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LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



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Marsha Symens

South Dakota Senator, SD-025 (R)

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SD Legislative Scorecard 2021-2022: 33%

✓ Constitutional ✗ Unconstitutional — Did not Vote **Vote**

1. Budget: Provides approximately \$5.9 billion in funding for the operations of the state's government for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

Estimated Cost per household: **-\$16,852.00/year.**

Constitutional: **No** · Cast: **Yes** · HB1340 · 03/10/2022



2. Informed Consent by Pregnant Minors: Would authorize the informed consent by a pregnant minor for any medical or dental procedure or service related to the minor's prenatal care, the delivery process, or postnatal care if the minor's parent or guardian is either "unavailable or withholds consent."

Constitutional: **No** · Cast: **Yes** · HB1223 · 03/02/2022



3. Exemption from COVID-19 Vaccination: Would provide that employers must allow medical, religious, and natural immunity-based exemptions from COVID-19 vaccination requirements, but not apply to certain health care facilities and the South Dakota National Guard.

Constitutional: **Yes** · Cast: **Yes** · SB211 · 02/14/2022



4. Article V Convention: Constitutional Amendments: Would apply to Congress, under the provisions of Article V of the U.S. Constitution, to call for a "convention of states" for the purpose of proposing constitutional amendments.

Constitutional: **No** · Cast: **Yes** · HJR5001 · 02/09/2022



5. Educational Freedom: Revises the provisions of parental choice regarding compulsory school attendance by expanding "alternative instruction" (e.g., home education) options.

Constitutional: **Yes** · Cast: **No** · SB177 · 03/10/2021



6. Rescinding the Call for an Article V Convention: Balanced Budget Amendment: Would rescind HJR1001, adopted by the Legislature in 2015, which applied to Congress to "call an Article V convention of the states for the sole purpose of proposing a federal balanced budget amendment."



Constitutional: **Yes** · Cast: **Yes** · SJR501 · 02/09/2021

Why do these votes matter?

1. Budget

HB1340 is the General Appropriations Act for the State of South Dakota. As appropriated by the Legislature, it provides approximately \$5.9 billion in funding for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

This spending plan for FY2023 includes \$2.3 billion of mostly unconstitutional federal funds, representing nearly 40% of the entire state budget. It not only increases subsidies for Medicaid providers, but appropriates \$49.6 million more in federal dollars than requested by the Governor. States should oppose the use of federal taxpayer money for purposes not authorized under Article 1, Section 8, of the U.S. Constitution.

2. Informed Consent by Pregnant Minors

HB1223 would authorize the informed consent by a pregnant minor for any medical or dental procedure or service related to the minor's prenatal care, the delivery process, or postnatal care if the minor's parent or guardian is either "unavailable or withholds consent."

Parents have the fundamental right to custody and control of their minor children, including healthcare decisions. Parental rights, as with all other constitutional rights, are protected by the Bill of Rights and the 14th Amendment. Further, HB1223 does not recognize that South Dakota law already provides for limited exceptions in which physicians and/or the state can intercede and act in the best interests of a minor child.

3. Exemption from COVID-19 Vaccination

SB211 (Senate Committee Engrossed) would provide that employers must allow medical, religious, and natural immunity-based exemptions from COVID-19 vaccination requirements. This act would not apply to certain health care facilities and the South Dakota National Guard.

Vaccine mandates should be opposed, as an individual's non-injurious activities, including personal health care decisions, are not the legitimate object of government, nor should be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

4. Article V Convention: Constitutional Amendments

HJR5001 would apply to Congress for a "convention of states under Article V of the Constitution of the United States, to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office for federal officials and members of Congress."

States should act immediately to nullify all unconstitutional federal laws, rather than risk an Article V or second constitutional convention. Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the failure of elected officials to uphold their oath of office.

5. Educational Freedom

SB177 revises the provisions of parental choice regarding compulsory school attendance by expanding "alternative instruction" (e.g., home education) options. It removes certain reporting and testing requirements, while allowing participation in interscholastic activities.

A child's education is the responsibility of--and a fundamental right of choice retained by--the parents, not the government. Parental rights, as with all other constitutional rights, are protected by the Bill of Rights and the 14th Amendment.

6. Rescinding the Call for an Article V Convention: Balanced Budget Amendment

SJR501 would rescind HJR1001, adopted by the Legislature in 2015, which applied to Congress to "call an Article V convention of the states for the sole purpose of proposing a federal balanced budget amendment."

Efforts to call an Article V or second constitutional convention should be resisted. Rather, states should seek to immediately nullify all unconstitutional federal laws. Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the failure of elected officials to uphold their oath of office.