



Restore the Constitution Act, Model Language

RESTORE THE CONSTITUTION ACT

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE.

In support of this Act, the [legislature] makes the following findings:

(a) The [legislature] finds that the current federal executive has abandoned constitutional governance, including by routinely, repeatedly, and continually:

- refusing to execute the duly enacted laws of Congress;
- defying court orders and established doctrine;
- violating fundamental rights, including free speech, due process, and equal protection;
- illegally wielding state power against political opponents and disfavored groups;
- dismantling oversight mechanisms and other institutional safeguards necessary to ensure just application of federal law; and
- impeding democratic accountability through pervasive lying and coercion.

(b) The [legislature] finds further that, through its illegal acts, the federal government is failing to fulfill its basic responsibilities and is endangering the lives and welfare of the people of [state/locality], including by

- unlawfully misallocating taxpayer funds in violation of congressional authority;
- dismantling or degrading essential federal agencies responsible for public welfare, economic stability, and emergency response; and thereby
- leaving the people of [state/locality] without vital services and protections.

(c) The [legislature] finds further that the president is engaging in tactics that are well-documented methods of authoritarian consolidation, including

- politicizing federal agencies to target political adversaries and shield loyalists;

- purging independent oversight officials to eliminate accountability mechanisms;
- suppressing dissent and coercing the media to manipulate public information;
- corrupting the U.S. military by replacing neutral leaders with loyalists;
- undermining electoral integrity to secure illegitimate power;
- misusing military and paramilitary forces, within the nation and abroad; and
- aligning the United States with authoritarian regimes while undermining democratic alliances.

These actions demonstrate a deliberate strategy to entrench autocratic rule, making an urgent response imperative.

(d) The [legislature] further finds that the people of [state/locality] require the support of their governing institutions to effectively resist federal lawlessness, as only collective action through state and local governments can marshal the necessary authority and resources to uphold constitutional governance.

(e) The [legislature] further finds that meaningful resistance to authoritarianism requires cooperation among jurisdictions as well as with engaged individuals and organizations across the United States who are committed to restoring democratic governance.

(f) The [legislature] further finds that Congress and the federal courts have proven unable or unwilling to restore constitutional governance in response to the federal executive's lawlessness.

(g) The [legislature] finds and declares that, under these extraordinary circumstances, [state/locality] has both the authority and the duty to protect its residents from the consequences of the federal executive's lawlessness and work to reinstate the constitutional order.

(h) This Act provides a statutory framework for adopting and coordinating legislative measures, legal defenses, and protective actions designed to resist federal lawlessness, defend the rights of the people, and work to restore the effective operation of the Constitution. All actions taken under this Act must be temporary and limited to what is necessary to restore legitimate constitutional governance. Broad public participation, transparency, and cooperation with other jurisdictions are essential to the success of this effort.

SECTION 2. DEFINITIONS.

[Reserved. Definitions may be included here as needed for clarity in support of actions adopted within Section 4]

SECTION 3. CONSTITUTIONAL AUTHORITY AND THE DUTY TO RESIST FEDERAL LAWLESSNESS

(a) The authority of the federal government over [state/locality] derives from the consent of the governed, as expressed in, and established by, the Constitution of the United States. The Constitution that the people of the United States and of [state/locality] agreed to be bound by, however, does not include an executive that routinely refuses to execute the laws of Congress, tramples constitutionally protected rights, and uses the outward forms of law to entrench power and suppress dissent.

(b) The authority of federal law over state law, in turn, derives from the Supremacy Clause of the United States Constitution, Article VI, which states that the Constitution and laws made in pursuance thereof are the supreme law of the land. Federal directives are not made in pursuance of the Constitution and laws of the United States, however, where they arise from, aim at, or serve to advance systemic constitutional breakdown and abandonment of the rule of law.

(c) The United States Constitution, Article VI, further requires that all state legislators, as well as state executive and judicial officers, be bound by oath or affirmation to support the Constitution. Nothing in Article VI or elsewhere frees state legislators or other state officers from their duty to support the Constitution when the Constitution is under attack by a lawless federal executive. Nothing in Article VI or elsewhere requires or permits state legislators or other state officers to aid a lawless executive in destroying constitutional governance, whether through active assistance or through passive capitulation. To the contrary, whenever the Constitution is under attack, regardless by whom, Article VI requires state legislators and other state officers to act vigorously in its defense.

