

ACLU

Idaho

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**ACLU OF IDAHO 2023
LEGISLATIVE REPORT
& SCORECARD**





2023 LEGISLATIVE REPORT

Relentless Attacks On Idahoans' Civil Rights And Civil Liberties

No sugar coating: 2023 was a brutal year for civil rights in Idaho. The legislature succeeded with hard pushes to diminish Idahoans' rights with a remarkable session:

Context: New voices, shifting power

Nearly 40 new lawmakers started. Senate and House committees had new members and different leadership, bills were introduced at a new pace, and there was a general air of uncertainty about how so many newcomers might impact decision making.

Many bills, wide portfolio of attacks

Nearly 100 bills attacked Idahoans' rights and freedoms. The bills attacked voting, healthcare, privacy, and free expression. Along with passing an unprecedented anti-abortion law, the legislature revived a brutal and archaic method of execution, the firing squad, and took steps to further exclude and marginalize immigrant communities.

The fringe made it to the center

Idaho became only the second state in the U.S., after Arkansas, to pass a total ban on gender-affirming healthcare for youth. Many of the bills considered either explicitly referenced Christian Nationalist beliefs or had them implicitly woven into their assumptions.

Fighting Back

Despite these attacks, the ACLU of Idaho remained firm in our commitment to defending the constitutional rights and freedoms of all Idahoans. With many community members working hard with us to make this possible:

- We defeated a bill that targeted drag performers.
- We won the veto of a senseless library censorship bill.
- And despite real losses in Idahoans' voting rights, we preserved the right to cast an absentee ballot, use affidavits at the polls, and the right of Idahoans to create people-led policy ballot initiatives.

We invite you to learn more about our hard-won victories in this report. We also invite you to learn about our defeats. These losses tell the story of our remaining challenges, and how important your participation in the political process is to protect Idahoans in 2024.

Find in-depth discussions on key legislative issue areas, and summaries of the highlights in our legislative report and scorecard.

We hope you also learn about the legislative process, see how your elected officials voted on crucial ACLU policy areas, and feel energized to jump into work.

We need you now more than ever!

BY THE NUMBERS: Over 4,460 Idahoans called and asked lawmakers to vote down HB 71.

87 Days in the 2023 Session. We shared analysis of over 40 bills that threaten Idahoans' civil rights and civil liberties.

600 Idahoans signed our veto HB 71 petition. We held 10 community training events. We held 5 community listening sessions.

10,000 Idahoans signed a petition to support restricted drivers licenses. We tracked 85 bills that threaten civil rights and liberties.

FREE SPEECH

LEGISLATORS ATTEMPT TO CENSOR LIBRARIES

The 2023 legislative cycle saw a multi-faceted and relentless attack on Idahoans' rights to free speech, often stylized as parental rights or child protection acts. Lawmakers introduced five library censorship bills this year, all of which mischaracterized the LGBTQ+ community and propelled harmful and misleading stereotypes.

Legislative censorship isn't about protecting the public or strengthening parents' rights. These bills aim to ban content that supports LGBTQ+ people.

One library censorship bill made it dangerously close to becoming law (HB 314). The bill would have banned certain content and would have let library patrons bring lawsuits against libraries for having so-called obscene materials on hand.

Governor Little vetoed HB 314, noting the bill was ambiguous, and would likely cause harm to Idaho's libraries, librarians, and the public.

THE RELIGIOUS UNDERPINNING OF CENSORSHIP LAWS

Lawmakers attempted to insert religious ideals into law with bills that would limit sex education, classroom discussion of gender and sexuality, and targeting LGBTQ+ students. Sadly, the trend of religious legislation not unique to Idaho; we're seeing a broad-based, coordinated effort to integrate Christianity into law in states across the U.S.

CHRISTIAN NATIONALISM: PRAYER IN SCHOOLS

Many of the censorship bills during the 2023 session appeared to be rooted in distinctly moral views of the world, and specifically in Christianity. The ACLU has long fought to protect the separation of church and state.

Religious tolerance means Americans are entitled to practice their religion as they see fit. It also means the government has no right to promote any one religion.

"DRAG BELONGS IN IDAHO!"

We also saw bills targeting Idaho drag performance. Like the library bill, Idaho's proposed drag ban appeared to deputize ordinary citizens against the LGBTQ+ community; ordinary citizens would be allowed to sue for up to \$10,000 if they encountered public performances deemed too sexual.

As with other attacks against the LGBTQ+ community, the drag ban misrepresented drag performance as an inherently obscene form of expression. Thankfully, the 2023 drag ban bill didn't pass into law – it never got a hearing in the senate.

