

Kenley won't reopen budget on SB1

Pence's decision on replacement revenue prompts chairman to ponder broader study

By **BRIAN A. HOWEY**

INDIANAPOLIS – Senate Appropriations Chairman Luke Kenley told Howey Politics Indiana that the time is right to step back and take a broad overview of Indiana's taxation policy.

Kenley's comments come as Gov. Mike Pence and Indiana General Assembly leaders have become embroiled in a showdown over the business personal property tax repeal. Local government officials across the state fear the passage of SB1 and HB1001 will deprive them of revenue after enduring nearly five years of deep budget cuts associated with the constitutional property tax caps and the elimination of inventory taxes.

"This is one of the reasons why Sen. Hershman and I put in the blue ribbon commission," Kenley told HPI Wednesday afternoon of SB1. "We felt there would be



issues like this that are complicated. This is one of the issues that has a lot of sides and a lot of complexity."

Asked whether it would be a good time to step back and take a comprehensive look at Indiana's total

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Marriage and the courts

By **MAUREEN HAYDEN**
 CNHI Statehouse Bureau

INDIANAPOLIS – Supporters of the marriage amendment say it's needed to protect Indiana's current ban on same-sex unions from being overturned by "activist" judges. But as debate moves forward in the Statehouse, the issue appears more and more likely to end up in the courts.

"I've been teaching constitutional law for 30 years, and never in my experience have I seen a situation shift so rapidly," said Indiana University law professor Daniel Conkle. "The legal opinions involving state laws and amendments are shifting almost as rapidly as public opinion on



"Why be a senator that's going to show, not only to your constituents that you're voting against their will, but to the rest of the country you believe that Indiana is one that has very little respect for diversity and tolerance?"

- State Sen. Ron Alting



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WWWHowey Media, LLC
405 Massachusetts Ave.,
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Brian A. Howey, Publisher
Mark Schoeff Jr., Washington
Jack E. Howey, Editor
Mary Lou Howey, Editor
Maureen Hayden, Statehouse
Matthew Butler, Daily Wire

Subscriptions

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 Ray Volpe, Account Manager
 317.602.3620
 email: HoweyInfo@gmail.com

Contact HPI

www.howeypolitics.com
 bhowey2@gmail.com
 Howey's Cabin: 812.988.6520
 Howey's cell: 317.506.0883
 Washington: 202.256.5822
 Business Office: 317.602.3620

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same-sex marriage is. As a result, we have a remarkable rapidly shifting legal landscape.”

Should the state Senate pass House Joint Resolution 3 with language restored to ban both gay marriage and civil unions, the proposed amendment to the state constitution may head to voters as soon as November. If it passes the public vote, Conkle predicts a quick court challenge.

“**It’s inevitable,**” Conkle said. “Shortly after the election, you’d see a lawsuit.”

States’ attempts to define marriage to exclude same-sex couples are fast facing legal challenges triggered by last summer’s U.S. Supreme Court decision striking down a key part of the federal Defense of Marriage Act.

The ruling was cited by federal judges overturning bans in Utah and Oklahoma. Those decisions are now on appeal.

Challenges are pending on bans in Michigan, Virginia, and Florida, where advocates argue that laws prohibiting gay marriage violate the U.S. Constitution’s guarantee of due process and equal protection under the law. And in early February, the American Civil Liberties Union sued to challenge a constitutional amendment approved by Wisconsin voters in 2006, which is similar to the original version of Indiana’s measure. Both ban gay marriage and civil unions.

“I think the issue is headed back to the U.S. Supreme Court,” said Conkle, adding that the nation’s high court could take up challenges to state bans by early next year, depending upon how fast federal appeals courts move.

In 2011, the General Assembly took the first step toward putting the amendment question to voters when it approved a joint resolution banning same-sex marriage and civil unions. Late last month, the House voted for the resolution again but stripped out the civil union language, leaving the ban on gay marriage only. Proponents of HJR3 are fighting to

return the language in the Senate’s version, arguing that a more comprehensive ban would stand up better in court.

Jane Henegar, president of the Indiana chapter of the ACLU, said her organization is focused on defeating the amendment in the legislature and would deal with potential legal challenges later. The ACLU has partnered with Freedom Indiana to kill the measure at the Statehouse.

“We’re consumed with preventing discrimination from being enshrined in the constitution of Indiana,” Henegar said.

During a Senate committee hearing on Monday, Jim Bopp, a Terre Haute attorney and amendment supporter, argued that a measure that includes language banning same-sex marriage and civil unions would hold up better in court. “You have to defend marriage against any copycat versions of marriage – in other words, civil unions,” Bopp said.

There are lawyers on the other side who disagree.

Indiana University constitutional law professor Dawn Johnsen said even though the U.S. Supreme Court stopped short of overturning state bans on gay marriage, she’s convinced it signaled its intent. “To be sure, the court did not resolve the constitutionality of HJR 3,” Johnsen said last month. “But the court’s reasoning suggests that in a future case it would hold unconstitutional state laws that discriminate on the basis of sexual orientation with regard to who may marry.”

Top legal officers in states with same-sex marriage bans haven’t reached consensus.

Late last month, Indiana Attorney General Greg Zoeller joined 10 state attorneys general in a filing in a federal appeals case involving bans on same-sex marriage in Utah and Nevada. They argued that no fundamental right to same-sex marriage exists, and that allowing such unions will lead to “any group of adults” seeking that status and the “tragic deconstruction” of marriage. Yet Nevada’s own attorney

ney general also publicly questioned the fate of her state's ban, saying the U.S. Supreme Court ruling put up a higher obstacle to laws that discriminate on the basis of sexual orientation.

And in late January, the Virginia attorney general refused to defend his state's same-sex marriage ban against a federal court challenge. Instead, he asked on the court to invalidate the amendment, calling it unconstitutional and oppressive.

Seventeen states and the District of Columbia have laws that allow same-sex marriages. Several were triggered by court rulings. The first states that allowed same-sex marriage did so as a result of a court decision, Massachusetts in 2004, Connecticut in 2008 and Iowa in 2009.

In New Mexico, the state supreme court ruled in December 2013 that same-sex couples in the state are allowed to marry. Last October, the state supreme court in New Jersey refused to delay a state court decision requiring the state to recognize same-sex marriages. ❖

Maureen Hayden covers the Statehouse for the CNHI newspapers in Indiana. She can be reached at maureen.hayden@indianamedia.com. Follow her on Twitter @MaureenHayden.

Fed judge strikes down

Kentucky marriage ban

LOUISVILLE — A federal judge Wednesday struck down Kentucky's ban on recognizing valid same-sex marriages performed in other states, saying it violates the U.S. Constitution's guarantee of equal protection under the law (Louisville Courier-Journal). U.S. District Judge John G. Heyburn II joined nine other federal and state courts in invalidating such bans.

Ruling in a suit brought by four gay and lesbian couples, Heyburn said that while "religious beliefs ... are vital to the fabric of society ... assigning a religious or traditional rationale for a law does not make it constitutional when that law discriminates against a class of people without other reasons." Heyburn said, "it is clear that Kentucky's laws treat gay and lesbian persons differently in a way that demeans them."

Citing the U.S. Supreme Court's ruling throwing out the Defense of Marriage Act, Heyburn struck down the portion of Kentucky's 2004 constitutional amendment that said "only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky." Heyburn did not rule that Kentucky must allow gay marriages to be performed in the state. In a 23-page ruling, Heyburn said Kentucky's sole justification for the amendment was that it was "rationally related to the legitimate government interest of preserving the state's institution of traditional marriage." ❖

Kenley, from page 1

taxation policy that has undergone dramatic change since 2008, Kenley said, "I think you're right. Maybe the study should be on a broader basis. Maybe we need to look at the issues the caps are creating or the TIF districts are solving. There's been a revolution within an evolution as we've changed our tax system. The overall system needs a good, thorough review."

Kenley reiterated an earlier stance that he does not want to reopen the budget, a situation Gov. Mike Pence created on Tuesday when he told a bipartisan group of mayors that he intends to find replacement revenue for more than \$54 million in cuts that SB1 would ignite by eliminating the personal property tax on businesses with less than \$25,000 in equipment.

"I am not open to that," Kenley said about reopening the biennial budget that was passed in April 2013. "The governor has not requested we reopen the budget. There is no emergency. That would be a mistake."

Kenley cast doubt that the business tax repeal can be accomplished this session. "I think he puts one of the

difficulties on the table," Kenley said of Pence's move on Tuesday with the mayors to replace lost revenue. "I'm not sure we can do that in the short session. I'm not sure it's all going to get done. It's going to take some time to sort everything out. I don't anticipate a full solution. That's why it's really important to establish a commission."

Kenley was asked about mayors and county officials pushing back on the elimination of any revenue after five years of dealing with property tax caps and the elimination of other taxes. "We've asked our local governments to do some pretty strong things," Kenley said. "They didn't like it, but they dug in and made some changes. It's not easy to make that kind of adjustment in future. We need to work together in a collaborative way. The super committee would be one way to do it."

Other fiscal legislators weighed in on the replacement fund scenario. House Ways & Means Chairman Tim Brown told IndyPolitics that while he sees replacing some revenue, he does not want the dollar amount to swell out of control with the state giving locals hundreds of millions of dollars. Sen. Brandt Hershman told the Lafayette Journal & Courier's Dave Bangert that his work was getting tangled in claims of devastation to local government left

holding the bag without easy ways to offset a massive drop in revenue under the plan favored by Gov. Pence. "There's a method to the madness," Hershman said of his more measured approach. "It's not just a corporate give-away. It's a matter of bang for the buck. ... This will bring jobs to Indiana. I'm sure of it."

