## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

H.J.R. 330 Mar 17, 2021 HOUSE PRINCIPAL CLERK

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HOUSE JOINT RESOLUTION DRHJR10087-LG-60

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Sponsors: Representative Iler.
Referred to:

A JOINT RESOLUTION EXPRESSING NORTH CAROLINA'S OPPOSITION TO ANY FEDERAL ACTION INFRINGING UPON THE STATE'S CONSTITUTIONAL AUTHORITY TO MANAGE, CONTROL, AND ADMINISTER ELECTIONS.

Whereas, the Constitution of the United States vests power in the states to manage, control, and administer each state's own election laws; and

Whereas, the power over elections was preserved explicitly for the states by the Constitution; and

Whereas, this power was not delegated to the states by the federal government; and

Whereas, rare exceptions in the Constitution, such as the Elections Clause, the Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the Twenty-Sixth Amendment, do not extinguish the constitutional presumption that states have the constitutional power to set the terms of administering the election, designating electors, and establishing other laws and protocols related to the election; and

Whereas, the Elections Clause of the Constitution was intended to prevent the states from suffocating the existence of the government of the United States, and no such contemplated effort has occurred; and

Whereas, the Elections Clause was to be sparingly used to intrude on state power to manage, control, and administer state elections; and

Whereas, House Resolution 1 (H.R. 1), a bill introduced in the United States Congress, would obliterate the constitutional arrangement between the states and the government of the United States by usurping the constitutional power of states to manage, control, and administer state elections by prohibiting various practices and mandating others such as forcing states to conduct an election over an extended period of time, prohibiting states from maintaining voter rolls free from error and obsolete information, and forcing states to accept an elector who does not register to vote in advance, mandates related to mail voting, prohibitions against regulating ballot harvesting, and scores of other intrusions into the power of states to manage, control, and administer their elections; and

Whereas, H.R. 1 strikes at the very heart of the arrangement that gave rise to this nation, namely that states are sovereign and free from interference and the intrusion of power from the government of the United States absent clear constitutional authorization; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 1.** The members of the North Carolina General Assembly oppose any attempt by the federal government to usurp, or otherwise interfere with, the State's legislative sovereign authority over the management, control, and administration of elections.



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**SECTION 2.** The members of the North Carolina General Assembly oppose H.R. 1 and any subsequent enactment of the terms of this proposal and implore the members of the United States House of Representatives and the United States Senate to oppose the same.

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9 10 **SECTION 3.** The Secretary of State shall transmit a copy of this resolution to the President of the United States Senate, Speaker of the United States House of Representatives, President Pro Tempore of the United States Senate, Minority Leader of the United States Senate, Minority Leader of the United States House of Representatives, each member of North Carolina's

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Congressional delegation, and to the presiding officers of both houses of the legislatures of each

state.

**SECTION 4.** This resolution is effective upon ratification.

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