


FREEDOM INDEX

THE FREEDOM INDEX

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A Congressional Scorecard Based on the U.S. Constitution

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The Freedom Index rates members of congress based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements.



Mary J. Fitzgerald

House of Representatives District
HD-031

Republican

Contact: 605-641-2045 | 605-773-3851



View Online

This legislator voted constitutionally on **67%** of the votes shown below.

CPH: Estimated cost per household.

★ Pro-liberty ✗ Anti-liberty ? Did not Vote CPH Vote

1. SB55 Prohibiting Ranked-Choice Voting (passed 63 to 5 on 3/1/2023). Prevents the State Board of Elections from authorizing and a political subdivision from establishing a system of ranked-choice voting. **Yes** ★

2. HB1220 Criminal Immunity for Women Who Have Abortions (passed 63 to 7 on 2/21/2023). Provides that that a female who undergoes an unlawful abortion may not be held criminally liable. **Yes** ✗

3. HB1235 Conscience Exemption from COVID-19 Vaccination (failed 30 to 39 on 2/16/2023). Declares that a person has the right to be exempt from any COVID-19 vaccination mandate on the basis of conscience. **Yes** ★

4. HB1193 "Electronic Money" in the Uniform Commercial Code (passed 49 to 17 on 2/13/2023). Would adopt a new definition of "electronic money" in the Uniform Commercial Code. **Yes** ✗

5. HB1133 Banning Eminent Domain for CO₂ Pipelines (passed 40 to 28 on 2/9/2023). Defines a commodity for the purpose of qualifying as a common carrier. **Yes** ★

6. HB1080 Protecting Minors from Sex Mutilation (passed 60 to 10 on 2/2/2023). Prohibits certain medical and surgical interventions on minor patients, including puberty blockers and gender affirmation surgeries. **Yes** ★



LEGISLATIVE SCORECARD

BASED ON THE U.S. CONSTITUTION

Rep. Mary J. Fitzgerald

SD Scorecard 2023

Lifetime Score: 67%

2023 Regular Session Score 67%

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

Please share this Scorecard in your district to inform people about your legislator's record on key votes.

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the South Dakota Legislature in 2023 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our second state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



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The Constitution

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Randy Deibert

Senate District SD-031
Republican



View Online

This legislator voted constitutionally on **33%** of the votes shown below.

CPH: Estimated cost per household.

★ Pro-liberty ✗ Anti-liberty ? Did not Vote CPH Vote

1. HB1220 Criminal Immunity for Women Who Have Abortions **Yes**
(passed 33 to 1 on 3/6/2023). Provides that that a female who undergoes an unlawful abortion may not be held criminally liable. ✗

2. SB210 Fiscal Year 2024 Budget (passed 29 to 3 on **\$21,238** **Yes**
3/3/2023). Appropriates \$7.4 billion for the state's budget during the fiscal year beginning July 1, 2023, and ending June 30, 2024. ✗

3. HB1116 Defunding Lewd or Lascivious Content (failed 15 to 18 **No**
on 3/2/2023). Would prohibit the use of state resources, such as by public libraries or public school districts, in hosting lewd or lascivious content. ✗

4. HB1193 "Electronic Money" in the Uniform Commercial Code **Yes**
(passed 24 to 9 on 3/1/2023). Would adopt a new definition of "electronic money" in the Uniform Commercial Code. ✗

5. HB1080 Protecting Minors from Sex Mutilation (passed 30 to 4 **Yes**
on 2/9/2023). Prohibits certain medical and surgical interventions on minor patients, including puberty blockers and gender affirmation surgeries. ★

6. SB55 Prohibiting Ranked-Choice Voting (passed 31 to 4 on **Yes**
2/2/2023). Prevents the State Board of Elections from authorizing and a political subdivision from establishing a system of ranked-choice voting. ★

LEGISLATIVE SCORECARD

BASED ON THE U.S. CONSTITUTION

Sen. Randy Deibert

Lifetime Score: 33%

SD Scorecard 2023

2023 Regular Session Score

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Scott Odenbach

House of Representatives District
HD-031

Republican

Contact: 605-773-3851 | 605-642-2622
PO Box 998 Spearfish, SD 57783



View Online

This legislator voted constitutionally on **83%** of the votes shown below.