Ballard lays down the gauntlet

Gov. Pence entered this issue without a clear understanding of the political ramifications within his own party. On the face of it, Pence and his senior economic staff seemed to create his top priority issue this session off the tax cut template. He did so in his first legislative session with the proposed 10% income tax cut, eventually accepting a phased-in 5%, with an impact that is barely recognized with most voters.

Some 80% of county elected officials and 60% of mayors are Republican and they view the repeal and lack of replacement revenue as a real threat to their budgets and service capabilities.

Republican Mayor Greg Ballard of Indianapolis and Evansville Mayor Lloyd Winnecke have become the face of what is sinking into an inter-GOP feud between the Statehouse and dozens of city halls across Indiana.

"I have been a vocal advocate for finding efficiencies and creative cost cutting measures in local government," said Ballard. "However, current proposals to eliminate even a portion of the business personal property tax do not take into account the impact additional revenue cuts will have on public safety, schools and the many other vital services local governments provide." Indianapolis would lose \$25.6 million, including \$7.7 for police and fire protection, \$40.7 million to schools. "Eliminating the tax will result in cuts to schools, police, fire and parks."

Ballard added, "If this proposed tax is decreased for corporations, it will become the governor's tax increase on our citizens."

Winnecke noted that while neither SB1 and HB1001 is a "total elimination" of the tax, he described both as "the first step in a total elimination." He said of the recent Evansville "visionary process" for the city's future, some 1,700 citizens have participated "and the top of each bucket all are related to quality of life."

Resolutions in GOP country

But beyond the klieg lights and 6 o'clock TV news, an array of resolutions are passing on city and county councils in some of the most Republican territory in the state.

Resolutions against the tax repeal have passed at Peru, Portland, Munster, Warsaw, Fairmount, Noblesville, Wakarusa, Garrett, Linton, Plainfield, Lebanon and Monticello. County councils have passed resolutions against

the repeal in Wabash, Morgan and Hendricks counties. In Noble County, municipalities and county government fashioned a joint resolution against the repeal. This winter of discontent is festering in the heart of the Hoosier Republican base. More are in the works.

Republican Jasper Mayor Terry Seitz said his city could lose \$1.2 million annually, 17% of its budget. "I'm not saying that it isn't something that businesses wouldn't want or take advantage of," he said. "But, as it is presented, as it was pitched, I'm pitching back that this is how it will impact us." In nearby Huntingburg, Republican Mayor Denny Spinner told the Jasper Herald, "We cannot afford to continue to have their revenue streams limited and reduced. The property tax caps have had a definite effect on our income structure. Losing another source of revenue



Evansville Mayor Lloyd Winnecke and Indianapolis Mayor Greg Ballard talk before calling on Gov. Pence to kill the business personal property tax legislation or provide replacement revenue. (HPI Photo by Brian A. Howey)

would cause us to have to take some serious looks at reducing services or making cuts in some other areas that we really can't afford."

In Wakarusa, an extremely conservative town in southern Elkhart County's Amish country, the town board's Feb. 4 resolution noted, "None of the proposals being considered by the Governor or Indiana General Assembly contemplate any replacement revenues for those revenues they are eliminating via the full or partial elimination of the business personal property tax." It resolved, "that we oppose any proposal to eliminate all or any portion of the business personal property tax without a corresponding replacement revenue stream implemented by the State of Indiana."

Wakarusa stands to lose \$132,332 if the tax is repealed, while Elkhart County would lose \$60.9 million, or 27.5% of its property tax revenue.

Scanning through the 2012 election results, Pence carried Elkhart County with 57.9% of the vote, DuBois County with 59.6%, Hendricks County with 61.2%, Morgan County with 60.8% and Wabash County with 60.4%. He won Vanderburgh County with 51.2%. In Miami County, Pence won there with 54.5% while Gregg polled just 39.4% with Libertarian Rupert Boneham picking up 61.0%

Essentially, not only is Gov. Pence alienating himself from any urban bases he has, but also in the doughnut counties and the most conservative areas of the state that essentially prevented what would have been a stunning upset to Democrat John Gregg.

Ballard pressed Pence and legislative leaders for details. "I urge lawmakers to put forward language that is: A statewide policy, revenue neutral with replacement revenue coming from state sources, and not a shift of this business tax to individual Hoosier property taxpayers," Ballard said. "It's important that any changes to our state's tax structure and economic development strategies take into account the need to build communities that attract and retain the best and brightest workforce."

Pence agrees to SB1 replacement

A few hours later, Pence announced that he will seek full replacement revenue for local governments from the state after meeting with mayors Lloyd Winnecke of Evansville, Greg Goodnight of Kokomo, Duke Bennett of Terre Haute, Joe Thallemer of Warsaw, Peter Buttigieg of South Bend, Huck Lewis of Lebanon and Tom Henry of Fort Wayne.

"After listening to local communities across our state, I have informed legislative leaders that I am open to full state replacement revenue for local governments to cover the cost of eliminating the business personal property tax on small businesses with less than \$25,000 in equipment, as proposed in Senate Bill 1," Pence said in a statement.

"This would ensure that any reform of this tax does not unduly burden local governments or shift the cost of this tax onto hardworking Hoosiers. This reform, along with affording counties the option of ending the tax on new equipment as proposed in House Bill 1001, would make our communities and our state more attractive for the kind of investment that will create jobs for Hoosiers."

Pence added, "I look forward to working together



Gov. Pence met with reporters last week but was evasive on what "undue harm" meant as well as on replacement revenue details. (HPI Photo by Brian A.

House and Senate leaders, as well as local officials, as we continue to advance these important reforms."

The problem there is that Republican legislative leaders were caught off guard, according to multiple sources. Sen. Hershman told the Star, "It's reasonable to ask local governments to make small cuts. We expect local governments to exert the same fiscal discipline that the state has."

To which Mayor Goodnight said, "Have Sen. Hershman come to Kokomo and tell me which street not to plow, which pothole not to fill."

Pence offered the mayors no details on a source of the replacement money. Nor would his pledge cover the House version of the bill, which proposes giving counties the authority to kill the business equipment tax. And there's no promise from legislative leaders that they'll go along with the idea.

"It's not a major breakthrough. [Pence is] not able to promise anything," said Matt Greller, director of IACT, who joined the mayors' meeting with the governor. "But it's the first step we've had in the right direction."

The Indianapolis Star reported: Pence said he also wants lawmakers to pass a separate House bill that would give counties the option of eliminating the business equipment tax on new investments. The governor does not support replacing that revenue for local governments because it would be optional, said Christy Denault, a spokeswoman for the governor.

Less than a week ago, Pence sent a letter to mayors seeking support for the repeal, while using the sketchy "undue harm" phrase that had him dancing around its meaning with reporters a week ago.

Republican La Porte Mayor Blair Milo responded with a Feb. 11 letter to Pence, stating, "I believe many of us are gravely concerned that as we review the current proposals in a comprehensive fashion for how Indiana remains competitive, we are troubled that the de facto results of these proposals would in the long term not only NOT achieve the goal of improving our business attractiveness, but drastically harm our exceptionally strong business climate we are so proud of."

Milo concluded, "If state officials are resolved that a decrease in the business personal property tax is necessary to further improve Indiana's business attractiveness, then utilizing funds from the state budget surplus is the only method to accomplish the desire goal without compromising critical business attractiveness components like local services."

The problem there is that the state surplus is hardly static. And as Leslie Weidenbener of the Statehouse File noted at an IACT panel Tuesday afternoon, "We are not that far away from the next recession."

Bosma, Long eye the economy

Speaker Bosma and Sen. Long are keeping an eye on the economy, as the January revenue report revealed a \$38 million shortfall. "Obviously the economic

report is going to be important here too and we've had some brutal weather out there that's effected the income for the state, for every state, probably two-thirds of the country are going through that right now, so we're not alone but it's a factor," Long said Monday. "We have to see what those numbers are as we go forward. Revenue has been not as good as we hoped."

Asked about Gov. Mike Pence's position, Long said, "We're in discussion. The Governor's Office, the Senate leadership with their fiscal people, and the House leader-

ship and their fiscal leaders, we're all meeting weekly and talking. It's a process and we're in that process right now. The Governor, obviously, would like to see positive outcome for the proposals. He is also respectful to the fact that it's in the legislature right now and he's trying not to trample on our need to work through it in the Senate right now. I appreciate his respecting that, but he is involved in the discussions absolutely."



Senate Rules passes HJR-3 to floor debate

By **BRIAN A. HOWEY**
and **MATTHEW BUTLER**

INDIANAPOLIS – By an 8 to 4 party line vote Monday, the Indiana Senate Rules Committee voted to send the constitutional marriage amendment to the floor of the upper chamber in its current form, with a final vote likely coming this afternoon.

The vote early Monday evening came after more than three hours of testimony that featured proponents of HJR-3 seeking to restore the second sentence that was removed by the House. That second sentence has been a lightning rod of criticism because it would prevent future General Assemblies from creating civil unions or domestic partnerships.

Proponents like Curt Smith of the Indiana Family Institute openly called for a restoration of the second sentence. "We're going to focus on restoring the original language. I know it is one sentence. It is not enough to define marriage, you have to defend marriage," said Smith, who finally said, "I ask you to restore the second sentence."

