Twitter Thread by @amuse



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1/25 ELECTOR CHALLENGE THREAD

Each state governor sent their slate of electors by registered mail to Senate President Pence. By tradition, he will count these votes in a joint session of Congress tomorrow. If he simply counts those votes Biden will become president. But...

2/ Traditionally states have empowered their governors to certify and transmit the votes of their electors to the Senate President but this year at least six GOP-controlled legislatures acted to revoke this authority and count the votes of electors for President Trump.

3/ The first question is whether or not the state's legislatures have the constitutional authority to rescind the governors' traditional authority to transmit the 'official' vote of the electors to the Senate President.

4/ Article II, Section 1, Clauses 2 and 3, gives the state legislature the sole authority to determine the manner of appointment of electors. While a state has the right to outsource this to the governor they do not lose the right to change their mind at a later date.

5/ Six state legislatures changed their minds and voted to send alternative electors to the Senate President. These electors were loyal to President Trump and cast their ballots for him. So what is the problem?

6/ The governors of those six states sent the Senate President electors loyal to Joe Biden. So which are valid?

7/ Senate President Pence 'could' choose to announce the votes from electors sent to him by the legislatures or by the governors. The constitution is very clear that the state legislature's slate of electors should supersede those provided by the executive. But...

8/ Senate President Pence might have very real concerns that the legislatures that sent him electors that differed from ones provided by the electors aren't valid.

9/ When the legislatures rescinded the governor's authority were they in session? Did the legislature vote on the measure and receive a majority? Did the legislature vote on seating Trump's electors and receive a majority?

10/ For example, in Michigan @GovWhitmer ordered state troopers to prevent Republican members from going into session and seating Trump's electors. Instead, they seated Trump's electors on the Capitol's grounds just outside the building. Was this vote valid?

11/ In Georgia @BrianKempGA refused to call a special session so the legislature was forced to 'vote' informally to send Trump's electors to the Senate President. Was this vote valid?

12/ If the Senate President had a good faith belief that the electors sent by the six legislatures represented the majority of each delegation he could simply count those votes instead of the ones sent by the Democrats.

13/ It is VERY likely that the Senate President would seek guidance from the Parlimentarian who would likely take real issue with the way Trump's electors were seated in the six states. Democrats in the media portray these 'dueling electors' as merely symbolic.

14/ The chances of Pence counting the votes from these dueling electors is about as close to zero as you can get in my opinion. So what is the other option?

15/ If one member of the house and senate object to a state's electors (presumably the six in question) senators would return to their chamber to debate and vote on the objection for two hours. (representatives would do the same).

16/ Based on the current whip count each objection would be defeated easily given the fact that Mitt Romney and other RINOs would do everything in their power to prevent President Trump from serving another term. The objections would merely be symbolic. So what can we do?

17/ The ONLY chance we have is to run out the clock and we would need the senate leader's cooperation. At least one senator and one house member would have to object to EVERY state's electors requiring about 150 hours of debate.

18/ McConnell knows every trick in the book and could ensure the debate extended beyond the January 20th deadline. If neither candidate has 270 electoral votes by noon on that day, in theory, both the House and Senate would conduct a 'contingent' election.

19/ It is VERY likely that Speaker Pelosi could find a procedural way to block the contingent election vote but if she doesn't there is a chance that President Trump could win since Republicans control 26 state delegations. There is no way to know if he'd win them all.

20/ Meanwhile in the Senate if everyone voted by party-line Trump could be elected 'Vice President' (assuming Pelosi has gridlocked the House).

21/ In this case, Sec. 3 of the 20th Amendment specifies that if the House has not chosen a president-elect in time for the inauguration, then the vice president-elect becomes acting president until the House selects a president.

22/ In this scenario when the House returned to normal order it is likely President Trump would be re-elected. The chances of the Senate electing ANYONE vice president are very low - especially since this person would likely become the president.

23/ If neither the House nor Senate can select a candidate under the Presidential Succession Act of 1947, the Speaker of the House would become acting president until either the House selects a president or the Senate selects a vice president.

24/ If this SUPER unlikely scenario developed Speaker Pelosi could resign and the Democrats could elect Joe Biden Speaker of the House making him the acting president.

25/ At the end of the day there is literally no one in the House or the Senate willing to risk the sort of turmoil these scenarios would result in. It isn't going to happen. Biden will be inaugurated on January 20th.