

RE: The National Popular Vote Compact vs. The Electoral College

My name is Luther Weeks, Executive Director of CTVotersCount. I am a retired computer scientist and software engineer active in voting integrity in Connecticut and nationally since 2004. I am a certified election moderator. My voting integrity efforts and advocacy are entirely voluntary.

I have organized citizen observations of seven (7) Connecticut post-election audits, personally observed thirty-five (35) post-election audit counting sessions around the state, observed several close-vote recanvasses, and most recently led the citizen recount of the twenty-four thousand votes in Bridgeport for the November 2011 race for Governor.

In March 2011, I provided the attached testimony to the joint General Administration and Elections Committee of the Connecticut Legislature:

Pages 2-8: House Bill 6163 - An Act Concerning An Agreement Among The States To Elect The President Of The United States By National Popular Vote.

Page 9: Senate Resolution 16 – Resolution Recognizing The Current Electoral College System As The Best Way To Elect The President Of The United States.

The bold text on pages 2 and 9 attached is my prepared three minute verbal testimony on each bill.

As a progressive, I am theoretically in favor of one person, one vote and the popular election of the President. However, given the current unequal state by state franchise and voting arrangements, votes are not equal and cannot be made so by the Compact or a simple Constitutional amendment.

As a computer scientist and voting integrity activist I find there are extreme risks in the Compact's mismatch with our existing state by state voting system. The Compact would aggravate an already weak electoral accounting system. The major risks are outlined in the attached testimony.

There are many other issues, pro and con, regarding the National Popular Vote and the Electoral College. Many are subjective and speculative. However, to provide integrity and public confidence, changing our current system to the popular election of the president would require sufficient uniform national election laws, that are enforceable and enforced. At a minimum, that would require a Constitutional amendment addressing uniformity, the inadequacies of the 12th Amendment, and the Federal Electoral Count Act.

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¹ This introduction and attached testimony represent my views and do not necessarily represent those of any other organization with which I am a member or affiliated.

H.B. No. 6163 – Oppose

Government Administration and Elections Committee
Testimony – March 11, 2011

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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount. I live in Glastonbury.

I oppose the National Popular Vote Compact. I understand the theoretical advantages of the national popular vote, yet there are extreme risks in its mismatch with our existing state by state voting system.

Three minutes is far too short to change anyone's opinion. Today, my goal is to open minds to consider a more comprehensive analysis.

What often appears simple is not. The Compact would cobble the national popular vote onto a flawed system designed for the Electoral College, with no means to change that system. It would result in unanticipated, yet predictable consequences that are overlooked and glossed over by advocates for the national popular vote

There is no official national popular vote number compiled in time, such that it could be used to officially and accurately determine the winner in any close election.

Even if there were such a number, it would aggravate the flaws in the system. The Electoral College limits the risk and the damage to a few swing states in each election. With a national popular vote, errors, voter suppression, and fraud in all states would count against the national totals.

There is no national recount available for close elections, to establish an accurate number. Only in some individual states, if close numbers happened to occur in those states, would there be even a fraction of a national recount.

For Example: The inaccuracies in Bridgeport did not change the winner here in the race for governor and would not have been enough to change the Electoral College. If it was closer we would have had a recanvass and presumably those errors corrected. However, with the Compact the errors would have counted in a national popular vote number reported by the media or any other number calculated nationwide.

With the Compact there is every reason to believe that any close election would be decided by partisan action of the Congress or the Supreme Court - the same Court that ruled in Gore v. Bush, that not having a uniform recount law in Florida was grounds to stop the recount to avoid harm to the apparent winner. Would that same Court rule differently, faced with a close national popular vote and, even less uniformity between states than existed between Florida counties in 2000? Citizens and candidates can be expected to bring court challenges of Governors and Secretaries of State for relying on and providing inaccurate results in awarding Electoral College votes. As in Gore v. Bush, since the founding, close election controversies have all been decided in seemingly partisan decisions by Congress, special commissions, or the Supreme Court.

This is not a partisan issue. It is opposed by prominent members of both major parties. Those who have publicly spoken against the Compact include former Secretary of the State Susan Bysiewicz (D), Connecticut College Political Scientist Dorothy B. James, Governor Arnold Schwarzenegger (R), and Minnesota Secretary of State and current President of the National Association of Secretaries of State Mark Ritchie (D).