Drag performers - like every person - have the right to freely express themselves, as enshrined in the constitution.

We're inspired by the organizing efforts of Idaho's vibrant drag community, who launched a statewide postcard campaign, attended testimony and messaging trainings, and made countless visits with lawmakers. The community made it clear that drag is in Idaho, and it's here to stay. False, anti-LGBTQ+ rhetoric fueled censorship against libraries, public schools, and public drag performances doesn't belong in Idaho.

In 2022, we saw threats to religious tolerance, specifically through HB 182, a bill introduced by Representative Ehardt (R-Idaho Falls). Stylized as a "silent prayer" law, the bill walks back long-held constitutionally guarded protections against religious coercion, and allows teachers to pray in public schools.

Subjecting students to prayer or otherwise promoting religion in public schools is unconstitutional and has been for more than a half century. Allowing teachers to audibly pray runs afoul of Idaho's constitutional protections against religious coercion – including four separate provisions that enshrine "perfect toleration of religious sentiment" in our state.

TRANS RIGHTS

WHAT YOU NEED TO KNOW ABOUT IDAHO'S BAN ON GENDER-AFFIRMING HEALTHCARE FOR YOUTH

In 2023, Idaho lawmakers passed a law that bans gender-affirming healthcare for youth in Idaho. Gender-affirming medical care is widely accepted to treat gender dysphoria: it helps alleviate the distress of gender dysphoria, and significantly improves patients' overall health and well-being. In June, two teens challenged the law in court – and asked the court to strike down the law as unconstitutional. Absent court action, the law is set to take effect on January 1, 2024. Idaho healthcare professionals would no longer be able to legally provide gender-affirming medical treatment to anyone under the age of 18 in our state.

COMMUNITY PULLED TOGETHER TO TRY AND STOP THE BAN

Throughout the legislative session, we witnessed the strength and determination of community members to stop HB 71. Transgender teens, parents of trans kids, faith leaders, activists, and ordinary Idahoans organized. They met with lawmakers, spoke at rallies, and strategized.

The coalition to stop the bill was broad but shared a singular message: banning gender-affirming care would be harmful. It would rob parents of their right to decide what kinds of medical treatments are right for their children. It would prevent doctors from carrying out their duty to provide medically standard care to patients. And, banning gender-affirming health care singled out, and discriminated against transgender youth.

LAWMAKERS FAILED TO VOTE THEIR CONSCIENCE

The fight to stop Idaho's gender-affirming healthcare ban was long and hard; community members amplified their stories in local, statewide, and national print, news, and digital media. Thousands called on Governor Little to veto the bill. Parents, physicians, clinicians, teens, siblings, and families spent lunch hours and days off speaking with lawmakers directly. Others gave testimony, made in-person visits to Governor Little's office, signed petitions, and gathered in protest on the steps of the state capital.

600 IDAHOANS SIGNED OUR ACLU-ID PETITION, URGING GOVERNOR LITTLE TO VETO HB 71.

OVER 4,460 MADE PHONE CALLS TO LAWMAKERS TO URGE A "NO" VOTE.

OVER 1,000 COMMUNITY MEMBERS SPOKE DIRECTLY WITH A LAWMAKER ABOUT VOTING "NO" ON HB 71.

Many state legislators appeared to be moved by community stories. But, for as much sympathy lawmakers showed during closed-door meetings, Idaho's gender-affirming care ban was signed into law in April 2023.

While we await a decision from the court, it's important to remember that transgender youth deserve the same opportunities as their peers. We'll continue to stand up for trans Idahoans – and defend their rights, dignity, and safety from legislative attacks like HB 71.



LGBTQ+ RIGHTS

TWO NEW EXCLUSIONARY, DISCRIMINATORY, ANTI-TRANS RESTROOM LAWS

Lawmakers passed a restroom law (created by SB 1100) that bars transgender students from using public school restrooms aligned with their gender. Thankfully, the public school restroom law is currently on pause because of a [legal challenge](#) filed by an Idaho middle schooler and a group of Boise High School students, with help from Lambda Legal and partners.

The lawsuit explains that Idaho's exclusionary restroom bill could harm transgender and gender-expansive students, not least because the law would have allowed Idaho students to sue if they encountered a trans peer in the restroom.

What's more, exclusionary restroom bills also violate transgender students' rights to privacy, to feel safe at school, and to be treated the same way as all other students.

Lawmakers also passed a law (created by SB 1016) that allows public works contractors to have discriminatory and exclusionary restrictions on worksite restrooms. The new public works restroom law went into effect in July 2023.

