A GUIDE TO THE PETITION AND REMONSTRANCE PROCESS
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Outline of the Campaign Organization

1) Select a Leader(s)

2) Determine Committee Structure or Tasks

   a) Executive Committee
      i) Decide on message – colors, slogan, logo
      ii) Assign committee chairs or tasks
      iii) Arrange meeting with political and community leaders
      iv) Review application petition – create converts – send out emissaries to answer questions
      v) School Board members send letters to task force members

   b) Media – newspaper, radio, TV, cable
      i) Arrange for letters to the editor
      ii) Arrange for radio exposure
         1) Call in radio show
         2) Public service announcements

   c) Community Communications
      i) Design power point presentation
      ii) Arrange speaking opportunities with community groups
      iii) Staff community events, festivals, etc.
      iv) Target senior citizens
      v) Arrange for tax calculator
      vi) Consider fire house meetings

   d) School Communications
      i) Band Boosters
      ii) Athletic Boosters
      iii) Head Start or other pre-school program
      iv) Bus Drivers
      v) Staff
      vi) Teachers' Union
      vii) Organize tables at all school events and meetings
viii) Announcements at games
ix) Organize tours given by students

e) Public Relations/Marketing ................................................................. -7-
i) Design message, colors, logo and slogan *(if not completed be executive comm.)*
  ii) Design and produce brochures, signs, buttons, etc.
  iii) Create advertising
  iv) Organize phone chain

f) Petition Carriers .................................................................................. -8-
i) Obtain list of taxpayers from Auditor
  ii) Create pyramid of carriers
  iii) Organize by elementary district, bus routes, precincts
  iv) Create card for each taxpayer – 10 to 15 cards per carrier
  v) Organize carrier training
     (1) Design "Frequently Asked Questions" sheet
     (2) Design Script
     (3) Create Role Play
     (4) Review Rules
  vi) Establish Help Line
  vii) Establish quality control – check petitions for the following:
     (1) Carrier signed the petition
     (2) Carrier's signature is notarized on the verification certificate
     (3) Date of the verification certificate is after the dates of the signatures
     (4) Each taxpayer's name is consistent with the Auditor's record
     (5) Each taxpayer's name and address are legible


g) Hospitality .................................................................................................. -10-
i) Organize kick-off or pep rally for first weekend
  ii) Arrange babysitting for carriers
  iii) Provide refreshments

h) Fundraising .................................................................................................. -11-
i) Corporate
  ii) Individual

i) Legal Issues .................................................................................................. -11-
j) Effect of a Loss

k) Conclusion
A GUIDE THROUGH THE PETITION AND REMONSTRANCE PROCESS

If you surveyed the school administrators who have gone through the petition and remonstrance race, they would probably tell you that the petition/remonstrance process is incredibly discouraging, painful and time consuming. There are school construction projects financed every year which never have to go through the race or referendum; however, each year more schools are added to the list of those who have to fight for a needed project either through the petition and remonstrance process or a referendum. This is especially true in recent years with more political and media attention on the increases in property taxes and with the advent of the property tax caps.

Before, during and after this process do not hesitate to contact a fellow school administrator who has been through the petition/remonstrance process or a referendum. You will undoubtedly learn an enormous amount from other school's experiences, and you may need a peer with whom to commiserate and from whom to receive encouragement.

THE RULES AND WHERE TO BEGIN

The legal steps of the petition and remonstrance process are located in Indiana Code 6-1.1-20-3.1 and 3.2. You should read that statute to make yourself familiar with the law. You will also notice that this statute does not begin to answer the questions that will arise nor does it tell you how to go about running this race.

Due to the number of school corporations for whom we serve as bond counsel, we have worked with the vast majority of the school corporations who have gone through the race in the State of Indiana. This guide is an accumulation of ideas which have been used by other school corporations in running the race or pursuing a referendum. Each community is different. What works in one community might not work in yours, but this material is designed to help you and your supporters generate ideas and decide on steps which will help your school supporters run the best race possible and hopefully most successful.
SELECTING A LEADER

You cannot run this race by yourself! You are going to need a large number of volunteers, which may include members of the Board of School Trustees, administrators, teachers, staff, parents, task force members, political action committee members and community members (Note: the law prohibits the use of school personnel while "on the clock" to promote the project, with the exception of the Superintendent, Assistant Superintendent and Business Manager). This army of volunteers will need to be incredibly organized and energized to win.

