

Federal Suit Demands State Legislatures in Contested States Be Allowed to Certify Electors Prior to Congressional Count

Group says governors using federal, state statutes to violate state legislatures' constitutional right to post-election certification of Presidential electors

ARLINGTON, VIRGINIA, UNITED STATES, December 22, 2020 /EINPresswire.com/ -- The Amistad Project of the non-partisan Thomas More Society has filed a lawsuit in the United States District Court for the District of Columbia demanding that legislatures in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin be allowed to certify electors prior to congressional certification.

"Kings and Queens dissolve parliaments and legislative bodies, not Governors. At least that was the case until this year. Governors in these contested states have declared themselves to be the law due to COVID and are now actively preventing the state legislatures from exercising their constitutional authority to review the election process," said Phill Kline, Director of the Amistad Project.

"The governor of Pennsylvania is refusing to allow the legislature there to meet, while in Michigan the attorney general is threatening legislators who disagree with certification with criminal investigation, and Gov. Whitmer uses COVID – and later a non-existent threat – as an excuse to prevent Republicans in Michigan legislature from entering the Capitol Building while Democrats were allowed in the building to vote on certification," Kline continued. The lawsuit argues that current federal and local statutes interfere with state legislatures' constitutional right to certify Presidential electors, in a direct violation of separation of powers. It also cites an Amistad Project white paper which illustrates how the Electoral College vote deadline of December 14 is arbitrary and does not apply to the contested states.

Currently, state law and the executive branch refusal have prevented state legislatures from meeting as a body to review, investigate and debate the method in which the election was conducted. "No one person, or small group of persons, should be able to prohibit the state legislature from performing its constitutional responsibilities," Kline added.

"Unfortunately, current federal and state code has allowed a constitutionally non delegable legislative function and responsibility to become a ministerial process," said Erick Kaardal, lead attorney for the Amistad Project.

Reference: Case number 1:20-cv-03791

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