

FOUNDATION FOR FREEDOM | CONSTITUTIONAL COUNTY TOOLKIT

SAMPLE CONSTITUTIONAL COUNTY RESOLUTION

A Model First-Step Resolution Affirming Constitutional Rights, Lawful Local Authority, Due Process, and Public Accountability

2026 RESOURCE LIBRARY

AFFIRM • EDUCATE • PREPARE • PROTECT • ACT LAWFULLY

How to Use This Model

This sample resolution is intended as a first-step measure for a county that wishes to affirm constitutional principles and establish a framework for education, legal review, citizen participation, and future policy development, but is not yet ready to adopt a comprehensive Constitutional County ordinance.

Replace all bracketed language with county-specific information. The county attorney should review the final draft for compliance with the state constitution, statutes, county charter, existing ordinances, public-meeting requirements, and the independent authority of county constitutional officers.

Drafting approach: This model deliberately avoids claiming that a county may unilaterally invalidate controlling state or federal law. It instead emphasizes constitutional supremacy, lawful county authority, anti-commandeering principles where applicable, due process, legal review, and appropriate judicial remedies.

Foundation for Freedom • Constitutional County Toolkit • Sample County Resolution • 2026

FOUNDATION FOR FREEDOM | CONSTITUTIONAL COUNTY TOOLKIT

RESOLUTION NO. [20__ - ____]

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF [COUNTY NAME], [STATE]

AFFIRMING THE BOARD'S COMMITMENT TO THE UNITED STATES CONSTITUTION, THE BILL OF RIGHTS, THE [STATE] CONSTITUTION, DUE PROCESS, AND THE LAWFUL PROTECTION OF INDIVIDUAL LIBERTY; RECOGNIZING THE IMPORTANCE OF CONSTITUTIONAL REVIEW AND

ACCOUNTABLE LOCAL GOVERNMENT; ENCOURAGING CONSTITUTIONAL EDUCATION AND CITIZEN PARTICIPATION; AND PROVIDING FOR RELATED COUNTY ACTION.

RECITALS

WHEREAS, the Declaration of Independence recognizes that human beings possess unalienable rights and that governments are instituted to secure those rights; and

WHEREAS, the Constitution of the United States establishes a government of limited and enumerated powers and divides governmental authority to protect liberty; and

WHEREAS, the Bill of Rights and subsequent constitutional amendments protect fundamental liberties including freedom of speech, religious exercise, assembly, petition, due process, equal protection, security against unreasonable searches and seizures, property rights, and other constitutional guarantees; and

WHEREAS, the [STATE] Constitution establishes and limits the powers of state and local government and protects additional rights of the people; and

WHEREAS, the Board recognizes that constitutional protections remain important during emergencies and periods of public controversy, when government actions may have significant effects on individual liberty, property, privacy, livelihood, worship, assembly, and other protected interests; and

WHEREAS, constitutional government is strengthened when public officials understand the lawful limits of their authority and when citizens have transparent and orderly means to petition their government for redress of grievances; and

WHEREAS, federalism reserves important responsibilities to the states, and the United States Supreme Court has recognized through the anti-commandeering doctrine that the federal government generally may not require states or state officers to administer or enforce a federal regulatory program, subject to the particular law and facts involved; and

WHEREAS, county government possesses only the powers provided by the state constitution, statutes, charter, and other controlling law, and the Board intends to exercise those powers faithfully and lawfully; and

WHEREAS, county constitutional officers, including the Sheriff, Supervisor of Elections, Clerk of the Circuit Court and Comptroller, Property Appraiser, and Tax Collector where applicable, possess responsibilities established by constitutional and statutory law that must be respected; and

WHEREAS, the Board desires to promote constitutional literacy, due process, transparency, public accountability, and careful legal review of county actions that may substantially affect protected rights;

Foundation for Freedom • Constitutional County Toolkit • Sample County Resolution • 2026

FOUNDATION FOR FREEDOM | CONSTITUTIONAL COUNTY TOOLKIT

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF [COUNTY NAME], [STATE], AS FOLLOWS:

SECTION 1. CONSTITUTIONAL COMMITMENT

The Board of County Commissioners affirms its commitment to uphold the Constitution of the United States, the Bill of Rights, the [STATE] Constitution, and all controlling law applicable to county government. The Board further affirms that county powers should be exercised in a manner that respects individual rights, due process, equal protection, and the lawful separation and allocation of governmental authority.