Senate President David Long, R-Fort Wayne and chairman of the committee, countered Smith, saying, "I ask you to stay within the process."

Long has said that he wanted amendments to be made on the Senate floor.

Sen. Long said afterwards, "As I've said, once it

hits the floor it's open for any amendment that someone may propose as long as it's germane. I expect we will see a potential amendment, not for sure — I don't know what that'll look like. Nothing should surprise you at this point. It is to the floor as I hoped it would be, un-amended so that the entire Senate will have an opportunity to debate this and we'll have a robust discussion."

Long was asked: Do you favor the amendment? Do you want that second sentence put back in?

Long responded, "I'll talk about that on Thursday and I will talk about it."

Asked if putting the second sentence back in will kill the amendment in the House, Long said, "That's one theory, yes. It's hard to know what may or may not happen. There are those that say people have changed their minds. There are those that say that's not at all what's happened. And we really have to just stick to what we think we should do here in the Senate. What the majority of Senators decide to do will be what ultimately happens. We can't speculate on what the House will or will not do."

Senate Minority Leader Tim Lanane said HJR-3 is an amendment whose "time has come and gone." He called

it an amendment "that discriminates against one group of people" and added, "There will be a court challenge."

State Sen. Dennis Kruse, R-Auburn, introduced the measure by reading the one sentence that says that "marriage is between one man and one woman."

Terre Haute attorney Jim Bopp reiterated his testimony in the House, telling senators that without the



Senate President Long gestures at the Rules Committee meeting on Monday as Sens. Jim Merritt and Tim Lanane look on. (HPI Photo by Matthew Butler)

second sentence, "it is vulnerable to that challenge."

Two senators who voted for the amendment in 2011 when it passed 40-7 - Terre Haute Democrat Tim Skinner and Lafayette Republican Ron Alting - have said they will vote against the measure this time. State Sen. Jim Merritt, R-Indianapolis, said he is undecided. Alting told the Lafayette Journal & Courier over the weekend, "The reason is quite clear. My goodness, this vote go-around, compared to years ago, probably is 10-to-1 of my constituents ... that are totally against this. (We've been led to) the perception it's only the young people and the gays and lesbian community that does this. That's absolutely wrong, I can tell you. I have people from all walks of life. To Christians, to people of good faith, to high school, to college. There is no discrimination in the people who say, 'Ronnie, vote against this. We shouldn't be doing that.' What is changed is the perception. It is something that is already on the books, leave it alone."

No Republican senators beyond Kruse spoke on behalf of the amendment.

Several other Republicans, such as Sens. Luke Kenley of Noblesville and Pete Miller of Avon, have said they will not vote in favor this time.

Proponents and those in opposition jammed the third floor of the Indiana Statehouse. Indiana Freedom, the advocacy group against the measure, called the committee vote a "partial victory" because the second sentence was not restored.

Second sentence support falters in Senate

The Senate will likely vote on amendments this afternoon with final passage coming early next week.

If it votes for the amendment that includes the second sentence, it will go back to the House for concurrence. If it passes without the second sentence, it will not appear on the November 2014 ballot and will likely be decided in 2016.

The NWI Times reported this morning that GOP senators met behind closed doors discussing the issue for nearly three hours Tuesday. They are set for another 90-minute meeting immediately prior to Thursday's 1:30 p.m. Senate session.

The Indianapolis Star reported this morning a survey of the 50-member body this week found 16 said they will oppose adding back the second sentence and 10 — mostly Republicans — are undecided. Only six senators said they will vote to restore the sentence, which opponents think also would prohibit domestic partner benefits.

Senate President Pro Tempore David Long and



Advance America's Eric Miller prior to the Senate Rules Committee hearing on Monday where HJR-3 advanced to the Senate floor without the second sentence reinstated. (HPI Photo by Matthew Butler)

15 other senators declined to comment on the second sentence or how they will vote on the amendment — with or without the second sentence. Two senators are ill and were not surveyed. They are not expected to vote.

A Republican senator, who asked not to be identified, said Wednesday an informal tally of GOP lawmakers showed a shortfall of six to eight votes to restore the second sentence.

"I think there are a lot of people who think the second sentence goes too far. It's just radically flawed and discriminatory in my opinion" said Senate Minority Leader Tim Lanane, D-Anderson. "I'd be surprised if they (Republicans) had the votes to restore it."

Rep. Linda Lawson, D-Hammond, told the NWI Times the Senate putting the second sentence back in would cause a civil war among the 69 House Republicans, after 23 of them joined 29 Democrats to take it out. "They've got a house divided," Lawson said. "If anything comes over from the Senate side ... it will be a mess."

Megan Robertson, campaign director of Freedom Indiana, a coalition opposing HJR-3, also thinks many senators have problems with the second sentence.

"I think there's a good chance the second sentence will not be added back," she said. "Certainly, that's what we hope they'll do. But we prefer the whole thing go away." ❖

6 open seats, HJR-3 issue challenge top May primary season

By **BRIAN A. HOWEY**

INDIANAPOLIS – When it comes to Indiana’s May primary, the action will occur in a handful of House and Senate races that include six open seats and several issue-driven primary challenges. Only two incumbents, State Sen. John Waterman and State Rep. Milo Smith, appear to be in danger of losing in the primary.

There are no presidential, U.S. Senate and gubernatorial races this year. The top of the ballot races, for Indiana secretary of state, treasurer and auditor, will be decided by the state party conventions in June. At the congressional level, there are a number of contested primaries in both parties, but none is endangering any incumbents.



There are four open seats in the Indiana Senate following the retirements of Sens. Sue Landske, Johnny

Nugent, Allan Paul and Lindel Hume, as well as an intense primary challenge to Sen. John Waterman.

In the House, two open seats were created when Rep. Tim Neese decided to run for mayor of Elkhart and Rep. Rick Niemeyer opted to seek the Landske Senate seat and both have multiple candidate primaries.

Four other races have various kinds of fallout from the showdown over the constitutional marriage amendment as Reps. Rebecca Kubacki, Milo Smith, Eric Turner and Kathy Heuer face challengers. Of these races, Kubacki faces the most intense challenge from Curt Nisly, but she has won contested primaries in her first two terms, including her defeat of Rep. Bill Ruppel in 2010.

Here is a race-by-race roundup of Indiana General Assembly contests this May:

Indiana Senate

SD6: Open seat, Sen. Sue Landske retiring. Democrats Lon P. Childress, Roxanna Hanford; Republicans Rep. Rick Niemeyer, Chris M. Shepherd. **Race overview:** Shepherd is a political newcomer. He is a Chicago civil rights lawyer who lives in St. John. “I am running for the Indiana State Senate because I want to keep Indiana true to the principles that make this the greatest country in the history of the world: Small government, low taxes, disciplined spending and above all, the right to make our own decisions and pursue our own destiny,” Shepherd said in

a statement. “Indiana’s Republican leadership has done a great job protecting liberty and ensuring government does not interfere with job growth, but there is a lot more work to do.” HPI columnist Rich James wrote that Niemeyer wants to follow the footsteps of Ernie, his father, who gave up his Senate seat when he became the first Republican elected to the Lake County Board of Commissioners in modern times. He had been a Lake County councilman and gave that up to go to the state Senate. When Ernie retired from the Board of County Commissioners, Rick lost the general election in his attempt to replace his father. Subsequently, Rick was elected to the Lake County Council, replacing Larry Blanchard, who didn’t seek re-election. In 2011, the Republican-controlled legislature created a new state representative district. Rick filed for it and won. Rick is probably a lock to win the Senate seat and follow in this father’s footsteps.

On the Democratic side, Childress is a former Tri-Creek School Board member from Lowell. Hanford, a long-time Newton County public servant and business owner, served two separate terms as a Newton County commissioner, from 1999-2002 and 2007-2010. While on the commission, she focused on economic development, child protection and drug prevention. During her county commission service, Hanford was elected to serve as president, which placed her on the Indiana Association of County Commissioners. In 2009 she was honored by her fellow commissioners as the County Commissioner of the Year. “I truly love working for the people,” Hanford said, “which is why I want to go to Indianapolis and give the people of District 6 a voice at the Statehouse. We face great challenges as a state, particularly as it relates to our children and their futures. I’ll protect our children by ensuring they have every chance to succeed, and I’ll fight for our families by expanding educational and economic opportunities so they can share in the economic prosperity that too often eludes them.” **Horse Race Status:** Democrat: Leans Hanford. Republican: Safe Niemeyer.

SD15: Open seat, Sen. Tom Wyss retiring. Republicans Liz Brown, Allen County Sheriff Ken Fries, Jeffrey A. Snyder, Allen County Councilman Darren Vogt.

Race overview: Some heavy hitters have lined up in this race, including two-term Sheriff Fries (pictured), former Fort Wayne City Councilwoman Liz Brown, Allen County Councilman Darren Vogt and Jeffrey Snyder, chief executive officer of Snyder Food Services. Brown served as an at-large member of the city council from



2008 to 2011. Her website says Brown believes in U.S. Constitutional conservative principles like fiscal responsibility and limited government that have made Indiana a great place to do business and raise a family.

Fries has a 32-year history of service holding positions on the SWAT team, a K-9 patrolman, and for the past seven years the position of sheriff. "I know public safety probably better than anyone else running, but I also know jobs. I know how to create a business." He wants to put Common Core standards on hold. "We cannot allow this dumbing down of the state's education system by Common Core."

