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LEGISLATIVE SCORECARD

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Ernie Otten

South Dakota Senator, SD-006 (R)

Website: sdlegislature.gov/Legislators/Profile/4798

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2026 SD Legislative Scorecard: 33%

✓ Constitutional ✗ Unconstitutional — Did not Vote Vote

1. Con-Con: Applies to Congress for an Article V constitutional convention to propose amendments to the U.S. Constitution.



Constitutional: **No** · Cast: **Yes** · SJR503 · Passed 25–9 · 01/26/2026

2. Government Health Program: Appropriates federal funding to carry out the state's Rural Health Transformation Program.



Estimated Cost per household: **-\$1,100.00/year.**

Constitutional: **No** · Cast: **Yes** · HB1044 · Passed 32–2 · 01/28/2026

3. Parental Rights: Would have codified certain parental rights in state law, including the right of parents to direct the upbringing, education, and healthcare of their minor children.



Constitutional: **Yes** · Cast: **No** · SB190 · Passed 19–15 · 02/17/2026

4. Government Loans: Authorizes loans from the South Dakota Housing Infrastructure Fund for airport infrastructure projects.



Estimated Cost per household: **-\$547.00/year.**

Constitutional: **No** · Cast: **Yes** · SB76 · Passed 22–11 · 02/23/2026

5. Abortion-drug Ban: Prohibits the dispensing, distribution, sale, or advertisement of drugs, substances, or other items intended to cause an unlawful abortion.



Constitutional: **Yes** · Cast: **Yes** · HB1274 · Passed 31–2 · 03/09/2026

6. Free School Meals: Establishes state-reimbursement rules for school districts that provide free or reduced-price meals to students.



Estimated Cost per household: **-\$1.62/year.**

Constitutional: **No** · Cast: **No** · HB1082 · Passed 20–14 · 03/09/2026

Why do these votes matter?

1. Con-Con

SJR503 applies to Congress for an Article V constitutional convention to propose amendments to the U.S. Constitution. It claims to seek amendments that would "impose fiscal restraints on the federal government, further limit the power and jurisdiction of the federal government, and limit the terms of office for members of Congress and other federal officials."

The South Dakota State Senate passed SJR503 on January 26, 2026 by a vote of 25 to 9. We have assigned pluses to the nays because efforts to call an Article V "constitutional convention" must be resisted. A constitutional convention (Con-Con) would have the power to make major changes to the U.S. Constitution, or even completely rewrite it. Instead of failing to uphold their oath of office and risking the danger of a "runaway convention," which could act as a "trojan horse" to destroy many of the Constitution's limitations on government power, state legislators should act to immediately nullify all unconstitutional federal laws. Whenever the federal government assumes undelegated powers, in blatant violation of the 10th Amendment, nullification of such lawless acts is the proper remedy.

2. Government Health Program

HB1044 appropriates federal funding to carry out the state's Rural Health Transformation Program, and declares an emergency so the money can be used right away. The bill authorizes South Dakota to spend federal funds on rural healthcare projects, including efforts to recruit healthcare workers, modernize rural facilities, and expand access to care.

The South Dakota State Senate passed HB1044 on January 28, 2026 by a vote of 32 to 2. We have assigned pluses to the nays because this legislation accepts federal funds for purposes not authorized by Article I, Section 8 of the U.S. Constitution. Federal funding almost always comes with strings attached, eroding state sovereignty and violating the 10th Amendment. Furthermore, healthcare and workforce development are not the proper role of government. Rather, these matters should be handled by the free market and private charity—not federal subsidies and state-administered programs.

3. Parental Rights

SB190 would have codified certain parental rights in state law, including the right of parents to direct the upbringing, education, and healthcare of their minor children. The bill also would have restricted school employees from withholding or concealing certain information from parents, especially information related to a child's health and well-being.

The South Dakota State Senate passed SB190 on February 17, 2026 by a vote of 19 to 15. We have assigned pluses to the ayes because the upbringing, education, care, and control of children belongs to—and is a fundamental right of—parents, not the government. The State of South Dakota has a duty to uphold the right of parents to raise their children. Parental rights are retained under the Ninth and 14th Amendments to the U.S. Constitution.

4. Government Loans

SB76 authorizes loans from the South Dakota Housing Infrastructure Fund for airport infrastructure projects. The bill makes airports eligible for zero-interest, repayable loans of up to \$15 million, with the money coming from the Housing Infrastructure Fund and being repaid to that fund.

The South Dakota State Senate passed SB76 on February 23, 2026 by a vote of 22 to 11. We have assigned pluses to the nays because this bill expands government involvement in economic development beyond its proper role—and neither housing nor airport infrastructure projects are the proper role of government. Additionally, SB76 imposes government favoritism of certain local projects with public financing rather than allowing infrastructure needs to be met through the free market and private loans. Government-directed financing distorts the free market, increases taxpayers' exposure to politically selected projects, and undermines fiscal responsibility.

5. Abortion-drug Ban

HB1274 prohibits the dispensing, distribution, sale, or advertisement of drugs, substances, or other items intended to cause an unlawful abortion. The bill targets abortion-inducing drugs or related materials being sent into or promoted in South Dakota for illegal abortions, and it provides both criminal and civil penalties for violations.

The South Dakota State Senate passed HB1274 on March 9, 2026 by a vote of 31 to 2. We have assigned pluses to the ayes because states should act to ban abortion and guarantee the right to life for all persons. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and protected by the 5th and 14th Amendments to the U.S. Constitution.

6. Free School Meals

HB1082 establishes state-reimbursement rules for school districts that provide free or reduced-price meals to students. The bill requires schools to provide lunch at no cost to students who qualify for reduced-price meals, with the state reimbursing districts for the difference between the federal reimbursement and the meal cost.

The South Dakota State Senate passed HB1082 on March 9, 2026 by a vote of 20 to 14. We have assigned pluses to the nays because feeding and educating children are duties of parents, not government. By using taxpayer dollars to provide "free" meals, the state expands the unconstitutional welfare system and fosters dependency rather than self-reliance. HB1082 also aligns with the United Nations' Agenda 2030 "Zero Hunger" initiative, which promotes government control over food distribution and social policy—objectives wholly foreign to America's constitutional framework. Neither Article I, Section 8 of the U.S. Constitution nor any other provision authorizes the federal government to provide meals or social services. Such programs divert funds from legitimate functions, increase public debt, and erode parental responsibility. Instead of empowering families, HB1082 further entrenches government dependency within an already failing public-education system and erodes state sovereignty by embracing federal funds.