Idaho's restrictive restroom bills are part of a much larger and growing attack on transgender people in states across the U.S. Crucially, restroom restrictions and other anti-LGBTQ+ legislation have nothing to do with protecting students or their privacy. Instead, these bills aim to integrate Christian Nationalist views into our state government.

Transgender people belong in Idaho, and have the right to live in safety and with respect. We will continue to protect transgender Idahoans' rights, dignity, and safety.

VOTING RIGHTS

LAWMAKERS INTRODUCED OVER A DOZEN BILLS THAT THREATEN VOTER'S RIGHTS AND OUR DEMOCRACY

Idaho elections are secure and voter fraud in Idaho is exceedingly rare. And, voting restrictions likely harm some Idahoans more than others, including our students and young adults, those in rural areas, folks with disabilities and mobility limitations, low-income Idahoans, our communities of color, and older Idahoans.

A new law (created by HB 124) removes student IDs as a valid form of identification at the polls. Thankfully, youth across the state quickly organized and [challenged the law](#). Another new law (created by HB 340) tightens voter registration rules in Idaho. Like the student ID law, the registration requirements restriction law is being [challenged in court](#).

While we wait for a decision from the court, we encourage you to register to vote. That might mean getting an Idaho identification card and documents that prove your residence in Idaho.

Another important piece of 2023 legislation aimed to restrict our ability to create people-powered policy by making the ballot initiative process more difficult. Ultimately, SJR 101 did not pass into law; we're inspired by the many Idahoans that spoke out against the Resolution during hours-long public testimony. And, because we've seen legislative attacks on the ballot initiative process in the past, we'll continue to monitor and defend this vital tool of Idaho's democratic participation.

IDAHO'S NEW VOTER REGISTRATION RULES COULD MAKE CASTING YOUR BALLOT MORE DIFFICULT. [CHECK YOUR REGISTRATION STATUS ON IDAHO'S SECRETARY OF STATE WEBSITE](#), REGISTER TO VOTE IF YOU NEED TO, AND MAKE A PLAN FOR ELECTION DAY.

CRIMINAL JUSTICE

A MISSED OPPORTUNITY TO ADDRESS IDAHO'S FAILING PUBLIC DEFENSE SYSTEM

In 2015, alongside partners, the ACLU of Idaho filed a lawsuit against the State of Idaho over its defective public defense system: *Tucker v. State of Idaho*. That litigation is ongoing today. Last year, in 2022, the Idaho Legislature passed a bill that creates a new funding source for public defense that shifts the cost of public defense services from counties to the state. This year lawmakers were tasked with passing a bill that specifies what that statewide system will look like.

The legislation introduced this session is not enough to make Idaho's public defense system constitutional, or to stop the ACLU from moving forward to a trial in Tucker.

The bill sponsors and the governor's office failed to work with key stakeholders, including the ACLU of Idaho, to address significant concerns with the bill, including: inadequate funding, lack of political independence, and permissive standards for what is adequate representation for Public Defenders.

Ensuring that public defense is independent from judicial and political influence is crucial to our democracy. Public defense systems should provide "effective, efficient, high quality, ethical, and conflict-free legal representation for criminal defendants who are unable to afford an attorney."

Political and judicial independence is a top priority for public defense systems. That's because without it, the other components of public defense are nearly impossible.

[LEARN MORE](#) ON OUR PUBLIC DEFENSE REFORM WEB PAGE

THREE SMALL STEPS FORWARD

First, Idaho introduced a new mandatory minimum sentencing bill in 2023. It would have unnecessarily tied the hands of judges and created a punitive, one-size-fits-all drug sentencing law. The mandatory minimum law did not even pass out of committee, and failed to become a law. We attribute this success to tireless advocacy efforts of the Idaho Justice Project. We celebrate this victory in solidarity with those impacted by the criminal justice system.

Second, HB 149, the Clean Slate Bill, introduced by Representative Rubel (D-18), passed nearly unanimously. HB 149 creates a path for certain criminal offenses to be sealed from public view—removing a difficult barrier for people who have fully completed their sentences to rebuild their lives.

Third, HB 67 passed to increase the number of grams of heroin which triggers trafficking sentencing minimums from 2 to 7.

Criminal justice issues are racial justice issues in Idaho, like everywhere. Our criminal justice system disproportionately harms communities of color, especially Latinx, Native, and Black Idahoans.

... AND A TROUBLING SETBACK

Idaho lawmakers passed HB 186, a bill that reinstates the firing squad as a means of execution. Proponents argued that a shortage of lethal injection drugs demands alternative methods of execution, and that the firing squad was the best of these choices.

All means of capital punishment run an intolerably high risk of cruelty and torture.

