

Uncovered

Judicial Watch Sues For Documents On Electoral College Change

Judicial Watch filed a Colorado Open Records Act lawsuit on behalf of reporter Todd Shepherd against Colorado Secretary of State Jena Griswold for records of communications related to the National Popular Vote Interstate Compact, which would award Colorado's presidential electors to the winner of the national popular vote, regardless of whether Colorado's voters chose that candidate (*Todd Shepherd v. Jena Griswold in her official capacity as Colorado Secretary of State* (No. 2019-cv-032310)).

The suit was filed after Griswold refused to turn over certain documents in response to a February 4, 2019 open records request for records about the Electoral College debate.

On February 21, 2019, the Colorado House passed the National Popular Vote bill and sent it to Governor Jared Polis. Colorado Secretary of State Griswold is a critic of the Electoral College and applauded Gov. Polis' signing of the National Popular Vote Interstate Compact.

Currently, most states award all their Electoral College votes to the

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*Judicial Watch President
Tom Fitton*

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U.S. Capitol

candidate who wins the popular vote in that state. But, as described here by the National Conference of State Legislatures, when a state, such as Colorado, “passes legislation to join the National Popular Vote Compact, it pledges that all of that state’s electoral votes will be given to whichever presidential candidate wins the popular vote nationwide, rather than the candidate who won the vote in just that state. These bills will take effect only when states with a majority of the electoral votes have passed similar legislation and joined the compact.”

Five times, a presidential candidate has won the “popular vote” but lost the election, most recently Hillary Clinton. Many opponents of President Trump have proposed undoing the Electoral College. Supporters of the Electoral College point out that it balances the interests of citizens in

both large and small states by requiring candidates to seek votes in less populous states whose interests might otherwise be ignored. In addition, under the reform, a state could award its Electoral College votes to a presidential candidate who lost the state’s popular vote.

“Leftists in Colorado and other states want to undo the Electoral College and the U.S. Constitution in the hopes of guaranteeing control of the presidency,” said Judicial Watch President Tom Fitton. “This attack on the Electoral College would give large left-leaning states and voter fraud an unconstitutionally outsized impact on the outcome of our presidential elections.”

Judicial Watch’s Colorado counsel is former Colorado Secretary of State Scott Gessler of the firm Klenda Gessler & Blue LLC. 