

**FEDERAL, STATE & LOCAL GOVERNMENT
STRUCTURES, ROLES & RESPONSIBILITIES**

Federal Government

1. Branches

a. Legislative

i. Authority: The legislative power of the federal government is vested in the United States Congress by Article I of the United States Constitution.

ii. Legislative Body

United States Congress

The United States Congress is bicameral, made up of the United States House of Representatives and the United States Senate. The House has 435 members who all serve two-year terms. The Senate has 100 members who serve six-year terms, with one-third up for election every two years.

Duties of Congress include laying and collecting taxes, duties, imposts and excises to pay the debts and provides for the common defense and welfare of the United States; regulating foreign and interstate commerce; establishing uniform rules of naturalization; coining money; and declaring war.

b. Executive

i. Authority: The executive power of the federal government is vested in the President of the United States by Article II of the United States Constitution.

ii. Executive Officials

President of the United States

The President of the United States serves a four-year term. The president manages the operations of the executive branch. The president's cabinet is made up of the Vice President and fifteen executive departments: the Secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, and the Attorney General.

The president is also the commander-in-chief of the U.S. military; has foreign relations powers including signing treaties; has the power to appoint ambassadors, public ministers, and federal judges; and may sign or veto bills passed by Congress.

c. Judicial

i. Authority: The judicial power of the federal government is primarily vested in the Supreme Court of the United States by Article III of the United States Constitution.

ii. Courts

Supreme Court of the United States

The Supreme Court has nine justices who may serve for the entirety of their lives. They are appointed by the president and confirmed by the Senate.

The Supreme Court has original jurisdiction over lawsuits between two or more states and cases affecting ambassadors and public ministers. The Supreme Court has appellate jurisdiction over all other cases involving points of constitutional and/or federal law.

Other Federal Courts Established by Congress

Article III of the Constitution also allows Congress to establish “inferior” courts. These courts include federal Circuit Courts and District Courts.

There are thirteen Circuit Courts. Judges are appointed by the president and confirmed by the Senate. Circuit Courts hear cases appealed from federal District Courts.

There are 94 District Courts in the United States. Again, judges are appointed by the President and confirmed by the Senate. District Courts are the general trial courts of the federal system. Generally, they may hear civil cases that arise under federal law or that are between diverse parties (from different states) with an amount in controversy over \$75,000. They may hear criminal cases prosecuted by the federal government.

2. Revenue: Sources of federal revenue include the federal income, payroll, corporate income, excise, estate, and other taxes.

State Government

1. Branches

a. Legislative

i. **Authority:** The legislative power of the State of Indiana is vested in the Indiana General Assembly by Article 4 of the Indiana Constitution.

ii. Legislative Body

Indiana General Assembly

The Indiana General Assembly is comprised of two houses – the Indiana House of Representatives and the Indiana State Senate. The House is made up of 100 members who serve two-year terms. The Senate has 50 members who serve four-year terms, meaning half of the senators are up for election every two years.

The Indiana General Assembly has constitutional duties and powers including the following:

- Providing for a uniform public school system;
- Providing institutions for the correction and reformation of juvenile offenders;
- Providing for a uniform and equal rate of property assessment and taxation; and
- Levying and collecting income taxes.

b. Executive

i. **Authority:** The executive power of the State of Indiana is vested in the governor and other separately elected executives by Articles 5 and 6 of the Indiana Constitution.

ii. Constitutional Offices

Governor of the State of Indiana: The governor is elected and serves a four-year term. The governor is the commander-in-chief of the state's military forces; may sign, veto, or allow bills to become law; may grant reprieves, commutations, and pardons of certain offenses; and manages the executive branch agencies.

Lieutenant Governor: The lieutenant governor is elected with the governor and serves a four-year term. In addition to having some executive branch management duties, the lieutenant governor serves as president of the Indiana State Senate.