SECTION 2. CONSTITUTIONAL REVIEW OF COUNTY ACTION

When a proposed county ordinance, policy, emergency measure, program, contract, technology, enforcement practice, or use of county resources presents a substantial constitutional question, the Board encourages appropriate factual and legal review before final action whenever practicable.

Such review may include consultation with authorized county counsel, relevant county departments, affected constitutional officers, subject-matter experts, and the public, as appropriate to the matter and consistent with law.

SECTION 3. DUE PROCESS AND FAIR PROCEDURE

The Board supports fair notice, meaningful opportunity to be heard, impartial decision-making, and other due-process protections whenever county action may deprive a person of liberty, property, or another legally protected interest and such protections are required by law.

SECTION 4. LAWFUL USE OF COUNTY RESOURCES

The Board supports careful review of requests to use county personnel, funds, equipment, facilities, data, or other county resources in connection with governmental programs that raise substantial constitutional or legal concerns. County participation shall be determined according to controlling federal and state law, lawful county authority, applicable contractual obligations, and legal advice.

SECTION 5. FEDERALISM AND ANTI-COMMANDEERING

The Board recognizes the constitutional principle that the federal government generally may not compel states or state officers to enact, administer, or enforce a federal regulatory program, as reflected in decisions including *New York v. United States*, *Printz v. United States*, and *Murphy v. NCAA*.

Nothing in this Resolution shall be construed as authorizing county officials to disregard controlling law. Questions concerning preemption, mandatory legal duties, anti-commandeering, or constitutional validity shall be addressed through appropriate legal review and, when necessary, judicial proceedings.

SECTION 6. RESPECT FOR CONSTITUTIONAL OFFICERS AND THE JUDICIARY

Nothing in this Resolution shall be interpreted to direct or control powers assigned exclusively by law to the Sheriff, Supervisor of Elections, Clerk of the Circuit Court and Comptroller, Property Appraiser, Tax Collector, State Attorney, Public Defender, judiciary, or any other independent constitutional or statutory officer.

The Board encourages respectful communication and lawful cooperation among public officials while preserving the independent authority and responsibilities of each office.

SECTION 7. RIGHT TO PETITION AND CITIZEN PARTICIPATION

The Board reaffirms the right of the people to petition government for redress of grievances and encourages peaceful, informed, and respectful citizen participation in county government.

The Board further encourages the development or use of clear procedures through which residents may submit documented constitutional concerns concerning county policies or actions and receive appropriate referral or review consistent with county procedure and law.

Foundation for Freedom • Constitutional County Toolkit • Sample County Resolution • 2026

SECTION 8. CONSTITUTIONAL EDUCATION

The Board encourages voluntary constitutional education for county officials, employees, advisory boards, and citizens concerning the Constitution, Bill of Rights, [STATE] Constitution, due process, public records, open government, federalism, and the lawful responsibilities of county government.

SECTION 9. OPTIONAL CONSTITUTIONAL COMPLIANCE ADVISORY PROCESS

[OPTION A - retain if desired:] The Board directs authorized staff and county counsel to evaluate the feasibility of establishing a Constitutional Compliance Committee or other advisory process for receiving documented citizen concerns, identifying the appropriate forum for review, and making nonbinding recommendations to the Board.

Any such body shall be advisory unless valid law expressly provides otherwise and shall not exercise judicial, prosecutorial, law-enforcement, election-administration, or other powers assigned exclusively to another officer or branch.

SECTION 10. REVIEW OF FUTURE CONSTITUTIONAL COUNTY ORDINANCE

[OPTION B - retain if desired:] The Board requests that county staff and authorized counsel review model Constitutional County ordinances and report to the Board regarding lawful provisions that could strengthen constitutional education, citizen complaint procedures, due process, transparency, and county accountability.

