

General Convention of The Episcopal Church 2022 Archives' Research Report

Resolution No.: 2022-D043
Title: Abolish or Modernize the Electoral Count Act of 1887
Proposer: Mr. Warren Wong
Topic: Civil Rights

Directly Related: (Attached)

2018-C047 Support Voting Reforms that Achieve "One Person, One Vote"
2018-D003 Call on Governments to Cease Voter Suppression and Increase Voter Participation
2018-D096 Urge Advocacy for Good Governance and Fair Participation

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2018, selecting "direct" resolutions that have a substantive bearing on the proposed legislation. The "direct" resolutions are attached and "indirect" resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#) or call 800-525-9329.

D043 - Abolish or Modernize the Electoral Count Act of 1887

Final Status: Not Yet Finalized

Proposed by: Mr. Warren Wong

Endorsed by: Ms. Sarah Lawton, The Rev. Eric M. M. Metoyer

Requests New Interim Body: No

Amends C&C or Rules of Order: No

Has Budget Implications: No

Cost:

HiA: HD

Legislative Committee Currently Assigned: 08 - Social Justice & United States Policy

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That this 80th General Convention of The Episcopal Church condemn the insurrection of January 6, 2021, the deadly assault on the United States Capitol which attempted to overturn the result of the 2020 Presidential Election, taking advantage of ambiguities in the Electoral Count Act of 1887; and be it further

Resolved, that this 80th General Convention call for Congress to repeal the Electoral Count Act of 1887, or to update the Electoral Count Act to guard against crises during future Presidential Elections, rectifying several deficiencies in the Electoral Count Act's 130-year-old text, including how it handles: (1) election timing, (2) state determinations, (3) the Vice President's role, (4) objections, and (5) the dispute resolution process ; and be it further

Resolved, that this 80th General Convention support the adoption by all states of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the president until the abolition of the Electoral College is accomplished.; and be it further

Resolved, that this 80th General Convention direct, consistent with established policies and procedures, that the Executive Council refer this Resolution to the Office of Government Relations, so that it may take all actions necessary to accomplish the intentions and purposes of this Resolution.

Explanation

The U.S. Congress must repeal or reform the Electoral Count Act to guard against crises during future Presidential Elections, ensuring the peaceful and orderly transition of power, modeling democracy for the watching world.

On January 6, 2021, Presiding Bishop Michael Curry strongly denounced that day's riotous assault on the United States Capitol by supporters of President Donald Trump, referring to it as an "attempted coup." (<https://www.episcopalnewsservice.org/2021/01/06/presiding-bishop-condemns-coup-attempt-at-us-capitol/>) The attack took place as Congress was meeting to certify the votes of the Electoral College and confirm President-elect Joe Biden's victory, which Trump and a Republican faction in Congress sought to overturn on false grounds. The premise of that attack was rooted in the obscure, rarely relevant Electoral Count Act of 1887.

The Episcopal Church can join with nonprofits such as the National Task Force on Election Crises and the League of Women Voters in advocating to reform American election law. A recent Congressional staff report (https://cha.house.gov/sites/democrats.cha.house.gov/files/documents/Electoral%20Count%20Act%20Staff%20Report_.pdf) outlines several options for reform, as well as providing additional detail about the current risks. Repealing or reforming the Electoral Count Act would provide a clear foundation for presidential elections that respect the participation of every voter.

There is a particular need for religious voices in support of election reform because, as Executive Council observed in Resolution MW 036, the insurrection included "sacred Christian symbols, signs, banners, and flags carried by the insurrectionists who declared allegiance to both Jesus and the former president, sometimes conflating the two." (https://extranet.generalconvention.org/governing_and_interim_bodies/executive_council/resolution?id=257) General Convention has spoken in support of democratic principles and good governance in the past, including most recently Resolutions 2018-D096, 2018-D003, and 2018-C047. This resolution builds on that history and would address a specific, current risk to democracy in the United States.

In order to prevent or mitigate further harm to American democracy, the Electoral Count Act must be abolished or updated in advance of the 2024 presidential election. Our support of this issue cannot wait for the next triennium.

Additional References

<https://www.cnn.com/2020/12/31/politics/electoral-college-house-republicans/index.html>

1. January 6. The insurrection. We saw the unholy alliance of white supremacy and Christian nationalism attempt to overthrow not simply a democracy. An attempt to overthrow the possibility of a multiracial, truly diverse America where all peoples of all stripes and types could find a home and live with liberty and justice for all.

