



Jay Elkin

North Dakota Senator, SD-036 (R)

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ND Legislative Scorecard 2023: 67%

Based on the Principles of the U.S. Constitution

✓ Constitutional	✗ Unconstitutional	— Did not Vote	Vote
1. Rescinding Article V Applications: Rescinds all extant 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.			✓
Constitutional: Yes · Cast: Yes · SCR4012 · Rejected 15–31 · 02/21/2023			
2. Firearm Merchant Codes: Prohibits financial entities' use of merchant codes to track firearm and ammunition-related purchases.			✓
Constitutional: Yes · Cast: Yes · HB1487 · Passed 45–2 · 04/25/2023			
3. Property Rights: Prohibits the use of eminent domain to construct carbon-capture pipelines in North Dakota.			✗
Constitutional: Yes · Cast: No · SB2212 · Rejected 12–35 · 02/16/2023			
4. Sound Money: Changes North Dakota's definition of money to ban free-market-based cryptocurrencies and pave the way for a government-issued Central Bank Digital Currency (CBDC).			✗
Constitutional: No · Cast: Yes · HB1082 · Passed 34–12 · 03/10/2023			
5. Ranked-Choice Voting Ban: Prohibits ranked-choice voting in North Dakota.			✓
Constitutional: Yes · Cast: Yes · HB1273 · Passed 28–19 · 04/19/2023			
6. Raw Milk: Allows farmers to sell raw milk directly to the consumer.			✓
Constitutional: Yes · Cast: Yes · HB1515 · Passed 32–14 · 04/20/2023			



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\$297,522

U.S. National Debt Per Household as of September 3,
2026

Why do these votes matter?

1. Rescinding Article V Applications

SCR4012 rescinds all extant 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 North Dakota State Senate rejected SCR4012 on February 21, 2023 by a vote of 15 to 31. We have assigned pluses to the ayes because a so-called "Convention of the States" would not be of "limited" purpose. Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the behavior of its elected officials. This rescission is a great step toward preserving the constitution. We need more precise and immediate solutions to restore power back to the states and to the people, such as clear-cut proposals in Congress to repeal bad amendments or state nullification of unconstitutional federal actions.

2. Firearm Merchant Codes

HB1487 prohibits financial entities' use of merchant codes to track firearm and ammunition-related purchases.

The North Dakota State Senate passed HB1487 on April 25, 2023 by a vote of 45 to 2. We have assigned pluses to the ayes because the workaround by credit card companies to track ammunition and firearm purchases violates several constitutionally-protected rights, including the First, Second, and Fourth Amendments. This is a large invasion of privacy, opens the door for illegal searches, and potentially deters people from making firearm purchases.

3. Property Rights

SB2212 prohibits the use of eminent domain to construct carbon-capture pipelines in North Dakota.

The North Dakota State Senate rejected SB2212 on February 16, 2023 by a vote of 12 to 35. We have assigned pluses to the ayes because eminent domain for private corporations violates the U.S. Constitution, specifically the Fifth and Fourteenth Amendments. The Fifth Amendment explicitly states, "nor shall private property be taken for public use, without just compensation." Furthermore, the Fourteenth Amendment declares, "nor shall any State deprive any person of life, liberty, or property, without due process of law."

4. Sound Money

HB1082 changes North Dakota's definition of money to ban free-market-based cryptocurrencies and pave the way for a government-issued Central Bank Digital Currency (CBDC).

The North Dakota State Senate passed HB1082 on March 10, 2023 by a vote of 34 to 12. We have assigned pluses to the nays because the Uniform Law Commission (ULC), a powerful organization known for advocating consistent state laws that align with federal legislation and international commitments, strongly supported this bill. The ULC's agenda also includes harmonizing state laws with those of other nations, which is not something allowed in the Constitution. The U.S. Constitution states that only the U.S. Congress has the power to "coin money," and HB1082 violates that important provision.

5. Ranked-Choice Voting Ban

HB1273 prohibits ranked-choice voting in North Dakota.

The North Dakota State Senate failed to override the Governor's veto on April 19, 2023 by a vote of 28 to 19. We have assigned pluses to the ayes because ranked-choice voting adds complexity to the election process and raises concerns about potential election manipulation. Moreover, ranked-choice voting could potentially result in voter disenfranchisement or errors that undermine the integrity of elections.

6. Raw Milk

HB1515 allows farmers to sell raw milk directly to the consumer.

The North Dakota State Senate passed HB1515 on April 20, 2023 by a vote of 32 to 14. We have assigned pluses to the ayes because the prohibition of the sale of raw milk is in violation of the Bill of Rights and the 14th Amendment to the U.S. Constitution. It violates the principles of individual liberty and the free market.