School Corporations have behind the scenes selected various people to lead the campaign. Some schools have chosen a campaign leader from the community and others have had co-chairs. There are two important skills which the leader or leaders must possess – the ability to motivate and the ability to organize!

Regardless of whom the School Administration chooses to lead the campaign publicly, it is very important that the school superintendent keeps some oversight of the process. This is a project approved by a majority of the Board of School Trustees and therefore it is the school superintendent's job to see that it is carried out in the most effective manner possible. In fact, the statute specifically permits the superintendent to promote the project as long as he or she is not using school funds.

This guide assumes that various committees will be formed to organize and execute the campaign. You may decide another organizational structure is more appropriate in your situation. In that case, the listed committees can be used as the list of tasks to be completed.

SELECTING AN EXECUTIVE COMMITTEE

After a leader or leaders are selected, the administration may want to consider selecting some type of executive committee. It is important that this committee function in a manner which permits candid, strategic discussion. If the School Board officially delegates to this committee, it will be subject to the open door law. Therefore, the administration should select the committee members. This executive committee can be made up of some of your Board members; however, remember that when a majority of the Board gathers together, you may have a meeting subject to the open door law. In a race or referendum situation, you want to avoid any appearance of impropriety.
The executive committee can assign committee chairs. Some of the committees or tasks they might want to consider are:

- Media
- Community Communications
- School Communications
- Public Relations/Marketing
- Petition Carriers
- Hospitality
- Fundraising

Each potential committee or task will be discussed below in more detail.

The executive committee should also review the 100 taxpayer/voter application petitions and decide if there are any potential converts who signed against the project. It may be worth the executive committee's time to send emissaries out to meet with some of the signers to answer questions; explain the project and costs; and gather intelligence regarding what the opposition is telling community members. A signer, who after receiving your information converts to a supporter of the project, can be a valuable resource during the race.

The executive committee may also want to arrange individual meetings with community leaders and politicians to educate them on the need for the project and the anticipated costs. These meetings may also help the committee members identify any weaknesses of the project or campaign and how best to address them.

The executive committee (or public relations committee) will need to develop a concise, effective message which could include a slogan, campaign (or team) colors and logo. This petition/remonstrance process should be approached like a political campaign.

People have a tendency to associate with people who have similar interests and values as themselves. All the committees need to focus on how best to reach parts of the community which are not typically involved with the schools but are significant segments of voters or taxpayers. They should develop the type of message which will be the most effective with that section of the community.

The message needs to be in plain language that everyone can understand. They may want to think about what message is going to make a difference to the average person. Remember that often remonstrators use emotions like fear to motivate people to sign against the project. What type of emotion or fact will
motivate people to sign in favor or at least not sign against the project? This message also needs to excite, motivate and ensure those people who are in favor of the project. Remember, facts with passion motivate people. You probably want this message to be simple, short and repeated on all the communications with the public.

Members of the community are more likely to become involved with the campaign if asked personally. The executive committee may want to assign each member a list of names to personally contact and ask them to serve as committee chairs. Similarly, School Board members or the Superintendent can contact members of the original task force or planning group to personally ask for assistance. The Board members can follow up that contact with personal letters.

The executive committee may want to use an organizational meeting to staff the committees once a chair is chosen for each committee. Many campaign groups ask the task force or community members being contacted to bring two friends or neighbors with them to the organizational meeting or carrier training session (see below).

OTHER COMMITTEES OR TASKS

MEDIA

In many communities the newspaper is the major source of information for the public. It is important that you select a person or committee who has a good relationship with the media and understands how it functions. The media committee should focus on getting your story out to the media.

It is important to assess the local media's view of the project. In some communities local media tend to fan the flames of the remonstrance. Take the time to educate the reporters, particularly as to the need and the tax impact.