Vogt believes, "Government does not create jobs, businesses do. Government can help create jobs if it conducts itself in a responsible manner, by limiting regulations and excessive taxes. Doing this will make Indiana a more attractive place to do business. Attracting businesses, keeping our fiscal house in order, maintaining our strong credit rating and having a proper balance of taxes will ensure that Indiana's economy stays on the right track."

This race features three candidates with long public resumes and each has a power base. Fries has been in the news lately as his county has dealt with a severe winter. He might have a slight edge. **Horse Race Status:** Tossup.

SD27: Open seat, Sen. Alan Paul retiring. Republicans Eric Atkinson, Jeff Raatz, Doug Williamson, Richmond City Councilman R. Bruce Wissel. **Race overview:** Wissel is a five-term city councilman and served a term as president. He also served as a liaison to the Wayne County Economic Development Corporation. He interned in the Indiana General Assembly while a college student. "Like many of you, I am frustrated by the lack of cooperation we often see in government today," Wissel said. "Civility and respect for those we work with lay the foundation for positive future changes. This doesn't mean compromising our basic principles, it is just the way grown ups deal with tough issues."

Williamson is a former Wayne County commissioner and unsuccessfully ran for HD56 in 2012, losing to State Rep. Dick Hamm.

Raatz, 50, has 25 years of business experience, including 13 years as vice president of operations at New Creations. "My desire is to build on the current successes of Senator Paul and the state of Indiana, and create the future through education and economic stability that we may sustain and grow while the national and international economies may continue to struggle," Raatz said in a press



Jeff Raatz (left) and Bruce Wissel

release

Atkinson of Cambridge City ran as an independent and lost to Jeff Cappa in the race for county sheriff in 2010 and ran as a write-in candidate and lost in a race for Indiana House of Representatives in 2012. **Horse Race Status: Leans Wissel.**

SD31: Republicans Chrystal D. LaMotte, Sen. Jim Merritt. **Race overview:** LaMotte is a mother and house wife from Lawrence and is a former Colts cheerleader. The Indiana University graduate served as media spokesperson for Central Indiana Crisis Pregnancy Center from 1998 to 2007. She also served as a media spokesperson for Right to Life of Indianapolis for several years. Her campaign theme is "Tired of being force-fed the politically correct, leftist agenda?" Her husband, Steve, is with CBRE Real Estate and her campaign is expected to have financial resources.

Merritt has served in the Senate since 1990. In 2013, Merritt raised \$68,900, spent \$48,612 and had \$39,635 cash on hand at the end of the reporting period. **Horse Race Status:** Safe Merritt.

SD38: Democrat: Sen. Tim Skinner. Republicans John D. Carson, Jon Ford. **Race overview:** Ford, a Republican, cites economic development, workforce training, education, the improvement of public infrastructure and energy production among his priorities if elected. A current member of the Honey Creek Township Board, Ford also has served as chairman of the Indiana Arts Commission, president of the Swope Art Museum and president of the Indiana Leadership Forum. He also has served on the boards of directors for the Indiana Manufacturers Association, Leadership Wabash Valley and the Vigo County Youth Soccer Association. "I am gratified to have a wonderful groundswell of support," Ford, currently president of All State Manufacturing, stated in a news release. "But this is just the first step and I am looking forward to the whole campaign process, getting out and connecting with the great people of the Wabash Valley." Carson does not have a web presence. **Republican Horse Race Status:** Likely Ford.

SD39: Republican Washington City Councilman Eric Bassler, State Sen. John M. Waterman. **Race Overview:** Primary challengers are nothing new to Sen. Waterman, but this one could be different. Waterman was out-raised by Bassler, who reported contributions of \$97,312.58, expenditures of \$34,002.47 and a year-end balance of \$63,310.11. Waterman reported a beginning balance of \$5,117.71, another \$39,418 in contributions, \$26,321.71 in expenditures and \$18,214 cash on hand. Waterman is receiving financial help from labor, including \$1,000 each from the IBEW 725 PAC, Trucking Industry PAC, Boiler-

makers Local 374, Indiana State Building and Construction Trades Council Local 841 Indiana PAC, \$2,000 from the International Union of Operating Engineers Local 841, \$1,500 from the Indiana Regional Council of Carpenters, and \$6,000 from the Northern Indiana Operations Joint Labor Management PAC. He also received \$4,000 from the Lawyers PAC.

Eric and Julie A. Bassler of Washington each contributed \$10,000 to the challenger campaign, and he drew an array of personal donations in the \$1,000 to \$2,000 range from individuals in Washington, Ind., as well as from Dubois and Knox counties. **Horse Race Status:** Tossup

SD43: Open seat Sen. Johnny Nugent retiring. Republican: Ripley County Councilman Bill McDonald, Chip Perfect, Mark Schneider. Democrat: Rudy Howard. **Race Overview:** Retiring Sen. Nugent has endorsed Perfect, owner of the Perfect North Ski Slopes. "After careful consideration with my family and close friends, I have decided to run for the Indiana State Senate District 43," McDonald said in his announcement. "I look forward to bringing my local knowledge and experience to the Indiana State House. I look forward to working to make a difference by fostering economic development and educational opportunities for the prosperity of all our counties." Schneider is a 27-year-old Columbus resident. Rudy Howard is the lone Democrat in District 43. He unsuccessfully ran for Dearborn County Clerk of Courts in 2012. **Horse Race Status:** Likely Perfect.

SD47: Republican: Erin Houchin, Harris Lloyd Whitis. Democrat: State Sen. Richard Young. **Race Overview:** Whitis, 67, is a Corydon lawyer, beef cattle farmer and Laconia resident. Whitis served as judge in the Harrison County Circuit Court from 1999 through 2010 and was the prosecuting attorney for the Harrison-Crawford Joint Circuit from 1975 through 1982. Additionally, he served as director of the Indiana Prosecuting Attorneys Council, director of the Harrison County Community Foundation, and president of the Harrison-Crawford Bar Association.

Houchin (right) served as Southeast Indiana regional director for U.S. Sen. Dan Coats and has his imprimatur. "Erin performed magnificently as my regional director for Southeast Indiana," Coats said. "She was a wonderful representative and great to work with. Erin would be a great advocate for the people of southern Indiana and make an excellent state senator." Lt. Gov. Sue Ellspermann said, "I am pleased to see a talented candidate like Erin step forward to serve the 47th District, my home district. In



her work for Senator Coats, chair of the 9th District GOP, and completion of the Richard G. Lugar Series Excellence in Public Service, Erin demonstrates she is committed to serving Hoosiers." **Horse Race Status:** Leans Houchin.

SD48: Republican: Open Seat: Sen. Lindel Hume retiring. State Rep. Mark Messmer, Ted Metzger. **Race Overview:** Metzger, Boonville, is a local self-employed small business owner. He worked days as a HVAC technician and nights building his own business, a commercial contract cleaning service and has been self-employed for over 30 years. According to his campaign website, for the last 14 years, Metzger has been "fighting in the trenches at the local level as a grassroots activist working to restore our liberties. He has received the Defender of the Constitution Award for his staunch support of the Bill of Rights, and, having been rated taxpayer friendly by the Watchdog Indiana Organization, he will work for Hoosier families to reduce taxes and eliminate wasteful spending. Ted believes in the sanctity of traditional marriage and is endorsed by Southwestern Indiana Right to Life." Rep. Messmer, R-Jasper, is currently serving his third term in HD63. Messmer has authored pro-life legislation and chairs the House Commerce Committee. **Horse Race Status:** Likely Messmer.

Indiana House

HD11: Open seat, Rep. Rick Niemeyer running for Senate. Democrat: Lowell City Councilman Phillip Kuiper, James Metro. Republican: Michael J. Aylesworth, Michael Mears. **Race Overview:** Kuiper is a Lowell councilman. Metro is from Cedar Lake but is not related to former Crown Point Mayor James Metros. Michael Aylesworth is a Hebron farmer, a state employee who has served on Porter County Council and has run for state rep before. **Horse Race Status:** Leans Kuiper; Leans Aylesworth.

HD19: Republican Julie Olthoff, Chris N. Retson. Democrat State Rep. Shelli VanDenburgh. **Overview:** Olthoff is chair of the Crossroads Regional Chamber of Commerce in Merrillville. Retson is an operational/programmer consultant at Wockhardt USA. He specializes in process design/improvement and data utilization. **Horse Race Status:** Tossup

HD22: Republican State Rep. Rebecca Kubacki, Curt Nisly. **Race Overview:** This will be one race where HJR-3 will play a prominent role. Nisly, husband of Elkhart County Republican Chair Mary Nisly, has been outspoken in his support for the amendment and his campaign has been critical of Kubacki. Kubacki, R-Syracuse, posted \$23,684.23 in contributions in 2013, had expenditures of \$17,277.23, and had \$11,671.49 cash on hand. Kubacki told the Elkhart Truth she voted the way she did because it would undermine the notion of "protecting our Constitution from supermajorities and the pressures of the politics

of the day. My responsibility as a legislator is to protect and defend our Constitution, not reject and amend it. If we go down that path we might as well just rip it up and make a list of laws as opinion changes." Nisly appears to have populist support from Tea Party people. Kubacki and her banking executive husband have a wide business network in Syracuse and Indianapolis, where many powerful Republicans have summer homes on Lake Wawasee and other lakes in the area. Kubacki will be able to draw on that support. Kubacki knows all about challenging incumbents, having done so against State Rep. Bill Ruppel in 2010, defeating him 5,024 to 4,309. In 2012 when her district shifted northward into Elkhart County, Kubacki won a contested GOP primary over Jon Hare by 2,200 votes, so she knows how to run a primary campaign. **Horse Race Status:** Leans Kubacki.