CPH: Estimated cost per household.

★ Pro-liberty ✗ Anti-liberty ? Did not Vote CPH Vote

1. SB55 Prohibiting Ranked-Choice Voting (passed 63 to 5 on 3/1/2023). Prevents the State Board of Elections from authorizing and a political subdivision from establishing a system of ranked-choice voting. **Yes** ★

2. HB1220 Criminal Immunity for Women Who Have Abortions (passed 63 to 7 on 2/21/2023). Provides that that a female who undergoes an unlawful abortion may not be held criminally liable. **Yes** ✗

3. HB1235 Conscience Exemption from COVID-19 Vaccination (failed 30 to 39 on 2/16/2023). Declares that a person has the right to be exempt from any COVID-19 vaccination mandate on the basis of conscience. **Yes** ★

4. HB1193 "Electronic Money" in the Uniform Commercial Code (passed 49 to 17 on 2/13/2023). Would adopt a new definition of "electronic money" in the Uniform Commercial Code. **No** ★

5. HB1133 Banning Eminent Domain for CO₂ Pipelines (passed 40 to 28 on 2/9/2023). Defines a commodity for the purpose of qualifying as a common carrier. **Yes** ★

6. HB1080 Protecting Minors from Sex Mutilation (passed 60 to 10 on 2/2/2023). Prohibits certain medical and surgical interventions on minor patients, including puberty blockers and gender affirmation surgeries. **Yes** ★



LEGISLATIVE SCORECARD

BASED ON THE U.S. CONSTITUTION

Rep. Scott Odenbach

SD Scorecard 2023

Lifetime Score: 75%

2023 Regular Session Score 83%

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U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the South Dakota Legislature in 2023 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

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Bill Descriptions for the Votes that Affect You

1. Prohibiting Ranked-Choice Voting

SB55 prevents the State Board of Elections from authorizing and a political subdivision from establishing a system of ranked-choice voting.

States should oppose all attempts to enact ranked-choice voting. This complicated, multiple-round, and unconstitutional method weakens election integrity by allowing a candidate to potentially win without genuine support from a plurality of voters. The scheme's ballot casting requirements not only undermine each citizen's right to vote, but could prevent them from being able to vote for the one and only candidate of their choice.

2. Criminal Immunity for Women Who Have Abortions

HB1220 provides that that a female who undergoes an unlawful abortion may not be held criminally liable.

Justice is the overall purpose and greatest responsibility of civil government. The state has a dual role of providing equal justice under the law by both protecting the unalienable right to life for each person and punishing any person who deprives it. South Dakota has a duty to secure this most sacred and fundamental right, as guaranteed by the 5th and 14th Amendments of U.S. Constitution.

3. Conscience Exemption from COVID-19 Vaccination

HB1235 declares that a person has the right to be exempt from any COVID-19 vaccination mandate on the basis of conscience. This act would not apply to public or private entities in violation of certain federal regulations or the South Dakota National Guard.

Vaccine mandates ought to be nullified, as an individual's non-injurious activities, including personal health care decisions, are private matters that should not be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

4. "Electronic Money" in the Uniform Commercial Code

HB1193 would adopt a new definition of "electronic money" in the Uniform Commercial Code.

This bill disturbingly changes the definition of money to end free-market-based cryptocurrencies and pave the way for an exclusively government-controlled Central Bank Digital Currency—presenting a significant danger to Americans' civil liberties. The power to "coin money," let alone authorize or adopt the use of "electronic money," is among the powers denied to the States in Article 1, Section 10, of the U.S. Constitution.

5. Banning Eminent Domain for Carbon Capture Pipelines

HB1133 defines a commodity for the purpose of qualifying as a common carrier.

This bill would have effectively banned the abuse of eminent domain for carbon dioxide pipelines by clarifying that they are not common carriers of a commodity under South Dakota law. The recent and unjust expansion of carbon capture storage systems in the United States is closely connected to the United Nations' 2030 Agenda for "sustainable development," and threatens the property rights of American farmers and ranchers.