We'll continue to engage the legislature in the arena of criminal justice - this work is crucial to building a more just Idaho.

IMMIGRATION & IMMIGRANT RIGHTS



SMALL STEPS FOR IMMIGRANT RIGHTS

Idaho lawmakers introduced a bill that could provide **restricted driver's licenses** for undocumented Idahoans. The bill was sponsored by Senator Jim Guthrie, the Idaho Dairymen's Association, and was crafted alongside key stakeholders, including Idahoans without legal status. Sadly, the restricted driver's license bill, known as SB 1081, failed.

Still, the campaign behind SB 1081 deserves to have its story told.

The hearing for the bill drew hundreds in a remarkable show of solidarity. Supporters worked to dispel false narratives; we heard from directly impacted community, business owners, insurance companies and many more.

A lack of political appetite shut the door on the Restricted Driver's License bill, at least for this year. Nevertheless, we count many wins.

Among these wins are the organizing efforts – and achievements – of our partners at PODER of Idaho. PODER launched the Manejando Sin Miedo, and worked alongside the ACLU of Idaho to build relationships with community leaders across the state.

We held community listening sessions in Burley, Jerome, Caldwell, Hailey, and Boise.

Listening sessions allowed us to share knowledge with and learn from Latinx community. We worked hard to build trust and learn about how community felt about the bill.

The support across the state was astronomical: ten thousand Idahoans signed a petition to support the bill on a stated goal of five thousand.

IMAGINARY PROBLEMS: 3 BILLS TO PROHIBIT “SANCTUARY CITIES”

Sanctuary city policies are fairly common throughout the U.S.; they function to protect local community by explicitly barring local police from enforcing federal immigration law.

Sanctuary City ordinances do not create new law. Instead, they simply highlight the limits to local police power already established by the constitution.

Sanctuary city policies align with and can protect the constitutional rights of all Idahoans, including those without legal immigration status. We helped defeat two anti-sanctuary cities bills that would have deputized local police to enforce federal immigration law or withheld tax funds to sanctuary cities. A third anti-sanctuary cities bill passed the legislature and was signed into law by Governor Little.

No cities in Idaho have a Sanctuary City policy. Anti-sanctuary cities legislation is therefore unnecessary – these kinds of laws address a future (and imaginary) issue.

What's more, anti-sanctuary cities laws, including those we saw in the 2023 legislative cycle, use unconstitutionally vague and discriminatory language. They can create a climate of fear for undocumented Idahoans. We know that bills like these are damaging: these laws can, and often do, fuel racism against immigrants and the broader Latinx community.

WE LOST THE FIGHT AGAINST ANTI-SANCTUARY CITIES POLICIES AND FOR RESTRICTED DRIVER'S LICENSES BUT WE ARE HOPEFUL FOR FUTURE PROGRESS.

THE NEW LEADERS THAT EMERGED FROM THESE CAMPAIGNS REMIND US WE'RE STRONGER TOGETHER.

THE STRUGGLE FOR UNDOCUMENTED IDAHOANS' RIGHTS IS CENTRAL TO JUSTICE WORK IN IDAHO.



REPRODUCTIVE RIGHTS

Senator Melissa Wintrow, pictured above, is a champion of reproductive rights in Idaho. Here, Senator Wintrow addresses a group of Idahoans gathered to commemorate what would have been the 49th anniversary of Roe v. Wade, a landmark Supreme Court decision that granted the right to abortion care. Roe was overturned in 2022 and access to abortion care has since grown tenuous, particularly in Idaho.

LAWMAKERS INTRODUCED NINE ABORTION BILLS AND PUSHED IDAHO TO NEW EXTREMES.

Our state made national news by passing HB 242, an unprecedented restriction on out-of-state abortion care. The so-called “abortion trafficking” law created by HB 242 took effect in May 2023. Thankfully, our partners at [Legal Voice](#) quickly filed a [legal challenge](#) to the law.

The new law punishes adults that help minors access out-of-state abortion care – infringing on freedom of speech, the right to travel and the right to freely associate.

Idaho's abortion restrictions do little more than further endanger the health and lives of pregnant people.

Idahoans have a right to speak about needing an abortion and how to access one. When Idaho's Attorney General issued a letter interpreting the new law to prohibit health care professionals from providing out-of-state referrals, we joined our partners at Planned Parenthood and filed a lawsuit on behalf of two medical professionals. We think the AG's interpretation of the law is dangerous, including because it violates the First Amendment rights of Idaho health care professionals.

