



2010 INDIANA GENERAL ASSEMBLY
VOTING RECORDS
ON BILLS OF CIVIL LIBERTIES INTEREST

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VP, Legislation

KEY TO VOTING RECORDS

- +** A vote in favor of the position of the ACLU-IN
- A vote contrary to the position of the ACLU-IN
- O** Absent or not voting
- E** Excused from voting

2010 INDIANA SENATE BILLS OF CIVIL LIBERTIES INTEREST

CRIMINAL JUSTICE

- 1. Discharge of long term inmates; credit time – SEA 415**
Provides that an inmate is eligible for rehabilitation-based discharge if the inmate has served 21 years and has received four years of credit time. Restricts earning of credit time if the person is incarcerated for certain sex offenses. [S authors: Waterman, Alting. H sponsor: Foley.]
Status: Senate passed 47-3. House also passed. Governor signed.
ACLU-IN position: Supported the promotion of rehabilitation.
- 2. Courts – HEA 1271**
Allows counties to establish problem-solving courts to provide treatment and rehabilitation instead of punitive sentencing. [H author: Koch. S sponsors: Lanane, Bray, Head.]
Status: Senate adopted conference report 37-13. House also adopted. Governor signed.
ACLU-IN position: Supported preference for rehabilitation rather than incarceration.

DISABILITY RIGHTS

- 3. Voters with disabilities – HEA 1109**
Requires that all locations (other than circuit court clerk's office) where absentee ballots may be cast in person meet the same accessibility requirements that apply to a precinct polling place. Provides that assistance be given to persons with disabilities or one unable to read or write English. Implements the Military and Overseas Voter Empowerment ACT (MOVE) in state election law. [H author: Battles. S sponsor: Miller.]
Status: Senate adopted conference report 47-0. House also adopted. Governor signed.
ACLU-IN position: Supported enabling the exercise of voting rights.

DISCRIMINATION

- 4. Discriminatory practice definition – SB 190**
Provides that taking an adverse employment action against an employee who opposed a practice that is unlawful under civil rights enforcement laws is a discriminatory practice. [S authors: Boots, M.Young. H sponsor: V. Smith.]
Status: Senate passed 50-0. H passed with amendments. Bill died in conference.
ACLU-IN position: Supported protection of whistleblowing.

FREE SPEECH / EXPRESSION

- 5. Display of political signs – SEA 64**
Prohibits a homeowners association from adopting or enforcing certain restrictive covenants or rules concerning the display of political signs. [S authors: Delph, Tallian. H sponsor: Fry.]
Status: Senate passed 48-1. House also passed. Governor signed.
ACLU-IN position: Supported freedom of political speech.

6. Sexual offenses – SEA 224

Assigns to the sentencing policy study committee a bill that would have made it a delinquent act for a minor to transmit electronically any sexually suggestive or explicit material. Also creates a procedure for offenders convicted before creation of the registry to remove themselves from the registry, in accord with court decision regarding ex post facto laws. [S authors: Merritt, Head. H sponsor: L.Lawson.]

Status: Senate adopted conference report 50-0. House also adopted. Governor signed.

ACLU-IN position: Supported amended bill; had opposed criminalization of ill-advised expression.

IMMIGRANTS' RIGHTS

7. Unauthorized aliens – SB 213

Requires the DOC and sheriffs to determine the citizenship and immigration status of the confined, including juveniles, and makes the status relevant to the setting of bail. Prohibits legislation that limits exchange of such information with other government bodies. [S authors: Kruse, Delph, Boots. H sponsor: Tincher.]

Status: Senate passed 46-4. Bill died after not getting a House committee hearing.

ACLU-IN position: Opposed state action in federal jurisdiction and likelihood of profiling.

LESBIAN AND GAY RIGHTS

8. Definition of marriage – SJR 13

Provides that only marriage between one man and one woman shall be valid or recognized as marriage in Indiana. Provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. [S authors: Yoder, Stutzman. H sponsor: Stemler.]

Status: Senate passed 38-10. Resolution died after not getting a hearing in House committee.

ACLU-IN position: Opposed violation of equal treatment.

POLICE PRACTICES

9. Juvenile, education, and law enforcement matters – HEA 1193.

Creates the law enforcement, school policing and youth work group, staffed by criminal justice institute, to study and make specific recommendations regarding school policing issues. At the request of the Governor's office, the bill was amended to delete mandatory training for school security guards and continuing education for law enforcement officers. [H author: L.Lawson. S sponsor: Bray.]