SECTION 11. NO CREATION OF PRIVATE CAUSE OF ACTION

Unless expressly provided by subsequently enacted law, this Resolution is a statement of county policy and intent and does not create a private cause of action, criminal offense, civil penalty, or independent right to damages.

SECTION 12. CONSTRUCTION

This Resolution shall be interpreted consistently with the United States Constitution, the [STATE] Constitution, controlling statutes, binding court decisions, the county charter where applicable, and the lawful authority of county constitutional officers.

SECTION 13. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

ADOPTION

DULY ADOPTED by the Board of County Commissioners of [COUNTY NAME], [STATE], this ____ day of _____, 20 ____.

BOARD OF COUNTY COMMISSIONERS
[COUNTY NAME], [STATE]

By: _____
Chair / Vice Chair

ATTEST:

Clerk / Authorized Official

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

County Attorney / Authorized Counsel

Foundation for Freedom • Constitutional County Toolkit • Sample County Resolution • 2026

FOUNDATION FOR FREEDOM | CONSTITUTIONAL COUNTY TOOLKIT

Implementation Options After Adoption

A resolution becomes more useful when it leads to specific, measurable follow-up. Depending on local law and Board direction, the county may consider:

Scheduling a constitutional-government workshop for Commissioners and interested county officials.

Creating a public webpage containing the Constitution, Bill of Rights, state constitution, county charter, and citizen-participation resources.

Reviewing county emergency policies and procedures for due-process and constitutional safeguards.

Reviewing county use of surveillance, automated license-plate readers, facial recognition, artificial intelligence, or data-sharing technologies for privacy and due-process implications.

Establishing a lawful citizen constitutional complaint or referral process.

Evaluating creation of an advisory Constitutional Compliance Committee.

Requesting county-attorney review of a more comprehensive Constitutional County ordinance.

Meeting with the Sheriff and other constitutional officers to identify areas of shared constitutional education and lawful cooperation.

Providing periodic public reports on actions taken pursuant to the Resolution.

Optional County-Specific Recitals

The following recital topics may be added only when supported by verified county facts:

Prior Second Amendment sanctuary resolution

Prior Bill of Rights proclamation or resolution

County experience during COVID-19 emergency orders

Local property-rights or regulatory controversy

Government surveillance or data-collection concerns

Religious-liberty or free-speech controversy

Existing citizen petition or public accountability process

Prior Commission statements supporting constitutional government

Drafting Checklist

☐ Insert correct county and state names.

☐ Confirm the Board's legal citation and resolution numbering format.

- ☐ Verify every county-specific recital.
- ☐ Remove optional provisions not being requested.
- ☐ Review state home-rule and preemption law.
- ☐ Confirm constitutional-officer language matches the state's structure.
- ☐ Have county counsel review anti-commandeering and county-resource provisions.
- ☐ Confirm public-hearing or agenda procedures.
- ☐ Decide whether the resolution will request a future ordinance review.
- ☐ Decide whether the resolution will request a Constitutional Compliance Committee.
- ☐ Prepare a one-page public explanation for the Commission agenda packet.

Selected Legal References

U.S. Constitution and Bill of Rights

U.S. Constitution, First and Tenth Amendments

New York v. United States, 505 U.S. 144 (1992)

Printz v. United States, 521 U.S. 898 (1997)

Murphy v. NCAA, 584 U.S. 453 (2018)

[STATE] Constitution and applicable county home-rule statutes

Educational & Legal Notice

This model resolution is provided for educational and policy-development purposes and is not legal advice or a ready-to-adopt legal instrument. County authority, preemption, constitutional-officer powers, public-meeting procedures, emergency powers, enforcement responsibilities, and local charter provisions vary by jurisdiction. Qualified county counsel should review and customize the final resolution before adoption.

AFFIRM THE CONSTITUTION • PREPARE THE COUNTY • PROTECT LIBERTY LAWFULLY

Foundation for Freedom • Constitutional County Toolkit • Sample County Resolution • 2026