I urge you to consider the risks and chaos made possible if Connecticut were to endorse the National Popular Vote Compact.

Fact or Myth?

There is no official national popular vote number compiled in time, such that it could be used to officially and accurately determine the winner in any close election.

According to NationalPopularVote.org:

20.1 MYTH: There is no official count of the national popular vote.

It is sometimes asserted that there is no official national vote count for President and, therefore, the National Popular Vote bill would be impossible to implement. Contrary to this assertion, existing federal law (section 6 of Title 3 of the United States Code) requires that an official count of the popular vote from each state be certified and sent to various federal officials in the form of a "certificate of ascertainment..."

Reality:

Yes: There is an official, unaudited, national popular vote number which can be determined by examining data posted by the federal government at: <http://www.archives.gov/federal-register/electoral-college>

Reality: The number is not compiled and available in time, such that states could use the number to determine, under the Compact, how to allocate their electoral votes. Looking at the details for 2008, http://www.archives.gov/federal-register/electoral-college/state_responsibilities.html#vote2

We find:

- States must prepare a Certificate of Ascertainment listing electors and the votes that they received: *"The original Certificate and two certified copies (or duplicate originals) should be sent to the Archivist as soon as possible after the November 4 election results are finalized. At the very latest, they must be received by the electors on the statutory deadline of December 15, 2008 and submitted to the Archivist no later than December 16, 2008."*
- *"On the first Monday after the second Wednesday in December (December 15, 2008), the electors meet in their respective States. Federal law does not permit the States to choose an alternate date for the meeting of electors - it must be held on December 15, 2008... At this meeting, the electors cast their votes for President and Vice President."*
- Since states are not required to submit electors and their official unaudited vote totals to the Archivist until December 16th, the national popular vote number obviously could not be guaranteed to be available on December 15th. And since the Certificate cannot be created until after the electors of a state have voted, the final official unaudited national popular number could not be official until all states electors have already voted. But wait...
- *"Any controversy or contest concerning the appointment of electors must be decided under State law at least six days prior to the meeting of the electors."*
- **So, each state must actually appoint its electors six (6) days before they must meet and vote which is seven (7) days before each state is required to send the state's official unaudited popular vote numbers to Washington.** But wait...
- *"The statutory deadline for the designated Federal and State officials to receive the electoral votes is December 24, 2008. Because of the very short time between the meetings of the electors in the States on December 15 and the December 24 statutory deadline, followed closely by the counting of electoral votes in Congress on January 6, 2009, it is imperative that the Certificates be mailed as soon as possible."*
- **So, the real deadline for each state's popular vote number arriving in Washington, would be nine (9) days after the vote for electors, and fifteen (15) days after electors have to be determined. Presumably some time is also needed to accurately post that information so that the official, unaudited numbers would be available for state officials to review.**

Fact or Myth?

There is no national recount available for close elections, to establish an accurate number.

According to NationalPopularVote.org:

3.4 MYTH: Conducting a recount would be a logistical impossibility under a national popular vote.

A recount is not an unimaginable horror or a logistical impossibility. All states routinely make arrangements for a recount in advance of every election. A recount is a recognized contingency that is occasionally required in the course of conducting elections, and recounts do indeed occur about once in every 332 elections. The personnel and resources necessary to conduct a recount are indigenous to each state. A state's ability to conduct a recount inside its own borders is unrelated to whether a recount is occurring in another state.

Reality: Most states, but not all have some type of recount law.

- According to the CEIMN Searchable Recount Database, only 21 states have laws which provide for recounts on close votes: <http://ceimn.org/ceimn-state-recount-laws-searchable-database/>

Reality: A national recount would be a legal and technical impossibility. NationalPopularVote.org claims to refute six Myths about Recounts, yet none address the central issue that there would be no recounts of a close national popular vote:

- But state recount laws are based on close votes within a state, none would be triggered by a close national popular vote.
- As covered previously, there is no official national popular vote number compiled in time for states to determine their Electoral College votes – thus there would be no number available in time to trigger a national recount, even if it were possible to have a national recount.
- There is no provision for a recount within the Compact, even if there was such a provision, it could only apply to states signing the Compact.
- There would be no reason for states controlled by the party of the apparent winner to voluntarily agree to a recount.