HD25: Republican State Rep. Donald J. Lehe, Franklyn Voorhies. **Race Overview:** This is a rematch from the 2012 Republican primary where Lehe defeated Voorhies by 2,200 votes. In that campaign, Voorhies questioned the "efficiency" of state government, describing it as "pretty poor." During a debate with Lehe, Voorhies said he is a proponent of a powerful state government rather than a powerful federal government exercising its power in the state (Carroll County Comet). He said he believes it is time for state government to "take control our country." Voorhies said he is very concerned about the future and believes local government should "be the power it is supposed to be." Lehe and Voorhies said they would support the teaching of creationism in schools. Voorhies said parents should control choices in education. "It is wrong for government to dictate what is taught," he said. Lehe said that creationism should be an "element" in student curriculum. "Students should be given a fair representation of what is out there," he said. **Horse Race Status:** Likely Lehe.

HD32: Republican State Rep. Eric Turner, Parvyn Gillim. Democrat Bob Ashley. **Race Overview:** Little could be found about Gillim and Turner should easily win this primary. **Horse Race Status:** Safe Turner.

HD39: Republican State Rep. Jerry Torr, Don Meier. **Race Overview:** Meier has been affiliated with several Hamilton County Tea Party groups. He dropped out of the Tea Party of Hamilton County and formed another unit, which is no longer active. He has since become affiliated with the Constitutional Patriots of Carmel, and that group could be responsible for pushing the challenge against Torr over the issues of HJR-3 and mass transit. Torr voted against HJR-3 and is a leading supporter of mass transit. Torr hasn't had a serious primary test since Nancy Irsay challenged him more than a decade ago. He won easily. The incumbent will have to stay on his toes on this one, but should return. **Horse Race Status:** Likely Torr.

HD48: Open seat, Rep. Tim Neese running for mayor of Elkhart. Republican: Jesse Bohannon, Adam M. Bujalski, Doug Miller. **Race Overview:** Miller, who runs a home construction business here, said, "I feel strongly about making a difference in my community. It is important that my children and grandchildren have the opportunity to call our great state their permanent home." In his statement, Miller cited a desire to serve and give back to the community and also touted his faith in God. Beyond that, he singled out education issues, expressing seeming support for vouchers, and voiced an anti-tax message. In 2010, Miller took part in the campaign to promote a constitutional amendment question on the election ballot that year to place caps on property taxes.



Doug Miller (top) and Adam Bujalski.

In his statement, Miller cited a desire to serve and give back to the community and also touted his faith in God. Beyond that, he singled out education issues, expressing seeming support for vouchers, and voiced an anti-tax message. In 2010, Miller took part in the campaign to promote a constitutional amendment question on the election ballot that year to place caps on property taxes.

Bujalski, of Elkhart, announced last August, less than a day after Neese announced plans to retire from the Indiana House and consider a run for mayor of Elkhart. Bujalski works as a branch manager for Key Bank on Lincolnway East in Goshen and is vice chairman of the Elkhart County Republican Party. He said he's been meeting in recent months with residents, educators and local small business owners. "I believe that my past experiences have

groomed me for this position and that I will be the best candidate available. Indiana has had tremendous leadership to see us through the downturn, and although we were affected at one of the highest (unemployment) rates in the nation, we have bounced back to the envy of many states and are held in high regard," Bujalski said. Bujalski, 31, was among a large number of people who sought to fill the open seat on Elkhart City Council and finished second in the final vote. He also ran for city council in 2011 and lost to incumbent Tonda Hines by a narrow margin. Bujalski is a U.S. Army veteran and has worked in the finance industry for more than seven years.

Bohannon, 34, also announced last August. He said he has had "a lifetime passion to protect personal and economic liberty and has been a consistent voice for government accountability." He currently works at The Crossing Education Center in Elkhart, serving as leadership coordinator and leading students in service learning projects. "We are at a critical turning point. Local, state and federal governments all have important roles to play," Bohannon said. "It is time for me to raise my level of commitment, and I am asking the people of the 48th

District to join me.”

Of the three, Bujalski, who is an officer on the Elkhart County Republican Party, might have a slight edge due to his party affiliation. **Horse Race Status:** Tossup

HD59: Republican State Rep. Milo Smith, Bartholomew County Council President Ryan Lauer. **Race Overview:** Lauer will challenge State Rep. Milo Smith, who chaired the House Elections Committee that passed HJR-3 to the House floor after it had stalled in the House Judiciary Committee. Speaker Brian Bosma said that Smith had lobbied him to move the legislation to his committee. In doing so and voting for the amendment and its second sentence, the Columbus Republican was publicly rebuked by his gay son, drawing state and national media attention.

Lauer, who is a senior test engineer at Cummins Engines, is not focusing on the amendment, telling Indiana Public Media, “If I was part of the process of the legislature, I think I would have a strong role in the language that ultimately resulted. It’s paramount that the question be clear and concise and that marriage be between a man and a woman.” Lauer said he is running his campaign on economic and education issues. “I’m a strong proponent of evidence-based practices, that we look for good ways to measure schools on an even playing field,” he said. “That gives the opportunity for teachers, students and parents to make an assessment of their school.” Lauer said people began urging him to run last fall. But Cummins has played a prominent role in the funding of Indiana Freedom and has had executives testify against the amendment. It’s not too much of a stretch that Cummins will be supporting the Lauer campaign financially.

Rep. Smith reported a beginning balance \$5,950, another \$5,847.61 in contributions, \$10,059 in expenditures and \$1,738.47 cash on hand. Lauer did not file an Indiana campaign finance report, having declared his candidacy in mid-January. One other noteworthy element to this race: Bartholomew County voters weren’t afraid to back in the insurgent candidacy of Greg Walker on his way to the stunning upset of Senate President Pro Tempore Robert D. Garton in 2006. Walker had wide support of Right to Life and Right to Work organizations. Smith should be able to draw on the RTL organization in this race. But Smith faces a challenge of not being able to raise money until the legislature’s sine die on March 14. This one will be worth watching. **Horse Race Status:** Tossup

HD66: Republican Ronald Harsin, Lisa Seng Shadday, Joe Van Wye, Sr. Democrat: State Rep. Terry Goodin. **Race Overview:** Harsin is the owner of Precision Laser Graphics and was a department manager at Republic Bank. He is a Purdue graduate. Shadday has been campaigning hard in Clark, Jefferson and Scott counties, GOP officials tell HPI. **Republican Horse Race Status:** Tossup

HD83: Republican State Rep. Kathy Heuer, Steve J. Hively, Christopher N. Judy. **Race Overview:**



Rep. Heuer picked up two opponents around the time she made her vote against HJR-3. Hively is not well-known in GOP circles and Judy is associated with Allen County 9/12 groups. He also gave the nominating speech for Jason Arp, who unsuccessfully challenged long-time Allen County Republican Chairman Steve Shine a year ago. Heuer is well respected and is favored. **Horse Race Status:** Likely Heuer.

HD84: Republican State Rep. Bob Morris, Michael Barranda. **Race Overview:** Morris received notoriety in 2013 when he made controversial comments about the Girl Scouts. Morris apologized, but his comments became fodder not only in national and state media, but also at the Indianapolis Gridiron dinner a year ago when House Speaker Brian Bosma appeared wearing a merit badge sash. Reports of primary opponents quickly surfaced. Mark Hagar formed an exploratory committee, but did not file. Instead, he endorsed Fort Wayne attorney Barranda and sent out a letter to a large mailing list this past week. Barranda is running an energetic campaign, having walked most of his district. Barranda said in a statement that if elected, he will “promote principled, conservative stands on fiscal and social issues while embracing diversity and inclusion while not being divisive and intolerant.” Rep. Morris is nominally favored, but as one Republican source told HPI, “this is not a lay down” for the incumbent. **Horse Race Status:** Leans Morris.

HD85: Republican State Rep. Casey Cox, Ken Knoblauch, Denny Worman. **Race Overview:** Rep. Cox won a caucus to fill the seat held for decades by the late State Rep. Phyllis Pond, defeating Knoblauch in the process. He faces Knoblauch in his first public election. Worman is the son of a former state senator and a perennial candidate. Knoblauch is a well-respected East Allen Schools teacher. He is well-known in the Pond voter base between New Haven and Woodburn. Additionally, Knoblauch’s family has owned a well-known trucking company based in Woodburn. Cox is a Fort Wayne attorney who quickly found himself in the center of attention surrounding HJR-3. Cox was on the House Judiciary Committee, where he said he was undecided on the amendment. It was then shifted to the House Elections Committee where he is also a member. Cox voted HJR-3 to the House floor, then voted against the second sentence before voting for the amendment on the way to House passage. Thus far, HJR-3 has not become the primary issue in this race.

Horse Race Status: Leans Cox.

HD91: Republican State Rep. Robert Behning, Michael S. Scott. **Race Overview:** Scott is challenging Behning once again, having lost to the Education Committee chair with 37% of the vote in the 2012 primary. Scott describes himself as a "lunch pail Republican" and as a long-time member of the International Brotherhood of Electrical Workers, he ran with their support. Behning is the influential chairman of the House Education Committee. **Horse Race Status:** Safe Behning.

