

# FREEDOM INDEX.US

## LEGISLATIVE SCORECARD BASED ON THE THE U.S. CONSTITUTION

The Legislative Scorecard is a nationwide, nonpartisan educational program of The John Birch Society intended to inform voters about legislators' voting records. It does not promote any candidate or political party. Bills are chosen for their constitutional implications and taxpayer costs.



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## John Esp

Montana  
Senator, SD-030 (R)

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**67**  
Lifetime  
Freedom  
Score

## 2025-2 MT Legislative Scorecard

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
1. <b>SB120 Article V Commission</b> (Passed 28 to 21 on 1/30/2025). Proposed establishing a framework for selecting, overseeing, and potentially removing commissioners to represent Montana at a potential Article V Convention for proposing amendments to the U.S. Constitution.			YES ✗
2. <b>SB101 Squatters and Property Rights</b> (Passed 35 to 15 on 4/1/2025). Strengthens property rights by establishing criminal penalties for unlawful squatting and fraudulent property listings.			YES ★
3. <b>HB495 Repeal Federal Mandates Act</b> (Passed 33 to 15 on 4/11/2025). Prohibits state and local agencies from implementing or enforcing federal mandates that are not explicitly authorized by the U.S. Constitution.			YES ★
4. <b>HB423 Voter-roll Clean-up</b> (Passed 31 to 17 on 4/14/2025). Revises Montana's election laws concerning the maintenance of active and inactive voter-registration lists.			YES ★
5. <b>HB509 Student-loan Assistance</b> (Passed 38 to 10 on 4/14/2025). Expands the state's Quality Educator Loan Assistance Program.			YES ✗
6. <b>SB326 Movie Tax Credits</b> (Passed 31 to 19 on 4/29/2025). Expands and extends the state's film and media production tax credit program under the MEDIA Act through 2045. <b>Estimated cost per household: -\$38.63/year.</b>			NO ★

**Scorecard Votes: 67%**

# Why do these votes matter?

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## 1. Article V Commission

SB120 proposed establishing a framework for selecting, overseeing, and potentially removing commissioners to represent Montana at a potential Article V Convention for proposing amendments to the U.S. Constitution. The bill outlined procedures for appointing commissioners, defined their duties and limitations, and provided mechanisms for their oversight and removal.

The Montana State Senate passed SB120 on January 30, 2025 by a vote of 28 to 21. We have assigned pluses to the nays because this bill gives a false sense of security that an Article V Convention can be controlled. Although SB120 attempts to limit Montana's commissioners, it cannot bind delegates from other states or prevent a convention from proposing sweeping changes to the Constitution—including an entirely new constitution, as happened in 1787. Rather than risking a runaway convention that could permanently alter or destroy the Constitution, state legislators should honor their oath, nullify unconstitutional federal actions, and use Article VI to enforce the Constitution we already have.

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## 2. Squatters and Property Rights

SB101 strengthens property rights by establishing criminal penalties for unlawful squatting and fraudulent property listings. It makes it a misdemeanor to knowingly enter and live on someone else's property without permission, with offenders required to pay restitution equal to fair market rent. Law enforcement is authorized to remove squatters and is protected from liability when acting in good faith.

The Montana State Senate passed SB101 on April 1, 2025 by a vote of 35 to 15. We have assigned pluses to the ayes because this bill reinforces the constitutionally protected right to property, which is secured by the Bill of Rights and protected against government abuse under the Fifth Amendment. By penalizing unlawful squatting, requiring restitution, and protecting owners from fraudulent property listings, this bill helps ensure that property owners can lawfully control, use, and defend what belongs to them. Property rights are essential to liberty, and government has a proper role in protecting citizens against trespass, fraud, and theft.

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## 3. Repeal Federal Mandates Act

HB495 prohibits state and local agencies from implementing or enforcing federal mandates that are not explicitly authorized by the U.S. Constitution. The bill aims to limit the influence of federal regulations on state governance and reduce perceived overreach by federal authorities.

The Montana State Senate passed HB495 on April 11, 2025 by a vote of 33 to 15. We have assigned pluses to the ayes because the several States have a duty to interpose on behalf of the American people and nullify all unconstitutional acts by the federal government under article VI of the U.S. Constitution. The U.S. Constitution established a limited federal government with "few and defined" powers. Whenever the federal government assumes undelegated powers, in flagrant violation of the 10th Amendment, interposition is necessary, and nullification of such lawless acts is the proper remedy. HB495 rightly affirms Montana's sovereignty and helps protect the state from unconstitutional federal mandates.

## 4. Voter-roll Clean-up

HB423 revises Montana's election laws concerning the maintenance of active and inactive voter-registration lists. It mandates that if an election administrator receives undeliverable mail or if a voter fails to respond to a confirmation request, a follow-up notice must be sent within 30 days. This notice should be a forwardable, first-class, postage-paid, self-addressed return notice, facilitating easier communication with voters.

The Montana State Senate passed HB423 on April 14, 2025 by a vote of 31 to 17. We have assigned pluses to the ayes because any effort to clean up voter rolls is a step toward ensuring election integrity. States should exercise their authority under Article 1, Section 4 of the U.S. Constitution to implement free, fair, and secure elections.

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## 5. Student-loan Assistance

HB509 expands the state's Quality Educator Loan Assistance Program. The bill broadens eligibility to include all newly hired teachers in accredited Montana schools, regardless of their subject area or the school's location.

The Montana State Senate passed HB509 on April 14, 2025 by a vote of 38 to 10. We have assigned pluses to the nays because government should not subsidize or issue taxpayer-funded loans, nor should it interfere with private enterprise. This bill expands the size of government, picks winners and losers, and creates dependency on government assistance, undermining the free market. When the government meddles in areas that it shouldn't, individuals and businesses lose control and freedom, especially when they owe money back to the government.

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## 6. Movie Tax Credits

SB326 expands and extends Montana's film-and-media production tax-credit program under the MEDIA Act through 2045, raising the annual credit cap from \$12 million to \$30 million. It allocates specific percentages of credits to various production categories; offers enhanced incentives for hiring Montana residents, veterans, tribal members, and students; and provides a 40% credit for renting qualified in-state facilities. The bill also requires the Department of Commerce to publicly track available credits, and reinvests a portion of unused funds into workforce training.

The Montana State Senate passed SB326 on April 29, 2025 by a vote of 31 to 19. We have assigned pluses to the nays because government has no legitimate authority to prop up private industries through selective tax breaks. Government involvement in incentivizing the film industry distorts the economy, wastes taxpayer dollars, and invites the influence of Hollywood-style values that contradict traditional American principles. Rather than relying on private enterprise and market demand, this law empowers bureaucrats to pick winners and losers, undermining economic freedom and opening the door to immoral and anti-American cultural shifts.