

RESOLUTION 1994-16

**A RESOLUTION GOVERNING AN APPLICANT'S  
PAYMENT OF THE COSTS OF AN ELECTION TO  
BE CONDUCTED NOVEMBER 8, 1994 OR  
NOVEMBER 7, 1995 CONCERNING WHETHER  
LICENSES TO PERMIT RIVERBOAT GAMBLING  
SHOULD BE ISSUED IN A CITY OR COUNTY**

**WHEREAS**, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

**WHEREAS**, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

**WHEREAS**, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

**WHEREAS**, pursuant to IC 4-33-4-17(a), the Commission is required to "decide promptly and in reasonable order all license applications";

**WHEREAS**, pursuant to Public Law 277-1993(ss), SECTIONS 133 and 134, subject to the adopting of a docking ordinance by the appropriate local fiscal body or upon submission of a petition signed by at least five percent (5%) of the registered voters of the county or city to the circuit court clerk requesting that a public question concerning riverboat gambling be placed on a ballot, the county election board shall place the question on the ballot;

**WHEREAS**, Public Law 277-1993(ss), SECTIONS 133(b) and 134(c) provide that a special election can be conducted on November 8, 1994, and November 7, 1995, only if at least one (1) applicant for a riverboat license under IC 4-33-6 pays, in advance of the election, the amount that is the difference between the cost to hold a special election and the cost of a general or municipal election, as determined by the appropriate county election board;

**WHEREAS**, the Commission has been duly advised in this matter and finds that absentee ballots must be available no later than September 24, 1994, or September 25, 1995, for use in a city or county in which a special election will be conducted on November 8, 1994, or November 7, 1995, and that the preparation of ballots and other election supplies by printers requires that county election administrators determine by approximately August 1 preceding the election whether or not the question regarding riverboat gambling will be placed on the ballot within that county;

**WHEREAS,** the Commission finds that prescribing a final date by which an applicant may make payment of the costs of placing the riverboat gambling question on the ballot will prevent confusion and disruption of the election process resulting from delayed or belated submissions and will maintain the public's confidence and trust in the Riverboat Gambling Law;

**WHEREAS,** the Riverboat Gambling Law does not prescribe the procedure for a county to accept and process payment of the amount that is the difference between the cost to hold a special election and the cost to hold a general or municipal election;

**WHEREAS,** the Commission finds that prescribing a procedure for the payment of special election costs in counties or cities where more than one person applies for a license within that county or city will prevent confusion among applicants and county officials and will maintain the public's confidence and trust in the Riverboat Gambling Law.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

**SECTION 1. SCOPE.**

This resolution applies to each applicant that, pursuant to Public Law 277-1993(ss), SECTIONS 133 and 134, wishes to pay the amount that represents the difference between the cost to hold a special election and the cost to hold a general or municipal election, as determined by the appropriate county election board.

**SECTION 2. DEFINITIONS.**

The definitions set forth in IC 3-5-2, IC 4-33-1, and 68 IAC 1-1 (adopted by RESOLUTION 1994-14) apply to this RESOLUTION.

**SECTION 3. DEADLINE FOR PRESENTING PAYMENT OF ELECTIONS COSTS.**

An applicant may not present a county auditor with a cashier's check or certified check to pay the amount that represents the difference between the cost to hold a special election and the cost to hold a general or municipal election after noon, prevailing local time on August 1, preceding the election.

**SECTION 4. PROCEDURE FOR PAYMENT OF ELECTION COSTS.**

(a) An applicant must present the following items to the county auditor of the appropriate county to comply with Public Law 277-1993(ss), SECTIONS 133 and 134:

(1) A copy of the application filed by the applicant with the Commission, stating:

(A) that the application has been filed with the Commission; and

(B) the county or city for which the application has been made.

(2) that the application fee has been paid to the State of Indiana.

(3) A cashier's check or certified check, in the amount that represents the difference between the cost to hold a special election and the cost to hold a general or municipal election (as previously determined by the county election board of that county), and made payable to "THE \_\_\_\_\_ COUNTY TREASURER".

(b) An applicant will be considered to have paid for the cost of the special election within the county when the applicant has complied with subsection (a) and the County Auditor provides the applicant with a copy of the quietus or receipt issued by the County Auditor and the County Treasurer, with a date and hour of issuance stated on the quietus or receipt.

**SECTION 5. PAYMENT OF ELECTION COSTS WITHIN THE SAME JURISDICTION BY MULTIPLE APPLICANTS.**

(a) This SECTION applies to the payment of the costs of a special election within a jurisdiction when more than one (1) person has filed an application with the Commission for a license within the same jurisdiction.

(b) This subsection applies to an applicant who acts under SECTION 4 to pay the costs of a special election before noon, prevailing local time, August 1, 1994, or August 1, 1995. Before presenting items under SECTION 4, the applicant shall ask the county auditor whether any other applicant has previously presented items under SECTION 4 to pay the costs of the special election. If another applicant has previously paid the costs of the special election in accordance with this RESOLUTION, the applicant may not present the items under SECTION 4.

(c) After a special election is conducted, and before issuing a Riverboat Owner's License within the jurisdiction, the Commission shall determine whether a person (other than an applicant who paid the amount that represents the difference between the cost to hold a special election and the cost to hold a general or municipal election) has applied for a Riverboat Owner's License within that jurisdiction, the Commission shall issue an order requiring the person to forward a cashier's check or certified check to the applicant who paid the costs of the special election.

(d) The amount of payment described under subsection (c) equals the actual amount that represents the difference between

the cost to hold a special election and the cost to hold a general or municipal election (as previously determined by the county election board) divided by the number of persons who have applied for a Riverboat Owner's License within the jurisdiction. The Commission's order may prescribe a date by which the person shall make the payment to the applicant.

**SECTION 6. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

**SECTION 7. EXPIRATION DATE.**

This RESOLUTION expires on January 1, 1996.

**ADOPTED, THIS THE 8TH DAY OF JULY, 1994:**

**THE INDIANA GAMING COMMISSION:**



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Alan I. Klineman, Chair

**ATTEST:**



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Gilmer Gene Hensley, Secretary