

A Model Act for State Governments

States Can Withhold Federal Taxes Payments if the Federal Government Violates Election Laws

Purpose: State law, combined with an interstate compact, can protect state sovereignty if the federal government operates outside their constitutional authority. This “trigger law” would allow states to withhold federal tax payments if the federal government subverts electoral processes thereby forfeiting constitutional legitimacy.

Source: This document summarizes the “Fiscal Sovereignty and Resident Protection Act,” authored by the Existentialist Republic for the purpose of empowering State governments and their Attorneys General to form an interstate compact holding the federal government accountable.

Summary: The states pre-existed the Constitution and ratified it as a compact creating a federal government of limited and enumerated powers. The states did not surrender their sovereignty to any government. When the federal government subverts the electoral process that legitimizes its authority, it severs the constitutional foundation of its power. The Supreme Court has ruled that when federal institutions fail, obligations to protect individuals return to the states.

This act represents systematic exercise of authority in a manner that does not conflict with federal law unless or until the federal authority is invalidated. Such acts invalidating constitutionally asserted legitimacy include congress failing to count lawfully certified electoral votes, or counting unlawfully certified votes. “Requiring consent from an illegitimate Congress to resist the illegitimacy of that Congress would render the Constitution a suicide pact.”

One of the most powerful aspects of this act is creation of the Interstate Fiscal Sovereignty Compact to oversee activation. It requires at least 10 states to enact substantially similar legislation and join the compact. Member states must represent at least 30% of total federal income tax revenue. This represents sizable leverage from states to ensure federal accountability.

This act creates mechanisms that, once triggered by actions of the federal government, cause the state to redirect federal tax payments to an escrow account. The act protects employers within the state from federal retaliation when complying with state law. It provides for coordination with other states to ensure that actions occur collectively and simultaneously, preventing isolation and retaliation against any single state. Through this act, escrow funds are preserved for release to the federal government once the interstate compact agrees constitutional legitimacy is restored.

This model act was researched, written, and reviewed by legal and policy experts who can provide support to political leaders considering application of the act. This model act, and others that implement or strengthen state authority to resist federal overreach or protect citizens from federal failures, are available upon request.

For questions, implementation guidance, or to report on adoption progress:

Camus@theexistentialistrepublic.com