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LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



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Sebastian Ertelt

North Dakota Representative, HD-026 (R)

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ND Legislative Scorecard 2021-2022: 100%

✓ Constitutional ✗ Unconstitutional — Did not Vote **Vote**

1. Mask Mandates: Prevents any government within the state, including schools, from being able to mandate the wearing of masks. ✓

Constitutional: **Yes** · Cast: **Yes** · HB1323 · Passed 66–27 · 04/22/2021

2. Gun Rights - Enforcement: Prohibits a law enforcement officer or individual employed by the government within the state to provide assistance with an investigation, prosecution, or enforcement of an unconstitutional federal gun control law. ✓

Constitutional: **Yes** · Cast: **Yes** · HB1383 · Passed 80–12 · 04/19/2021

3. Nullification: Creates a committee with the purpose of acting on federal nullification of any unconstitutional law. ✓

Constitutional: **Yes** · Cast: **Yes** · HB1282 · Rejected 38–55 · 04/19/2021

4. Article V Con-Con: Would have applied to Congress for a Convention of States to propose a congressional term limits amendment to the U.S. Constitution. ✓

Constitutional: **No** · Cast: **No** · HCR3033 · Rejected 26–65 · 03/03/2021

5. Compact for a Balanced Budget: Extends North Dakota's current membership in the Compact for a Balanced Budget through 2031. ✓

Constitutional: **No** · Cast: **No** · HB1429 · Passed 75–19 · 02/18/2021

6. Gun Rights - Nullification: Ensures that personal firearms, firearm accessories, or ammunition manufactured commercially or privately are not subject to unconstitutional federal law. ✓

Constitutional: **Yes** · Cast: **Yes** · HB1272 · Passed 69–23 · 02/17/2021

Why do these votes matter?

1. Mask Mandates

HB1323 prevents the state government from being able to mandate the wearing of masks at the state, county, and local level. This includes schools.

The House passed HB1323 on April 22, 2021 by a vote of 66 to 27. We have assigned pluses to the ayes because individuals have the right to decide what is best for their health. The government has no right to force someone to wear a mask. This is a violation of an individual's fundamental rights protected by the Bill of Rights.

2. Gun Rights - Enforcement

HB1383 provides that an agency or political subdivision of the state and a law enforcement officer or individual employed by state may not assist a federal agency, public official or act independently with respect to the investigation, prosecution, or enforcement of a violation of a federal statute, order, rule, or regulation purporting to regulate a firearm, firearm accessory, or firearm ammunition.

The House passed HB1383 on April 19, 2021 by a vote of 80 to 12. We have assigned pluses to the ayes because the Second Amendment to the U.S. Constitution declares that "the right of the people to keep and bear Arms, shall not be infringed."

3. Nullification

HB1282 creates a committee, appointed by legislative management, with the purpose of acting on federal nullification and whether to nullify the entire statute, regulation, or executive order in its entirety. The committee may review any existing federal statute, regulation, or executive order enacted before the effective date of this section and shall recommend whether to nullify the rule or law.

The House failed to pass HB1282 on April 19, 2021 by a vote of 38 to 55. We have assigned 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, the states have a duty to nullify any infringements by the federal government.

4. Article V Con-Con

HCR3033 would have applied to Congress for a Convention of States to propose a congressional term limits amendment to the U.S. Constitution.

The House failed to pass HCR3033 on March 3, 2021 by a vote of 26 to 65. We have assigned pluses to the nays because a so-called "Convention of the States" would not be of "limited" purpose. 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. HCR3033 should be opposed in favor of less risky, more precise, and immediate solutions that would restore power back to the states and to the people.

5. Compact for a Balanced Budget

HB1429 extends North Dakota's current membership in the Compact for a Balanced Budget through 2031.

The House passed HB1429 on February 18, 2021 by a vote of 75 to 19. We have assigned pluses to the nays because this legislation unconstitutionally pre-ratifies a Balanced Budget Amendment before a constitutional convention convenes. An Article V Constitutional Convention proposal could cause serious damage to our constitution and there is no evidence that such amendment would fix our financial problems. Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the behavior of its elected officials.

6. Gun Rights - Nullification

HB1272 ensures that personal firearms, firearm accessories, or ammunition manufactured commercially or privately in the state of North Dakota is not subject to unconstitutional federal law or federal regulation.

The House passed HB1272 on February 17, 2021 by a vote of 69 to 23. 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 in any situation. Furthermore, under Article VI of the U.S. Constitution, states have a duty to nullify infringements by the federal government.