6. Protecting Minors from Sex Mutilation

HB1080 prohibits certain medical and surgical interventions on minor patients, including puberty blockers and gender affirmation surgeries.

South Dakota acted lawfully to ban sex mutilation against minors, which not only violates the unalienable right to life and limb of children, but absurdly attempts to erase biological "sex" with fictional "gender" constructs. According to the Bill of Rights and the 14th Amendment of the U.S. Constitution, the States have a duty to protect the humanity of all people—male and female—who, as the Declaration of Independence affirms, are created by God and form the basis of individual and family self-government.

Vote	Vote Date	Good Vote	Vote
SB55	01/Mar/2023	Good: Yes	Yes

Prohibiting Ranked-Choice Voting

We Support. States should oppose all attempts to enact ranked-choice voting. This complicated, multiple-round, and unconstitutional method weakens election integrity by allowing a candidate to potentially win without genuine support from a plurality of voters. The scheme's ballot casting requirements not only undermine each citizen's right to vote, but could prevent them from being able to vote for the one and only candidate of their choice.

[Read More](#)

SB55 prevents the State Board of Elections from authorizing and a political subdivision from establishing a system of ranked-choice voting.

The House passed SB55 on March 1, 2023, by vote of 63 to 5. We have assigned pluses to the yeas because states should oppose all attempts to enact ranked-choice voting. This complicated, multiple-round, and unconstitutional method weakens election integrity by allowing a candidate to potentially win without genuine support from a plurality of voters. The scheme's ballot casting requirements not only undermine each citizen's right to vote, but could prevent them from being able to vote for the one and only candidate of their choice.

[Read more about this vote](#)

[View vote details at sdlegislature.gov/#/Session/Bill/23968](https://sdlegislature.gov/#/Session/Bill/23968)

HB1220	21/Feb/2023	Good: No	Yes
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Criminal Immunity for Women Who Have Abortions

We Oppose. Justice is the overall purpose and greatest responsibility of civil government. The state has a dual role of providing equal justice under the law by both protecting the unalienable right to life for each person and punishing any person who deprives it. South Dakota has a duty to secure this most sacred and fundamental right, as guaranteed by the 5th and 14th Amendments of U.S. Constitution.

[Read More](#)

HB1220 provides that that a female who undergoes an unlawful abortion may not be held criminally liable.

The House passed HB1220 on February 21, 2023, by a vote of 63 to 7. We have assigned pluses to the nays because justice is the overall purpose and greatest responsibility of civil government. The state has a dual role of providing equal justice under the law by both protecting the unalienable right to life for each person and punishing any person who deprives it. South Dakota has a duty to secure this most sacred and fundamental right, as guaranteed by the 5th and 14th Amendments of U.S. Constitution.

[Read more about this vote](#)

[View vote details at sdlegislature.gov/#/Session/Bill/24248](https://sdlegislature.gov/#/Session/Bill/24248)

HB1235

16/Feb/2023

Good: **Yes****Yes****Conscience Exemption from COVID-19 Vaccination**

We Support. Vaccine mandates ought to be nullified, as an individual's non-injurious activities, including personal health care decisions, are private matters that should not be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

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HB1235 declares that a person has the right to be exempt from any COVID-19 vaccination mandate on the basis of conscience. This act would not apply to public or private entities in violation of certain federal regulations or the South Dakota National Guard

The House failed to pass HB1235 on February 16, 2023, by a vote of 30 to 39. We have assigned pluses to the yeas because vaccine mandates ought to be nullified, as an individual's non-injurious activities, including personal health care decisions, are private matters that should not be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/24348](https://sdlegislature.gov/#/Session/Bill/24348)**HB1193**

13/Feb/2023

Good: **No****Yes****"Electronic Money" in the Uniform Commercial Code**

We Oppose. This bill disturbingly changes the definition of money to end free-market-based cryptocurrencies and pave the way for an exclusively government-controlled Central Bank Digital Currency—presenting a significant danger to Americans' civil liberties. The power to "coin money," let alone authorize or adopt the use of "electronic money," is among the powers denied to the States in Article 1, Section 10, of the U.S. Constitution.

