House Resolution 869

By: Representatives Bruce of the 61st, Jackson of the 68th, Williams of the 168th, Gilliard of the 162nd, Alexander of the 66th, and others

A RESOLUTION

Urging the Secretary of State to keep Donald John Trump off any and all ballots related to the nomination of candidates for or election to the Office of President of the United States as he is disqualified from holding office pursuant to Section 3 of the 14th Amendment to the Constitution of the United States; and for other purposes.

WHEREAS, the Secretary of State is the election superintendent for statewide elections, which includes the presidential preference primary and the election of presidential electors; and

WHEREAS, the Secretary of State is tasked with determining the form of ballots, by Code Section 21-2-50 generally and by Code Section 21-2-200 in particular, for presidential preference primaries; and

WHEREAS, Section 3 of the 14th Amendment of the Constitution of the United States, known as the Insurrection Clause, provides: "No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of

the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."; and

WHEREAS, Donald John Trump lost the 2020 presidential election, both nationally and in the State of Georgia; and

WHEREAS, following his loss in the 2020 presidential election, Donald John Trump undertook a wide array of actions, both legal and illegal, to change the outcome of the election in his favor, both nationally and specifically in Georgia, with such actions culminating in the violent storming of the United States Capitol on January 6, 2021, which interfered with and delayed the constitutionally mandated joint meeting of Congress to certify the results of the 2020 electoral college vote; and

WHEREAS, as a result of the actions taken by Donald John Trump following the 2020 presidential election, on August 14, 2023, he was indicated in the Superior Court of Fulton County for (1) violating the Georgia Racketeering Influence and Corrupt Organizations (RICO) Act pursuant to subsection (c) of Code Section 16-14-4, (2) solicitation of violation of oath by public officer pursuant to Code Sections 16-4-7 and 16-10-1, (3) conspiracy to commit impersonation of a public officer pursuant to Code Sections 16-4-8 and 16-10-23, (4) conspiracy to commit forgery in the first degree, pursuant to Code Sections 16-4-8 and subsection (b) of 16-9-1, (5) conspiracy to committed false statements and writings pursuant to Code Sections 16-4-8 and 16-10-20, (6) conspiracy to commit filing false documents pursuant to Code Sections 16-4-8 and subsection (b) of 16-10-20.1, and (7) false statements and writings pursuant to Code Section 16-10-20; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly made false statements to Governor Kemp, Secretary of State Raffensperger, and the late Speaker of the House of Representatives, David Ralston; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly solicited Secretary Raffensperger and Speaker Ralston to violate their oaths of office; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly made false statements to and solicited violations of oaths of office from members of the General Assembly; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly unlawfully breached Georgia election equipment; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly created and distributed false documents related to the casting of Georgia's votes in the 2020 electoral college; and

WHEREAS, the conspiracy on which Donald John Trump has been indicated allegedly harassed and intimidated two innocent Fulton County election workers; and

WHEREAS, on December 19, 2023, the Supreme Court of the State of Colorado found that Donald John Trump is disqualified from holding the Office of President of the United States under Section 3 of the 14th Amendment to the United States Constitution and held that he could not appear as a candidate on that state's presidential primary ballot; and

WHEREAS, on December 28, 2023, the Secretary of State of the State of Maine, in an official proceeding, held that Donald John Trump is disqualified from holding the Office of President of the United States under Section 3 of the 14th Amendment to the United States Constitution and held that he could not appear as a candidate on that state's presidential primary ballot; and

WHEREAS, the House of Representatives believes in free and fair elections and peaceful transitions of powers following elections; and

WHEREAS, the House of Representatives is obligated and committed to upholding the constitutions and laws of both the United States and the State of Georgia and cannot ignore blatant violations of such; and

WHEREAS, the House of Representatives is committee to protecting the integrity of Georgia elections as well as the safety and security of elections workers in this state; and

WHEREAS, if Donald John Trump is allowed to go unpunished for the actions he undertook following the 2020 presidential election, a dangerous and unfortunate message would be sent to future generations of Georgia that democracy is not worth defending and that violations of the law will be ignored for political expediency.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body urge the Secretary of State to use all the powers vested in his office to disqualify Donald John Trump from any primary or election related to the Office of President of the United States, that such disqualification should be based on Section 3 of the 14th Amendment to the United States Constitution as Donald John Trump committed acts of insurrection against the United States and in violation of Georgia law, and that the

Secretary of State shall not approve the form of any ballot listing Donald John Trump as a candidate for nomination or election to the Office of President of the United States.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to make appropriate copies of this resolution available for distribution to the Secretary of State.