



### An Act to Protect Presidential Elections

**WHEREAS**, the integrity of our elections is critical to the strength and preservation of our democracy; and

**WHEREAS**, partisans seek to manipulate the federal Constitution and would prohibit disfavored candidates from running for the Presidency of the United States; and

**WHEREAS**, citizens' faith in America's Constitutional Republic relies on the objectivity and fairness of the electoral process; and

**WHEREAS**, after the American Civil War, Congress and the People ratified the Fourteenth Amendment to the Constitution of the United States in order to finally and forever keep America's promise that "all men are created equal;" and

**WHEREAS**, part of that Amendment, in Section 3, known as the "Disqualification Clause," bars those who had "engaged in insurrection or rebellion against" the United States from holding a certain defined list of offices in the federal or state governments; and

**WHEREAS**, Section 3 was principally designed to prevent members of the Confederacy from holding high office and has not been enforced since 1919, when it was used to refuse to seat a socialist in Congress who had been accused of giving aid and comfort to Germany in World War I (though that individual was seated in a later Congress after his conviction was thrown out by the U.S. Supreme Court); and

**WHEREAS**, regarding the 1919 situation, it is a political question reserved to Congress whether to seat those elected to either House under their absolute and unquestionable power pursuant to Article I, Section 5, "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members;" and

**WHEREAS**, Section 3 has never been enforced against a presidential candidate, at least in part because the offices of the President and Vice President are not specifically listed in Section 3; and

**WHEREAS**, there are growing calls for state and local election officials to block presidential candidates believed by those officials to be disqualified from office under Section 3 by preventing them from appearing on ballots in future presidential elections; and

**WHEREAS**, such action would itself be an act of rebellion against the Constitution as the Fourteenth Amendment in Section 5 specifically reserves the enforcement power of Section 3 to the Congress by appropriate legislation; and

**WHEREAS**, if the Constitution grants an institution a specific power, it reserves that power for that institution to the exclusion of all other institutions; and

**WHEREAS**, this State is committed to preventing solemn yet arcane Constitutional provisions from being weaponized for contemporary political purposes and succumbing to ahistorical political fads;

**NOW WHEREFORE**, be it enacted by the People of this State as follows:

**Section 1. Short title.** This Act shall be known and may be cited as “The Presidential Election Protection Act.”

**Section 2. Purpose.** The purpose of this Act is to preserve enforcement of the “Disqualification Clause,” U.S. Const. Amend. XIV, Sec. 3, to the Congress of the United States, as explicitly provided in Sec. 5 of that Amendment. This Act will prevent costly and embarrassing litigation for the citizens of this State should unlawful enforcement or interpretation of the Disqualification Clause be made by state officials or election officials within the context of a presidential election, including in the qualifications of candidates to run for office, the generation or creation of ballots, and the certification of elections. Finally, clarifying this provision of law will ensure that voters here and throughout the United States can trust and rely upon this State to fairly and efficiently conduct presidential elections for the benefit of all Americans.

**Section 3. Definitions.** For purposes of this statute, the following definitions will apply to the following terms:

- 1) “*Government official*” means any elected, appointed, or career public servant who holds an office within a federal, state, county, or local government.
- 2) “*Election official*” means an election official, officer, judge, clerk, poll worker, commissioner, or any appointed or elected individual with the authority to certify an election outcome.
- 3) “*Certification of Election*” or “*Election Certification*” means the process by which the election official vested with the authority to do so, declares an election result to be official and binding upon the citizens and laws of the affected jurisdiction.
- 4) “*Ballot*” means any paper or electronic record created or completed by a voter to signify his or her votes and tallied with other ballots to determine the outcome of an election.

**Section 4. Candidates are not to be excluded from ballots.** No government official or election official may, for any reason, take any action or engage in any inaction to obstruct a candidate for public office from being qualified to appear on a ballot or to remove a candidate for public office from a ballot, by reason of that government or election official’s belief that a candidate is disqualified from office pursuant to the U.S. Constitution, Amendment XIV, Section 3.

**Section 5. Penalties.** Any federal, state, local, county, or other government official acting within this State, unless acting in their capacity as a sitting member of the Congress of the United States, who takes any action or makes any omission in the course of their official duties, relying upon or citing as authority the Fourteenth Amendment, Section 3 of the United States Constitution, including, but not limited to, the obstruction or removal of a candidate's name from being included in the ballots on Election Day or during early or mail-in voting, shall be guilty of a Misdemeanor and subject to a fine of not more than \$100,000 to be levied personally upon the official adjudged to be in violation. No state funds may be used to satisfy this fine.

**Section 6. Enforcement.** Any state, county, or local government official suspected to be in violation of Section 5 of this Act may be, without adjudication, immediately and summarily removed from his or her office by the Governor or by the State Legislature by way of the impeachment process, or by the Attorney General, as appropriate under the State's Constitution, by emergency application to a court of competent jurisdiction.

**Section 7. Severability.** If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to that end, the provisions of this act shall be severable.

**Section 8. Effective date.** The requirements of this act shall be effective immediately.

Further Reading:

[PRIMER ON WHY THE FOURTEENTH AMENDMENT, SECTION 3 DOES NOT BAR PRESIDENTIAL CANDIDATES FROM RUNNING FOR THE PRESIDENCY](#)