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LEGISLATIVE SCORECARD

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Cary Smith

Montana

State Senator, SD-027 (R)

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100

Lifetime
Freedom
Score

MT Legislative Scorecard 2021

✓ Pro-Freedom ✗ Anti-Freedom – Did not Vote

Vote

1. expands the ability of individuals to provide for their own defense by reducing or eliminating government mandated locations where citizens are prevented from exercising their right to defend themselves.



Pro-Freedom: **Yes** · Cast: **Yes** · HB102 · 02/03/2021

2. Would have applied to Congress for a Convention of States to propose a congressional term limits amendment to the U.S. Constitution.



Pro-Freedom: **No** · Cast: **No** · SJ2 · 02/10/2021

3. requires a review of presidential executive orders by Montana's Attorney General relating to certain subjects that may be unconstitutional for the purposes of nullification.



Pro-Freedom: **Yes** · Cast: **Yes** · SB277 · 03/01/2021

4. Requires a Montana driver's license, Montana state ID or Social Security card to register to vote.



Pro-Freedom: **Yes** · Cast: **Yes** · SB169 · 03/31/2021

5. Provides that religious services are an essential service during a pandemic or disaster.



Pro-Freedom: **Yes** · Cast: **Yes** · SB172 · 04/23/2021

6. Provides that if a parent prevails in a judicial proceeding against a governmental entity for violating their parental fundamental rights, the parent is entitled to attorney fees and costs paid by the governmental entity.



Pro-Freedom: **Yes** · Cast: **Yes** · SB400 · 04/27/2021

Scorecard Votes: 100%

Why do these votes matter?

1. Concealed Carry Expansion

HB102 expands the ability of individuals to provide for their own defense by reducing or eliminating government mandated locations where citizens are prevented from exercising their right to defend themselves. University system employees are prohibited from creating rules or regulation that infringe on a person's right to keep and bear arms.

The Montana State Senate passed HB102 on February 3, 2021 by a vote of 29 to 21. We have assigned the pluses to the ayes because the fundamental right of the American people to keep and bear arms is protected by the U.S. Constitution, particularly in the 2nd, 9th, and 10th Amendments, and should not be infringed.

2. Article V - Con Con

SJ2 applies to Congress, under the provisions of Article V of the U.S. Constitution, to call for a Balanced Budget Amendment and Term Limits.

The Montana State Senate voted down SJ2 on February 10, 2021 by a vote of 24 to 26. We have assigned pluses to the nays because the vague and contradictory text contained in this joint resolution dangerously permits what Article V of the U.S. Constitution describes as a "Convention for proposing Amendments" or second constitutional convention. Notably, Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the behavior of its elected officials.

3. State's Rights

SB277 requires a review of presidential executive orders by Montana's Attorney General relating to certain subjects that the state's legislative council and Attorney General determine to be unconstitutional. The state or other forms of government in the state may not implement an executive order that the Attorney General deems unconstitutional.

The Montana State Senate passed SB277 on March 1, 2021 by a vote of 31 to 19. We have assigned the pluses to the ayes because under article VI of the U.S. Constitution, the Constitution is the supreme law of the land and every state is bound by oath to support it. Ultimately, states have a duty to nullify any infringements by the federal government and Article 1, Section 8, of the Constitution gives congress specific powers and if there are violations of those powers, then states have a right to not comply.

4. Voter ID

SB169 requires a Montana driver's license, Montana state ID or Social Security card to register to vote. If an applicant is unable to provide any of these forms of identification, individuals will need to provide some other form of photo ID and another form of identification that shows proof of residence.

The Montana State Senate passed SB169 on March 31, 2021 by a vote of 31 to 18. We have assigned pluses to the ayes because strengthening our voter ID and election registration laws are crucial in the preservation of our election process. Article IV, Section 2, of the U.S. Constitution provides that "citizens" of the United States "shall be entitled to all privileges and immunities," such as the "right of citizens of the United States" to vote as prescribed in the 26th Amendment.

5. Religious Freedom

SB172 provides that in the event of a disaster or state of emergency, discriminatory action by the government is prohibited and it ensures that religious services are an essential service for the welfare of the people of the state.

The Montana State Senate passed SB172 on April 23, 2021 by a vote of 31 to 19. We have assigned the pluses to the ayes because no law shall prohibit free exercise of religion and the right to peacefully assemble. These rights are protected by both the Bill of Rights and the 14th Amendment to the U.S. Constitution and no situation or event in the United States shall lead to the suspension of those rights.

6. Parental Rights

SB400 provides that if a parent prevails in a judicial proceeding against a governmental entity for violating their parental fundamental rights, the parent is entitled to attorney fees and costs paid by the governmental entity.

The Montana State Senate passed SB400 on April 27, 2021 by a vote of 30 to 20. We have assigned pluses to the ayes because the upbringing, education, health care, and mental health of children belongs to — and is a fundamental right of — parents, not any governmental body. Parental rights are protected by the Bill of Rights and the 14th Amendment of the U.S. Constitution.