(d) Where a provision of this Act conflicts with a federal directive, the enactment of that provision constitutes a determination by the [legislature] that the federal directive is not made in pursuance of the Constitution and laws of the United States, because it arises from, aims at, or, under current conditions, serves to advance systemic constitutional breakdown and abandonment of the rule of law. In such cases, the provisions of this Act shall govern within [state/locality].

(e) The [legislature] shall, through this Act and its amendments, adopt measures necessary to protect the people of [state/locality] and to reinstate constitutional governance in the United States. These measures may include rejecting unlawful federal mandates, providing legal or material protections, or taking actions that would not be appropriate under normal constitutional conditions. The [legislature] may take such steps whether or not a particular federal directive is formally declared invalid, guided at all times by the overarching goals of public protection and constitutional restoration.

(f) History shows that authoritarian regimes consolidate power while opposition remains passive or compliant. Failure to resist federal lawlessness during this phase risks the permanent loss of constitutional governance. It is the duty of this jurisdiction to act while action is still possible.

(g) The [legislature] affirms that actions adopted pursuant to this Act are undertaken in fulfillment of [state/locality]'s duty to protect its people and contribute to the restoration of constitutional governance in the United States.

(h) This Act provides a structured, transparent, and time-limited process to exercise this authority, recognizing that extraordinary measures are justified only by extraordinary circumstances.

SECTION 4. LEGISLATIVE MEASURES ADOPTED UNDER THE ACT.

(a) The provisions of this section shall consist of specific measures adopted by the [legislature] pursuant to this Act, whether enacted at the time of initial passage or by subsequent amendment.

(b) Each such measure shall be set forth in a separately numbered subsection of this section and shall have the full force of law as a provision of this Act.

(c) The [legislature] may amend this section to incorporate additional legislative actions, which shall be considered part of this Act and governed by its provisions unless expressly stated otherwise.

(d) Private Right of Action. Any person who suffers injury or deprivation of rights caused by illegal acts or directives of the federal executive, or by actions of any federal officer, employee, or agent carried out under or in furtherance of such illegal directives, may bring a civil action for damages or other appropriate relief in the courts of [state/locality]. It shall be no defense that the defendant acted under orders of a superior in the federal executive if a reasonable person in the same position would have known that the act or directive was illegal.

(e) [Reserved: Legislative measures adopted under this Act, including but not limited to those drawn from the Catalog of Legislative Actions or developed independently by the [legislature], shall be inserted below as adopted.]

SECTION 5. ESTABLISHMENT OF A PUBLIC TASK FORCE.

(a) Establishment.

There is hereby established a Public Task Force for Restoring the Constitution (the "Task Force") to support the development, coordination, and implementation of actions pursuant to this Act.

(b) Membership.

All members of the [legislature] shall be eligible to participate in the Task Force. The Task Force shall invite participation from community representatives and people with relevant knowledge or experience.

(c) Public Participation.

The Task Force shall operate as a public forum, open to meaningful participation by members of the public. It shall actively encourage public engagement through accessible meetings, inclusive procedures, and public-facing communication. Any resident may submit ideas, proposals, or analysis

to the Task Force, whether or not they are formally designated as experts or members. The Task Force shall consider such contributions in good faith and may invite members of the public to participate in subgroups or discussions based on interest, experience, or expertise. Meetings shall include meaningful opportunities for public dialogue and shall not limit public input to pro forma comment periods.

(d) Operations.

The Task Force shall operate transparently and in accordance with applicable open meetings laws. Meetings shall be publicly noticed, open to the public, and documented. Agendas and materials shall be published in advance whenever feasible. The Task Force shall establish one or more accessible channels for public comment and public submissions, including the submission of proposed legislative, legal, or policy actions.

(e) Functions.

The Task Force shall coordinate the development of legislative, legal, and policy measures consistent with the purposes of this Act. It shall identify and evaluate potential actions and may recommend such actions for adoption by the [legislature].

(f) Coordination with Other Jurisdictions.

