



STATE OF INDIANA
Indiana Election Division

J. Bradley King, Co-Director
Angela M. Nussmeyer, Co-Director

Indiana Election Division
302 West Washington Street, Room E204
Indianapolis, Indiana 46204-2767
Phone: (317) 232-3939
Fax: (317) 233-6793

MEMORANDUM

TO: Board of Commissioners of Montgomery County
(c/o the Honorable Mindy Byers, County Auditor)
1580 Constitution Row, Suite A
Crawfordsville, IN 47933

JMK *AMN*
FROM: J. Bradley King and Angela M. Nussmeyer, Co-Directors

RE: Your County's Precinct Establishment Order

DATE: January 9, 2023

Enclosed you will find an order authorizing the county commissioners to establish the precincts pursuant to the county commissioner's proposed precinct establishment order, which was submitted to the Indiana Election Division earlier this year.

The county's proposed order has been approved by the Co-Directors of the Indiana Election Division pursuant to Indiana Code 3-11-1.5.

As the next step in the process, the county commissioners must publish notice of the proposed precinct establishment order once using your usual procedures for publishing legal notices under IC 5-3-1-4. The notice must state the following:

- (1) A list of all the precincts established by the precinct establishment order. (This simply lists precinct names and NOT legal descriptions of precinct boundaries).
- (2) That any registered voter of the county may object to the proposed precinct establishment order by filing a sworn statement not later than noon 10 days after the publication of this notice with the Election Division setting forth the voter's specific objections to the proposed order and requesting a hearing under IC 4-21.5.
- (3) The mailing address of the Election Division. (Indiana Government Center South, 302 West Washington Street, #E204, Indianapolis, Indiana 46204)
- (4) The deadline for filing the objection with the election division (noon 10 days after the date of publication of the notice). You will need to determine from the newspaper in which you publish the legal notice when this notice will be published, and therefore when this deadline for objecting will occur.

A copy of a sample legal notice is attached for your convenience. Once you have published legal notice provide a copy of the publication in our office that shows the date that the notice was published.

If no voter of the county files an objection with the Election Division by noon 10 days after the date you publish notice, the Election Division shall promptly notify you of that fact.

If your proposed precinct establishment order contained language specifying that the order was "effective upon approval by the Indiana Election Division", and you have already filed your proposed order with the Election Division, then you may not need to take any further action to make your order "final."

However, if your proposed precinct establishment order did not contain language specifying that the order became effective upon approval by the Indiana Election Division, then you need to take a vote at your next Commissioners' meeting to make your precinct order final.

If you do adopt an additional order to make your precinct establishment order final, then you must file a copy of this order with the Election Division no later than 7 days after the order is adopted. (Indiana Code 3-11-1.5-22 and IC 3-11-1.5-23)

There is no further requirement to publish notice that the proposed precinct establishment order was adopted as a final order. However, you must file a copy of the final order, including precinct maps and the legal descriptions, with the county voter registration office.

If you have any questions concerning these requirements, please contact Matthew Kochevar, Co-General Counsel, or Valerie Warycha, Co-General Counsel at the Indiana Election Division (317) 232-3939.

Enclosures:
Sample Legal Notice
Indiana Election Division Order 2023-3

Copy:
The Honorable Karyn Douglas, Montgomery County Circuit Court Clerk
PO Box 768
100 E Main Street, Rm 203
Crawfordsville, IN 47933

ORDER 2023-3

INDIANA ELECTION DIVISION

To: Board of Commissioners of Montgomery County
(c/o the Honorable Mindy Byers, County Auditor)
1580 Constitution Row, Suite A
Crawfordsville, IN 47933

WHEREAS, pursuant to IC 3-11-1.5-14, the Board of County Commissioners of Montgomery County submitted a proposed precinct establishment order to the Co-Directors of the Indiana Election Division;

WHEREAS, pursuant to IC 3-11-1.5-17, employees of the Indiana Election Division designated by the Co-Directors have examined the proposed precinct establishment order and determined that the proposed precinct establishment order complies with the standards set forth in IC 3-11-1.5; and

WHEREAS, pursuant to IC 3-11-1.5-17, the Office of Census Data has reviewed the proposed precinct establishment order and provided technical comments to the Co-Directors and the Co-Directors have examined the technical comments of the Office of Census Data;


IT IS THEREFORE ORDERED:

SECTION 1. The Co-Directors of the Indiana Election Division, in accordance with I.C. 3-11-1.5-18, find that the proposed precinct establishment order submitted by the Board of Commissioners of Montgomery County to establish certain precincts comply with the standards set forth in IC 3-11-1.5 and, based upon this finding, hereby **APPROVE** the proposed precinct establishment order submitted by the Board of Commissioners for these precincts.


SECTION 2. A copy of the precinct summary statements (State Form 13332; IEC-8), legal descriptions and maps for each precinct approved under SECTION 1 are incorporated by reference in this ORDER.

SO ORDERED THIS 9th DAY OF JANUARY, 2023:

THE INDIANA ELECTION DIVISION:



J. Bradley King
Co-Director, Indiana Election Division



Angela M. Nussmeyer
Co-Director, Indiana Election Division

NOTICE OF PROPOSED PRECINCT BOUNDARY CHANGES

To the voters of *(Insert Name)* County:

You are notified that the Election Division of the Office of the Secretary of State of Indiana has determined that a proposed order by the *Name* County Board of Commissioners to change certain precinct boundaries within this county would comply with state law, and that the Election Division has notified the Commissioners that precinct boundaries may be established in accordance with the county's proposed order.

The boundaries of the following existing precincts would be changed by the adoption of the county's proposed order:

Small Town Ward 1, Precinct 1
Small Town Ward 1, Precinct 2
Large Suburb Precinct

Big Township Precinct 2
Big Township Precinct 3

Any registered voter of this County may object to the county's proposed order by filing a sworn statement with the Election Division. This statement must set forth the voter's specific objections to the proposed order, and request that a hearing be conducted by the Indiana Election Commission under the Administrative Orders and Procedures Act (Indiana Code 4-21.5).

The mailing address of the Election Division is:

Election Division of the Office of the Secretary of State of Indiana
302 West Washington Street, Room E-204
Indianapolis, IN 46204-2743.

Any objection to the proposed order must be filed with the Election Division no later than noon, Indianapolis time on *(insert date that is ten days after the publication of this notice.)* A complete copy of the county's proposed order is available for public inspection and copying at *(the office of the circuit court clerk)* and the Election Division.

The *(Name)* County Board of Commissioners