

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2021

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HOUSE JOINT RESOLUTION 330

Sponsors: Representatives Iler, Hardister, D. Hall, and Stevens (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

March 22, 2021

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

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

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

8 Whereas, this power was not delegated to the states by the federal government; and
9 Whereas, rare exceptions in the Constitution, such as the Elections Clause, the
10 Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the
11 Twenty-Sixth Amendment, do not extinguish the constitutional presumption that states have the
12 constitutional power to set the terms of administering the election, designating electors, and
13 establishing other laws and protocols related to the election; and

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

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

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

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

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

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



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

4 **SECTION 3.** The Secretary of State shall transmit a copy of this resolution to the
5 President of the United States Senate, Speaker of the United States House of Representatives,
6 President Pro Tempore of the United States Senate, Minority Leader of the United States Senate,
7 Minority Leader of the United States House of Representatives, each member of North Carolina's
8 Congressional delegation, and to the presiding officers of both houses of the legislatures of each
9 state.

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