The Task Force shall actively seek to coordinate with officials and task forces in other jurisdictions engaged in similar efforts. It may participate in interjurisdictional networks, coalitions, or joint initiatives, and may share findings, proposals, and strategies to support the broader restoration of constitutional governance and the protection of the people. It shall make reasonable efforts to incorporate lessons learned and model actions from other jurisdictions.

(g) Reporting.

The Task Force shall issue public reports at least once each month, describing its activities, findings, and recommendations. Reports shall be submitted to the [legislature] and made publicly available.

(h) Initiation and Duration.

The Task Force shall convene for its first session no later than thirty days after adoption of this Act and shall continue to operate until the [legislature] determines, pursuant to Section 7 of this Act, that constitutional governance has been restored.

(i) Staff Support.

The Task Force is authorized to receive staff support from [legislative offices], [state or local agencies], and independent experts, including through voluntary or pro bono service. [i.e., adjust to reflect available staffing sources or capacity in the adopting jurisdiction]

(j) Funding.

The [legislature] may appropriate funds as necessary to support the Task Force's activities.

(k) Non-Exclusivity.

Nothing in this Section shall be construed to limit the power of the legislature to adopt measures under this Act that originated from sources other than the Task Force.

SECTION 6. JURISDICTIONAL AND LEGAL PROTECTIONS.

(a) Courts and other reviewing authorities shall resolve any and all issues of purported conflict between federal directives and directives of this Act in accordance with the principles of Section 3(d) & (e).

(b) The courts of [state/locality] shall have original jurisdiction over any action arising from this Act. No such case may be transferred or removed to, or otherwise heard by, any court that fails to recognize and apply the principles set forth in Section 3(d) & (e).

(c) Any person subject to or affected by a ruling, judgment, or enforcement action that conflicts with the provisions or principles of this Act may petition a court of [state/locality] for a determination of nonrecognition. Upon finding that the external action failed to apply the principles of Section 3(d) & (e), the court may declare the action void and unenforceable within [state/locality] and grant appropriate relief.

(d) The courts of [state/locality] shall have final authority to interpret and apply this Act, and their rulings shall be conclusive with respect to any matter governed by this Act. No other court or authority shall override or bind a court of [state/locality] in any matter arising under this Act.

(e) No officer, employee, or agent of [state/locality] shall cooperate with, participate in, or provide assistance for any federal enforcement action that purports to override or nullify this Act or any directive thereof.

(f) Courts of [state/locality] shall recognize and give effect to legislative acts adopted by other jurisdictions that affirm the principles set forth in Section 3(d) & (e), provided that such acts are consistent with the purposes of this Act.

SECTION 7. SUNSET AND LEGAL SAFEGUARDS.

(a) This Act shall remain in effect until the [legislature] determines, by resolution or statute, that constitutional governance has been restored in the United States. No other event, including judicial invalidation or executive declaration, shall trigger termination of this Act.

(b) The expiration of this Act shall not affect the enforceability of any obligation, protection, or liability accrued under its provisions. All such legal consequences shall remain in force and may be adjudicated or enforced in accordance with applicable law.

(c) Any statute of limitations applicable to a claim, cause of action, or proceeding arising under this Act shall be tolled for the duration of any period in which enforcement was materially obstructed by federal interference or other suppression in conflict with the Act. Such tolling shall be determined by the courts of [state/locality] based on findings of fact and law.

SECTION 8. CONSTRUCTION AND SEVERABILITY.

(a) This Act shall be liberally construed to fulfill its purposes, including the protection of the people of [state/locality], the restoration of constitutional governance, and the preservation of lawful self-government under conditions of federal lawlessness.

(b) If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid by a court that recognizes and applies the principles of Section 3(d) & (e), the remainder of the Act, and the application of its provisions to other persons or circumstances, shall remain in effect.

(c) No court that fails to recognize and apply the principles of Section 3(d) & (e) shall have authority to interpret, apply, or assess the validity of this Act or any of its provisions. The constitutional framework expressed in Section 3 shall guide the construction and application of all provisions of this Act.

SECTION 9. SHORT TITLE.

This Act may be cited as the “Restore the Constitution Act.”

SECTION 10. EFFECTIVE DATE.

This Act shall take effect immediately upon enactment."

Online

<https://democratism.org/restore-the-constitution-act>

Last updated: October 6, 2025

Note

This version of the Act is tailored for states. If you need a version tailored for localities, please contact us.