

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE JOINT RESOLUTION 330
Committee Substitute Favorable 4/27/21

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 states' 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 implores 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.