Reality: Even if somehow states agreed to a national state by state recount, the Supreme Court can be expected to rule as it did in Gore v. Bush that it would be unfair since it would not be uniform:

- *“Upon due consideration of the difficulties identified to this point, it is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them ...there is no recount procedure in place under the State Supreme Court’s order that comports with minimal constitutional standards. Because it is evident that any recount seeking to meet the December 12 date will be unconstitutional for the reasons we have discussed, we reverse the judgment of the Supreme Court of Florida ordering a recount to proceed.”*
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=000&invol=00-949>
- Even though the Court claimed the decision was not to be used as a precedent, on what basis would they rule differently when faced with a challenge to a far from uniform state by state recount? See Moritz School of Law Professor Edward B. Foley’s comments on Gore v. Bush and equality:
<http://moritzlaw.osu.edu/electionlaw/comments/index.php?ID=8099>

Fact or Myth?

Currently the Electoral College limits the risk and the damage to a few swing states in each election. With a national popular vote, errors, voter suppression, and fraud in all states would count against the national totals.

According to NationalPopularVote.org:

3.6 MYTH: Political fraud and mischief would be encouraged under a national popular vote.

The potential for political fraud and mischief is not uniquely associated with either the current system or a national popular vote. In fact, the current state-by-state winner-take-all system magnifies the incentive for fraud and mischief because all of a state's electoral votes are awarded to the candidate who receives a bare plurality of the votes in each state.

Under the current system, the national outcome can be affected by mischief in one of the closely divided battleground states (e.g., by placing insufficient or defective voting equipment into the other party's precincts, by selectively and overzealously purging voter rolls). The accidental use of the butterfly ballot by a Democratic election official in one county in Florida cost Gore an estimated 6,000 votes—far more than the 537 popular votes that he needed to carry Florida and win the White House in 2000. However, an incident involving 6,000 votes would have been a mere footnote if the nationwide count had governed the presidential election (where Gore's margin was 537,179).

Senator Birch Bayh (D–Indiana) summed up the concerns about possible fraud in a 1979 Senate speech by saying:

"One of the things we can do to limit fraud is to limit the benefits to be gained by fraud. Under a direct popular vote system, one fraudulent vote wins one vote in the return. In the electoral college system, one fraudulent vote could mean 45 electoral votes."

....

Yes: *"The potential for political fraud and mischief is not uniquely associated with either the current system or a national popular vote"*

Reality: *"the current state-by-state winner-take-all system magnifies limits to swing states the incentive for fraud and mischief because all of a state's electoral votes are awarded to the candidate who receives a bare plurality of the votes in each state."*

Reality: Because, under the national popular vote, all of the nation's electoral votes would be awarded to the candidate who receives a bare plurality of the votes in all states, **the national popular vote would magnify the opportunity and magnify the incentive.** It would magnify the opportunity to all 50 states and the District of Columbia. It would magnify the incentive since fraud and mischief in one or all of those states could change the national popular vote plurality and take all 538 electoral votes.

Yes: *"Under the current system, the national outcome can be affected by mischief in one of the closely divided battleground states... In the electoral college system, one fraudulent vote could mean 45 electoral votes."*

Reality: Using the same logic, under the national popular vote, **the national outcome can be affected by mischief in one or all of the 50 states and the District of Columbia**, including in one or more of the closely divided battleground states.

Reality: Senator Bayh is incorrect. If one vote *"could mean 45 electoral votes"* under the Electoral College, then under the National Popular Vote one vote could mean all 538 electoral votes, **not** as claimed by Senator Bayh: *"one vote in the return"*.

Fact or Myth?

With the Compact there is every reason to believe that any close election would be decided by partisan action of the Congress or the Supreme Court. As in *Gore v. Bush*, since the founding, close election controversies have all been decided in seemingly partisan decisions by Congress, special commissions, or the Supreme Court.

Reality:

Quoting Professor Edward B. Foley and Nathan L. Colvin, of the Moritz School of Law, in their recent paper, “*The Twelfth Amendment: A Constitutional Ticking Time Bomb*”:

*Although the Supreme Court’s decision in *Bush v. Gore* averted congressional confrontation over electoral votes pursuant to the deficient framework of the Twelfth Amendment, the episode signals the possibility that a similar dispute might arise again—but this time without the saving intervention of the Supreme Court. Although the events of 2000 produced passing interest in the mechanism established by the Twelfth Amendment, since then there has been no sustained plan to prepare the nation if a dispute over electoral votes goes all the way to Congress. Nevertheless, the history of the Twelfth Amendment and the commentary on it during the nineteenth century show that the nation needs a contingency plan of this sort...like putting off preparations to defend against a once-a-century category five hurricane, it is easy to postpone consideration of a constitutional amendment designed to protect against another debacle of the kind that occurred in 1876... it is also worth proposing a second-best legislative solution that would modify the Electoral Count Act... either of the two major political parties will want to block any measure it perceives as disadvantageous to its interest ...our country has embarked on a meandering journey of ad hoc approaches to resolving electoral disputes. The decision of the Supreme Court in 2000 marked only the most recent stop on this journey but was met with as much dissatisfaction as previous historic stops such as the Electoral Commission and the Twenty-second Joint Rule. Instead of waiting for the next electoral dispute and hoping that the Court or a bipartisan split in Congress might save our country, Congress should address this historic problem with an amendment to the Constitution that clearly addresses the electoral count procedures... The starting issue for an analysis of electoral vote determination under the Constitution is ascertaining where the Constitution vests the power to count and/or determine the validity of votes, and this is where the first ambiguity comes from. There are four possible actors: (1) the Vice President of the United States acting as the President of the Senate, (2) the two houses of Congress acting together, (3) the two houses of Congress acting separately, and (4) the states.¹³ The text of the Twelfth Amendment is unclear on this subject, and, throughout our history, various theories have prevailed.*

They also quote Justice Joseph Story:

In the original plan, as well as in the amendment, no provision is made for the discussion or decision of any questions, which may arise, as to the regularity and authenticity of the returns of the electoral votes It seems to have been taken for granted, that no question could ever arise on the subject; and that nothing more was necessary, than to open the certificates, which were produced, in the presence of both houses, and to count the names and numbers, as returned.

References:

The Twelfth Amendment: A Constitutional Ticking Time Bomb

http://www.law.miami.edu/studentorg/miami_law_review/issue_archive/pdf/vol64no2/MIA204.pdf

The Founders’ *Bush V. Gore*: The 1792 Election Dispute and Its Continuing Relevance

<http://indylaw.indiana.edu/ilr/pdf/vol44p23.pdf>

More on the National Popular Vote Movement

A Few Obstacles to Consider

By Rosanne Smyle

Special to The [Mystic] Times

Were you one of those voters disgusted with the Electoral College system after the 2000 Presidential election debacle? Were you angry that, despite Al Gore having garnered hundreds of thousands of votes over George W. Bush, Gore ultimately lost the election? Did you find yourself asking, "What happened to the concept of one person, one vote? Is it time to get rid of the Electoral College system?"

You might also have found yourself behind the National Popular Vote movement. Four states have voted for the NPV compact, and another 15, including Connecticut, have legislation in the works to try to pass the concept that elects the candidate with the highest number of votes nationally.

Before scrapping a system that has been in place for more than 200 years, however, **Political Scientist Dorothy B. James cautioned that the NVP has more than a few obstacles to overcome before becoming reality.**

James, professor of government at Connecticut College, offered historical perspective and a dose of political reality in a recent talk sponsored by the League of Women Voters of Southeastern Connecticut at the Waterford Public Library.

While some people felt passionate about the outcome of the 2000 election, James, whose specialization includes presidential politics, elections and Constitutional law, noted that the election marked one of only five times since 1789 that the electoral vote has not agreed with the popular vote.

The first two, in 1800 and 1824, happened before the country established a strong political party system, she said. The third, in 1876, occurred in an election genuinely in doubt, James said, while the fourth, in 1888, happened in an election marred by fraud and corruption.

The circumstances surrounding the 2000 election culminated in what some have called a political perfect storm, borrowing the term from the maritime tragedy detailed in the book "The Perfect Storm," in which everything that could go wrong did go wrong, James said.

"This is not something that's the wave of the future," she said. "And this is not going to be a frequent event."

The National Popular Vote Compact proposal offers a way to elect the president by popular vote and circumvent the U.S. Constitution, in which the Electoral College system is specified. It does, however, use the Electoral College, as it would take effect nationally only after identical legislation was passed by enough states to equal the required majority of 270 electoral votes.

Maryland, New Jersey, Illinois and Hawaii – representing 50 electoral votes – have passed legislation to enact the NVP.

