



Written by [Peter Rykowski](#) on March 6, 2023

## Missouri Bill Would Restore State Control Over Elections

A Missouri legislator has introduced a bill that would prevent federal election laws from applying to state and local elections, significant steps toward constitutional enforcement, and [nullifying](#) unconstitutional federal interference in state and local elections.

Senate Bill No. 235 ([S.B. 235](#)), titled the Missouri Elections Sovereignty Act, is sponsored by Senator Denny Hoskins (R-Warrensburg). If enacted, this bill would ban federal election laws from being implemented for state and local elections.



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S.B. 235 correctly notes that “regulations placed by Congress on the times, places, and manner of holding elections for representatives and the times and manner of holding elections for senators are limited only to those respective offices and do not extend to state and local elections.”

The bill then declares:

Any differences in the regulations for time, place, and manner of holding elections for federal representatives, the time and manner for the senate elections, and state and local elections, shall result in separate election procedures to ensure the sovereignty of the state of Missouri to conduct elections in the manner in which the general assembly shall deem necessary.

S.B. 235 is constitutionally correct. [Article I, Section 4](#) of the U.S. Constitution only allows Congress to regulate elections for the U.S. House and Senate — and even these elections are primarily a state matter. Furthermore, authority over elections nationwide is [not an enumerated power](#) granted to Congress in [Article I, Section 8](#).

In [The Federalist, No. 59](#), Alexander Hamilton refuted the notion that Article I, Section 4 contained a broad delegation of power to Congress:

Suppose an article had been introduced into the Constitution, empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments?

Thus, S.B. 235 would restore Missouri’s control over its own election administration that the federal government never had authority to usurp.

S.B. 235 could be improved. For example, legislators would be wise to amend it to [explicitly nullify](#) every unconstitutional federal election law, including the Motor Voter Act, Help America Vote Act, and the Uniformed and Overseas Citizens Absentee Voting Act. Under [Article VI](#) of the U.S. Constitution,



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any law not “made in Pursuance” of the U.S. Constitution is not “the supreme Law of the Land.” State officials, who take an oath “to support this Constitution,” are duty-bound to nullify unconstitutional laws.

Although not perfect, S.B. 235 remains a great first step toward enforcing the Constitution and restoring the proper, constitutional balance of power between the states and the federal government. Missouri legislators would be wise to enact this bill and others that faithfully enforce the Constitution.

*Missouri residents can contact their legislators in support of S.B. 235 by visiting The John Birch Society’s legislative alert [here](#). Everyone can urge their state legislators to enact strong election-integrity reforms by visiting JBS’s 50-state alert [here](#).*





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