IDAHO ABORTION BANS ARE UNCLEAR AND DANGEROUS

Another 2023 abortion-related law (created by HB 374) allows abortions in certain medical emergencies, but is unclear about when, exactly, abortion care is permitted. The new law went into effect July of 2023.

LAWMAKERS DISBAND THE MATERNAL MORTALITY REVIEW COMMITTEE

The dangers of Idaho's abortion laws were made worse when [lawmakers failed to protect Idaho's Maternal Mortality Review Committee \(MMRC\)](#). The MMRC is a group of Idaho doctors, social workers and other health professionals that research deaths during pregnancy.

The MMRC found alarming trends in Idaho. For instance, every pregnancy-related death since 2019 was preventable, and pregnancy-related deaths doubled between 2019 and 2020. Such trends are troubling.

Idahoans need medical research, science, data, and health care professionals to improve the situation, not additional punitive laws.

The impact of Idaho's punitive abortion restrictions are widely felt.

These laws threaten the very structure of our healthcare system: medical professionals are [leaving our state](#), it is more difficult to [recruit and train healthcare providers](#), and hospitals have even [stopped delivering babies](#).

LEGISLATIVE SCORECARD



The ACLU of Idaho Legislative Report Card charts state representative votes on key ACLU issue areas during Idaho's 2023 Legislative Session.

Put the following pages to work:
Reach out to your legislators, ask questions about their voting record, and share your thoughts about the issues that matter most to you.

LGBTQ JUSTICE

HB 71 – Total Ban on Gender Affirming Medical Care for Youth

Sponsored by Bruce Skaug (R-10), Lori Den Hartog (R-22) and Blain Conzatti, Idaho Family Policy Center

Prohibits Idaho medical professionals from providing certain kinds of gender-affirming care to people under 18. Undermines established medical care standards, parental rights, and the right to equal protection of transgender adolescents.

LOSS

ACLU Opposed | Signed by Governor Little
Legal challenge pending.
Absent court action, effective on January 1, 2024*

SB 1100– Anti-Trans Restroom Bill: Public K - 12

Sponsored by Ben Adams (R-12)

Bars transgender students from using multi-occupancy public school restrooms consistent with their gender; school children may file lawsuits if they encounter a transgender peer in a public school restroom. Unlawfully discriminates against transgender students and poses threats to student privacy and safety.

LOSS

ACLU Opposed | Signed by Governor Little
Legal challenge pending.

TEMPORARILY PAUSED

SB 1016 – Anti-Trans Restroom Bill - Public Works Contractors

Sponsored by Scott Herndon (R-1) and Heather Scott (R-2)

Creates an exemption to federal anti-discrimination law that allows certain Idaho public works contractors to refuse to provide restrooms for transgender employees. Despite the relatively narrow scope of the bill, reinforces harmful stereotypes that foster discrimination and fear against the transgender community.

LOSS

ACLU Opposed | Signed by Governor Little

Effective July 1, 2023
Enjoined August 10, 2023

HB 314 – Anti-LGBTQ Library Censorship Bill

Sponsored by Cindy Carlson (R-7)

Violates the First Amendment by censoring the kinds of materials available in public schools and libraries – undermining precedent that prohibits content-based government censorship.

WIN

ACLU Opposed

Vetoed by Governor Little

FREE SPEECH

HB 265 – Anti-LGBTQ Drag Performance Ban

Sponsored by Ben Toews (R-4) and Blaine Conzatti, Idaho Family Policy Center.

Censorship of public performances and shows based on unconstitutionally broad and vague terms that directly target the drag performance community. Violates the First Amendment by restricting expression based on its content and ideas. Would likely have a chilling effect on free speech and expression in the drag community. Creates and perpetuates harmful stereotypes about the drag community and the LGBTQ community, broadly.

WIN

ACLU Opposed

Did not pass through both legislative chambers; failed.

VOTING RIGHTS

HB 124 – Ban on Student IDs at the Ballot Box

Sponsored by Tina Lambert (R-23).

Eliminates student ID cards as an acceptable form of identification at the polls, making ballot access more difficult for college and high school students. Aims to solve a non-existent problem: voter fraud is exceedingly rare.

LOSS

ACLU Opposed | Signed by Governor Little
Legal challenge pending.

Effective January 1, 2024*

HB 340 – Stricter Voter Registration Requirements

Sponsored by Brandon Mitchell (R-6), Joe Palmer (R-20), and Secretary of State Phil McGrane

Makes voting more difficult by creating new requirements for voter registration. The additional barriers to voter registration threaten democratic participation, and will likely have disproportionate impacts on already marginalized Idahoan communities.

LOSS

ACLU Opposed | Signed by Governor Little
Legal challenge pending.

