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LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



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Edith McClafferty

Montana

State Senator, SD-038 (D)

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25

Lifetime
Freedom
Score

MT Legislative Scorecard 2023

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

Vote

1. Would propose to amend Montana's Constitution by declaring that it is the "right of any person to keep and bear arms" and removing the restrictive clause regarding the carrying of concealed weapons.



Pro-Freedom: **Yes** · Cast: **No** · HB551 · 04/26/2023

2. Prohibits a ranked-choice voting method from being used to determine the election or nomination of a candidate to a local, state, or federal office.



Pro-Freedom: **Yes** · Cast: **Yes** · HB598 · 04/05/2023

3. Resolves that "the belief that the court has exclusive authority to interpret the constitution and that its decisions are binding on the other two branches is a myth based on a faulty understanding" of the U.S. Supreme Court's opinion in Marbury v. Madison.



Pro-Freedom: **Yes** · Cast: **No** · SJ15 · 03/02/2023

4. Would have, prior to being amended by the House, adopted a new definition of "electronic money" in the Uniform Commercial Code.



Pro-Freedom: **No** · Cast: **Yes** · SB370 · 03/02/2023

5. Would apply to Congress for a "convention of the states" under Article V of the U.S. Constitution.



Pro-Freedom: **No** · Cast: **No** · SJ2 · 02/01/2023

6. Clarifies that the right of individual privacy, as referenced in the Constitution or laws of Montana, "does not create, and may not be construed as creating or recognizing, a right to abortion or to governmental funding of abortion."



Pro-Freedom: **Yes** · Cast: **No** · SB154 · 01/26/2023

Scorecard Votes: 33%

Why do these votes matter?

1. Right to Carry in Montana's Constitution

HB551 would propose to amend Montana's Constitution by declaring that it is the "right of any person to keep *and* bear arms" [emphasis added] and removing the restrictive clause regarding the carrying of concealed weapons.

The Second Amendment to the U.S. Constitution guarantees that the right of the American people "to keep and bear arms, shall not be infringed."

2. Prohibiting Ranked-Choice Voting

HB598 prohibits a ranked-choice voting method from being used to determine the election or nomination of a candidate to a local, state, or federal office.

All attempts to enact ranked-choice voting should be opposed. This complicated, multiple-round, and unconstitutional method weakens election integrity by allowing a candidate to potentially win without genuine support from a plurality of voters. The scheme's ballot casting requirements undermine each citizen's right to vote and could deny them from being able to select the one and only candidate of their choice.

3. Resolution on Marbury v. Madison

SJ15 resolves that "the belief that the court has exclusive authority to interpret the constitution and that its decisions are binding on the other two branches is a myth based on a faulty understanding" of the U.S. Supreme Court's opinion in *Marbury v. Madison*. Judges are not the sole interpreters of the law or the ultimate authorities on constitutional questions. Article VI, Clause 3, of the U.S. Constitution notably requires that all federal and state officials be duty-bound by oath to support the Constitution. This is part of the Constitution's elaborate system of checks and balances, which provides for both federalism and a separation of powers. Each mutually independent branch of government at every level, therefore, has a co-equal role in maintaining fidelity to the Constitution, including opposing any violations by the others.

4. "Electronic Money" in the Uniform Commercial Code

SB370 would have, prior to being amended by the House, adopted a new definition of "electronic money" in the Uniform Commercial Code.

This bill initially included a disturbing change to the definition of money that would have ended free-market-based cryptocurrencies and paved the way for an exclusively government-controlled Central Bank Digital Currency—presenting a significant danger to Americans' civil liberties. The power to "coin money," let alone authorize or adopt the use of "electronic money," is among the powers denied to the States in Article 1, Section 10, of the U.S. Constitution.

5. Article V Convention: Constitutional Amendments

SJ2 would apply to Congress for a "convention of the states" under Article V of the U.S. Constitution "limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."

Efforts to call an Article V convention should be resisted. The States should act immediately to nullify all unconstitutional federal laws, rather than risk a constitutional convention. Article V of the U.S. Constitution was designed to correct potential errors or defects in the Constitution, not the failure of elected officials to uphold their oath of office.

6. No Right to Abortion

SB154 clarifies that the right of individual privacy, as referenced in the Constitution or laws of Montana, "does not create, and may not be construed as creating or recognizing, a right to abortion or to governmental funding of abortion."

Montana should act to ban abortion and secure 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 guaranteed by the 5th and 14th Amendments to the U.S. Constitution.