[Episcopal Church House of Bishops: sermon from the Presiding Bishop, March 11, 2021
<https://www.episcopalchurch.org/publicaffairs/episcopal-church-house-of-bishops-sermon-from-the-presiding-bishop-2/>]

2. Episcopal Bishops write letter urging Episcopalians to avoid inauguration-related protests amid threats of violence

“We hope that all people of goodwill will join us in raising our voices to support our country’s democracy, letting our elected officials know that we are praying for them, particularly in the aftermath of last week’s siege of the U.S. Capitol. [2021
https://www.episcopalnewsservice.org/2021/01/13/13-bishops-write-letter-urging-episcopalians-to-avoid-inauguration-related-protests-amid-threats-of-violence/?fbclid=IwAR28OGDHW1fB6O_ExeR0dWHnHyMbVDJgrvSCKM4Wy_x-eowAhleXutL_ZH4]

3. The Episcopal Church supports the “one person, one vote” principle, the basis for democracy, and opposes all voter suppression tactics...

2018-C047 Support Voting Reforms that Achieve "One Person, One Vote" Concurred as Amended The 79th General Convention authorizes a working group to propose reforms for achieving the principle of one person, one vote at all levels of civil government, and provide staff funding for to the Government Relations Office for this work.

Resolution Number: 2018-D096. Urge Advocacy for Good Governance and Fair Participation

[https://www.episcopalarchives.org/cgi-bin/acts/acts_search.pl Citation: General Convention, Journal of the General Convention of...The Episcopal Church, Austin, 2018 (New York: General Convention, 2018), p. 1067.]

Resolution Number: 2018-D003 Call on Governments to Cease Voter Suppression and Increase Voter Participation [Citation: General Convention, Journal of the General Convention of...The Episcopal Church, Austin, 2018 (New York: General Convention, 2018), pp. 672-673]

4. Executive Council Resolution MW 036, adopted Jan. 25, 2021. White Supremacy and Deradicalization

Resolved, That the Executive Council, meeting virtually from January 22, through January 25, 2021, acknowledges and repents its past support for white supremacy and the sins of the Church’s past in being complicit and upholding white supremacist ideologies and systems; we are called to notice and remove these sins from our current and future Church as we grapple with having benefitted from these sins;

Resolved, That the Executive Council is alarmed that white nationalism is increasingly on the rise and violent white supremacist groups are increasing in the number of those who

believe in dangerous conspiracy theories, including members of Congress, high-level government officials, and influential media personalities;

Resolved, That the Executive Council recognizes how white Christian nationalism fuels and is fueled by white supremacy, most recently the insurrection at the U.S. Capitol on January 6, 2021, which included sacred Christian symbols, signs, banners, and flags carried by the insurrectionists who declared allegiance to both Jesus and the former president, sometimes conflating the two;...

[
https://extranet.generalconvention.org/governing_and_interim_bodies/executive_council/resolution?id=257]

5. LWVUS advocates for abolishing the Electoral Count Act.

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished.

A League study of the presidential electoral process culminated in a 1970 position supporting direct election of the President by popular vote as essential to representative government.

The 2008 Convention voted to conduct a study of the National Popular Vote Interstate Compact (NPVIC) proposal, which would establish the popular election of the President through a compact among the states governing how they would cast their votes in the Electoral College.

The 2010 Convention adopted a concurrence to support the NPVIC as another method of selecting the President until the Electoral College is abolished.

<https://www.lwv.org/impact-issues> “The blue book,”

<https://www.lwv.org/sites/default/files/2020-12/LWV-impact-2020.pdf> pp. 46-47

...Selection of the President
The League’s Position

6. The National Task Force on Election Crises states Congress Must Update the Electoral Count Act to Guard Against Crises During Future Presidential Elections.

The federal law governing the casting and counting of electoral votes—the Electoral Count Act of 1887—is severely flawed and can no longer be relied upon to ensure a peaceful conclusion to presidential elections. Congress must rectify several deficiencies in the Electoral Count Act’s 130-year-old text, including how it handles: (1) election timing, (2) state determinations, (3) the Vice President’s role, (4) objections, and (5) the dispute resolution process.

