

**Motions to
Bar Insurrectionists from Being Seated in the Senate and the House
And
Instruct
The President of the Senate
To Set Aside and Not Count Electoral Votes
for Constitutionally Disqualified Candidates**

December 31, 2024

[DRAFT]

- I. *IMMEDIATELY UPON CONVENING as the 119th Congress ON JANUARY 3:*
Motion to exclude from Congress Persons Disqualified by Section 3 of the 14th Amendment: Pursuant to Article 1, Section 5, paragraph 1 of the Constitution I move that the House [Senate] vote to exclude from being seated those persons who, according to the Congressional Record of January 6, 2021, voted in favor of either of the two motions on January 6th, 2021 to not count the electoral votes cast by the electors of Arizona and Pennsylvania for constitutionally qualified candidates Biden and Harris as set out in the Congressional Record of that day, whether such persons seek to be seated as elected or as appointed by their respective Governors, due to their being disqualified from office by Section 3 of the 14th Amendment.

- II. ON OR BEFORE January 6th, 2025:
Motion to Object to and Prevent the Counting of Electoral votes for Donald J. Trump and J.D. Vance – We the undersigned members of the House and the Senate, comprising one fifth of the members of each House do hereby object to the counting of electoral votes for Donald J. Trump and J.D. Vance on the grounds that:
 - (a) each has disqualified himself by participating in or lending aid and comfort to the enemies of the Constitution before, during and after the January 6, 2021 insurrection including but not limited to J.D. Vance’s sponsoring and cosponsoring legislation that would declare there was no insurrection and direct the Attorney General to cease litigating cases filed or to be filed against Donald Trump, and
 - (b) pursuant to Section 15¹, Chapter 1, Title 3 of the United States Code, otherwise known as the Electoral Count Reform Act, on the grounds that the

¹ §15. Counting electoral votes in Congress

(a) In General.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

(b) Powers of the President of Senate.—

electoral votes for Donald J. Trump and for J.D. Vance are disqualified under Section 3 of the 14th amendment and thus any such votes for them could not be and “were not regularly given* ”,²

we move that Vice President Harris, acting in her capacity as President of the Senate, be directed to set aside and not count the electoral votes cast for Donald J. Trump and J.D. Vance, on the grounds that Trump has been found by the House and by the Supreme Courts of Colorado and Maine to have participated in and

(1) Ministerial in nature.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint session shall be limited to performing solely ministerial duties.

(2) Powers explicitly denied.—The President of the Senate shall have no power to solely determine, accept, reject, or otherwise adjudicate or resolve disputes over the proper certificate of ascertainment of appointment of electors, the validity of electors, or the votes of electors.

(c) Appointment of Tellers.—At the joint session of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

(d) Procedure at Joint Session Generally.—

(1) In general.—The President of the Senate shall—

(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

(2) Action on certificate.—

(A) In general.—Upon the reading of each certificate or paper, the President of the Senate shall call for objections, if any.

(B) Requirements for objections or questions.—

(i) Objections.—No objection or other question arising in the matter shall be in order unless the objection or question—

(I) is made in writing;

(II) is signed by at least one-fifth of the Senators duly chosen and sworn and one-fifth of the Members of the House of Representatives duly chosen and sworn; and

(III) in the case of an objection, states clearly and concisely, without argument, one of the grounds listed under clause (ii).

(ii) Grounds for objections.—The only grounds for objections shall be as follows:

(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

(II) The vote of one or more electors has not been regularly given.

² Under the Electoral Count Reform Act, the second permissible objection is that “the vote of one or more electors has not been regularly given.” The statement of Senator Susan Collins describing the Electoral Vote Count Reform and Presidential Transition Improvement Act of 2022 makes it clear that the bi-partisan understanding of the drafters of this Act was that the phrase “were not regularly given” included votes cast for constitutionally unqualified candidates or votes that were the product of bribery, duress, or corruption. 168 Cong. Rec. S. 9765-67 (2022). Whether the offering of prizes in exchange for promises to vote for Donald Trump would make enough votes for him cast by those who pledged to Elon Musk that they would vote for Trump in exchange for being included in the pool of potential prizewinners is another consideration that need not be determined this year given the multiple findings of his disqualification but it is a matter that Congress and/or the expert agencies could clarify for future elections. By its terms, this objection applies only to the *electoral votes cast* by lawfully appointed electors. The term “regularly given” [...encompasses] only a narrow set of legal infirmities with an elector’s vote, such as an elector voting for an ineligible candidate or voting on the wrong day, or an elector voting as the result of bribery or other improper influence. (<https://protectdemocracy.org/work/understanding-the-electoral-count-reform-act-of-2022/>).

lent aid and comfort to the insurrection of January 6, 2021 and its objective of obstructing the peaceful transfer of power to Joseph Biden and Kamala Harris, and that Vance has lent aid and comfort to the insurrectionists by sponsoring and cosponsoring bills intended to declare without any factual support that there was no insurrection on or around January 6th and requiring that Federal cases against Donald Trump be dropped.

Signed,

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**Motions for the House and Senate
To Complete
The 12th Amendment Process for Selecting the President and Vice President-Elect**

- I. **Motion in the House to Implement the 12th Amendment³ in choosing the President:** Mr. Speaker, in light of the fact that no persons qualified to occupy the offices of the President or the Vice President have received a majority of regularly cast electoral votes and in light of the fact that the only qualified persons to have received such votes are Ms. Harris and Mr. Walz, for President and Vice President respectively, I move that the House do now vote, as the 12th amendment requires with one vote for each state delegation, for Ms. Harris as President.

- II. **Motion in the Senate to Implement the 12th amendment in choosing the Vice President:** Madam President of the Senate, [or President Pro Tempore of the Senate], In light of the Constitutional disqualification of J.D. Vance from Federal office under Section 3 of the 14th Amendment for having sponsored and cosponsored two or more bills lending aid and comfort to those who planned, aided and/or participated in the insurrection of January 6th 2021, and in light of Governor

³ Twelfth Amendment

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.—]The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Walz being the only remaining candidate to have received electoral votes for Vice President, I move that the Senate vote to carry out its duty under the 12th amendment and confirm Governor Walz as Vice President-elect of the United States beginning on January 20th 2025.