

119TH CONGRESS
2^D SESSION

S. RES. _____

Denouncing statements by President Donald J. Trump that he may “nationalize,” commandeer, or otherwise assume direct control over elections.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Denouncing statements by President Donald J. Trump that he may “nationalize,” commandeer, or otherwise assume direct control over elections.

Whereas the Constitution of the United States vests primary authority over the times, places, and manner of Federal elections in the legislatures of the several States and Congress, and does not assign to the President any power to directly control or administer elections;

Whereas section 4 of article I of the Constitution of the United States provides that “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time by Law make or alter such Regulations,” underscoring State control over electoral administration;

Whereas public statements by President Donald J. Trump urging members of one political party to “take over the voting” and calling for Republicans to “nationalize the voting,” including a Federal takeover of election processes in “at least many, 15 places,” represent a proposal that would require the Federal executive branch to displace the constitutionally assigned role of State and local authorities in administering elections;

Whereas the Constitution’s framework reflects a fundamental structural commitment to federalism and to the separation of powers between the legislative, executive, and judicial branches, with States primarily responsible for regulating elections, subject to guardrails by Congress;

Whereas repeated claims that the 2020 presidential election was “rigged” or marked by widespread, systemic fraud have been rejected by Federal law enforcement and intelligence agencies in the first Trump Administration, State election officials, courts, and independent fact-checking, and have no credible evidentiary basis;

Whereas any attempt by the President to exercise unilateral authority over the conduct of Federal elections, absent a clear grant of constitutional or statutory power by Congress, would be illegal, unconstitutional, and without lawful effect;

Whereas the President has a constitutional obligation to “take Care that the Laws be faithfully executed,” not to disregard the constitutional order or to pursue actions that usurp powers reserved to the States or to Congress; and

Whereas the Senate affirms that preserving the constitutional allocation of powers over elections is essential to the in-

tegrity of the Republic, the rule of law, and the public's confidence in democratic self-government: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) finds that the Constitution of the United
3 States entrusts the primary oversight and adminis-
4 tration of Federal elections to State and local au-
5 thorities and Congress;

6 (2) rejects any suggestion that the President of
7 the United States may lawfully “nationalize,” com-
8 mandeer, or otherwise assume direct control over
9 elections;

10 (3) renounces any effort by the President to ex-
11 ercise such authority, absent explicit constitutional
12 or statutory grant, as antithetical to the Constitu-
13 tion, unlawful, and without effect;

14 (4) expresses its grave concern that public ad-
15 vocacy of unconstitutional power by the President
16 undermines foundational principles of federalism,
17 threatens the rule of law, and erodes public trust in
18 the democratic process; and

19 (5) maintains that should the President at-
20 tempt to implement or execute measures that uncon-
21 stitutionally infringe on the constitutional preroga-
22 tives of the States or contrary to the laws enacted
23 by Congress, such conduct would constitute grounds

1 for impeachment and removal from office under arti-
2 cle II of the Constitution.