Status: Senate passed amended bill 45-3. House concurred. Governor signed.

ACLU-IN position: Supported even weakened bill in view of increasing law enforcement presence in schools.

VOTING RIGHTS

10. Various election law matters – HB 1106

Permits a person eligible to vote in person to vote by absentee ballot. Removes all other qualifications for absentee voting except for help for persons with disabilities. Requires the circuit court clerk to notify voters who cast a provisional ballot to provide both orally and in writing within three days an explanation for why the ballot is treated as

provisional and the steps the voter must take to have the vote counted. Establishes use of vote centers as an option for all counties. [H author: Battles. S sponsor: C.Lawson.]

Status: Senate passed 49-1. House also passed. Bill died in conference.

ACLU-IN position: Supported expansion of right to vote and to have vote counted.

INDIANA SENATE 2010 VOTING RECORDS
SENATE AVERAGE: 79%

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | % |
|---------------|---|---|---|---|---|---|---|---|---|----|----|
| Alting-R | + | + | 0 | + | + | + | - | - | + | + | 78 |
| Arnold-D | + | + | + | + | + | + | - | - | + | + | 80 |
| Becker-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Boots-R | + | + | + | + | + | + | - | - | - | + | 70 |
| Bray-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Breaux-D | + | - | + | + | + | + | + | + | + | + | 90 |
| Broden-D | + | + | + | + | + | + | - | + | + | + | 90 |
| Buck-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Charbonneau-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Deig-D | + | - | + | + | + | + | - | - | + | + | 70 |
| Delph-R | - | - | + | + | + | + | - | - | - | + | 50 |
| Dillion-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Errington-D | + | - | + | + | + | + | - | + | + | + | 80 |
| Gard-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Head-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Hershman-R | - | + | + | + | + | + | - | - | + | + | 70 |
| Holdman-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Hume-D | + | + | + | + | + | + | - | - | + | + | 80 |
| Kenley-R | + | - | 0 | + | + | + | - | E | 0 | + | 71 |
| Kruse-R | + | + | + | + | + | + | - | E | + | + | 89 |
| Lanane-D | + | - | + | + | + | + | - | + | + | - | 70 |
| Landske-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Lawson,C.-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Leising-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Lewis-D | + | + | + | + | + | + | - | - | + | + | 80 |
| Long-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Merritt-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Miller-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Mishler-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Mrvan-D | + | + | + | + | + | + | - | - | + | + | 80 |
| Nugent-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Paul-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Randolph-D | + | - | + | + | + | + | + | + | + | + | 90 |
| Rogers-D | + | - | + | + | + | + | + | + | + | + | 90 |
| Schneider-R | + | + | + | + | + | + | - | - | - | + | 70 |
| Simpson-D | + | - | 0 | + | - | + | + | + | + | + | 78 |
| Sipes-D | + | - | + | + | + | + | - | + | + | + | 80 |
| Skinner-D | + | - | + | + | + | + | - | - | + | + | 70 |
| Steele-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Stutzman-R | + | + | + | + | + | + | - | - | E | + | 78 |
| Tallian-D | + | - | + | + | + | + | - | + | + | + | 80 |
| Taylor-D | + | + | + | + | + | + | - | + | + | + | 90 |
| Walker-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Waltz-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Waterman-R | + | - | + | + | E | + | - | - | + | + | 67 |
| Wyss-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Yoder-R | + | + | + | + | + | + | - | - | + | + | 80 |
| Young,M.-R | - | + | + | + | + | + | - | - | + | + | 70 |
| Young,R.-D | + | + | + | + | + | + | - | - | + | + | 80 |
| Zakas-R | + | + | + | + | + | + | - | - | + | + | 80 |