[Read More](#)

HB1193 would adopt a new definition of "electronic money" in the Uniform Commercial Code.

The House passed HB1193 on February 13, 2023, by a vote of 49 to 17, prior it being vetoed by the Governor. We have assigned pluses to the nays because this bill disturbingly changes the definition of money to end free-market-based cryptocurrencies and pave the way for an exclusively government-controlled Central Bank Digital Currency—presenting a significant danger to Americans' civil liberties. The power to "coin money," let alone authorize or adopt the use of "electronic money," is among the powers denied to the States in Article 1, Section 10, of the U.S. Constitution.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/23995](https://sdlegislature.gov/#/Session/Bill/23995)

HB1133

09/Feb/2023

Good: **Yes****Yes****Banning Eminent Domain for Carbon Capture Pipelines**

We Support. This bill would have effectively banned the abuse of eminent domain for carbon dioxide pipelines by clarifying that they are not common carriers of a commodity under South Dakota law. The recent and unjust expansion of carbon capture storage systems in the United States is closely connected to the United Nations' 2030 Agenda for "sustainable development," and threatens the property rights of American farmers and ranchers.

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HB1133 defines a commodity for the purpose of qualifying as a common carrier.

The House passed HB1133 on February 9, 2023, by a vote of 40 to 28. We have assigned pluses to the yeas because this bill would have effectively banned the abuse of eminent domain for carbon dioxide pipelines by clarifying that they are not common carriers of a commodity under South Dakota law. The recent and unjust expansion of carbon capture storage systems in the United States is closely connected to the United Nations' 2030 Agenda for "sustainable development," and threatens the property rights of American farmers and ranchers.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/24090](https://sdlegislature.gov/#/Session/Bill/24090)**HB1080**

02/Feb/2023

Good: **Yes****Yes****Protecting Minors from Sex Mutilation**

We Support. South Dakota acted lawfully to ban sex mutilation against minors, which not only violates the unalienable right to life and limb of children, but absurdly attempts to erase biological "sex" with fictional "gender" constructs. According to the Bill of Rights and the 14th Amendment of the U.S. Constitution, the States have a duty to protect the humanity of all people—male and female—who, as the Declaration of Independence affirms, are created by God and form the basis of individual and family self-government.

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HB1080 prohibits certain medical and surgical interventions on minor patients, including puberty blockers and gender affirmation surgeries.

The House passed HB1080 on February 2, 2023, by a vote of 60 to 10. We have assigned pluses to the yeas because South Dakota acted lawfully to ban sex mutilation against minors, which not only violates the unalienable right to life and limb of children, but absurdly attempts to erase biological "sex" with fictional "gender" constructs. According to the Bill of Rights and the 14th Amendment of the U.S. Constitution, the States have a duty to protect the humanity of all people—male and female—who, as the Declaration of Independence affirms, are created by God and form the basis of individual and family self-government.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/24100](https://sdlegislature.gov/#/Session/Bill/24100)

HB1340

10/Mar/2022

Good: **No****Yes****Budget**

We Oppose. Provides approximately \$5.9 billion in funding for the operations of the state's government for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

[Read More](#)

HB1340 is the General Appropriations Act for the State of South Dakota. As appropriated by the Legislature, it provides approximately \$5.9 billion in funding for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

The House passed HB1340 on March 10, 2022, by a vote of 59 to 10. We have assigned pluses to the nays because this spending plan for FY2023 includes \$2.3 billion of mostly unconstitutional federal funds, representing nearly 40% of the entire state budget. It not only increases subsidies for Medicaid providers, but appropriates \$49.6 million more in federal dollars than requested by the Governor. States should oppose the use of federal taxpayer money for purposes not authorized under Article 1, Section 8, of the U.S. Constitution.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/23546](https://sdlegislature.gov/#/Session/Bill/23546)

SB211

07/Mar/2022

Good: **Yes****Yes****Exemption from COVID-19 Vaccination**

We Support. Declares that a person may exercise their right of conscience as a basis for exemption from any COVID-19 vaccination mandate by any entity, but this act would not apply to certain health care facilities and the South Dakota National Guard.