Going this route has its obstacles, but amending the Constitution would present even more difficult challenges. Changing the Constitution is a rare feat, James said, given the history of proposing and ratifying 27 amendments in more than 200 years, 10 comprising the Bill of Rights and three enacted during the Civil War, when half the country wasn't included in the vote.

Another issue for thought, James said, is if the NVP system is enacted, what would prevent another matter from circumventing the amendment route and being implemented, another matter that might not be as benign as electing a president.

Under the NVP system, if the majority of the nation voted for the Republican candidate, while Connecticut voted for the Democrat, our state would have to go along with the majority.

The Electoral College also gives rural states a chance to vote for their candidate, rather than be swallowed up in a larger geographical area with a different candidate choice under the NVP compact. The critical number of 270 electoral votes would be reached if the country's 11 largest states adopted the NVP compact.

James also noted that the United States is a nation with an overabundance of lawyers who would dissect the wording of any NPV proposal and ultimately tie up the issue in litigation. She reminded her audience of a former president's question on language that depended on the definition of what "is" is.

Also, she said, the NPV has no provision for recounts, which, given the current state of the contested Minnesota senate race, would seem necessary.

Even more problematic, she said, is that we have 51 different electoral systems across the nation and a general sloppiness in vote counts. Keeping track of voters is an issue.

"People are losing their homes. They are not living where they vote."

Absentee ballots failing to arrive on time, inaccurate voter registrations and flawed software are just a few of the basic problems sorely needing attention in an inadequately funded and staffed system.

Then there is the problem of unannounced polling places. James noted that she, a political scientist, didn't know until she went to vote that the location changed because of construction. She said she scrambled to call people and let them know.

Driving home her point, she cited a recent New York Times article on an academic study, in which it was reported that in 2008, four million to five million voters had problems with registration or absentee ballots and did not vote. The story also said another two million to four million voters were discouraged from voting after encountering problems such as long lines and identification requirements.

Also, while some are calling for more and more technology, James said, "Technology gets in the way of accuracy."

It's one more step and one more chance, she said, for something to go wrong.

"Voters do obscenely stupid things," she said. What is needed in an election is accuracy, simplicity, verifiability, speed, transparency and anonymity for the voter.

"Until you can take care of these technical issues, then you're not going to get closer to one person one vote."

Rosanne Smyle is a member of the board of the League of Women Voters of Southeastern Connecticut. The League, open to men and women, is a non-partisan group that encourages informed and active participation in government.

ELECTORAL COLLEGE
There Is A Better Way To Pick A President
By SUSAN BYSIEWICZ
December 14, 2008

Tomorrow, I will preside over a special meeting of Connecticut's seven electors at the state Capitol in the Senate chambers. There, they will officially cast votes for president and vice president of the United States. Hundreds of students from local schools and members of the public are expected to watch this 200-year-old exercise in democracy after one of our most historic presidential elections.

Although this special ceremony connects us to our great history and the Founders of our republic, the Electoral College serves little practical value and has outlived its usefulness. I believe it divides Americans across state lines and should be abolished. We need only look back at the 2000 presidential campaign to see how flawed and troubling it is that the candidate who won the popular vote still lost the election.

As President-elect Barack Obama has often said, we are one people. We are not just a loose confederation of states with profoundly different languages or cultures. A working mother in Idaho is just as concerned as a working mother in Connecticut about keeping health care for her children if she or her spouse loses a job.

Many important issues are largely ignored in our national conversation, due in part to the way we elect the president. For instance, when was the last time you heard a Republican or a Democratic presidential nominee make a serious proposal to tackle urban poverty or campaign for votes in some of our most destitute and densely populated areas?

The reality is that the needs of the urban poor are largely ignored because many millions of city dwellers don't vote. They don't feel they have a stake in the presidency. In cities including New York, Chicago, Los Angeles, Oklahoma City, Houston, Atlanta, Buffalo and right here in Hartford and Bridgeport — in solid "blue" and "red" states — the outcome of the presidential election is a foregone conclusion. We can't continue to disregard our cities because the "real" votes are in the suburbs and then be shocked when these areas are plagued by blight and violence.

It doesn't have to be this way. Our Constitution was written to accommodate change, and this is one of those rare historic moments.

Let's remember why the Electoral College was originally put into the Constitution: It was a significant concession to the slave-holding South. Because slaves were not eligible to vote, the South would be at an electoral disadvantage compared with Northern states with higher populations of eligible voters (white, adult property-owning males). With the number of electoral votes allotted to each state based on congressional representation, every state was guaranteed at least three electors. This checked the voting power of the North and preserved significant electoral influence for the South. The Electoral College was put in place to protect the institution of slavery. It is long past time for this last vestige of that shameful era to go.

