
U.S. Supreme Court restricts 'electors' in presidential contests

By: Andrew Chung and Lawrence Hurley / Reuters
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The U.S. Supreme Court on Monday refused to free “electors” in the complex Electoral College system that decides the U.S. presidency from state laws that use penalties to force them to support the candidate who prevails in the state’s popular vote.

The justices unanimously declined to endorse the discretionary power of electors just months before the Nov. 3 president election. The justices ruled in favor of Washington state and Colorado, which had imposed penalties on several so-called faithless electors who defied pledges in 2016 to vote for the winner of their states’ popular vote, Democrat Hillary Clinton.

State officials have said faithless electors threaten the integrity of American democracy by subverting the will of the electorate and opening the door to corruption. The plaintiffs said the Constitution requires them to exercise independent judgment to prevent unfit candidates from taking office.

“The Constitution’s text and the nation’s history both support allowing a state to enforce an elector’s pledge to support his party’s nominee - and the state voters’ choice - for President,” Justice Elena Kagan wrote on behalf of the court.

Under the system set out in the U.S. Constitution in the 18th century, the winner of a presidential election is determined not by amassing a majority in the national popular vote but by securing a majority of electoral votes allotted to the 50 U.S. states and the District of Columbia.

In 2016, 10 of the 538 electors cast ballots for someone other than their state’s popular vote winner, an unusually high number that could have changed the outcome of five of the 58 previous U.S. presidential elections.

The justices on Monday upheld a decision by the Washington state Supreme Court that had found the \$1,000 fines

against three faithless electors to be lawful and did not violate the Constitution's provisions that spell out the Electoral College process.

The justices also reversed a 2019 ruling by the Denver-based 10th U.S. Circuit Court of Appeals against Colorado's cancellation of a faithless elector's vote. Justice Sonia Sotomayor did not participate in the Colorado case.

Republican President Donald Trump, who defeated Clinton by a margin of 304 to 227 Electoral College votes despite losing the popular vote nationally by about 3 million votes, is seeking re-election against Democratic candidate Joe Biden.

In the Electoral College vote held weeks after the general election, the electors - typically party loyalists - cast their ballots to formally determine the election's winner. Colorado and Washington state are among the 48 states - only Maine and Nebraska excepted - with winner-takes-all systems awarding all electors to the candidate who wins the state's popular vote.

Thirty-two states and the District of Columbia have laws intended to control how electors vote. Only a handful enforce them with penalties.

The two lead plaintiffs in the cases decided on Monday, Bret Chiafalo and Micheal Baca, were Democratic electors who sought to persuade Republican electors to disregard their pledges and help deny Trump the presidency. They cast their ballots for moderate Republicans and not Clinton even she won the popular vote in both states.

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