Secretary of State: The secretary of state is elected and serves a four-year term. The secretary of state is responsible for the “chartering of new business, regulation of the securities industry, oversight of state elections, commissioning of notaries public, registration of trademarks and licensing of vehicle dealerships throughout Indiana.”¹

Auditor of State: The auditor of state is elected and serves a four-year term. The auditor of state is responsible for “accounting for all state funds; overseeing and disbursing county, city, town, and school tax distributions; paying the state's bills; and paying state employees.”²

Treasurer of State: The treasurer of state is elected and serves a four-year term. The treasurer of state is responsible for the safekeeping and investment of moneys and securities paid into the State Treasury. The treasurer also serves on several state boards.

iii. Non-Constitutional Offices

Attorney General: The attorney general is a statutorily created position under Ind. Code § 4-6-1-2. The attorney general is elected and serves a four-year term. The attorney general is responsible for prosecuting and defending all lawsuits by or against the State of Indiana; representing the State in all criminal cases in the Supreme Court; and defending suits brought against state officers in their official capacity.

Superintendent of Public Instruction: Article 8 of the Indiana Constitution requires the State to have a superintendent of public instruction as provided for by the General Assembly. Until January 2021, the superintendent of public instruction is an elected position, and the superintendent serves a four-year term. In January 2021, the office will change to the secretary of education, a position to be appointed by the governor. The secretary of education is the chief executive officer of the Indiana Department of Education.

c. Judicial

i. **Authority:** The judicial power of the State of Indiana is vested in the Indiana Supreme Court by Article 7 of the Indiana Constitution.

ii. Courts

Indiana Supreme Court: The Indiana Supreme Court has five justices selected through a merit selection system. When a vacancy occurs, the

¹ *About the Office*, IN.GOV, <https://www.in.gov/sos/2362.htm>.

² *About the Auditor*, IN.GOV, <https://www.in.gov/auditor/930.htm>.

state's judicial nominating commission interviews candidates and submits three nominees to the governor, and the governor selects the next justice from that list. Each new justice must receive a majority of votes in a statewide retention vote two years after they begin serving and every ten years thereafter. Indiana has a mandatory retirement age for its justices of 75 years old. The Indiana Supreme Court is the state's highest appellate court; it has final say on interpreting the laws of Indiana.

Indiana Court of Appeals: The Indiana Court of Appeals is the State's second-highest appellate court and uses three-judge panels to hear appeals from the State's trial courts. The Court of Appeals has fifteen members, selected through the merit system, subject to retention votes, and who also must retire at the age of 75.

2. **Revenue:** Indiana's state government is funded through three primary sources – the General Fund, dedicated funds, and federal funds. The General Fund generates revenue primarily through the sales and use, insurance, individual and corporate income, alcoholic beverage, cigarette and tobacco, and gaming taxes. Dedicated funds have similar revenue sources. Federal funds come to the State to fund health and human services, education, public safety, conservation and environmental efforts, economic development, and transportation.³

Local Government

County Government

1. Branches

a. Fiscal & Legislative

- i. **Authority:** Indiana Code provides that the county council is the legislative and fiscal body for the county.

ii. Legislative Body

County Council: The county council typically consists of seven members who are elected and serve terms of four years. The county council annually adopts the county's budget and tax rate. The council may pass ordinances, orders, resolutions, and motion for the government of the county; conduct investigations into county business; and establish new county departments, divisions, or agencies. In contrast, local economic development organizations are entities permitted, but not required by statute, that vary in membership and operation county-by-county.⁴

³ *Total Revenue by Fund Type*, IN.GOV, https://www.in.gov/sba/files/AP_2017_A_1_3_0_Revenue_Charts.pdf.

⁴ IND. CODE § 5-28-11.5-2 (2019).

In Marion County, the city-county council is the legislative body of both the consolidated city and the county.

b. Executive

i. Authority: Article 6 of the Indiana Constitution provides that in each county, the voters shall elect a clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner, and surveyor. Indiana Code provides for additional executive offices, including the board of commissioners.

ii. Executive Offices

Board of Commissioners: A county's three member board of commissioners is the county's executive. County commissioners are elected and serve four-year terms. The board is required to hold monthly meetings. The board has duties and powers including approving accounts chargeable against the county, raising sums necessary for county expenses, making recommendations to the county's legislative body about changes necessary to improve the welfare of county residents, submitting a budget to the county council, managing the county's executive departments, supervising the care and custody of county property, and negotiating contracts for the county.

