



# David Smith

**Senate** District SD-001  
**Republican**

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This legislator voted constitutionally on **60%** of the votes shown below.

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

**1. HB2004 Ranked-Choice Voting Ballot Measure** (passed 17 to 8 on 6/25/2023). Refers to the people for approval a November 2024 ballot measure that would adopt ranked-choice voting for all state and federal elections. **No** ★

**2. HB3625 Withdrawal of Article V Applications** (passed 25 to 0 on 6/24/2023). Withdraws all applications for an Article V Convention that were previously made by the Legislative Assembly and declares them "null and void." **Yes** ★

**3. HB2002 "Rights" to Abortion and Sex Mutilation** (passed 17 to 3 on 6/15/2023). Proclaims that "every individual has a fundamental right" to "pregnancy termination services," "sterilization services," and "contraception," while mandating health benefit plans to cover "gender-affirming treatment." **None** ?

**4. SB93 Redefining "Child Abuse" for Social-Emotional Learning** (passed 21 to 1 on 6/15/2023). Alters the definition of "child abuse" to mean "any mental injury to a child," including "statements made," that results in "severe harm" to the child's "psychological, cognitive, emotional or social well-being and functioning." **No** ★

**5. SB614 Police Bodycam Surveillance** (passed 18 to 10 on 4/18/2023). Would permit a law enforcement agency to collect and maintain information about any person's "political, religious or social views, associations or activities" for "lawful purpose," according to policy on officer-worn video cameras. **Yes** ✗

**6. SB893 "Homelessness and Racial Disparities" Services** (passed 25 to 4 on 4/11/2023). Implements a "culturally responsive" policy framework "designed to provide support to specific populations" experiencing "homelessness or housing instability." **Yes** ✗



# OREGON LEGISLATIVE SCORECARD BASED ON THE U.S. CONSTITUTION

## Sen. David Smith

**Lifetime Score: 64%**

## OR Scorecard 2023

**2023 Regular Session Score 60%**

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 Oregon Legislative Assembly 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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# Bill Descriptions for the Votes that Affect You

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## 1. Ranked-Choice Voting Ballot Measure

HB2004 refers to the people a November 2024 ballot measure that would adopt ranked-choice voting.

The complicated, multiple-round, and unconstitutional method of ranked-choice voting weakens election integrity by allowing a candidate to potentially win without genuine support from a plurality of voters. It causes voter disenfranchisement by undermining each citizen's right to vote and could deny them from being able to select the one and only candidate of their choice. Also, the elections process should be prescribed by the legislature, and not be subject to popular vote via statewide ballot measure. Referrals rely on a simple majority of voters to make statutory changes, an insufficient safeguard from the "dangers of democracy." Article IV, Section 4, of the U.S. Constitution guarantees every state a "Republican Form of Government."

## 2. Withdrawal of Article V Applications

HB3625 withdraws all applications for an Article V Convention that were previously made by legislature and declares them "null and void."

Instead of failing to uphold their oath of office and risking a constitutional convention, legislators should "support and defend the Constitution," as required under Article VI, by acting to immediately nullify all unconstitutional federal laws. When the federal government assumes undelegated powers, in violation of the 10th Amendment, nullification of such acts is the remedy. Article V was designed to correct potential errors or defects in the Constitution, not to misconstrue or abuse its powers. We must use Article VI to enforce the Constitution, rather than use Article V to change it.

## 3. "Rights" to Abortion and Sex Mutilation

HB2002 proclaims a "fundamental right" to abortion and sterilization, while mandating health benefit plans to cover "gender-affirming treatment."

The care of human life—not its destruction—is the greatest responsibility of government. Oregon ought to forbid all methods of abortion and prohibit the practice of sex mutilation. No person has the right to kill or dismember a child using the pretext of "reproductive health services" or LGBTQ+ ideology. Both the Declaration of Independence and the U.S. Constitution affirm the fundamental, God-given, and unalienable right to life and limb of every person. The State has a duty to defend the basic humanity of all its citizens, especially the preborn and minors.

## 4. Redefining "Child Abuse" for Social-Emotional Learning

SB93 alters the definition of "child abuse" to mean "any mental injury to a child," including "statements made," that results in "severe harm" to the child's "psychological, cognitive, emotional or social well-being and functioning."

The legitimate powers of government extend only to acts of "child abuse" that are injurious (e.g., physical or sexual assault), which can be substantiated based on an objective standard using verifiable evidence. Not "any mental injury" is or can be considered criminal. It is not the duty of, nor would it be possible for, the government to right every "emotional" or "social" wrong. No parent or guardian should ever be reported, arrested, or lose custody of their child in the name of Social-Emotional Learning (SEL). This bill is just another example of the serious threat to parental rights from SEL and "best interest of the child" legislation modeled after the United Nations Convention on the Rights of the Child.

## 5. Police Bodycam Surveillance

SB614 would permit law enforcement to collect and maintain information about any person's "political, religious or social views, associations or activities" for "lawful purpose," according to officer-worn video camera policy. Without reasonable suspicion or probable cause, police bodycam surveillance serves no "lawful purpose." The Fourth Amendment to the U.S. Constitution asserts the right of the people to be secure against "unreasonable searches." There is not an exception for police bodycams, let alone facial recognition or other biometric technology. Blanket approval for their widespread use would be tantamount to a mass and warrantless form of 'secret search'—dangerously and continually infringing on the personal privacy provisions of the Bill of Rights and the 14th Amendment.

## 6. "Homelessness and Racial Disparities" Services

SB893 implements a "culturally responsive" policy framework to support "specific populations" experiencing "homelessness or housing instability."

Government is instituted to secure our individual rights, not to "prevent and end homelessness" in society or be "focused on reducing disparities" between citizens on account of race or economic status. Charity is no part of the duty of government, and Oregon has no business discriminatorily providing "housing services" to any of its residents, particularly those who have little or no tax liability, at the expense of other hard-working people. It is not only immoral, but unconstitutional. The Bill of Rights and the 14th Amendment prevent "any State" from depriving anyone of "property, without due process of law" and from denying to any person "the equal protection of the laws."