

Dear Friend,

I take very seriously my sworn oath to uphold the U.S. Constitution and my responsibility to represent the voters of Florida's Fourth Congressional District. I believe it is important to be open and transparent with you about my votes before Congress and the reasoning behind my decisions. In that vein, I would like to take this opportunity to share with you the historical context and constitutional basis for my decision to object to the certification of electors from Arizona and Pennsylvania, which I have outlined in more detail below.

Our Founders, through [Article II, Section I, of our Constitution](#), granted state legislatures the sole power to determine the manner for appointing electors to the electoral college. In both Arizona and Pennsylvania, state officials and the courts made unilateral changes to election processes, including to mail-in ballot signature verification requirements and voter registration deadlines, in contradiction to the laws established by their state's legislature.

As your federal representative, I have the responsibility to serve as a check and balance on our federal elections through the certification process required of Congress by the [Electoral Count Act of 1887](#) (3 U.S. Code § 15): that on January 6th, at 1:00pm, Congress shall meet in a joint session to certify the electors of each state, one by one, in alphabetical order; that if a member of the House and a member of the Senate both object, in writing, to the electors of a state, the session will recess to their respective chamber to debate the objection; and that at the end of the debate, each chamber will vote to determine if the objection to that state's electors holds.

On January 6, 2021, members of both the House and the Senate objected to electors from Arizona and Pennsylvania, which were then considered by both chambers. At the conclusion of the debate in the House, I agreed that both states violated the Article II, Section 1, requirement that only state legislatures may determine election laws. Even so, neither objection held and both states had their electors' votes counted.

After all concerns had been raised and debated, it was abundantly clear that former Vice President Joe Biden earned the 270 votes required to be elected the next President of the United States. I offer my sincerest congratulations to President-elect Biden and Vice President-elect Harris, and I pray for them as they lead our great country.

To be clear, my objection and those of my colleagues did not have enough support to change the outcome of the election; yet it was a vote rooted in what I believe is my oath to uphold our Constitution and hold states accountable. Objecting to electoral votes is a regular part of Congress's role in certifying electors and ensuring the integrity of our elections. Some of the more well-known instances of Congressional objections occurred in [1969](#), [2001](#), [2005](#), and [2017](#). This is a regular part of the formal certification and oversight of our elections process, and a good one.

Whether we agree or disagree with the conclusion I reached on January 6th, please know it is my distinct honor to service you in Congress. These are times of divisive political rhetoric that we must overcome together. It is my hope that keeping an open door and open dialogue will help our community refocus on the issues that bring us together, like safely rebuilding a strong economy, protecting our First Amendment rights, and standing up for the rule of law.

May God bless you, your family, and our nation.

Sincerely,



CONGRESSMAN
JOHN RUTHERFORD
— Representing Florida's 4th District —



History of Electoral Objections

1968 Election: Richard Nixon vs. Hubert Humphrey vs. George Wallace

- Results:
 - Richard Nixon: 301 Electoral Votes
 - Hubert Humphrey: 191 Electoral Votes
 - George Wallace: 46 Electoral Votes
- Objection:
 - Representative James O'Hara (D-Michigan) and Senator Edmund Muskie (D-Maine) – The House rejected the objection 228-170, as did the Senate 58-33.

2000 Election: George W. Bush vs. Al Gore

- Results:
 - George Bush: 271 Electoral Votes
 - Al Gore: 266 Electoral Votes
- Objection:
 - Following the reading of the Florida vote, objections from several House members were voiced, including Alcee Hastings (D-Florida), Eddie Bernice Johnson (D-Texas), Maxine Waters (D-California), and Barbara Lee (D-Florida), but failed to be recognized without a Senatorial sponsor.

2004 Election: George W. Bush vs. John Kerry

- Results:
 - George Bush: 286 Electoral Votes
 - John Kerry: 251 Electoral Votes
- Objection:
 - Representative Stephanie Tubbs Jones (D-Ohio) and Senator Barbara Boxer (D-California) – The House rejected the objection 267-31, as did the Senate 74-1. [Then Minority Leader Nancy Pelosi \(D-CA\) spoke in support](#) of objecting; current Members of Congress who voted to reject the electoral votes from Ohio include: Jim Clyburn (D-SC), [Danny Davis \(D-IL\)](#), Raul Grijalva (D-AZ), Alcee Hastings (D-FL), Sheila Jackson-Lee (D-TX), Eddie Bernice Johnson (D-TX), [Barbara Lee \(D-CA\)](#), Ed Markey (D-MA); Frank Pallone (D, NJ-06); [Janice Schakowsky \(D-IL\)](#), Bennie Thompson (D-MS), [Maxine Waters \(D-CA\)](#)

2016 Election: Donald Trump vs. Hilary Clinton

- Results:
 - Donald Trump: 306 Electoral Votes
 - Hilary Clinton: 232 Electoral Votes
- Objection:
 - Seven House members objected to certification of 11 states; however, with no Senators objecting there was no debate in either chamber. Those House members include: [Jim McGovern \(D-MA\)](#), [Jamie Raskin \(D-MD\)](#), [Pramila Jayapal \(D-WA\)](#), [Barbara Lee \(D-CA\)](#), [Sheila Jackson Lee \(D-TX\)](#), [Raul Grijalva \(D-AZ\)](#), [Maxine Waters \(D-CA\)](#)



Article II, Section 1, Concerns in the 2020 Election

Article II, Section I, Clause 2 of the U.S. Constitution grants State Legislatures the plenary authority to determine the manner in which the electors are chosen:

“Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

Arizona

- Due to a court order, the Arizona voter registration deadline was extended, in violation of state law, which allowed 32,000 voters to register after the legal deadline.
 - The Arizona Legislature requires voters to be registered 29 days before the election (A.R.S. §§ 16-120 & 16-134).

Pennsylvania

- The Pennsylvania Secretary of State removed the signature verification requirement for mail-in absentee ballots, in violation of state law.
 - The state’s General Assembly requires all absentee ballot applications to be signed by the applicant (25 PA STAT 3146.2(d) & 3150.12(c)).
- The Pennsylvania Supreme Court changed the deadline for accepting mail-in ballots to three days after election day, in violation of state law.
 - The PA General Assembly requires that mail-in ballots arrive by 8:00 pm on election day (PA STAT 3146.6(c) & 3150.16(c)).

Georgia

- The State Election Board allowed ballots to be opened and scanned before election day, in violation of state law.
 - The GA Assembly prohibits the opening of absentee ballots until after polls open on Election Day (OCGA 21-2-386(a)(2)).

Michigan

- The Michigan Secretary of State distributed 7.7 million absentee ballot applications, in violation of the state requirement that ballot applications be provided by the local authority.
 - The Michigan Legislature requires that the absentee ballot applications be provided by the clerk of the city or township (MI STAT 168.759(3)(b)).

Wisconsin

- The Wisconsin Election Commission allowed absentee ballots to be received in unmanned drop boxes, in violation of state requirements that they be manned.
 - The Wisconsin Legislature requires that alternative sites for ballot delivery be staffed as though it were a normal office, and that absentee ballots be mailed or delivered by the elector to the municipal clerk who issued the ballot (WIS STAT 6.855(3) & WIS STAT 6.87(4)(b)1).



3 U.S. Code § 15 - Counting electoral votes in Congress

Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. **Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.** When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