Lt. Gov. Becky Skillman, President-R

2010 INDIANA HOUSE BILLS OF CIVIL LIBERTIES INTEREST

CRIMINAL JUSTICE

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Provides that an inmate is eligible for rehabilitation-based discharge if the inmate has served 21 years and has received four years of credit time. Restricts earning of credit time if the person is incarcerated for certain sex offenses. [S authors: Waterman, Alting. H sponsor: Foley.]
Status: House passed 67-19. Senate also passed. Governor signed.
ACLU-IN position: Supported the promotion of rehabilitation.
- 2. Expungement of records of certain convictions – HB 1163**
Provides that if postconviction DNA testing is favorable and the court orders release of the person, the court shall order records removed and destroyed or sealed. [H author: Tincher. S sponsors: Skinner, Steele, Bray.]
Status: House passed 95-0. Bill died after not getting a Senate committee hearing.
ACLU-IN position: Supported restitution of rights, facilitation of rehabilitation.
- 3. Courts – HEA 1271**
Allows counties to establish problem-solving courts to provide treatment and rehabilitation instead of punitive sentencing. [H author: Koch. S sponsors: Lanane, Bray, Head.]
Status: House adopted conference report 94-0. Senate also adopted. Governor signed.
ACLU-IN position: Supported preference for rehabilitation rather than incarceration.

DISABILITY RIGHTS

- 4. Voters with disabilities – HEA 1109**
Requires that all locations (other than circuit court clerk's office) where absentee ballots may be cast in person meet the same accessibility requirements that apply to a precinct polling place. Provides that assistance be given to persons with disabilities or one unable to read or write English. Implements the Military and Overseas Voter Empowerment ACT (MOVE) in state election law. [H author: Battles. S sponsor: Miller.]
Status: House adopted conference report 89-0. Senate also adopted. Governor signed.
ACLU-IN position: Supported enabling the exercise of voting rights.

DISCRIMINATION

- 5. Discriminatory practice definition – SB 190**
Provides that taking an adverse employment action against an employee who opposed a practice that is unlawful under civil rights enforcement laws is a discriminatory practice. [S authors: Boots, M.Young. H sponsor: V. Smith.]
Status: House passed 59-35. Senate dissented from H amendments. Bill died in conference.
ACLU-IN position: Supported protection of whistleblowing.

DUE PROCESS, EQUAL PROTECTION

- 6. Select joint commission on child welfare services oversight – HB 1157**
Establishes the commission to determine whether CHINS and delinquent children are receiving appropriate care, investigate other child welfare service matters and recommend legislation. [H author: Avery. S sponsors: Simpson, C.Lawson, Broden.]
Status: House passed 55-42. Bill died after not getting a Senate committee hearing.
ACLU-IN position: Supported due process concerns with care for at-risk children.

FREE SPEECH / EXPRESSION

- 7. Display of political signs – SEA 64**
Prohibits a homeowners association from adopting or enforcing certain restrictive covenants or rules concerning the display of political signs. [S authors: Delph, Tallian. H sponsor: Fry.]
Status: House passed 96-0. Senate also passed. Governor signed.
ACLU-IN position: Supported freedom of political speech.
- 8. Sexual offenses – SEA 224**
Assigns to the sentencing policy study committee a bill that would have made it a delinquent act for a minor to transmit electronically any sexually suggestive or explicit material. Also creates a procedure for offenders convicted before creation of the registry to remove themselves from the registry, in accord with court decision regarding ex post facto laws. [S authors: Merritt, Head. H sponsor: L.Lawson.]
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POLICE PRACTICES

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Creates the law enforcement, school policing and youth work group, staffed by criminal justice institute, to study and make specific recommendations regarding school policing issues. At the request of the Governor's office, the bill was amended to delete mandatory training for school security guards and continuing education for law enforcement officers. [H author: L.Lawson. S sponsor: Bray.]
Status: House passed 94-1. Senate passed amended bill. Governor signed.
ACLU-IN position: Supported even weakened bill in view of increasing law enforcement presence in schools.

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Status: House passed 52-44. Senate also passed. Bill died in conference.
ACLU-IN position: Supported expansion of right to vote and to have vote counted.