Some schools have invited reporters in for a special, individual tour of the facilities and given the reporters opportunity to ask in-depth questions (with the change in rules, you need to be careful with this approach because you cannot use the school facilities to "promote" the Project). The media committee may want to provide some "human" angle to help the reporter write a story. The media committee can help design or even pay for a special insert into the newspaper. It is very important that the media is kept on the school's side or at least neutral.
Other campaign committees have organized a "letters to the editor" campaign by requesting specific community members with different interests and perspectives to write letters. For example, the media committee could ask a parent with a special needs child, a real estate agent, a member of the Chamber of Commerce, a recent graduate, or a teacher to all write letters discussing the importance of the project to them. Sometimes people are not comfortable with their writing abilities. The media committee could offer to match up a potential writer with an English teacher (off the clock).

Radio can also be an effective medium to get out the school's message. Some communities have call-in shows which have active listeners. This potential audience may have not heard the school's message. Superintendents, School Board members and task force members could all appear on call-in or interview shows.

The media committee may want to work with a radio station to develop public service announcements. One school corporation used average citizens stating theirs reasons for support in short sound bites, and the radio station broadcast them as p.s.a.'s.

It will be important for the media committee to identify how your community gets its news and attempt to get your message to those sources.

COMMUNITY COMMUNICATIONS

The administration, or community communication, school communication or executive committee could design a standard "power point" type presentation containing information about the need for the project, the details of the improvements and the costs. It should contain a lot of pictures and graphics wherever possible. This same presentation can be made to community organizations and at school events (prior to the Preliminary Determination Hearing). It can be used to motivate, orientate and educate the petition carriers.

The community communications committee should identify community organizations with regular meetings at which the project can be presented. These could include such groups as the Chamber of Commerce, Kiwanis, Rotary, Optimists, Exchange Club, neighborhood associations, political organizations, churches, senior citizens groups, etc.
This community communications committee should also look for community events at which large numbers of people gather. Events like the County Fair or local festivals are very good opportunities. (Note, to the extent that you can control the timing of the race, you may want to avoid scheduling the race during events like the County Fair where a large number of concerned taxpayers congregate.) The committee may want to staff a booth or advertise at these types of events.

The senior citizens in a community are a very important segment for the school to garner support. Typically, the remonstrators focus on obtaining the seniors support especially by instilling in them the fear of increasing taxes. It is extremely important that the school choose people who are trusted by the senior citizens and have those people be the envoy to get the facts out to that group.

Some schools have provided a service where a taxpayer can bring a copy of his or her tax bill to a certain location, and a volunteer will use that information to calculate the estimated tax impact of the project on that taxpayer. The committee could take this service to where the people are located --- perhaps a table at the local library or police station.

Remember that the people the campaign needs to reach to win are not those who typically come to school events. Some schools have held town meetings at "neutral" settings like a fire house or the library.

One of the biggest problems in this type of campaign is getting the attention of people for enough time to educate them on the facts. The school's message tends to be more complicated than the remonstrators' message. Their message typically involves statements like "we can't afford this now" or "don't close our school" or "it’s a Taj Mahal". Their job is merely to shoot at the school's proposal. They do not have to have a reasonable alternative of their own.

Perhaps a neutral group in town like a League of Women Voters or church group could sponsor a debate. If well attended or covered by the media, this might be a forum at which proponents could tell the school's story and expose the lack of a reasonable alternative by the remonstrators.
SCHOOL COMMUNICATIONS

The change in law in recent years makes the role of this school communications committee much more difficult. It is extremely important to **not** use school personnel (while on the clock), school facilities or school funds to promote the project. This prohibition includes funds of organizations which provide goods or services to the school corporation either by contract or arrangement (for example, the YMCA which provides after school programming at the schools or the company who provides cafeteria service).

There are members of many existing organizations in the schools which this committee may want to tap. It is helpful to use those organizations’ existing structure to reach members of the community. It is especially important to motivate the groups which will specifically benefit from the project, i.e. athletic boosters for a field house project or band boosters for a new high school. Although the organization may be prohibited from promoting, their members may promote.

People associated with the school, whether parents or teachers, tend to be busy people. The tendency is for those people to assume that other supporters will volunteer and step up to the plate. The school communication committee needs to design a plan which will keep these supporters from being apathetic. You need every one of those people's support as well as their time to carry a petition.

As Roger Thornton, a former Indiana Superintendent, once said, you must "prepare those who care to care enough to become active."

