Objections to a presidential certification vote is not rare -- Dems did the same to Trump

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WASHINGTON (SBG) — Sen. Josh Hawley, R-Mo., received criticism from some of his Democratic and Republican colleagues Wednesday for objecting to the Electoral College's certification of President-elect Joe Biden's 2020 victory.

Hawley joined Rep. Jody Hice, R-Ga., as they seek to force a vote in each the Senate and House over whether to accept individual electors' slates. Some of the lawmakers criticizing Hawley and Hice were themselves praising Democrats in 2004 for challenging the Electoral College's certification of former President George Bush.

Former Sen. Barbara Boxer, D-Calif., and then-Rep. Stephanie Tubbs, D-Ohio, objected to Bush's 2004 electoral votes in Ohio, forcing their fellow lawmakers to leave their joint session and debate whether to reject the state's electoral votes. Their objections, which were ultimately overruled, pave the way for Congress to rehash history on Jan. 6.

Democrats used the same objection process during Trump's certification vote in 2017. Ironically, Biden presided over that process as vice president, overruling Democrats' objections, CNN reported at the time.

Some of the Democratic senators who cheered on Boxer were chiding Hawley's challenge.

Sen. Dick Durbin, D-Ill., said in a tweet Wednesday that Hawley's objections were the "political equivalent of barking at the moon," adding: "This won't be taken seriously, nor should it be."

Durbin expressed a different opinion in 2004.

"I thank her for doing that because it gives members an opportunity once again on a bipartisan basis to look at a challenge that we face not just in the last election in one State but in many States," he said on the Senate floor of Boxer's objection. Durbin ultimately voted to certify the Ohio electoral votes for Bush.

Sen. Chris Van Hollen, D-Md., likewise expressed support for Boxer and Tubbs.

"I believe that Barbara Boxer, D-Calif., and Representative Stephanie Tubbs Jones, D-Ohio, have performed a very valuable public service in bringing this debate before the Congress. As Americans, we should all be troubled by reports of voting problems in many parts of the country," Van Hollen, said in a 2005 press release. Like Durbin, Van Hollen accepted the results of the 2004 presidential election.

Van Hollen told his Twitter followers Wednesday that Hawley's "actions are grossly irresponsible." He also suggested that such a challenge only adds fuel to "Trump's lies about voter fraud."

Hawley's statement announcing his objections does not promote many of President Donald Trump's allegations regarding the election. The Missouri Republican does not accuse vote tabulating companies of switching votes from Trump to Biden, nor does he reference alleged ballot "dumps." He also does not suggest widespread fraud changed the election's outcome.

Instead, he argued that Congress should "investigate allegations of voter fraud and adopt measures to secure the integrity of our elections. But Congress has so far failed to act."

One legal scholar believes Hawley and Hice's move is unlikely to change the outcome.

"Congress has never chosen this stage to throw out even a single elector. It has always been viewed as Pro-forma because the key decision was made earlier when the states certified. There is no real precedent for any real challenges succeeding," Walter Olson, a senior fellow and legal scholar at Cato Institute, said in an interview.

Hawley could get some pushback from his own party. Senate Majority Leader Mitch McConnell, R-Ky., for instance, discouraged his fellow Senate GOP members from objecting.

There might be more support for objecting in the House of Representatives. At least 140 of GOP lawmakers in the House are prepared to vote against counting the votes when Congress is expected to certify Biden's victory, CNN reported Thursday, citing two House Republicans.

We reached out to Van Hollen and Durbin's office and will follow up on this article if we receive a response.