG OF COUNTERPARTS OF REMONSTRANCE AGAINST

[Insert Project Description]

[Insert Name of Issuer]

Remonstrance Deadline _____

Counterpart No.	Date Issued	Date Returned	Number of Signatures	Number of Verified Registered Voters	Number of Verified Owners	Number Not Counted
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

Totals _____

[TO BE PRINTED ON WHITE PAPER - ATTACH TO EACH PETITION/REMONSTRANCE COUNTERPARTS]

INSTRUCTIONS
RELATIVE TO CIRCULATION
OF PETITION FOR AND REMONSTRANCE AGAINST

[Insert Project Description]

1. The person who circulates a petition or remonstrance form for the purpose of obtaining signatures must be an owner of real estate located in or a registered voter in the _____ [Insert Name of Taxing Unit] _____ County, Indiana.

2. The person who circulates each petition or remonstrance form must sign the verifying affidavit at the end of that form and must sign a petition or remonstrance form, whichever is applicable. The best practice is for that person to sign the petition or remonstrance form on the first line. IT IS ESSENTIAL THAT THE VERIFYING AFFIDAVIT BE COMPLETED AND SIGNED AFTER SIGNATURES HAVE BEEN OBTAINED, BEFORE A NOTARY PUBLIC AND THAT THE NOTARY PUBLIC BLOCK ALSO BE COMPLETED BEFORE THE PETITION OR REMONSTRANCE FORM IS FILED WITH THE _____ [Insert Name of County] _____ COUNTY VOTER REGISTRATION OFFICE.

3. One person can pick up multiple petitions or remonstrances from the voter registration office. However, each counterpart may be circulated by only one person and therefore cannot be passed around from one person to another for circulation.

4. The signatures on each petition and remonstrance form must be made in the presence of the person who circulates the form and signs the verifying affidavit.

5. Qualified signers are owners of real estate located in and registered voters in _____ [Insert Name of Taxing Unit] _____, _____ County, Indiana, as shown by the voter registration records or the real property tax records in the County. Persons purchasing real estate on contract, heirs in estates in which the real estate has not been distributed, and other persons whose ownership is not of record in the Auditor's office are not qualified to sign as property owners. To qualify to sign as a registered voter, the individual must be registered to vote within the political subdivision by the date that is 30 days after publication of notice of the applicability of the petition and remonstrance process.

6. One person cannot sign for another. A husband and wife owning real estate jointly are each qualified signers, and it is not necessary for each to sign in order for the other to constitute a valid signer; however, each must sign separately if the signatures are to be counted as two separate signatures. In such cases, the wife should not sign as "Mrs. Joe Jones," but should sign her own name, thus "Mary Jones."

7. All names should be written and printed neatly, and as they appear on the voter registration or tax records in the County as nearly as possible.

8. Each signature must be dated the date it is applied to the petition or remonstrance.

9. Additional signatures or signature pages may not be added to the petition and remonstrance forms issued by the voter registration office.

10. After a carrier has finished circulating a counterpart and before submitting it to the county voter registration office, the carrier must swear or affirm before a notary public that the carrier witnessed each signature and is executing the verifying affidavit.

AUDITOR'S VERIFICATION STATEMENT

I, _____, the duly elected, qualified and acting Auditor of [Insert Name of County] County, Indiana, hereby certify that I have examined the _____ counterparts of the petition in favor of and the _____ counterparts of the remonstrance against the proposed:

[Insert Description of Project]

Proposed to be constructed by [Insert Name of Issuer]

I further certify that I have checked the signatures on the various counterparts and verifying affidavits of said petition/remonstrance with the tax records in my office; that all persons signing verifying affidavits that indicate the person is an owner of real property in the [Insert Name of Taxing Unit] are owners of real estate located in said taxing unit, and that said petition/remonstrance was signed as follows:

Petitioners

Remonstrators

Signing as Real Property Owners:

Signing as Real Property Owners:

_____ real property owners

_____ real property owners

_____ non real property owners

_____ non real property owners

_____ total signatures

_____ total signatures

Petitioners

Remonstrators

Signing as Registered Voters that were not:

Signing as Registered Voters that were not:

_____ real property owners

_____ real property owners

_____ non real property owners

_____ non real property owners

_____ total signatures

_____ total signatures

IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the Auditor of the County of _____ on this _____ day of _____, _____.

County Auditor

VOTER REGISTRATION OFFICE CERTIFICATE

I, _____, as _____ [Insert Title] acting on behalf of the county voter registration office of _____ [Insert Name of County] County, Indiana, (as defined in IC 6-1.1-20-1.8) hereby certify that I have examined the _____ counterparts of the petition in favor of and the _____ counterparts of the remonstrance against the proposed:

[Insert Description of Project]

Proposed to be constructed by _____ [Insert Name of Issuer]

I further certify that the signatures on the various counterparts of said petition/remonstrance have been checked with the voter registration records and that the County Auditor has verified the necessary signatures with tax records in that office; that all of the counterparts of said petition/remonstrance are verified by the affidavits of owners of real estate located within or registered voters in the _____ [Insert Name of Taxing Unit], and that said petition/remonstrance was signed as follows:

Petitioners:

_____ real property owners
_____ registered voters
_____ **Total Qualified Petitioners**
_____ non real property owners
_____ non registered voters
_____ total petition signatures

Remonstrators:

_____ real property owners
_____ registered voters
_____ **Total Qualified Remonstrators**
_____ non real property owners
_____ non registered voters
_____ total remonstrators signatures

IN WITNESS THEREOF, I have hereunto set my hand and the official seal on this _____ day of _____, _____.

Signature

Title