Effective July 1, 2023*

SJR 101 – Increased Ballot Initiative Threshold

Sponsored by Brandon Mitchell (R-6), Joe Palmer (R-20), and Secretary of State Phil McGrane

Aimed to significantly reduce the public's access to the ballot initiative process by increasing signature requirements. Would have limited democratic, people-led policy.

WIN

ACLU Opposed

Passed senate; failed during House floor debate

CRIMINAL JUSTICE

HB 236 – New State Public Defender Act

Jon O. Weber (R-34) and David Cannon (R-30)

Creates a statewide system of public defense in Idaho – but one with major flaws: the bill fails to protect the political independence of our public defense system, is insufficiently funded, and does little to address existing systemic issues within the criminal justice system writ large.

LOSS

ACLU Opposed | Signed by Governor Little

Effective July 1, 2023

HB 67 – Mandatory Sentencing for Certain Drug Possession

Sponsored by Christopher M. "Chris" Allgood (R-11) and Todd M. Lakey (R-23)

Created punitive, one-size-fits-all mandatory minimum sentencing for certain drug possession that erode the independence and discretion of Idaho judges.

WIN

ACLU Opposed

Did not pass out of the committee. Failed.

HB 149 – Shields Certain Criminal History Records from Public Disclosure

Sponsored by Ilana Rubel (D-18)

Creates a path for certain criminal offenses to be sealed from public view—a big step for the rights of those living with convictions.

WIN

ACLU Supported
Unanimous Pass
Effective January 1, 2024

CHURCH AND STATE

HB 182 – “Silent” Prayer in Public Schools

Sponsored by Barbara Ehardt (R-33)

Undermines foundational democratic principles, federal law, and the Idaho constitution that ensure the separation of church and state by allowing public school officials to pray, audibly, during school hours.

LOSS

ACLU Opposed | Signed by Governor Little
Effective July 1, 2023

IMMIGRANT RIGHTS

SB 1030 – Anti-Sanctuary Cities Policy

Sponsored by Daniel D. Foreman (R-6) and Heather Scott (R-2)

Bans cities from issuing commonsense “sanctuary” immigration policy. Relies on vague language and will create a sense of fear within immigrant and broader Latinx communities in Idaho, while also furthering anti-immigrant sentiment and discriminatory policing practices.

LOSS

ACLU Opposed | Signed by Governor Little
Effective July 1, 2023

SB 1081 – Restricted-Use Driver’s License

Sponsored by Jim Guthrie (R-28)

Created an opportunity for undocumented Idahoans to obtain a “restricted” state driver’s license, which could be used for driving purposes only. The ACLU of Idaho conditionally supported SB 1081; we felt it did not go far enough to afford basic rights to Idahoans without legal immigration status.

LOSS

ACLU Conditionally Supported
After lengthy debate, SB 1081 did not make it out of committee.

REPRODUCTIVE RIGHTS

HB 242 – Abortion “Trafficking” Law

Sponsored by Barbara Ehardt (R-33)

Creates an unprecedented restriction on out-of-state abortion care that states an individual can be prosecuted in Idaho for helping a minor receive an out-of-state abortion. Idaho is the only state where such restrictions exist.

*As of July 2023, this law is being challenged in court.

LOSS

ACLU Opposed | Signed by Governor Little
Legal challenge pending
Effective May 5, 2023*



2023 ACLU of Idaho 30th Anniversary

For the past 30 years, the ACLU of Idaho has been the premier defender of civil rights and liberties for all Idahoans. We will continue fighting in the courts and legislature, and organizing in communities across the state, to ensure the freedoms of every person in Idaho.

Help us keep the powerful work of the last 30 years going!

Scan the QR code to donate!



LEGISLATIVE BILL TRACKER

The ACLU of Idaho keeps track of dozens of bills every session. We aspire to make the legislative process visible, clear, and accessible – and hope these efforts support justice work throughout Idaho.

The following scorecard features just a handful of bills we tracked during the 2023 legislative session, using our bill tracker tool powered by Fast Democracy. We consider our Fast Democracy bill tracker an invaluable tool for political education; it enables ACLU of Idaho supporters to chart legislation that impacts our civil rights and liberties.

By subscribing, you can receive email notifications that help chart how particular bills are moving through the legislative process. Scan the QR code to subscribe!





