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LEGISLATIVE SCORECARD BASED ON THE THE U.S. CONSTITUTION

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Mark Lapka

South Dakota
Senator, SD-023 (R)

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75
Lifetime
Freedom
Score

2026 SD Legislative Scorecard

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
1. SJR503 Con-Con (Passed 25 to 9 on 1/26/2026). Applies to Congress for an Article V convention of the states to propose amendments to the U.S. Constitution.			NO ★
2. HB1044 Government Health Program (Passed 32 to 2 on 1/28/2026). Appropriates federal funding to carry out the state's Rural Health Transformation Program. Estimated cost per household: -\$1,100.00/year.			YES ✗
3. SB190 Parental Rights (Passed 19 to 15 on 2/17/2026). 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.			YES ★
4. SB76 Government Loans (Passed 22 to 11 on 2/23/2026). Authorizes loans from the South Dakota housing infrastructure fund for airport infrastructure projects. Estimated cost per household: -\$547.00/year.			NO ★
5. HJR5001 Property Rights (Failed 14 to 19 on 3/2/2026). Would have referred a constitutional amendment to voters dealing with eminent domain and private-property rights.			YES ★
6. HB1274 Abortion Drug Ban (Passed 31 to 2 on 3/9/2026). Prohibits the dispensing, distribution, sale, or advertisement of drugs, substances, or other items intended to cause an unlawful abortion.			YES ★

Scorecard Votes: 83%

Why do these votes matter?

1. Con-Con

SJR503 applies to Congress for an Article V convention of the states to propose amendments to the U.S. Constitution. The resolution focuses on amendments that would impose fiscal restraints on the federal government, limit federal power and jurisdiction, and create term limits for members of Congress and 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 "convention of the states" 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. Article V was designed to correct potential errors or defects in the Constitution, not to "misconstrue or abuse its powers." We must use Article VI to enforce the Constitution, rather than use Article V to alter or abolish it.

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, workforce development, and expanding access to medical services are not the proper role of government. Rather, these matters should be handled by the free market, private charity, and local communities—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, well-being, or social transition.

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 diverts already unconstitutional taxpayer-backed housing infrastructure funds toward airport infrastructure projects, expanding government involvement in economic development beyond its proper role. By making airports eligible for zero-interest loans of up to \$15 million from a total fund of \$200 million, SB76 favors 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. Property Rights

HJR5001 would have referred a constitutional amendment to voters dealing with eminent domain and private-property rights. The measure would have required a declaration of necessity before private property could be taken or damaged, and it would have clarified what counts as a legitimate "public use." It was aimed at strengthening protections against taking private property for economic-development purposes or increased tax revenue.

The South Dakota State Senate rejected HJR5001 on March 2, 2026 by a vote of 14 to 19. We have assigned pluses to the ayes because this bill strengthens private-property rights and restores some proper constitutional limits on government power. HJR5001 helps prevent abuse of eminent domain—where governments seize land under the guise of redevelopment and increasing the tax base. This reinforces the due-process protections guaranteed by the fifth and 14th Amendments, which prohibit the government from depriving individuals of life, liberty, or property without due process of law and require just compensation for takings.

6. 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.