Prior to the 1028 and Preliminary Determination Hearing, the school communications committee should enlist the help of the members of groups such as the band boosters, parent teacher organizations, girl and boy scouts, athletic boosters, teachers, bus drivers, cafeteria workers, head start workers, etc. However, after the hearing these organizations may be prohibited from spending money to promote if they provide goods or services to the school corporation.

Remember, the most motivated parents may be those of future students who will benefit by the project. For example, current elementary and middle school students will be the ones to enjoy a new high school. The committee may want to plan a power point presentation for each one of these groups to motivate them and give them an opportunity to get the facts and ask questions.
This committee should identify activities within the schools before the preliminary determination hearing or at events held off school corporation property, such as away football or basketball games. They will want to staff a table at all of these events. These could include basketball games, swim meets, plays, concerts, etc.

As discussed below in the section entitled Legal Issues, the use of school communications and facilities has been greatly reduced. Once the Preliminary Determination Hearing has occurred, the School Corporation may not promote a position by any of the following:

- By using school facilities and equipment;
- By using school money;
- By using a school employee during school hours or paid overtime (except the School Board member, Superintendent, Assistant Superintendent and Business Manager);
- By sending materials with students to home or including a statement in other materials sent home.

Therefore it is important that these type of activities at the school and building level are accomplished prior to the hearing or off site after the hearing.

PUBLIC RELATIONS/MARKETING

The public relations committee should use the colors, logo and slogan developed by the executive committee to design brochures, bumper stickers, yard signs, buttons, etc. As indicated earlier, this race should be treated like a political campaign. It is important that on the first weekend of the race the community is blanketed by people wearing the designated color or buttons.

Some schools have used smaller yard signs that are in virtually every yard in the community. Others have used fewer, larger signs, similar to billboards.

This committee may also want to develop a web site containing information about the project or use Facebook and Twitter. Whether this is a good use of time is going to depend on your community and its familiarity with and access to the web. Reserving potential domain names early is important. One school corporation was disadvantaged when it discovered that the remonstrators reserved domain names very similar to the supporters. When someone would type in these similar names they were redirected to the remonstrator’s web site.
Some campaigns have used a phone chain (or phone banks) to get the word out. This might be effective the night before the race begins. The caller could remind citizens that there will be people coming to their door wearing the "yellow" shirts (or wearing a certain button, etc.) and ask them to lend their support to our children. You may also want to include a phone number to call for more information.

The public relations committee should take some time to develop the brochure which can be mailed out to every household or inserted in the newspaper. It should be distributed at every event or speaking engagement not on school property as indicated above. This brochure needs to get the facts out using pictures, graphs and bullet points wherever possible. It should use the campaign colors, logo and message. The brochure should focus on persuading the taxpayer to sign in favor of the project or, if nothing else, to refuse to sign against the project. Above all else, it must be absolutely accurate. You will be amazed at how much bad information is disseminated during a race, especially by the remonstrators. However, the school and its supporters must be held to a high standard of truthfulness and appropriate behavior.

The tasks of the school communication committee, community communication committee, public relations committee and executive committee may overlap significantly. It is important to keep good communication among the committees. Perhaps the committee chairs should be members of the executive committee. The administration should request that the committee chairs submit an outline of their plans which will be distributed to the committee chairs.

**PETITION CARRIERS**

The petition carriers committee needs to be very well organized and structured in a form similar to a pyramid. The carriers can be organized around elementary districts, bus routes, political precincts, townships or any other division which makes sense in your community. There should be captains assigned to each district or division. The captains should select several people to assist them in obtaining carriers. Obviously the more carriers, the more signatures and the better chance the school has to win.

The school should ask the Auditor to provide a list of the taxpayers in the school corporation and the County Voter Registration Office (VRO) for a list of the voters. Some auditors/voter registration offices have these lists in electronic
form which can be very helpful for sorting and organizing. This list will consist of
the names of the taxpayers/voters and addresses as contained in the auditor's
records and in the form for which that the auditor and VRO will be looking when
checking the petitions.

