

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE JOINT RESOLUTION 330  
PROPOSED COMMITTEE SUBSTITUTE H330-CSCH-12 [v.4]  
04/26/2021 03:46:24 PM**

Sponsors:

Referred to:

March 22, 2021

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

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

7 Whereas, the power over congressional elections was reserved explicitly for the states  
8 by the Constitution; and

9 Whereas, this power was delegated to the states by the Constitution; and

10 Whereas, rare exceptions in the Constitution, such as the Elections Clause, the  
11 Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the  
12 Twenty-Sixth Amendment, do not subdue the constitutional presumption that states have the  
13 constitutional power to set the terms of administering a congressional election, designating  
14 electors, and establishing other laws and protocols related to the congressional election occurring  
15 in the state; and

16 Whereas, the Elections Clause of Article I, Section IV of the U.S. Constitution was  
17 intended to leave reserved with Congress control of congressional elections; and

18 Whereas, the Elections Clause was intended to be sparingly used to intrude on a state's  
19 power to manage, control, and administer congressional elections in that state; and

20 Whereas, House Resolution 1 (H.R. 1), a bill introduced in the United States  
21 Congress, would prohibit various practices and mandate others such as forcing states to conduct  
22 an election over an extended period of time, imposing public financing systems for certain federal  
23 election campaigns, prohibiting states from maintaining voter rolls free from error and obsolete  
24 information, interfering with state's voter identification requirements, and forcing states to accept  
25 an elector who does not register to vote in advance; and

26 Whereas, H.R. 1 includes mandates related to voting by mail, prohibitions against  
27 regulating ballot harvesting, and scores of other intrusions into the power of states to manage,  
28 control, and administer congressional elections occurring in the states; and

29 Whereas H.R. 1 would interfere with the constitutional arrangement between the  
30 states and the government of the United States by usurping the constitutional power of states to  
31 manage, control, and administer elections occurring in the state by either requiring the state to  
32 conform its state elections to the requirements in H.R. 1 or hold congressional elections with  
33 different requirements than state elections; and

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

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



1           **SECTION 1.** The North Carolina General Assembly does not support any attempt  
2 by the federal government to usurp, or otherwise interfere with, the State's legislative sovereign  
3 authority over the management, control, and administration of elections.

4           **SECTION 2.** The North Carolina General Assembly does not support H.R. 1 and  
5 any subsequent enactment of the terms of this proposal and implore the members of the United  
6 States House of Representatives and the United States Senate to oppose the same.

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

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