

# A Constitutional Roadmap for Conquering Election Fraud

By Publius Huldah



The following shows what the State Legislatures and each Branch of the federal government have the authority to do to address the monstrous crime which has been committed against our Country.

## 1- Article IV, §4, US Constitution

The fundamental Principle which should guide us in dealing with this issue is set forth at Article IV, §4, US Constitution. It reads,

“The United States shall guarantee to every State in this Union a Republican Form of Government...”

The essence of a “Republic” is that sovereign power is exercised by Representatives elected, directly or indirectly, *by The People*. [1]

*Election fraud strikes at the heart of our Constitutional Republic.* Therefore, Congress, the federal courts and the Executive Branch [i.e., the “United States”] have the *duty*, imposed by Article IV, §4, to negate the fraud in order to preserve our republican form of government.

As shown below, the States also have authority to remedy the election fraud committed in their State.

## 2- The Constitutional framework governing federal elections

These are the clauses in the US Constitution everyone should study:

- **I, §4** is the “times, places, and manner” clause: *It means what it says!* Federal and State judges, and federal and State executive agencies, have no authority to tinker with election laws made by the State Legislatures or Congress. When they tinker with the laws, their acts are usurpations and must be treated as such [[link](#)].
- **II, §1, clause 2**: The President & Vice President are to be elected by Electors appointed, ***in such manner as the State Legislatures shall direct...***
- **II, §1, clause 4**: Congress may determine the Time of choosing the Electors and the Day on which they Vote.
- **The 12<sup>th</sup> Amendment** sets forth the procedures for how the Electors are to cast their votes for President & then for Vice President. To our detriment, we have ignored those procedures for a long time.
- **The 20<sup>th</sup> Amendment, §1**, says the terms of President & Vice President end **January 20**; and the terms of Senators & Representatives end **January 3**.
- **And §2 of the 20<sup>th</sup> Amendment** says Congress shall meet on January 3, *unless they make a law setting a different date*. Congress did make a law which changed that date to **January 6**.

### **3- The Statutory framework**

At Title 3, US Code, §§ 1-21 [[link](#)], Congress implemented the constitutional provisions.

Congress understood there would be fights *in the States* over the selection of the Electors. So they provided for the fights:

**A.**

At 3 USC §1, Congress set **November 3** as the date for appointing the Electors in the States.

But the next two Sections address what happens when Electors *aren't* appointed on November 3.

- **2** says the Electors may be appointed *on a subsequent day in such a manner as the Legislature of each State may direct.*
- And §3 says Electors are chosen when any controversy respecting their appointment has been finally determined. *“Determining the controversy” is, of course, the purpose of the litigation and the hearings in State Legislatures.*

## **B.**

Article II, §1, clause 4, US Constitution, gives Congress authority to determine *the Date on which the electors vote:*

- 3 USC §7 sets that date for December 14.
- But 3 USC §§12 & 13 provide for what happens when Congress hasn't received the Electors' votes by December 23.

So we see that flexibility to deal with fights *in the States* over the selection of Electors is built into the US Code.

## **C.**

Now we get to the counting of the Electors' Votes in Congress: **3 USC §15** says Congress is to meet on **January 6** to count the votes. The President of the Senate [Mike Pence] presides. He is to call for objections to the votes. The rest of §15 and §§16-18 deal with handling the objections *in Congress* respecting the Electors' votes.

So the statutory framework recognizes that selecting the Presidential Electors can get messy; and that there would be fights over the Electors in the States and in Congress. We are

working through this process right now.

#### **4- Congress has the power to determine whether the President elect and Vice President elect are qualified for office.**

Section 3 of the 20<sup>th</sup> Amendment shows that Congress has the authority to determine whether the President elect and Vice President elect are qualified for office.[2] If either is not a natural born citizen, Congress has the power and the duty to disqualify that person.[3] Accordingly, it was ***Congress' duty*** to inquire into whether Obama was a natural born citizen; and today it is ***Congress' duty*** to inquire into whether Kamala Harris is a natural born citizen.

Congress also has the power – ***and the duty*** – to *disqualify* Biden and Harris on the ground that the fraud bringing about their sham “election” was an attack on the States’ Right, guaranteed by Article IV, §4, to have a republican form of government.

#### **5- Election Fraud is a federal crime**

It is the DUTY of the Department of Justice to investigate and prosecute the election fraud. It is disgraceful that they have done nothing.

#### **6- The Duty of the Supreme Court**

The Supreme Court is surely aware of its Duty, imposed by Article IV, §4, US Constitution, to guarantee to the States a republican form of government where Representatives are elected by The People – and not by corrupt politicians who pay for massive organized election fraud and cheating.

While the Supreme Court obviously cannot enforce its own rulings and must depend on the Executive Branch of the federal government to enforce them;[4] the Supreme Court must issue an Opinion consistent with Article IV, §4, which, when enforced

by the Executive Branch of the federal government, solves the present crisis.

## **7- The State Legislatures should appoint replacement Electors**

It is clear that State Legislatures have the power to ignore the fraudulent election and appoint a new set of Presidential Electors. Such is consistent with the Constitution and the statutory scheme laid out in 3 USC §§1-21. Furthermore, the Supreme Court has already acknowledged that State Legislatures may do this.

REMEMBER that **Article II, §1, clause 2**, US Constitution, **says Electors are to be appointed “in such Manner as the State Legislatures” may direct.**

Originally, Electors were generally chosen by the State Legislatures. In *McPherson v. Blacker*, decided 1892 [[link](#)], the Supreme Court gave the history of how each State Legislature chose their Electors since the first presidential election. It was only later that State Legislatures began to provide for the popular election of the Presidential Electors.

Congress expressly recognizes that State Legislatures may resume *at any time* the power to select the Electors. Remember that 3 USC §2, says,

“Whenever any [State](#) has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day ***in such a manner as the legislature of such [State](#) may direct.***”

Additionally, in *Bush v. Gore*, decided 2000 [[link](#)], the Supreme Court said that the State Legislature’s power to select the manner for appointing electors is plenary; it may, if it chooses, select the Electors itself; *and even after granting the franchise to the People to select the Electors,*

## ***State Legislatures can resume the power at any time.***

So yes, in States where the election was stolen, the State Legislatures may – and should – reassume their plenary power to select the Electors. America urges the State Legislators to be bold and do what is right.

### **8- Warning**

Republican establishment cowards who refuse to confront and defeat the election fraud don't seem to understand the consequences of their refusal to man up and fight the fraud. Our Country is right now in the process of being overthrown and taken over by profoundly evil people. You better fight while we still can.

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### **Endnotes:**

[1] Federalist No. 10 (J. Madison) [[link](#)]: “A republic, by which I mean a government in which the scheme of representation takes place, ... \*\*\* ... The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; ...”

[2] The qualifications are set forth at Article II, §1, clause 5 and the 12<sup>th</sup> Amendment, last sentence.

[3] Whether or not a President elect or Vice President elect meet the constitutional qualifications for office is a *political question* for Congress to decide.

[4] Federalist No. 78 (A. Hamilton) [[link](#)] “...The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every

citizen are to be regulated. *The judiciary*, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It *may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.*" [Caps are Hamilton's; other emphasis added]