General Election

Here are races HPI believes could be competitive next November:

HD15: Democrat Jim Wieser, Republican State Rep. Hal Slager.

HD21: Democrat Jodi L. Buoscio, Republican State Rep. Tim Wesco.

HD22: Democrat David C. Kolbe, Republican State Rep. Rebecca Kubacki.

HD27: Democrat State Rep. Sheila Klinker, Republican Chuck Hockema.

HD42: Democrat Mark C. Spelbring, Republican State Rep. Alan Morrison.

HD45: Democrat State Rep. Kreg Battles, Republican Bruce Borders.

HD56: Democrat Phillip Pflum, Republican State Rep, Richard Hamm.

HD78: Democrat Vanderburgh Commissioner Stephen R. Melcher. Republican State Rep. Holli Sullivan.

SD46: Republican State Sen. Ron Grooms, Democrat Julie Berry.

Congressional Primaries

None of the Indiana Republican or Democratic incumbents is in any danger in the primary. There are not primary races in the 1st CD, where U.S. Rep. Pete Visclosky faces a rematch with Republican Mark Leyva.

2nd CD: Democrat: Joe Bock, Douglas M. Carpenter, Bob Kern, Dan Morrison. **Race Overview:** Bock is a former Missouri legislator who heads Notre Dame's Global Health Training Program. He is a heavy favorite in the Democratic primary with his main competition coming from Morrison, who was defeated by Brendan Mullin in the 2012 primary. Bock raised \$170,000 and is in a position to give U.S. Rep. Jackie Walorski a competitive race this fall.

Horse Race Status: Safe Bock.



Democrat Joe Bock files in the 2nd CD. (Indiana Talks Photo)

3rd CD: Democrat: Justin Kuhnle, Jim Redmond, Tommy A. Schrader. Republican: Mark William Baringer, James (Jim) E. Mahoney III, U.S. Rep. Marlin A. Stutzman. **Democratic Horse Race Status:** Leans Kuhnle. **Republican Horse Race Status:** Safe Stutzman.

4th CD: Democrat: Jeffrey Oliver Blaydes, John Dale, Roger D. Day, John L. Futrell, Howard Joseph Pollchik. Republican: Kevin J. Grant, U.S. Rep. Todd Rokita. **Democratic Horse Race Status:** Tossup. **Republican Horse Race Status:** Safe Rokita.

5th CD: Democrat: Allen Ray Davidson, Shawn A. Denney, David William Ford. Republican: U.S. Rep. Susan Brooks, David M. (Mike) Campbell, David S. Stockdale. **Democrat Horse Race Status:** Tossup. **Republican Horse Race Status:** Safe Brooks.

6th CD: Democrat: Susan Hall Heitzman, Lane Siekman, Corinne Nicole Westerfield. The winner takes on U.S. Rep. Luke Messer. **Democrat Horse Race Status:** Tossup.

7th CD: Democrat: Mmoja Ajabu, U.S. Rep. André Carson, Curtis Godfrey, Pierre Quincy Pullins. Republican: Wayne "Gunny" Harmon, Erin Kent Magee, J.D. Miniear, Catherine (Cat) Ping, Gordon Smith. **Democrat Horse Race Status:** Safe Carson. **Republican Horse Race Status:** Tossup.

8th CD: Democrat: William Bryk, Tom Spangler. Republican: U.S. Rep. Larry D. Bucshon, Andrew T. McNeil. **Democrat Horse Race Status:** Tossup. **Republican Horse Race Status:** Safe Bucshon.

9th CD: Democrat: Bill Bailey, James R. McClure Jr., J.S. Miller, William Joseph (Billy) Thomas. Republican: Trent Feuerbach, Kathy Lowe Heil, Mark G. Jones, U.S. Rep. Todd Young. Former Seymour mayor Bailey had been expected to be the Democratic favorite, but his fundraising has been almost nonexistent. He will face a nomination challenge from Miller, who has the backing of some Monroe County Democrats. **Democrat Horse Race Status:** Tossup. **Republican Horse Race Status:** Safe Young. ❖

Indiana won't be battleground this fall

By JACK COLWELL

SOUTH BEND – Indiana won't be a nationally watched political battleground this fall. Not like in recent elections, when Democrat Joe Donnelly captured a "safe" Republican Senate seat in 2012, when there were three hotly contested House races in 2010 or when President Obama won the state in 2008.

If it were not for a possibly close race in the 2nd Congressional District, there would be nothing at all to attract any national attention. There is no election for governor or the U.S. Senate this year.



Democratic challenger Joe Bock, seeking to defeat Republican Rep. Jackie Walorski in the 2nd, is the only challenger in the state's nine congressional districts to show any sign thus far of mounting a serious, well-funded campaign.

And Charlie Cook, guru of evaluating congressional races around the country, lists the 2nd as likely Republican. So do other analysts. If Bock's challenge fizzles in the fall, there will be nothing of national interest.

Bock, the Notre Dame official whose campaign fundraising matched Walorski's in the fourth quarter of 2013, stands a better chance of getting the resources for an all-out campaign because he is the only Democratic challenger who appears to have a chance against any of the seven Republican House members from Indiana.

Other Democratic challengers are running in districts not just likely Republican but rated as solidly Republican. Most haven't raised enough for gas money to travel around their districts.

Howey Politics Indiana calculates from candidate campaign finance reports that the seven Republican House incumbents had raised \$4.12 million for the 2014 election cycle, compared to under \$250,000 for all of the Democratic challengers. And about \$200,000 of that was raised by Bock.

Republican challengers to the two Democratic incumbents, in solidly Democratic districts in the Lake County and Indianapolis areas, also face bleak prospects – like chances of the Denver

Broncos in the Super Bowl with five minutes left. The two Democratic congressmen had raised over \$1 million, compared to zero reported by Republican challengers.

Redistricting is one of the main reasons for lack of competitive congressional races. Republicans controlled the remap this time and packed as many Democratic voters as possible in the two Democratic districts in order to make other districts safe for Republicans.

This isn't unique to Indiana. The party controlling redistricting, whether Republican or Democratic, does the same thing in other states. That's why there are so few competitive races nationally. It's also why so many hard-core partisans are elected in those partisan districts and go on to bring stalemate in Congress.

Bock, as possibly the only Democratic congressional challenger with a chance in Indiana, could be targeted for all-out help from the Democratic Congressional Campaign Committee and political action committees and independent expenditure groups that tend to support Democrats.

This is a double-edged sword. If Bock gets within striking distance, Republican and conservative organizations and PACs will provide all-out support for Walorski.

Bock appears to have reached a first successful plateau in fundraising, over \$200,000 for the cycle, with help of his own \$30,000 loan to his campaign.

But he will have to demonstrate more to get all-out national help, more fundraising on his own and eventually polls showing he's getting close.

If he wins impressively against Dan Morrison, his opponent in the Democratic primary, that could provide momentum.

Morrison, however, came close two years ago in a primary race with Brendan Mullen, the 2012 Democratic congressional nominee. Mullen failed to get known outside St. Joseph County, his home county. And Morrison failed to do as well as needed in that largest county in the district.

Morrison didn't raise enough funds in the fourth quarter to require filing a finance report. But he says he plans a better financed campaign than he waged on scant funding before.



Rep. Walorski could face Democrat Joe Bock this fall.

For most of the state, there won't be any national attention this fall. Only in the 2nd District is there a possibility of much attention, including those political ads on TV that we have come to expect from races in the national spotlight in recent elections.



Colwell has covered Indiana politics over five decades for the South Bend Tribune.

Daycare bill sparks emotion, questions

By **MATTHEW BUTLER**

INDIANAPOLIS - With long testimony both for and against the bill under consideration, accompanied by lengthy questions and counter statements, the Wednesday morning hearing nearly pushed past the noon hour. Vocal but calm disagreement spilled out into the Statehouse hallways between some senators and those testifying against.

Considering the issue – childcare ministry – and its multi-year history, this should not surprise Statehouse watchers.



It was the Senate Health and Provider Services Committee hearing testimony on HB 1036, a bill authored by Rep. Kevin Mahan, R-Hartford City, which seeks to make

Child Care Development Fund (CCDF) vouchers for registered, but unlicensed daycare ministries contingent upon new regulations. It follows up on a bipartisan 2013 effort which barely succeeded in introducing new regulations to the sector including infant-safe sleeping practices, adult employees, and employee background checks. State Sens. Travis Holdman, Greg Walker, and Greg Taylor led last year's effort and are now sponsoring Mahan's bill. Its primary aims are to set requirements for children-to-staff ratios, hand-washing facilities, daily activities, proper nutrition, and reporting possible child abuse.

Like other morally charged issues this session, Republicans were divided and neither side of the issue could claim to speak exclusively for religious organizations. Representatives from daycare ministries testified both for and against the bill. Glenn Tebbe, of the Indiana Catholic Conference, reiterated his House committee testimony that the bill was reasonable and would not cause any foreseeable "undue problems."

Only two days before, Tebbe stood alongside Advance America's Eric Miller in support of HJR-3 before the Senate Rules Committee. On Wednesday, however, the two disagreed. Miller maintained his years-long opposition to legislative efforts to regulate daycare ministries on religious freedom grounds. In a prelude to the disagreement later on Wednesday, Sen. Taylor tweeted during the Rules

Committee hearing, "Eric Miller just testified to protect the sanctity of marriage but he has stopped legislation to protect children...ironic!"

