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LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



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Jason Heitkamp

North Dakota Senator, SD-026 (R)

freedomindex.us/7960/



ND Legislative Scorecard 2021-2022: 50%

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

1. Rescinding Article V Applications: Rescinds all existing applications the North Dakota legislature to call a convention to propose amendments to the United States Constitution. ✗

Constitutional: **Yes** · Cast: **No** · SCR4004 · Rejected 15–32 · 02/09/2021

2. 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 32–15 · 04/22/2021

3. Gun Rights: 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 40–7 · 04/19/2021

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

Constitutional: **Yes** · Cast: **Yes** · HB1282 · Passed 32–15 · 03/31/2021

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

Constitutional: **No** · Cast: **Yes** · HB1429 · Passed 37–10 · 03/22/2021

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

Constitutional: **Yes** · Cast: **No** · HB1272 · Rejected 10–37 · 04/01/2021

Why do these votes matter?

1. Rescinding Article V Applications

SCR4004 was a resolution to rescind all existing applications by the North Dakota Legislative Assembly to call a convention to propose amendments to the United States Constitution, under Article V of the United States Constitution.

The Senate failed to adopt HCR4004 on February 9, 2021 by a vote of 15 to 32. We have assigned pluses to the ayes 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.

2. 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 Senate passed HB1323 on April 22, 2021 by a vote of 32 to 15. We have assigned pluses to the ayes because individuals have the right to decide what is best for their health and their safety. The government has no right to force someone to implement intrusive and draconian orders. This is a violation of an individual's fundamental rights, freedoms, privileges, or immunities protected by the Bill of Rights.

3. Gun Rights

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 Senate passed HB1383 on April 19, 2021 by a vote of 40 to 7. 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."

4. 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 Senate passed HB1282 on March 31, 2021 by a vote of 32 to 15. 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.

5. Compact for a Balanced Budget

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

The Senate passed HB1429 on March 22, 2021 by a vote of 37 to 10. 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 Senate failed to pass HB1272 on April 1, 2021 by a vote of 10 to 37. 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.