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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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Bill Mercer

Montana

Representative, HD-046 (R)

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Lifetime
Freedom
Score

2025-2 MT Legislative Scorecard

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
			NO ✗
1. HB439 Sheriffs First (Failed 44 to 56 on 2/21/2025). Would require federal law-enforcement officers to notify and obtain permission from county sheriffs before conducting arrests, searches, or seizures within Montana			
			YES ★
2. HB404 Defend the Guard (Failed 41 to 58 on 3/5/2025). Would restrict the deployment of the Montana National Guard into active combat without an official declaration of war by the U.S. Congress.			
			NO ✗
3. HB635 DEI Ban (Failed 41 to 58 on 3/7/2025). Would prohibit state and local government agencies from funding or operating diversity, equity, and inclusion (DEI) programs.			
			YES ★
4. HB495 Repeal Federal Mandates Act (Passed 58 to 41 on 4/17/2025). Prohibits state and local agencies from implementing or enforcing federal mandates that are not explicitly authorized by the U.S. Constitution.			
			NO ★
5. SB326 Movie Tax Credits (Passed 62 to 38 on 4/25/2025). Expands and extends Montana's film-and-media production tax-credit program under the MEDIA Act through 2045. Estimated cost per household: -\$38.63/year.			
			NO ✗
6. HB329 Montana Ammunition Act (Passed 55 to 45 on 4/30/2025). Exempts ammunition components and related manufacturing equipment from the state sales tax.			

Scorecard Votes: 50%

Why do these votes matter?

1. Sheriffs First

HB439 would require federal law-enforcement officers to notify and obtain permission from county sheriffs before conducting arrests, searches, or seizures within Montana, with certain exceptions for emergencies or federal enclaves.

The Montana State House of Representatives rejected HB439 on February 21, 2025 by a vote of 44 to 56. We have assigned pluses to the ayes because upholding the authority of local law enforcement is a basic premise of self-government under the American form of government. The 10th Amendment makes clear that any power not delegated to the federal government, nor prohibited to the states by the Constitution, is "reserved to the States respectively, or to the people." By requiring federal officers to coordinate with county sheriffs, HB439 would have reinforced local accountability, protected citizens from federal overreach, and helped ensure that law enforcement remains answerable to the communities it serves rather than distant federal authorities.

2. Defend the Guard

HB404 would restrict the deployment of the Montana National Guard into active combat without an official declaration of war by the U.S. Congress.

The Montana State House of Representatives rejected HB404 on March 5, 2025 by a vote of 41 to 58. We have assigned pluses to the ayes because this bill would nullify unconstitutional federal deployments of the National Guard. Under Article I, Section 8 of the U.S. Constitution, only Congress—not the president—has the authority to declare war, raise and support armies, and call forth the militia. Clauses 11, 12, and 15 specifically limit these powers to Congress, making any unauthorized foreign deployment of state militias a violation of the Constitution.

3. DEI Ban

HB635 would prohibit state and local government agencies from funding or operating diversity, equity, and inclusion (DEI) programs.

The Montana State House of Representatives rejected HB635 on March 7, 2025 by a vote of 41 to 58. We have assigned pluses to the ayes because the DEI movement promotes divisive myths and false historical narratives propagated by critical race theorists, feminists, and LGBTQIA+ activists. It is nothing but a modern and subtle outgrowth of efforts by earlier Marxist radicals to alter or destroy the American way of life through a "long march through the institutions." The goal is a complete disruption of our moral, social, and political order so as to impose conformity on citizens and end all opposition to the welfare state—the *modus operandi* of totalitarian regimes for centuries. Justice in the hands of "social justice" warriors seeking parity in every aspect of life will only lead to tyranny. DEI must die, along with any other vain attempts to compel "equal outcomes." Our Constitution's Bill of Rights and 14th Amendment were written to promote the "general Welfare" of all Americans by means of securing each person's "unalienable Rights" to life, liberty, and property.

4. 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 federal overreach.

The Montana State House of Representatives passed HB495 on April 17, 2025 by a vote of 58 to 41. 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, reinforces the proper balance of federalism, and helps protect the state and its citizens from unconstitutional federal mandates.

5. 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 House of Representatives passed SB326 on April 25, 2025 by a vote of 62 to 38. 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.

6. Montana Ammunition Act

HB329 codifies temporary exemptions from the state sales tax for ammunition components and related manufacturing equipment.

The Montana State House of Representatives passed HB329 on April 30, 2025 by a vote of 55 to 45. We have assigned pluses to the ayes because the right to keep and bear arms, protected by the Second Amendment to the U.S. Constitution, shall not be infringed. Taxing ammunition components and related manufacturing equipment violates the exercise of that right, discourages lawful firearm ownership and self-defense, and conflicts with the fundamental principle that government should not tax the means by which citizens exercise their constitutionally protected rights.