Fields with Liberty Torch voted with the ACLU



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Fields with the letter “A” indicate lawmaker was absent during a vote; absences do not affect scores



LGBTQ+ Justice HB 71
Ban on providing youth gender-affirming healthcare



LGBTQ+ Justice SB 1100
Anti-trans public school restroom bill



LGBTQ+ Justice SB 1016
Anti-trans contractor restroom bill



Free Speech HB 314
Library censorship bill



Free Speech HB 265
Anti-LGBTQ drag censorship bill



Voting Rights HB 124
Ban on student IDs at the ballot box



Voting Rights HB 340
Stricter voter registration requirements



Voting Rights SJR 101
Increased threshold for public ballot initiatives



Church and State HB 182
Teacher-led prayer in public schools



Criminal Justice HB 236
New public defender act



Criminal Justice HB 149
Criminal records/clean slate reform



Immigration and Immigrant Rights SB 1030
Anti-sanctuary cities bill



Reproductive Justice HB 242
Increased criminalization of abortion care

SENATE

	1	2	3	4	5	6	7	8	9	10	11	12	13	ACLU %
R Ben Adams							🗳️				A			9%
R Kelly Arthur Anthon											🗳️			8%
R Treg A. Bernt	🗳️										🗳️			17%
R Carl J. Bjerke							🗳️			🗳️	🗳️			25%
R Van T. Burtenshaw											🗳️			8%
R Cindy J. Carlson											🗳️			8%
R Kevin Cook											🗳️			8%
R Daniel D. Foreman							🗳️			🗳️	🗳️			25%
R Lori Den Hartog											🗳️			8%
R C. Scott Grow											🗳️			8%
R Jim Guthrie											🗳️			8%
R Mark Harris											🗳️			8%
R Phil Hart							🗳️			🗳️	🗳️			25%
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R Todd M. Lakey							🗳️				🗳️			17%
R Abby Lee	🗳️										🗳️			17%
R Brian Lenney							🗳️			🗳️	🗳️			25%
R Dave Lent											🗳️			8%
R Tammy Nichols							🗳️				🗳️			17%
R Doug Okuniewicz							🗳️			🗳️	🗳️			25%
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R Doug Ricks	A								A		🗳️		A	11%
D James D. Ruchti	🗳️	🗳️	🗳️	🗳️		🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	83%
R Geoff Schroeder	🗳️			🗳️				🗳️	🗳️		🗳️			42%
D Carrie Semmelroth	🗳️	🗳️	🗳️	🗳️		🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	83%
D Ron C. Taylor	🗳️	🗳️	🗳️	🗳️		🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	83%
R Ben Toews							🗳️			🗳️	🗳️			25%
R Chris T. Trakel							🗳️				🗳️			17%
R Julie VanOrden	🗳️										🗳️			17%
D Janie Ward-Engelking	🗳️	🗳️	🗳️	🗳️		🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	83%
R Chuck Winder											🗳️			8%
D Melissa Wintrow	🗳️	🗳️	🗳️	🗳️		🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	83%
R Glenneda Zuiderveld							🗳️				🗳️			17%



Fields with Liberty Torch voted with the ACLU



Fields left blank opposed ACLU



Fields with the letter "A" indicate lawmaker was absent during a vote; absences do not affect scores