The opponents' primary concern with HB 1036 is the idea of a slippery slope for government regulation over church child services. "This isn't a church bill," responded Mahan. "I go to church. My kids go to Sunday school. I don't want the government involved at all, but I do want these kids safe—everybody. Some people will tell you this bill doesn't go far enough." Accountability and basic standards were a constant refrain of the proponents. "If we're really interested in getting children ready for kindergarten and we're spending \$178 million per year of taxpayer dollars through these CCDF funds," he added, "we need to make sure that the vendors we pay to take care of our children are meeting the basic safety standards. Do not lose sight of the fact that we're talking about CCDF funds, period."

Though Eric Miller did not abandon the religious freedom theme on Wednesday, he instead pressed on whether there was a legal necessity for such legislation. His testimony was by far the longest, lasting over 30 minutes. He noted that FSSA had not asked for such legislation and had not testified before any of the committees considering the bill. Moreover, Miller said the bill opened the door for government overreach into church affairs. He frequently used the word when others would have said daycares.

Miller predicted many churches would either avoid offering daycare or drop existing childcare services if the bill became law. "While the supporters of HB 1036 talk about their intent with regards this legislation, intent really does not matter. It's what the specific language in the bill says," Miller said.

These reservations appear to have forced the sponsors to moderate their bill. State Sen. Walker said he was already working on a draft amendment that removed the sections that most alarmed Miller and others. These were

being rewritten to bar any new broad rule-making powers for FSSA.

The original author, however, rebutted much of Miller's testimony. "Mr. Miller is not completely honest with you in some of his testimony," Mahan said during his closing. "He tells you that he doesn't know whether when I visited [daycares] I was with FSSA or not. We had that discussion and the question was asked, 'Did you go with



State Rep. Kevin Mahan shows photos of church daycare centers on Wednesday. (HPI Photo by Matthew Butler)

FSSA?’ I said, ‘Yes, I did.’”

Another objection by Miller was a lack of data exhibiting a need for legislative action. Mahan countered, saying United Way of Central Indiana, upon an earlier request by Miller, provided him with information and online resources. An expert who testified before the committee corroborated these assertions, telling Howey Politics that the FSSA data and statistics that Miller said are either inaccessible or nonexistent were, in fact, either online or retrievable in hardcopy, and might have been made available for the hearing.

“**We have a very** complicated system of childcare here in Indiana; that was displayed here today,” Mahan closed before the committee. “We have licensed, we have unlicensed, we have homes, we have centers, we have registered ministries, we have other facilities that are exempt from licensing like afterschool programs and summer programs. If we legislators have trouble understanding what we have in place now, imagine how parents feel.”

Mahan repeated Wednesday what he told the House floor in January: Many of the children who would be protected by these regulations are low income and, very likely, of a minority. Showing pictures of overcrowded and understaffed conditions for African American children at a ministry he inspected, Mahan said, “That’s not a third-world country, that’s Indianapolis.”

State Sen. Jean Leising’s questions appeared skeptical throughout. She worried daycare homes who accept CCDF were not present at the hearing to give input, might be unaware of the bill’s existence, and, potentially, could be driven out of business by its requirements. She also aired concerns as to regulations raising the cost of childcare and the intricacies of CCDF vouchers.

An exasperated Taylor spoke next, “Zero accountability. Zero training. That is what this bill is about. Please do not convolute the issue. I saw it first hand and I wish some of the members on this committee had been there. This is not about mom and pop [daycares].” He related personal inspection findings similar to Mahan’s. After he finished that point, Taylor was noticeably moved and briefly left the committee room.

Asked if parents who use state-administered federal vouchers probably assume there are regulatory strings attached, Taylor told Howey Politics, “Absolutely. They have to fill out applications saying they want it. These expectations are basic. It’s not over regulation; it’s simple regulation.”

Before adjourning, Chairwoman Pat Miller said she would probably hold the bill for two weeks to allow Sen. Walker to refine the language in his new amendment and wait for FSSA to provide the committee with clarifications



Eric Miller testifies as Sen. Walker and Rep. Mahan look on. (HPI Photo by Matthew Butler)

on its role. From others’ questioning, it appears State Sens. Mark Stoops, Jean Breaux, and Peter Miller generally support the bill.

Taylor told Howey Politics: “Every year I submit this bill and every year I am told that I have to give that bill to a Republican. And this is the reason why: They water down the bill and make the bill irrelevant.”

“**We have some** lobbies that are stronger than others and his lobby has been strong for years and he (Eric Miller) has now come up against a formidable opponent because until I am gone I will continue to bring this bill,”

Taylor vehemently promised.

It will be interesting to see if this 2014 daycare bill will follow the same path as 2013’s efforts: Bipartisan yet heavily amended, eventually pared down in committee, and bearing the indelible stamp of Eric Miller’s opposition to the final product. ❖

PENCE TESTIFIES FOR PRE-K FUNDS: A plan to use state funds to pay for children of low-income families to attend preschool is drawing questions from Indiana lawmakers concerned about the cost. The Senate Education Committee pondered the proposal for more than two hours Wednesday afternoon. Paying for early education has become a hot topic among lawmakers from both parties in recent years. Under the House Republican plan, families earning less than 185 percent of the federal poverty level in five selected counties would get state aid to send their children to public, private or religious preschools that meet certain education standards. In a rare move, Gov. Mike Pence urged lawmakers to approve the measure during the hearing. It was the first time Pence has testified in favor of a bill since being elected governor. “Reducing childhood poverty is not only a stated goal of our administration, but I know that it’s a goal that all of us share,” Pence said. “I’ve come to the conclusion that we will not succeed in this fight if we don’t honestly deal with the fact that too many children don’t do well in school simply because they begin their academic careers unprepared to learn.”

HOUSE PANEL MOVES MASS TRANSIT: The House Transportation and Roads Committee took a step moving mass transit expansion in Central Indiana forward, but not without making some changes (IndyPolitics). The panel voted 11-1 to send to the full chamber SB 176 which would allow for a referendum in five Central Indiana counties to expand bus service. However the committee removed two provisions that passed out of the Senate. Language that would have restricted collective bargaining rights as well as levied a tax on corporations to pay for the expansion was removed. Republicans were concerned about adding a new tax while Democrats did not support

limiting union rights.

SEXUAL ASSAULT LEGISLATION REVIVED: Creation of an extensive study examining Indiana's high rate of sexual assault was revived in a House committee Wednesday after it failed to pass during the first half of the legislative session (Indiana Public Media). Centers for Disease Control statistics indicate that one in six girls in Indiana or about 17 percent are raped before they graduate high school. Rep. Christina Hale, D-Indianapolis, authored legislation this session requiring a thorough study of the problem but her bill didn't get a hearing during the first half of the short session. Working with Sen. Jim Merritt, R-Indianapolis, Hale got her language amended into Merritt's Lifeline bill in a House committee. Hale says the study will allow Indiana to take a leading role in confronting the scourge

of sexual assault. "We're going to do something and we're going to do it the right way so that we can be efficient with our resources and effective," she says. "And to be efficient and effective, we have to have a better understanding of the problem."

FAIR ALCOHOL BILL ADVANCES: Indiana State Fair officials say allowing alcohol sales at the annual Fair gives customers what they want, helps the Fair broaden its agricultural showcase and could generate more revenue. Alcohol is sold at the State Fairgrounds 348 days out of the year with the only exception being during the State Fair itself, which has been dry since 1946 (Indiana Public Media). Legislation proposed by Sen. Jim Merritt, R-Indianapolis, who's a member of the State Fair Commission, would repeal that prohibition. ❖

Sheriff Buncich seeks to make Lake history

By RICH JAMES

MERRILLVILLE – As is generally the case during an off-year election in Lake County, the Democratic primary for sheriff is the race that will draw the most focus. Sheriff John Buncich will be seeking his second consecutive term and unprecedented fourth overall.



Buncich sat out eight years while Roy Dominguez served as sheriff, with designs on running for governor. It was a crowded Democratic primary for sheriff when Buncich narrowly edged Richard Ligon of Gary in 2010.

Just as Ligon is making another run, so too is Oscar Martinez, who is a county police officer. Ligon is a retired postal inspector. He served briefly as Gary Mayor Karen Freeman-

Wilson's public safety director until the mayor figured out that she couldn't afford such a lofty position in a city that had lost thousands of residents and their accompanying tax dollars.

Martinez's claim to fame is his uncanny ability to pull over mules hauling drugs across the region's interstate highways. So successful was Martinez that some thought he was being tipped off by rival drug dealers south of the border.

A substantial plus for Buncich is that he has the backing of county Democratic Chairman Thomas M. McDermott Jr., who doubles as mayor of Hammond, the

county's largest city as a result of the 2010 census.

In other races, Hammond's Peter Katic is back on the ballot after losing the county commissioner's primary in 2012. Katic is running for North Township Board. Those downstate likely will remember that Katic served as a state representative in the early 1980s. He also has been Hammond city judge and a county commissioner.

Joseph Gomeztagle, the man whose lawsuit several years ago changed the way real property is assessed in Indiana, is running for the Democratic nomination for St. John Township assessor.

Former Ross Township Assessor Randall Guernsey lost the Democratic nomination for county assessor four years ago to Carol Ann Seaton, a political unknown. A host of residency and tax issues led to Seaton's loss to Republican Hank Adams in the general election. Adams, who since has died, became the first Republican elected to county-wide office in more than 60 years. Guernsey is back on the ballot running for Hobart Township assessor.

