

Rep. Gohmert Files Response to DOJ/Pence, Argues VP Can Count GOP Electors in Contested States, Ignore Electors From Others

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Rep. Louie Gohmert has filed a new document in the lawsuit brought on by him and other Republicans to stop the Democrats from stealing the 2020 election.

The new filing argues that Vice President Mike Pence has the authority to count Republican electors in contested states, or ignore the electors from those states all together.

“Under the Constitution, he has the authority to conduct that proceeding as he sees fit,” Gohmert argues. “He may count elector votes certified by a state’s executive, or he can prefer a competing slate of duly qualified electors. He may ignore all electors from a certain state. That is the power bestowed upon him by the Constitution.”

The filing asks that the court displace Congress’s longstanding role in counting the votes of the Electoral College in Presidential elections, which would bring a “peaceful conclusion” to the presidential election process.

“By reaffirming the Constitutional prerequisites and processes for deciding the Presidential election and granting the relief requested, this Court can set the stage for a calm and permanent resolution of any and all objections and help smooth the path toward a reliable and peaceful conclusion to the presidential election process,” Gohmert’s attorneys wrote.

Politico noted that “Gohmert’s latest submission argues that Pence, through his lawyers, is minimizing and even trivializing his role – relegating himself to a position as a ‘glorified envelope-opener in chief.’”

Gohmert’s lawsuit maintains that if Pence refused to accept enough electoral votes to put either candidate over the 270-vote threshold when voting takes place on January 6, the election would go to the House under the Twelfth Amendment, giving state delegations a single vote. Should this happen, the outcome would likely favor Republicans, because while they are the minority, they control more state delegations.

Pence has urged the court to reject Gohmert’s lawsuit, but has not indicated if he plans to count the Republican elector slates submitted in Arizona, Michigan, Wisconsin and Georgia.

Gohmert is pushing for a ruling by Jan. 4, two days ahead of the vote.

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