



Austin Foss

North Dakota Representative, HD-044 (D)

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ND Legislative Scorecard 2025: 0%

Based on the Principles of the U.S. Constitution

✓ Constitutional	✗ Unconstitutional	— Did not Vote	Vote
1. Increasing Medicaid: Increases the "personal monthly needs allowance" for Medicaid recipients by \$15 beginning July 1, 2025, and requires an adjustment annually based on inflation. Estimated Cost per household: -\$4.00/year. Constitutional: No · Cast: Yes · HB1485 · Passed 91–2 · 04/25/2025			✗
2. Right to Bear Arms: Would have repealed the ban against possessing a firearm at a "church or other place of worship" and let any political subdivision enact less restrictive ordinances for a "school." Constitutional: Yes · Cast: No · HB1365 · Rejected 29–62 · 02/25/2025			✗
3. Kingship of Jesus Christ: Would have urged North Dakota to "acknowledge the Kingship of Jesus Christ." Constitutional: Yes · Cast: No · HCR3020 · Rejected 31–59 · 02/18/2025			✗
4. Prenatal Equal Protection Act: Would have defined the term "human being" under state law to include an "unborn child" from the "moment of fertilization." Constitutional: Yes · Cast: No · HB1373 · Rejected 16–77 · 02/12/2025			✗
5. "Defend the Guard" Bill: Would have prohibited the North Dakota National Guard from being mobilized for active duty combat unless Congress has passed an official declaration of war or taken another official constitutional action. Constitutional: Yes · Cast: No · HB1315 · Rejected 10–84 · 01/30/2025			✗
6. Republican Form of Government: Proposes that any future amendments to the North Dakota Constitution be submitted to the electorate and receive approval from at least sixty percent of the voters. Constitutional: Yes · Cast: No · HCR3003 · Passed 65–28 · 01/26/2025			✗



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\$297,522

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

Why do these votes matter?

1. Increasing Medicaid

HB1485 increases the "personal monthly needs allowance" for Medicaid recipients by \$15 beginning July 1, 2025, and requires an adjustment annually based on inflation.

Health care is not the role of government, and taxation in the name of "social welfare" is neither just nor charitable. In fact, Medicaid is a jointly financed federal-state program that is unauthorized according to Article 1, Section 8, of the U.S. Constitution. It relies on discriminatory forms of taxation that provide "medical assistance benefits" to "eligible persons," who have little or no tax liability, at the expense of others-resulting in more debt, dependency, and poverty. The Bill of Rights and the 14th Amendment were written to prevent such "nanny state" policies and the reckless use of taxpayer money.

2. Right to Bear Arms

HB1365 would have repealed the ban against possessing a firearm at a "church or other place of worship" and let any political subdivision enact less restrictive ordinances for a "school."

This bill eases blatantly unconstitutional gun-control measures. "Gun-free zones" are demonstrably unsafe. Every person has a natural, individual right to self-defense, irrespective of their location, which is why the Second Amendment to the U.S. Constitution expressly declares, without qualification, that "the right of the people to keep and bear Arms, shall not be infringed."

3. Kingship of Jesus Christ

HCR3020 would have urged North Dakota to "acknowledge the Kingship of Jesus Christ."

This resolution would have reaffirmed America's Christian heritage. Prior to the North Dakota Constitutional Convention in 1889, which recorded "the Lord, Jesus Christ as the ruler of nations," the Continental Congress in 1777, echoing the Mayflower Compact, called "for the promotion and enlargement of that kingdom" of "Jesus Christ." Moreover, John Adams, a delegate to the Continental Congress, remarked that the Founding Fathers achieved "Independence" based on the "general Principles of Christianity." Notably, the U.S. Constitution attaches itself to the Declaration of Independence using the words "in the Year of our Lord." There can and should be no doubt as to why the U.S. Supreme Court in 1892, in *Church of the Holy Trinity v. United States*, unanimously determined that America "is a Christian nation."

4. Prenatal Equal Protection Act

HB1373 would have defined the term "human being" under state law to include an "unborn child" from the "moment of fertilization."

This bill would have abolished abortion in North Dakota by ensuring that preexisting statutes pertaining to murder and assault, as well as civil actions from wrongful death, equally protect the lives of preborn children. Given that the care of human life-not its destruction-is the greatest responsibility of government, North Dakota ought to abolish abortion entirely. Abortion is murder, and no person has a right to take the "life or limb" of a preborn child. The right to life is the most fundamental, God-given, and "unalienable" right mentioned in the Declaration of Independence and secured by the Fifth and 14th Amendments to the U.S. Constitution.

5. "Defend the Guard" Bill

HB1315 would have prohibited the North Dakota National Guard from being mobilized for active duty combat unless Congress has passed an official declaration of war or taken another official constitutional action.

National Guard troops should only be used to protect the lives, liberty, and property of their fellow Americans in accordance with the U.S. Constitution. This bill would help prevent unconstitutional wars by nullifying attempts by the federal government to entangle U.S. citizen-soldiers in undeclared wars overseas. Article I, Section 8, of the U.S. Constitution asserts that "Congress," not the President, "shall have power...to provide for the common defence." Congress alone, as explained and limited by succeeding Clauses 11, 12, and 15, is granted the specified powers to "declare war," "raise and support Armies," and "provide for calling forth the Militia."

6. Republican Form of Government

HCR3003 proposes that any future amendments to the North Dakota Constitution be submitted to the electorate and receive approval from at least sixty percent of the voters.

Constitutional amendments should not be ratified by simple majority votes. The current threshold of just more than 50 percent of votes cast statewide does not amount to "consent of the governed." A supermajority is necessary to adequately protect the rights and liberties of all North Dakotans-in every part of the state-from the "dangers of democracy" or a "tyranny of the majority." In other words, it's the "constitutional majority" that must prevail among a free people. Article IV, Section 4, of the U.S. Constitution guarantees to "every State in this Union a Republican Form of Government," which implies government limited to the "rule of law," with safeguards for the minority, as opposed to mere, unchecked "majority rule."