LGBTQ+ Justice HB 71
Ban on providing youth gender-affirming healthcare



LGBTQ+ Justice SB 1100
Anti-trans public school restroom bill



LGBTQ+ Justice SB 1016
Anti-trans contractor restroom bill



Free Speech HB 314
Library censorship bill



Free Speech HB 265
Anti-LGBTQ drag censorship bill



Voting Rights HB 124
Ban on student IDs at the ballot box



Voting Rights HB 340
Stricter voter registration requirements



Voting Rights SJR 101
Increased threshold for public ballot initiatives



Church and State HB 182
Teacher-led prayer in public schools



Criminal Justice HB 236
New public defender act



Criminal Justice HB 149
Criminal records/clean slate reform



Immigration and Immigrant Rights SB 1030



Reproductive Justice HB 242
Increased criminalization of abortion care

HOUSE

	1	2	3	4	5	6	7	8	9	10	11	12	13	ACLU %
R Joe Alfieri							A			🚫	🚫			17%
R Christopher M. Allgood				🚫				🚫			🚫			23%
R Kevin Andrus											🚫			8%
R Vito Barbieri										🚫	🚫			15%
D Steve Berch	🚫		🚫	🚫	🚫	🚫		🚫	🚫		🚫	🚫	🚫	77%
R Megan Blanksma								🚫			🚫	A		17%
R Judy Boyle										🚫	A			8%
R Matthew "Matt" Bundy	🚫			🚫	🚫			🚫			🚫			38%
D Ned Burns	🚫	🚫	🚫	🚫	🚫	🚫		🚫	🚫		🚫	🚫	🚫	85%
R David M. Cannon											🚫			8%
R Richard W. Cheatum				🚫	🚫			🚫			🚫			31%
D Sue Chew	🚫	🚫	🚫	🚫	🚫	🚫		🚫	🚫	🚫	🚫	🚫	🚫	92%
R Lance W. Clow								🚫			🚫			15%
R Jeff J. Cornilles											🚫			8%
R Brent J. Crane			A				A		A	🚫	🚫		A	22%
R Jaron Crane											🚫			8%
R Chenele Dixon				🚫				🚫			🚫			23%
R Sage G. Dixon														0%
R Melissa Durrant							A				🚫			8%
R Barbara Ehardt										🚫	🚫			15%
R Jeff Ehlers							A				🚫			8%
R Marco Adam Erickson				🚫				🚫			🚫	A		25%
R Rod Furniss				🚫				🚫			🚫	A		25%
D Sonia R. Galaviz	🚫	🚫	🚫	🚫	🚫	🚫		🚫	🚫		🚫	🚫	🚫	85%
R Jacyn Gallagher							🚫			🚫	🚫			23%
D John Gannon	🚫	🚫	🚫	🚫	🚫	🚫	A	🚫	🚫	🚫	🚫	🚫	🚫	100%
R Dan Garner				🚫	🚫			🚫			🚫			31%
D Brooke Green	🚫	🚫	A	🚫	A	🚫		🚫	🚫		A		🚫	70%
R Clay Handy				🚫							🚫			15%
R Dale R. Hawkins							🚫			🚫	🚫			23%
R Don Healey			A								🚫			8%
R Edward H. Hill											🚫			8%
R James Holtzclaw											🚫			8%
R Wendy Horman					🚫						🚫			15%
R Mike Kingsley											🚫			8%



Fields with Liberty Torch voted with the ACLU



Fields left blank opposed ACLU



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Anti-sanctuary cities bill



Reproductive Justice HB 242
Increased criminalization of abortion care

HOUSE

	1	2	3	4	5	6	7	8	9	10	11	12	13	ACLU %
R Tina Lambert										🗳️	🗳️			15%
R Greg L. Lanting				🗳️	🗳️			🗳️			🗳️			31%
R Dustin Manwaring				🗳️	🗳️						🗳️			23%
D Chris Mathias	🗳️	🗳️	🗳️	🗳️	🗳️	🗳️	A	🗳️	🗳️		🗳️	🗳️	🗳️	92%
R Lori McCann				🗳️	🗳️			🗳️			🗳️			38%
R Ron Mendive			A							🗳️	🗳️			17%
R Stephanie Jo Mickelsen				🗳️	🗳️			🗳️			A	A		27%
R Steve Miller		A		🗳️							🗳️			17%
R Brandon Mitchell											🗳️			8%
R Jason A. Monks											🗳️			8%
R Mike Moyle											🗳️			8%
D Colin Nash	🗳️	🗳️	🗳️	🗳️	🗳️	🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	85%
D Lauren Necochea	🗳️	🗳️	🗳️	🗳️	🗳️	🗳️	A	🗳️	🗳️		🗳️	🗳️	🗳️	92%
R Jack Nelsen				🗳️	🗳️			🗳️			🗳️			31%
R Joe A. Palmer											🗳️			8%
R James Petzke				🗳️	🗳️			🗳️			🗳️			31%
R Douglas T. Pickett											🗳️			8%
R Elaine Price							🗳️			🗳️	🗳️			23%
R Britt Raybould								🗳️			🗳️			15%
R Jerald Raymond				🗳️				🗳️			🗳️			23%
R Jordan Redman										🗳️	🗳️			15%
D Nate Roberts	🗳️	🗳️	🗳️	🗳️	🗳️	🗳️		🗳️	🗳️		🗳️	🗳️	🗳️	85%
D Illana Rubel	🗳️	🗳️	🗳️	🗳️	🗳️	🗳️		🗳️	🗳️	🗳️	🗳️	🗳️	🗳️	92%
R Mark Sauter				🗳️				🗳️			🗳️			23%
R Heather Scott							🗳️			🗳️	🗳️			23%
R Charlie Shepherd											🗳️	A		8%
R Bruce D. Skaug											🗳️			8%
R Josh Tanner											🗳️			8%
R Jon O. Weber											🗳️	A		8%
R Josh Wheeler											🗳️	A		8%
R Tony Wisniewski										🗳️	🗳️			15%
R John Vander Woude											🗳️			8%
R Kenny Wroten				🗳️							🗳️			15%
R Julie Yamamoto				🗳️	🗳️			🗳️			🗳️			31%
R Julianne Young									A		🗳️			8%