The taxpayer/voter list should be broken down into the districts or divisions
and then further broken down into groups of 10 or 15 names. Each carrier should
receive a list (or cards) of 10 or 15 names and addresses which will be his or her
responsibility to contact. The carriers will be more successful if the names of the
people they are given are those whom they know. For example, people from their
neighborhood are best.

Some schools create a card for each taxpayer/voter containing his or her
name and address. The carrier will write notes on the card about the carrier's
success. The cards will be returned to the captain. For example, if the
taxpayer/voter is never home, if the person refused to sign because they had a
particular concern or question, or a person wants his or her name removed from the
remonstrator's petition, this could be indicated on the card.

Many campaign committees hold several training sessions at which the
carriers are educated about the project, motivated to gather signatures, and given
the opportunity to submit any questions they may still have about the project. The
carriers are also educated about the technical nature of this process in order to have
the most signatures count as possible.

The committee should check that each carrier is a taxpayer or voter and that
their name appears on the auditor's or Clerk's list of taxpayers and voters.

The carriers will be given:

✓ their cards (or a list) containing the taxpayer/voters names and addresses
✓ brochures (to leave at each home)
✓ a sheet containing frequently asked questions
✓ a script

At the training session the committee may want to stage a role play
demonstrating how a contact may be made and the potential questions the carrier
might expect. You will also review the rules of the process, such as who can sign
and in what format that signature should appear. For example, a corporation can
sign, but an officer must sign on behalf of the legal entity such as "ABC
Corporation, by John Smith, President."
The committee may want to establish a telephone number which carriers or taxpayers/voters can call with questions or for help. For example, the form used to remove names from the remonstrance must be signed in front of a notary. The committee will want to make sure that notaries are available to go to a signer's home and notarize their signature on the removal form.

The petition committee will also want a few, very detail-oriented people to be assigned to quality control. This is a very technical process, and it is important that the Auditor/VRO count every signature possible. The quality control sub-committee will review every returned petition to check the following:

- carrier signed the petition
- carrier's signature is notarized on the verification certificate
- date of the verification certificate is after the dates of the signatures
- each taxpayer's/voter's name is consistent with the Auditor/VRO's record
- each taxpayer's/voter's name and address are legible

The goal is to have the Auditor/VRO count every signature of a taxpayer/voter. The best way to accomplish this is to make sure the form of the signature on the petition is virtually identical to the Auditor/VRO's list.

**HOSPITALITY**

Many schools have a big kick-off of the race or pep rally held on the Friday night or Saturday morning of the first weekend. The committee may want to have refreshments available to carriers. The headquarters should be open all day. Carriers will return to drop off petitions, ask questions and get new cards. The committee may want to arrange for babysitting or other nominal services which will assist the carriers.

**FUNDRAISING**

Up until the Preliminary Determination Hearing, the School Board can authorize the expenditure of school corporation money for the petition/remonstrance race. However, many school corporations, for political reasons, have used non-school money to fund the marketing materials used in the race. Remonstrators typically accuse the school of using taxpayer money against
them. In order to try to avoid this criticism, the school may want to print a statement on all advertising and marketing materials that indicate "paid for by the citizens for better schools" (this is completed with the name of your school's supporters group).

This group of supporters is not a legal entity. It does not have to be formed as a corporation or qualified as a 501(c)(3). It is merely a group of concerned citizens who have gathered together to assist the school with the project. The treasurer of that group should open a checking account in the group's name.

The committee can approach businesses and individuals in the community about donating money to the account which will be used to fund the supporter's materials.

**LEGAL ISSUES**

The school corporation has some flexibility in controlling the timing of the race. Here is an outline of that timing:

- Application petition filed *(school corporation should try to get a copy of first counterpart to review for statutory compliance)*

- County auditor/VRO has up to 35 business days to certify 100 valid taxpayer/voter names *(if school corporation is trying to quicken pace, it can ask Auditor/VRO to certify more quickly)*

- VRO/Auditor’s certification and application petition submitted to school corporation
  
  - Timing options:
    - To quicken pace – Board Secretary immediately publishes Notice of Race
    - To slow pace – Auditor’s certification submitted to next regular meeting of Board of School Trustee and wait up to 30 days thereafter to publish Notice of Race

- Publish Notice of Applicability of Race to Project *(this publication determines timing of race)*

- Petition and remonstrance forms available for pick-up from County VRO office on the 29th day after publication of Notice of Applicability of Race
✓ All petition and remonstrance forms must be returned to VRO no later than 60th day after publication of Notice of Applicability of Race (discuss timing with school attorney if 60th day is a non-business day)

✓ VRO/Auditor has up to 35 business days to certify race results

It is important for the school administration to meet with your professional team to develop a race calendar which gives the school corporation as much of an advantage as possible. The administration will want to review the school and community calendars when developing the race timing.

