

**KILLING UNITED STATES
CONSTITUTION**

BY

SAM KIRBY

DEAR HONORABLE GOVERNOR WILL BE SENT TO ALL 50 STATES
 I AM PUSHING 80 AND RETIRED AIR FORCE WITH 50% DISABILITY AND 23 YEARS OF
 TOTAL SERVICE. I SENT A LETTER OF THIS TYPE TO ALL 50 SECRETARY OF STATES.
 MOST OF MY RESPONSES SAID THEY HAD NO RESPONSIBILITY ON THIS MATTER. NOW
 I AM SENDING THIS LETTER TO THE GOVERNOR'S OF ALL 50 STATES. I HAVE NEW
 INFORMATION THAT THE STATES HAVE THE CONSTITUTIONAL POWER TO PASS LEGIS-
 LATION PRESCRIBING PRESIDENTIAL BALLOT ACCESS REQUIREMENTS INCLUDING
 DETERMINING WHETHER A CANDIDATE MEETS THE ELIGIBILITY REQUIREMENTS OF
 ARTICLE 22, SECTION 1, CLAUSE 5. ARTICLE 11, SECTION 1 OF THE U.S. CONSTITUTION
 TELLS US THAT THE ELECTORAL COLLEGE IS THE MECHANISM USED TO ELECT THE
 PRESIDENT. 3 U.S.C. SEC. 4, ARTICLE 11, SECTION 1 ALSO TELLS US HOW THE ELEC-
 TORAL COLLEGE IS FILLED. THE TWELFTH AMENDMENT WHICH PRESCRIBES HOW THE
 VOTING IS DONE, HOW THE VOTES ARE TALLIED AND TRANSMITTED TO CONGRESS,
 AND HOW CONGRESS CONFIRMS THOSE VOTES AND DECLARES WHO SHALL BE PRESI-
 DENT. FURTHER STATE AUTHORITY OVER FEDERAL ELECTIONS IS FOUND IN ARTICLE 1,
 SECTION 4, CLAUSE 1, WHICH DELEGATES TO THE STATE LEGISLATURES THE INITIAL
 AUTHORITY FOR THE "TIES, PLACES AND MANNER" OF ELECTIONS TO CONGRESS,
 WITH CONGRESS HAVING RESIDUAL AUTHORITY TO MAKE SUCH REGULATIONS.
 HENCE, THE CONSTITUTION GIVES TO THE STATES THE AUTHORITY OVER FEDERAL
 ELECTIONS AND SPECIFICALLY TO APPOINT ITS ELECTORS AND DECIDE HOW THEIR
 VOTES ARE PROCESSED FOR THE PURPOSE OF DETERMINING WHO SHALL BE PRESI-
 DENT. THERE IS THEREFORE NO QUESTION THAT STATES HAVE THE POWER TO RUN
 THEIR OWN PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS. STORER V. BROWN,
 415 U.S. 724 (1974) (THE ELECTION CLAUSE, ARTICLE 1, SECTION 4, CLAUSE 1 WHICH
 APPLIES TO CONGRESS WAS INTENDED TO GRANT STATES AUTHORITY TO PROTECT
 THE INTEGRITY AND REGULARITY OF THE ELECTION PROCESS BY REGULATING ELEC-
 TION PROCEDURE). AS PART OF THAT PROCESS, STATES MUST ALSO HAVE THE AU-
 THORITY OVER WHO SHALL BE PLACED ON ANY BALLOT TO RUN FOR PRESIDENT AND
 VICE-PRESIDENT. THE STATE MECHANISM HAS BEEN RECENTLY CONFIRMED BY AN
 APRIL 3, 2009 CONGRESSIONAL RESEARCH SERVICE MEMO BY LEGISLATIVE ATTORNEY,
 JACK MASKELL, ENTITLED, "QUALIFICATIONS FOR THE OFFICE OF PRESIDENT OF THE
 UNITED STATES AND LEGAL CHALLENGES TO THE ELIGIBILITY OF A CANDIDATE,"
 WHERE HE STATED: "THE MECHANICS OF ELECTIONS OF FEDERAL OFFICIALS WITHIN
 THE SEVERAL STATES ARE ADMINISTERED UNDER STATE LAW. <FOOTNOTE 4> THE
 QUADRENNIAL PRESIDENTIAL ELECTION, ALTHOUGH REQUIRED SINCE 1845 TO BE
 HELD ON THE SAME DAY IN EACH STATE <FOOTNOTE 5> IS, IN AN ADMINISTRATIVE
 AND OPERATIONAL SENSE, FIFTY-ONE SEPARATE ELECTIONS IN THE STATES AND THE
 DISTRICT OF COLUMBIA FOR PRESIDENTIAL ELECTORS. STATES GENERALLY CONTROL,
 WITHIN THE APPLICABLE CONSTITUTIONAL PARAMETERS, THE ADMINISTRATIVE IS-
 SUES, QUESTION, AND MECHANISMS OF PLACEMENT AND BALLOT ACCESS.
 <FOOTNOTE 6> STATE ELECTION OFFICIALS UNDER SOME STATE BALLOT LAWS MIGHT
 THUS REQUIRE CANDIDATE "STATEMENTS" OR "DECLARATIONS" OF CANDIDACY
 ATTESTING TO AND/OR CERTIFYING CERTAIN FACTS AS A CONDITION TO BE ON THE
 BALLOT: IN OTHER STATES, REPRESENTATIVES OF THE ESTABLISHED POLITICAL PAR-
 TIES MAY CERTIFY NAMES TO THE SECRETARY OF STATE, OR THE DESIGNATED ELEC-
 TIONS OFFICIAL MAY PLACE VIABLE OR RECOGNIZED" CANDIDATES ON THE PRESI-
 DENTIAL PREFERENCE BALLOTS. <FOOTNOTE> 7