[Read More](#)

SB211 (House Engrossed) declares that a person may exercise their right of conscience as a basis for exemption from any COVID-19 vaccination mandate by any entity. This act would not apply to certain health care facilities and the South Dakota National Guard.

The House passed SB211 on March 7, 2022, by a vote of 37 to 32. We have assigned pluses to the yeas because vaccine mandates should be opposed, as an individual's non-injurious activities, including personal health care decisions, are not the legitimate object of government, nor should be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/23246](https://sdlegislature.gov/#/Session/Bill/23246)

HB1223

23/Feb/2022

Good: **No****No****Informed Consent by Pregnant Minors**

We Oppose. Would authorize the informed consent by a pregnant minor for any medical or dental procedure or service related to the minor's prenatal care, the delivery process, or postnatal care if the minor's parent or guardian is either "unavailable or withholds consent."

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HB1223 would authorize the informed consent by a pregnant minor for any medical or dental procedure or service related to the minor's prenatal care, the delivery process, or postnatal care if the minor's parent or guardian is either "unavailable or withholds consent."

The House passed HB1223 on February 23, 2022, by a vote of 37 to 33. We have assigned pluses to the nays because parents have the fundamental right to custody and control of their minor children, including healthcare decisions. Parental rights, as with all other constitutional rights, are protected by the Bill of Rights and the 14th Amendment. Further, HB1223 does not recognize that South Dakota law already provides for limited exceptions in which physicians and/or the state can intercede and act in the best interests of a minor child.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/23129](https://sdlegislature.gov/#/Session/Bill/23129)**HB1052**

11/Jan/2022

Good: **Yes****Yes****Limiting Enforcement of Federal Firearms Laws**

We Support. Would limit the enforcement of federal laws and directives related to firearms, ammunitions, and components or accessories.

[Read More](#)

HB1052 would limit the enforcement of federal laws and directives related to firearms, ammunitions, and components or accessories.

The House failed to pass HB1052 on February 22, 2022, by a vote of 28 to 39. We have assigned pluses to the yeas because the fundamental right of the American people to keep and bear arms should not be infringed, as guaranteed by the 2nd Amendment of the U.S. Constitution. Whenever the federal government assumes unconstitutional firearms restrictions, state nullification of such acts is protected by the 10th Amendment.

[Read more about this vote](#)[View vote details at sdlegislature.gov/#/Session/Bill/22683](https://sdlegislature.gov/#/Session/Bill/22683)

HJR5001

25/Jan/2022

Good: **No**

Yes

Article V Convention: Constitutional Amendments

We Oppose. Would apply to Congress, under the provisions of Article V of the U.S. Constitution, to call for a "convention of states" for the purpose of proposing constitutional amendments.

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HJR5001 would apply to Congress for a "convention of states under Article V of the Constitution of the United States, to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office for federal officials and members of Congress."

The House passed HJR5001 on January 25, 2022, by a vote of 39 to 30. We have assigned pluses to the nays because states should act immediately to nullify all unconstitutional federal laws, rather than risk an Article V or second constitutional convention. Article V of the U.S. Constitution was designed to correct structural deficiencies in the federal government, not the failure of elected officials to uphold their oath of office.

[Read more about this vote](#)

[View vote details at sdlegislature.gov/#/Session/Bill/22633](#)

SB177

02/Mar/2021

Good: **Yes**

Yes

Educational Freedom

We Support. Revises the provisions of parental choice regarding compulsory school attendance by expanding "alternative instruction" (e.g., home education) options.

[Read More](#)

SB177 revises the provisions of parental choice regarding compulsory school attendance by expanding "alternative instruction" (e.g., home education) options. It removes certain reporting and testing requirements, while allowing participation in interscholastic activities.

The House passed SB177 on March 2, 2021, by a vote of 41 to 27. We have assigned pluses to the yeas because a child's education is the responsibility of—and a fundamental right of choice retained by—the parents, not the government. Parental rights, as with all other constitutional rights, are protected by the Bill of Rights and the 14th Amendment.

[Read more about this vote](#)

[View vote details at sdlegislature.gov/#/Session/Bill/22190](#)