In Marion County, the mayor of Indianapolis is the executive of both the consolidated city and the county. The Marion County Board of Commissioners is comprised of the county treasurer, auditor, and assessor and is tasked with making statutorily required appointments and performing duties pertaining to the issuance and payment of bonds.

Clerk of the Circuit Court: The circuit court clerk is elected by the county's voters and serves a four-year term. The clerk has many duties pertaining to carrying out elections, as well as entering judgments and releases of judgment ordered by the county's courts.

Auditor: County auditors are elected and serve a term of four years. The auditor is the fiscal officer of the county. The auditor is a clerk to the county's board of commissioners and the county council. The auditor also is responsible for keeping an accurate account with the county treasurer, keeping a separate account for each appropriation made by the county council, settling accounts and demands chargeable against the county, and issuing warrants on the county treasury.

Recorder: County recorders are elected and serve a term of four years. The recorder records all instruments that are proper for recording, such as deeds and mortgages.

Treasurer: County treasurers are elected and serve a term of four years. The treasurer receives money to which the county is entitled and disburses it on warrants issued and attested by the county auditor. The treasurer must maintain separate accounts of receipts for and expenditures from each county fund or appropriation and a general account of all county receipts and expenditures. The treasurer also makes annual settlements with the board of commissioners and the auditor.

Sheriff: County sheriffs are elected and serve a term of four years. Sheriffs are responsible for arresting persons who commit offenses, suppressing breaches of the peace, and operating county jails.

Coroner: County coroners are elected and serve a term of four years. Coroners are responsible for determining a person's cause of death in certain situations.

Surveyor: County surveyors are elected and serve a term of four years. Surveyors who are civil engineers plan and supervise all surveying and civil engineering work of the county. Surveyors also maintain legal survey record books.

Assessor: County assessors are elected and serve a term of four years. Assessors are responsible for countywide equalization, maintaining countywide computer systems, certifying gross assessments to the county auditor, and discovering omitted property.

c. Judicial

i. **Authority:** Courts at the county level include circuit courts, authorized by Article 7 of the Indiana Constitution, and superior courts, governed by Title 33 of Indiana Code.

ii. Courts

Circuit & Superior Courts: Every county in Indiana has a circuit court, and many counties have superior courts. All circuit and standard superior courts have original jurisdiction in all civil and criminal cases. They also have appellate jurisdiction over cases from city and town courts.

City Government

1. Branches

a. Legislative

i. **Authority:** Indiana Code provides that a common council is the city's legislative body.

ii. Legislative Body

Common Council: The common council is elected by the voters of each city and each member serves a term of four years. The common council may pass ordinances, orders, resolutions, and motions to control the city's property and finances, and the appropriation of money.

In Marion County, the city-county council is the legislative body of both the consolidated city and the county.

b. Executive

i. **Authority:** Indiana Code provides that the mayor is the city executive. Statute also provides cities with a clerk or clerk-treasurer.

ii. Executive Offices

Mayor: The city's mayor is elected by the voters of each city and serves a term of four years. The mayor enforces the ordinances of the city and statutes of the state, annually provides the common council with a statement of the city's financial condition, recommends actions to the city council, manages the city's administrative offices, signs all bonds, deeds, and contracts with the city, and approves or vetoes city ordinances and resolutions passed by the common council. In Marion County, the mayor of Indianapolis is the executive of both the consolidated city and the county.

Clerk or Clerk-Treasurer: The city clerk is elected by a city's voters and serves a term of four years. Among other duties, the city clerk is the clerk of the common council and maintains records.

c. Judicial

i. **Authority:** Indiana Code permits certain cities to establish city courts.

ii. Courts

City Court: The judge of a city court is elected by the voters of the city and serves a term of four years. City courts have jurisdiction over violations of city ordinances, misdemeanors, and infractions. A city court may also hear certain civil case that do not exceed a certain amount in controversy.