The National Task Force on Election Crises is a diverse, cross-partisan group of more than 50 experts in election law, election administration, national security, cybersecurity, voting rights, civil rights, technology, media, public health, and emergency response. The Task Force's mission is to prevent and mitigate a range of election crises by calling for critical preventative reforms to our election systems. The only electoral outcomes the Task Force advocates for are free, fair, and safe elections in the United States.

[<https://www.electiontaskforce.org/>]

Report

UNDERMINING FREE & FAIR ELECTIONS:

AN UPDATE ON THE RISK OF ELECTION CRISES SINCE NOVEMBER 2020

July 14, 2021

<https://static1.squarespace.com/static/5e70e52c7c72720ed714313f/t/60ecbb773b84fb5bce43c7fc/1626127223644/Task+Force+Progress+Report+%28July+2021%29.pdf>

7. Maplight report. "Election in Peril: Procedural Risks to the 2020 Presidential Election"

"After the general public's votes have been cast and counted, the 2020 presidential election also faces procedural challenges in the Electoral College. Close (or contested) election results, combined with the heightened partisan environment, could produce the opportunity for a small number of individuals to change the course of the election...

"The complexities of the Electoral College provide many procedural risks to a fair and representative presidential election.

[<https://maplightarchive.org/story/maplight-report-outlines-severe-threats-to-2020-election-integrity/>]

MapLight – Improving Government and Democracy ...

<https://www.maplight.org>

Nonpartisan nonprofit improving government and democracy, through online transparency, voter information, and civic technology.

8. The Electoral Count Act of 1887 (ECA) (Pub.L. 49–90, 24 Stat. 373,[1] later codified at Title 3, Chapter 1[2]) is a United States federal law adding to procedures set out in the Constitution of the United States for the counting of electoral votes following a presidential election. The Act was enacted by Congress in 1887, ten years after the disputed 1876 presidential election, ... [Wikipedia]



Resolution Number: 2018-C047
Title: Support Voting Reforms that Achieve "One Person, One Vote"
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 79th General Convention of The Episcopal Church authorize Executive Council to create a working group to study, define, and propose reforms by which civil government at all levels (local, state, and federal) may move closer toward making a reality of the principle of one person, one vote; and be it further
Resolved, That the General Convention budget allocate \$35,000 (salary and benefits) for 1/4 FTE staff person at the Office of Government Relations of The Episcopal Church to track federal legislative proposals for the creation and operation of the One Person, One Vote working group, and to provide timely action alerts to bishops, dioceses, and Episcopal Public Policy Network subscribers.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), p. 508.



Resolution Number: 2018-D003
Title: Call on Governments to Cease Voter Suppression and Increase Voter Participation
Legislative Action Taken: Concurred as Substituted
Final Text:

Resolved, That this 79th General Convention of The Episcopal Church hereby calls on all states to cease and desist efforts to suppress the voting rights of American Citizens; and be it further

Resolved, That The Episcopal Church calls on governments on all levels to create policies to enhance voter participation by, among other strategies, seeking to implement policies that will increase early voting, extend registration periods, guarantee an adequate number of voting locations, allow absentee balloting without the necessity of having an excuse, and prohibit forms of identification that restrict voter participation; and be it further

Resolved, That in accordance with Executive Council Resolution AN033 adopted October 25, 2017, the 79th General Convention of The Episcopal Church reaffirms that one person one vote means that the votes of all citizens of all races and ethnicities are fairly represented, counted and accounted for; that we oppose any form of partisan gerrymandering which has the same effect of racial gerrymandering; and be it further

Resolved, That the 79th General Convention call upon the National Conference of State Legislators to address gerrymandering as a major focus in developing a fair, not gerrymandered electoral process.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 672-673.



Resolution Number: 2018-D096
Title: Urge Advocacy for Good Governance and Fair Participation
Legislative Action Taken: Concurred
Final Text:

Resolved, That the 79th General Convention be concerned about a worldwide surge in autocratic governments; and be it further

Resolved, That the 79th General Convention affirm that governments function best when they are responsive, participatory, and transparent, and ensure adequate protection for minorities; and be it further

Resolved, That the 79th General Convention encourage the Office of Government Relations to partner with Anglicans and Anglican provinces globally to support one another in advocating for good governance and free and fair participation of its citizens in civic processes; and be it further

Resolved, That the 79th General Convention encourage individual Episcopalians, parishes and dioceses in all provinces of The Episcopal Church to engage their own governments and civic institutions to be responsive, transparent, and participatory, and urge their governments to promote these principles of good governance globally.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), p. 1067.