The most direct way to eliminate the Electoral College is to amend the Constitution to mandate that the president be elected by a majority of voters, with provisions to deal with plurality elections such as in 1992.

There is a movement in several states to circumvent the Electoral College by changing state laws to mandate that electors vote for the national winner of the popular vote. I oppose this idea because electoral votes would not necessarily be awarded to the candidate who won the most votes in a given state.

To abolish the Electoral College, a constitutional amendment must pass with the support of at least two-thirds of the Congress and be ratified by three-quarters of the states. It has happened before. Slavery was abolished in 1865. Women were granted the right to vote nationally in 1920. The minimum voting age was lowered to 18 in 1971.

Many detractors say it's never going to happen. The smaller states that are given disproportionate electoral power under our current system will never agree to the change, they say, and it will only take 13 states voting no to scuttle the proposed amendment.

But to all those who say it's never going to happen — before 2008 nearly everyone would have said the same thing about electing an African American president.

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Minnesota Secretary of State Mark Ritchie's comments in a speech to the National Association of Secretaries of the State (NASS) , winter conference, February 7, 2009 in Washington, D. C.: *"I'd love to discuss the Electoral College and the importance of that institution, when you imagine a national recount"*

Also verified by Luther Weeks in conversations with Mark Ritchie, Seattle, WA, Spring 2009: He expressed opposition to the national popular vote in any form because of the lack of uniform laws, especially the absence of and the difficult logistics of a national recount.

I am opposed to S.J. 16 declaring that the Electoral College is the best way to elect the President based on the questionable claim that it gives Connecticut an advantage as a small state. Today, I also testified against the National Popular Vote Compact. Not based on theoretical opposition to the popular vote, but because of the increased risks created by cobbling it on to our existing state by state presidential election system, which is seriously flawed as it is.

There are three possible ways we could elect a president: The Popular Vote, the Electoral College, or like a prime minister elected by the national legislature. Each of these ways was considered by the Founding Fathers before compromising on the Electoral College.

There is no perfect answer. We have seen each of these systems elect outstanding leaders, yet also disastrous leaders both weak and strong.

Instead, this body could encourage Congress toward two positive goals:

First, to enact voting integrity legislation like that championed by Representative Rush Holt: Legislation that would provide voting integrity to each state, with mandated paper ballots, independent post-election audits, and close vote recounts. Perhaps someday the United States could meet the standards required by the Carter Center that would qualify our elections for international monitoring.

Second, to initiate fixes to the ambiguities in the Federal system for determining the president by the Electoral College - paving the way for a future change to the popular vote. Quoting Professor Edward B. Foley and Nathan L. Colvin, of the Moritz School of Law, in their recent paper, “*The Twelfth Amendment: A Constitutional Ticking Time Bomb*”:

*like putting off preparations to defend against a once-a-century category five hurricane, it is easy to postpone consideration of a constitutional amendment designed to protect against another debacle of the kind that occurred in 1876... it is also worth proposing a second-best legislative solution that would modify the Electoral Count Act... **The flaws of the Twelfth Amendment are so fundamental that constitutional change is necessary.** We recognize the exceedingly difficult nature of attaining a constitutional amendment, especially on a topic where either of the two major political parties will want to block any measure it perceives as disadvantageous to its interests..., ...our country has embarked on a meandering journey of ad hoc approaches to resolving electoral disputes. The decision of the Supreme Court in 2000 marked only the most recent stop on this journey but was met with as much dissatisfaction as previous historic stops such as the Electoral Commission and the Twenty-second Joint Rule. **Instead of waiting for the next electoral dispute and hoping that the Court or a bipartisan split in Congress might save our country, Congress should address this historic problem with an amendment to the Constitution that clearly addresses the electoral count procedures.***

References:

The Twelfth Amendment: A Constitutional Ticking Time Bomb

http://www.law.miami.edu/studentorg/miami_law_review/issue_archive/pdf/vol64no2/MIA204.pdf

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<http://indylaw.indiana.edu/ilr/pdf/vol44p23.pdf>

The Holt Bill

<http://www.ctvoterscount.org/action-ask-your-representative-to/>