County Councilman Jerome Prince and Schererville councilman Mike Troxell are competing for the Democratic nomination to face Republican Assessor Jolie Covaciu, who replaced Adams.

And, it wouldn't be much of an election in Lake County without Tea Partier Mark Leyva on the Republican ballot. Leyva is running again for the chance to face Rep. Peter Visclosky in the fall. Visclosky is seeking his 16th term in Congress.

And, speaking of Dominguez, he gave up on his aspirations to run for county auditor against Treasurer John Petalas, who is running for auditor because of term limits. ❖

Rich James has been writing about state and local government and politics for more than 30 years. He is a columnist for The Times of Northwest Indiana.

Gary Welsh, Advance Indiana: A plan the administration of Mayor Greg Ballard has been quietly working on for some time to privatize the development of a new criminal justice complex at a site near the Indianapolis International Airport near the county line with Hendricks County is getting pushback from members of the legal profession whose careers have been built around the courts, jails and other criminal justice agencies being centrally located in downtown Indianapolis. The move to relocate criminal justice agencies out of downtown is being driven by real estate developers who contribute large sums to Ballard's campaign who want the city to turn over valuable downtown property now occupied by the two downtown jails and the Sheriff's department to them for commercial development and the private jail contractor which operates Marion County Jail II, Corrections Corporation of America. While the IBJ story focuses on the reaction of the legal community to the planned relocation of the criminal justice center to the airport, a remote location is equally as problematic for offenders, the family members of offenders, jurors, witnesses and others who are impacted by the location of the courts and jails. Those actors benefit as well from having a centrally-located criminal justice system. Again, we are seeing plans undertaken by the powers that be regarding downtown Indianapolis that benefit only an elite handful of political insiders who profiteer from governmental decisions. The principal reason for moving the criminal justice center to the airport site is so a private operator of the jail, such as Corrections Corporation of America, which is expected to bid on the development of a new criminal justice center, can benefit from close access to the airport for its con air prison bedding business. ❖



Marc Chase, NWI Times: Perhaps Lake County Republicans aren't endangered species after all. Maybe it's time to retract the characterization I've made in past columns of a minuscule number of conservatives wandering the region. I said as much to a number of Lake County's GOP leaders Saturday as more than 400 people packed the Halls of St. George in Schererville for the 2014 Republican Lincoln Day Dinner fundraiser, some fronting as much as \$250 each for dinner and VIP reception tickets. Event attendance left me with optimism at least a shadow of a viable two-party system is possible in a region of tax-and-spend liberalism often characterized by graft and political corruption. Typically feuding members of the local GOP were breaking bread en masse at the event, and the red party will need this unity to gain any ground in this county of blue. But let's not take the optimism too far. This was just one party fundraiser, and Lake County Democrats will likely hold the upper hand for some time to come. Palpable excitement at a gathering of like-minded folks isn't enough to sway the electorate. And the numbers were no doubt boosted by the keynote speaker, national GOP strategist

and former presidential adviser Karl Rove. The Republican Party's platforms are by no means infallible. Some state party leaders are amplifying social issues to the detriment of more pressing policy, and national GOP and Democratic leaders are more often daring each other to schoolyard fights than getting down to the public's business. ❖

Dave Bangert, Lafayette Journal & Courier: State Sen. Ron Alting has been nibbling at the edges of his objections to House Joint Resolution 3, Indiana's proposed constitutional ban on same-sex marriage, for months now. This is, after all, the Lafayette Republican who had a simple wish in November for a measure he voted for in 2011 but has since been victim of a shifting public opinion: "I wish it would go away." On Friday, Alting bailed on HJR-3 for good. In the coming week, when the Senate takes up HJR-3 — which would put the state's one man/one woman definition of marriage into the Indiana Constitution — Alting said he'll vote no. That, despite voting for it not only during the constitutional question's first step in 2011, but also on a previous failed version called Senate Joint Resolution 7 in 2005 and 2007. Why the change in 2014? "The reason is quite clear. My goodness, this vote go-around, compared to years ago, probably is 10 to 1 of my constituents ... that are totally against this," Alting said. "I'm not even kidding — 10 to 1. "Why be a senator that's going to show, not only to your constituents that you're voting against their will, but to the rest of the country that you believe that Indiana is one that has very little respect for diversity and tolerance of other people?" ❖

Alan Abramowitz, Sabato's Crystal Ball: The results of a simple but extremely accurate midterm election forecasting model indicate that the 2014 U.S. House elections are likely to result in minimal change in the party balance of power. The forecasting model uses three predictors -- the current party balance of power in the House, the results of the last presidential election and the relative standing of the two parties on the generic ballot question, a national poll that asks voters which party they prefer in their local House race. Estimates for the model are shown below based on all 17 midterm elections since the end of World War II. The party holding the White House almost always loses House seats in midterm elections. However, the size of those losses varies considerably, and one key factor is how many seats the president's party is defending. These results indicate that Democratic losses are likely to be limited in 2014 due to the fact that Democrats are defending only 201 seats this year. As a result, Republican pickup opportunities are likely to be limited. In recent weeks, the generic ballot has shown results ranging from a Democratic lead of around six to seven points to a Republican lead of two to three points. Based on these results, the most likely outcome of the 2014 midterm election appears to be a very small gain for Republicans. ❖

New tagline for Indiana

INDIANAPOLIS – The Indiana Office of Tourism Development on Wednesday parked its tagline “Restart your engines” and unveiled its replacement: “Honest to Goodness Indiana.” The new tourism slogan is the hook for a widescale state rebranding campaign. The folksy sentiment is the essence of the state’s reputation for hospitality, said IOTD Executive Director Mark Newman, who made the announcement today at the Indiana Historical Society alongside Lt. Gov. Sue Ellspermann (Indianapolis Business Journal). Tourism slogan honest to goodness 15colThe slogan plays off the concept of Hoosier hospitality. (Image: Indiana Office of Tourism Development) “Everywhere you go in Indiana, the people and the experiences are genuine. Even our busiest attractions satisfy and delight visitors because here, more so than anywhere else, hospitality matters,” said Ellspermann in prepared comments. The “Restart Your Engines” campaign was launched in April 2006, but tourism officials around the state complained that it was too Indianapolis-centric.



vest in our future. Use your time, your talent and your treasure to make a difference.” Addressing the city’s record number of homicides in 2013, Henry cited the promotion of Garry Hamilton to police chief and announced the creation of a gang and violent crime unit in the police department. “The unit will work to reduce criminal gang activity, investigate crimes and gather intelligence on known and suspected gang members,” Henry said. “That truly has been the biggest problem in Fort Wayne.”

ACA enrollment slows in Indiana

INDIANAPOLIS - Fewer Hoosiers signed up for insurance under the federal health exchange in January than did in December (Indiana Public Media). U.S. Health and Human Services data released today shows more than 17,000 Hoosiers enrolled last month, down 35 percent from last month when more than 26,000 Hoosiers enrolled. A total of 47,700 Indiana residents have signed up since the exchange went online in October. Health care experts attributed December’s surge to the deadline the federal government set to receive insurance at the start of the New Year. Henry lauds city growth The percentage of enrollees who are between the ages of 45 and 64 dropped slightly, but as of Feb. 1, 57 percent of those enrolled were still in that age range. Only 23 percent are between 18-34 years old.

Airport court site draws criticism

INDIANAPOLIS – Indianapolis International Airport may be officials’ preferred location for a proposed Criminal Justice Complex, but attor-

neys who work in the system are critical of the idea. (Indianapolis Business Journal) “It cannot work,” said James Edgar, Criminal Justice Section chair for the Indianapolis Bar Association. He noted the logistical challenges of a roughly 40-minute commute from downtown and the difficulty of transporting defendants and court users to a site almost in Hendricks County. “You’re going to take those 2,500 jobs and plop them on the doorstep of Plainfield,” Edgar said of attorneys, court and jail staff and the supporting workforce that he estimated would be displaced from downtown by the move. That equates to about \$5 million a year just from those workers buying lunch, he said. Edgar said the Criminal Justice Section’s membership of about 260 was largely unaware of the proposal and the favored airport site when he emailed them about it recently, but their responses were uniform. Marc Lotter, spokesman for Indianapolis Mayor Greg Ballard, said the airport site hasn’t officially been selected for the complex, though it did score highest among sites the city evaluated. Lotter said what’s clear, though, is that the complex won’t be downtown. “It’s too costly to build a new facility downtown and also wouldn’t be the best use of real estate downtown,” he said.

300 civil rights cases pending

INDIANAPOLIS – In the past two weeks, the Indiana Civil Rights commission has found probable cause to believe racism played a role in the firing of two employees by different companies (WISH). Those are just two of about 300 cases the state commission is working on right now. “Everybody wants equal access to a quality education, everybody wants opportunity for employment, everybody wants a nice safe environment to live work and play,” said Jamal Smith, Indiana Civil Rights Commission executive director.

Henry addresses city homicides

FORT WAYNE - The city of Fort Wayne had a great year in 2013, Mayor Tom Henry said Wednesday, but that was only a start, and there is more to be done (Fort Wayne Journal Gazette). Delivering his annual State of the City address at Grand Wayne Center, Henry said the strides Fort Wayne has made are “creating a jewel,” but he challenged listeners to do more. “Look for opportunities to volunteer, spend some time mentoring a child, help a neighbor,” he said. “In-