Town Government

1. Branches

a. Legislative

i. **Authority:** Indiana Code provides that the town council is the legislative body of a town.

ii. Legislative Body

Town Council: The town council is elected and each member serves a term of four years. Town councils may adopt ordinances and resolutions for the performance of functions of the town and purchase, hold, and convey any interest in property for the use of the town.

b. Executive

i. **Authority:** Indiana Code provides that the town council president is the town executive. Towns also have a clerk-treasurer as required by statute.

ii. Executive Offices

Town Council President : The president of the town council is selected by one of the member of the town council for a definite term. The president carries out executive duties such as signing ordinances and contracts.

Clerk-Treasurer: The town's clerk-treasurer serves as the town clerk and the town fiscal officer. Among other duties, the clerk-treasurer receives and cares for all town money, keeps accounts, prescribes payroll, manages finances of the town, and serves as clerk of the town court.

d. Judicial

i. **Authority:** Indiana Code permits certain towns to establish town courts.

ii. Courts

Town Court: The judge of a town court is elected by the voters of the city and serves a term of four years. Town courts have jurisdiction over violations of town ordinances, misdemeanors, and infractions.

Government of Townships

1. Branches

a. Legislative

i. **Authority:** Indiana Code provides that the township board is the legislative body of the township.

ii. Legislative Body

Township Board: The township board consists of three members who are elected and serve terms of four years. The township board annually adopts the township's budget, approves or rejects the township trustee's expenditures, and appropriates money for township membership in civic associations.

b. Executive

i. **Authority:** Indiana Code provides that the township trustee is the executive of the township.

ii. Executive Offices

Township Trustee: The township trustee is elected by the voters of the township and serves a term of four years. Among other duties, the trustee manages all township property interest, settles township accounts, provides and maintains cemeteries, and maintains township parks.

Other Local Government Entities

1. School Corporations

a. **Authority:** Indiana Code provides that the government, management, and control of public school districts is vested in various school boards.

b. **Governing Body:** In Indianapolis, the governing body of the public school system is the Board of School Commissioners of the City of Indianapolis. The board consists of seven school commissioners elected on a nonpartisan basis who each serve a four year term. The board appoints a superintendent who is the general administrator of the school district.

In community school corporations, board members may be elected or appointed. Governing bodies for school districts also typically have a president, secretary, and treasurer.

2. Fire Protection Districts

- a. **Authority:** Indiana Code provides that a county council may establish fire protection districts. Freeholders who desire a fire protection district may also initiate proceedings by filing a petition with the county auditor. Fire protection districts may also be established in multiple counties.
- b. **Governing Body:** Fire protection districts may be established for the purpose of fire protection, prevention, or other related purposes. The county council is required to appoint a board of fire trustees, each serving a term of four years with reappointments staggered. Trustees have the same powers and duties of a township executive with respect to fire protection functions and relative to contracting with volunteer firefighting companies. Trustees also have fiscal and administrative duties related to managing the fire protection district.

3. Solid Waste Management Districts

- a. **Authority:** Indiana Code provides that a county may designate itself or join with other counties as a solid waste management district (SWMD) by ordinance of the county's board of commissioners.
- b. **Governing Body:** After a SWMD is designated, a board of directors is appointed. The board may enter into agreements about, lease, or sell facilities. SWMDs may develop solid waste management plans, impose fees on final disposal of solid waste within the district, operate facilities for solid waste management, and levy taxes to pay for operational costs.

Local Government Revenue: Local governments receive revenue from property, local income, and other local taxes (food and beverage taxes, innkeeper's tax, motor vehicle excise surtax and wheel tax). They also have utility-related revenue, user and permit fees, TIF funds, and state and federal grants.⁵

⁵ Thomas Pitman, *Checklist of Local Government Funding Sources for Indiana Cities, Towns, and Counties*, AIM (May 1, 2017), <https://aimindiana.org/wp-content/uploads/2017/05/Checklist-of-Local-Government-Funding-Sources.pdf>.