Twitter Thread by KB



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Will Trump play the #PenceCard December 23 (today)?
Thread: Absolutely not. The assertion that he will hurts our credibility and the cause because people who trust some accounts pushing it will be demoralized when it doesn't happen. Let me explain:

2/ For this thread again, we will assume the Electoral Count Act of 1887 is Constitutional and binding. It very well may not be, but it doesn't appear we have any court that will ever say so.

3/ The ECA is found in 3 USC 1-21. In secs 12 & 13, it requires that on the 4th Wed of Dec (that's today) the President of the Senate (that's Pence) to notify the states if he/she (or the Archivist) has not received a "certificate of vote and list" mentioned in sections 9 & 11.

4/ Sections 9 & 10 are merely administrative. Sec9 says that electors from the state make & sign six certificates of the votes w/ a lists for Pres & VP & attach a list of electors. Sec10 requires the electors to seal up the certificates & certify that the list of votes are inside

5/ The Pence Card is the idea that today, the VP can review & decide that the dem electors sent by AZ/NV/GA/PA/MI/WI don't meet the reqs of the ECA and/or the Const so, in effect, the VP hasn't received proper electors from the states & has a duty to notify them of that fact.

6/ Importantly, any notification to the state that the VP doesn't have certificates can be cured. That's the point of the notification – to get the certificates.

7/ The Act was written in 1887. The purpose of this provision is to make sure the wagon didn't fall off the bridge with the certificates and, if it did, to "send a messenger" to get new certificates from the states. It isn't to make legal decisions.

8/ If Pence does notify the states today (he won't), he is also throwing out the republican electoral votes that were so painstakingly cast and that our state republicans are trying so very hard to get certified by state legislatures.

9/ Let's look ahead to what the ECA says will happen in the future. It says on January 6 the votes will be opened by the VP. That means that the deadline today just means the envelopes are in hand. There will be no evaluation of the certificates or

decisions of law made today.

10/ And what if Pence did this? How do you think many in our country & around the world would view a sitting VP single-handedly dismissing votes that would kick him out of office?

11/ I dare say this would be catastrophic. Now, the January 6 scenario is far different in terms of fallout IMO, but the Pence Card being played today would be a disaster.

12/ I want a Trump victory because I believe that is what the people voted for, but this isn't the way. We cannot destroy what we are trying to preserve.