INDIANA HOUSE 2010 VOTING RECORDS
HOUSE AVERAGE: 85%

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | % |
|-------------|---|---|---|---|---|---|---|---|---|----|-----|
| Austin-D | + | + | + | + | + | + | + | E | + | + | 100 |
| Avery-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Bardon-D | 0 | + | + | + | E | + | + | + | 0 | + | 100 |
| Barnes-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Bartlett-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Battles-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Bauer-D * | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | + | + | ** |
| Behning-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Bell-R | + | + | + | + | + | + | + | + | + | - | 90 |
| Bischoff-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Blanton-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Borders-R | - | + | + | + | + | + | + | + | + | - | 80 |
| Borror-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Bosma-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Brown,C.-D | + | + | + | 0 | + | + | + | + | + | + | 100 |
| Brown,T.-R | + | + | + | E | - | - | + | + | - | - | 55 |
| Burton-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Cheatham-D | - | 0 | + | + | + | + | + | + | + | + | 89 |
| Cherry-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Clements-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Clere-R | - | + | + | + | - | + | + | + | + | - | 70 |
| Crawford-D | 0 | + | + | 0 | + | + | + | + | + | + | 100 |
| Crouch-R | + | + | + | + | E | - | + | + | E | - | 75 |
| Culver-R | + | + | + | + | + | - | + | + | + | - | 80 |
| Davis-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Day-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Delaney-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Dembowski-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Dermody-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Dobis-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Dodge-R | + | + | + | + | - | - | + | + | 0 | - | 67 |
| Duncan-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Dvorak-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Eberhart-R | - | + | + | + | - | - | + | + | + | - | 60 |
| Espich-R | + | + | + | + | - | - | + | + | E | - | 67 |
| Foley-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Friend-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Frizzell-R | + | + | + | E | - | - | + | + | + | - | 67 |
| Fry-D | - | + | E | + | + | + | + | E | + | + | 87 |
| GiaQuinta-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Goodin-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Grubb-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Gutwein-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Harris,E.-D | + | + | + | 0 | + | + | 0 | + | + | + | 100 |
| Herrell-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Hinkle-R | + | + | + | + | - | - | + | + | + | + | 80 |
| Kersey-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Klinker-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Knollman-R | - | + | + | + | - | + | + | + | + | E | 78 |
| Koch-R | + | + | + | + | - | - | + | + | + | - | 70 |

INDIANA HOUSE 2010 VOTING RECORDS

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | % |
|---------------|---|---|---|---|---|---|---|---|---|----|-----|
| Lawson,L.-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Lehe-R | - | 0 | + | E | + | - | + | + | + | - | 63 |
| Lehman-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Leonard-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Lutz,J.-R | + | + | + | + | - | - | + | + | + | - | 70 |
| McClain-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Messmer-R | - | + | + | + | + | - | + | + | + | - | 70 |
| Michael-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Moseley-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Moses-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Murphy-R | - | + | + | + | - | - | + | + | + | - | 60 |
| Neese-R | - | + | + | + | - | - | + | + | + | - | 60 |
| Niezgodski-D | + | + | 0 | + | + | + | + | + | + | + | 100 |
| Noe-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Oxley-D | E | E | E | E | E | E | E | E | E | E | ** |
| Pearson-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Pelath-D | + | + | + | 0 | + | + | + | + | + | + | 100 |
| Pflum-D | 0 | + | + | + | + | + | + | + | + | E | 100 |
| Pierce-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Pond-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Porter-D | + | + | + | 0 | + | + | E | + | + | + | 100 |
| Pryor-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Reardon-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Reske-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Richardson-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Riecken-D | + | + | + | E | + | + | + | + | + | + | 100 |
| Robertson-D | 0 | + | + | + | + | + | + | + | + | + | 100 |
| Ruppel-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Saunders-R | + | + | + | + | E | - | + | + | + | - | 78 |
| Smith,M.-R | 0 | + | + | + | - | - | + | + | + | - | 67 |
| Smith,V.-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Soliday-R | + | + | + | + | + | - | + | + | + | - | 80 |
| Stemler-D | - | + | + | + | + | + | + | + | + | + | 90 |
| Steuerwald-R | + | + | + | + | E | - | + | + | + | - | 78 |
| Stevenson-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Stilwell-D | + | + | 0 | + | + | + | + | + | + | + | 100 |
| Sullivan-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Summers-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Thompson-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Tincher-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Torr-R | + | + | + | + | + | - | + | + | + | E | 89 |
| Truitt-R | - | + | + | + | + | + | + | + | + | + | 90 |
| Turner-R | + | + | + | + | - | - | + | + | + | - | 70 |
| Tyler-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Van Haaften-D | + | + | + | + | + | + | + | + | + | + | 100 |
| VanDenburgh-D | + | + | + | + | + | + | + | + | + | + | 100 |
| Walorski-R | - | + | + | + | + | - | + | + | + | - | 70 |
| Welch-D | + | + | 0 | + | + | + | + | + | + | + | 100 |
| Wilkins-R | + | 0 | + | + | - | 0 | + | E | + | - | 71 |
| Yarde-R | - | + | + | + | + | - | + | + | + | - | 70 |

*As Speaker, Representative Bauer votes or not at his discretion.

**Percentages are based on at least three votes.