Once the School Corporation holds the Preliminary Determination Hearing, it is limited in its involvement in the race period.

The purpose of this statute was to create a more community driven race between those in support of the project and those against the project. Once the notice of the race is published, the School Corporation may not promote a position by:

- Using school facilities, systems and equipment for public relation purposes (unless equal access is given);
- Using school money;
- Using a school employee during school hours or paid overtime (except if part of regular conduct of office, i.e. superintendent, assistant superintendent and business manager);
- Sending materials with students to homes or including a statement in other materials sent home.

A person, either supporter or remonstrator, may not solicit or collect signatures on school property. This includes school buildings and also school real estate. For example, if the dad’s club holds soccer games on property owned by the school corporation, no petition or remonstrance may be signed on that property. However, these rules would not prohibit the collection of signatures on another governmental entities property. For example, the library, city parks, another school corporation’s property (i.e. away basketball game).

The county auditor and VRO will have to make some judgment calls when certifying the petition and remonstrance. It is very important that the school corporation be aware of the manner and form in which the auditor and VRO will review the counterparts of the petition and remonstrance.
To assist with the technical areas of the race and the verification, we suggest that the school attorney and administrators arrange for a meeting with the auditor, VRO and the county attorney, if possible, to review the legal aspects of the race. We can also supply a Memorandum of Understanding outlining the issues which may arise during the race. The memorandum clarifies such items as the beginning and ending of the race, who and how individuals can sign for certain legal entities and the how the auditor and VRO will verify signatures.

For example, some county auditors have stated that in order to be counted, signatures must appear on the race documents exactly as they appear in the auditor’s records, i.e. James A. Smith not Jimmy Smith. Other county auditors have indicated that they will count a taxpayer if they can identify the signer as the taxpayer in the records by the signature and address. Obviously, it is important for a school corporation to know this type of information when gathering signatures.

As indicated earlier, the statute is not very detailed and does not clearly answer all questions which may arise during the race. The Courts have decided a few cases regarding the petition and remonstrance process, but you will probably need to consult with your school attorney throughout the process.

EFFECT OF A LOSS

IC 6-1.1-20 states if a school corporation loses a race, it cannot advertise for another preliminary determination hearing for a project which is not a "substantially different" project for 1 year after the Auditor's certification of the race results. "Substantially different" is not defined.

CONCLUSION

This material is provided to assist the school in tailoring a campaign plan which will work in your community and establishing a process in which the school has the best chance to win the race. Many people ask how many signatures they need to win --- the answer is one more than the other guy!

As a guide you may want to consider the following:

\[
\text{Number of parcels of real estate} \times 1.5 \text{ (assumes 1.5 signatures per household)} = \text{Possible Signatures}
\]
Possible Signatures \( \times \) percentage of voter participation in the last Presidential election

\[ = \text{Signatures to Win} \]

For example: \( 5,000 \text{ parcels} \times 1.5 \) = 7,500 possible signatures

\( 7,500 \text{ possible signatures} \times 55\% \text{ (voter participation in last election)} \)

\[ = 4,125 \text{ signatures} = \text{GOAL TO WIN} \]

To estimate the number of carriers needed:

\[ \text{Goal to Win} \div 15 = \text{number of carriers needed} \]

Example: \( 4,125 \div 15 = 275 \text{ carriers needed collecting an average of 15 signatures a piece} \)

The larger the margin by which the school wins, the better off the school will be in the future. At the conclusion of a close race, the opposition is more likely to file a lawsuit to demand a recount. So . . . win big and best of luck!

For more information, contact Jane Herndon, or any member of Ice Miller’s K-12 Education practice. Jane may be contacted at jane.herndon@icemiller.com or 317-236-2437.

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