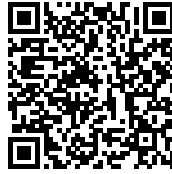




Barry DeKay

Senate District SD-040
Republican

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View Online

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

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

1. LB50 Comprehensive "Justice Reinvestment" (passed 34 to 15 on 6/1/2023). Expands "problem solving courts," approves "streamlined parole contracts," establishes a "parole violation residential housing program," and terminates a legislative oversight committee. **Yes** ✗

2. LB705 Omnibus Education Bill for FY 2023-24 (passed 47 to 9 on 5/30/2023). Allocates lottery funds to education programs; requires public high school students to submit a Free Application for Federal Student Aid before graduation; and prohibits public colleges and universities from considering an applicant's criminal history, among other provisions. **Yes** ✗

3. AM1940 (LB514) Secure Voter ID Requirements (failed 5 to 26 on 5/22/2023). Would amend LB514, which specifies voter identification requirements, to implement additional measures verifying U.S. citizenship and allow fewer exceptions regarding mail-in ballots and early voting. **No** ✗

4. LB77 Permitless Firearm Carry (passed 33 to 14 on 4/19/2023). Authorizes the concealed carry of firearms without a permit. **Yes** ★

5. LB626 Nebraska Heartbeat Act (advanced 33 to 16 on 4/12/2023). Would provide that a physician may not perform or induce an abortion if a fetal heartbeat is detected, except in cases of sexual assault, incest, or medical emergency. **Yes** ★

6. LB250 National Guard "Command Climate Survey" (advanced 37 to 0 on 2/16/2023). Would direct the Adjutant General of Nebraska to conduct a "command climate survey" of the Nebraska Army National Guard, performed by "an external team" and "pursuant to applicable United States Department of the Army" regulations. **Yes** ✗



NEBRASKA LEGISLATIVE **SCORECARD** BASED ON THE U.S. CONSTITUTION

Sen. Barry DeKay
Lifetime Score: 33%

NE Scorecard 2023
2023 Regular Session Score

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 Nebraska Legislature in 2023 and ranks state 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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Bill Descriptions for the Votes that Affect You

1. Comprehensive "Justice Reinvestment"

LB50 makes several changes to criminal justice administration.

This bill is a culmination of the Nebraska Justice Reinvestment Initiative (JRI)—an unconstitutional and dangerous outgrowth of the nationwide program led by the U.S. DOJ and 'progressive' NGOs. The JRI movement seeks to radically overhaul the entire criminal justice system and transform corrections into community 'behavioral health' services (e.g., housing). Yet, our judicial system is only as good as it applies the "supreme Law of the Land." Criminal justice reform does not demand so-called "reinvestment," but calls for reinstatement of the republican practice of restitution, which would better protect individual rights while actually reducing prison populations and recidivism.

2. Omnibus Education Bill

LB705 is the omnibus education package for Fiscal Year 2023-24.

Neither education nor a lottery is the legitimate role of government. A child's education is the responsibility of his or her parents, not the state. Likewise, the lottery, along with the public-school system it purportedly funds, only serves as a tool to increase the power of the state. It is a highly regressive tax and wealth redistribution scheme which targets poor people by means of consumer fraud. Causing the citizens of Nebraska to hand over their hard-earned tax dollars on behalf of compulsory, government-run, and failing K-12 schools violates their individual liberties protected by the U.S. Constitution's Bill of Rights and 14th Amendment.

3. Secure Voter ID Requirements

AM1940 would amend LB514, which specifies voter identification requirements.

This amendment would have averted the Legislature's failure to uphold the Nebraska Constitution's requirement that "Before casting a ballot in any election, a *qualified* voter shall present *valid* photographic identification," as set forth in Article I-22, Section 2. Instead of forcing a deeply flawed and compromised bill, which risks disenfranchising the American people, lawmakers should have performed their duty, exercising their authority under both Article I, Section 4, of the U.S. Constitution and the 14th and 26th Amendments to implement free, fair, and secure elections, thereby ensuring equal protection of "the right of citizens of the United States to vote."

4. Permitless Firearm Carry

LB77 authorizes the concealed carry of firearms without a permit.

This bill removes the unconstitutional burden that a person obtain a "valid permit" to carry a concealed weapon, helping to restore the rights of law-abiding citizens. The Second Amendment to the U.S. Constitution expressly declares that "the right of the people to keep and bear Arms, shall not be infringed." Moreover, the Fifth and 14th Amendments prevent "any State" from depriving or denying "any person" of their "life, liberty, or property, without due process of law."

5. Nebraska Heartbeat Act

LB626 would provide that a physician may not perform or induce an abortion if a fetal heartbeat is detected, except in cases of sexual assault, incest, or medical emergency.

The care of human life—not its destruction—is the greatest responsibility of government. Nebraska ought to forbid the practice of abortion entirely and uphold the sanctity of life for every person, especially preborn children. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and guaranteed by the Fifth and 14th Amendments to the U.S. Constitution.

6. National Guard "Command Climate Survey"

LB250 would direct the Adjutant General to conduct a "command climate survey" of the Nebraska Army National Guard.

The "command climate survey," as designed under the guidance of the U.S. DOD's Office for Diversity, Equity, and Inclusion (ODEI), collects information from National Guard members to assess "unit risk factors" on 'woke' topics, such as "sexist behaviors," "racially harassing behaviors," "toxic leadership," and "inclusion." Given that the mission of the Nebraska Army National Guard is to provide well-trained and equipped soldiers ready to fight to protect the rights, liberty, and property of their fellow citizens, the Legislature has absolutely no business mandating this disgraceful effort to socially engineer an effeminate, egalitarian, or insubordinate culture within the ranks of our armed forces. It is subversive of all order, discipline, and the very existence of the military itself. Nebraska lawmakers should, in a manner more worthy of self-government, be expected to "bear true faith and allegiance" to the same constitutional principles that National Guard members also must take an oath to "support and defend."