

Questions before the court:

Is the A.027: The Strengthening Democracy Amendment (the “amendment”) constitutional per the 14th Amendment to the Constitution of the United States?

Opinion:

The court has been remanded by the Supreme Court of the United States to grant the petitioner, /u/hurricaneoflies, certiorari in this case. In the writ, the petitioner specifically pointed to two areas on which he challenged the existence of the amendment. The first being that if the elector procedure established by the laws of Chesapeake implicates the Equal Protection Clause.

The opinion of the court is that it **does not**. The court has unanimously reached this decision for the reasons I will point out below. For context, I will insert the provision of the amendment in question:

“Until such a time that the Assembly passes a new method through which to select Electors, the number of statewide Electors shall be divided evenly amongst the Commonwealth’s Congressional Districts and the Electors in each shall be selected on a winner-take-all basis where the winner of the popular vote in that Congressional District shall be the victor of the entire Congressional District’s Electors.”

The selection of electors in this form does not impede anyone's ability to vote, deny anyone equal protection of the laws or to who they may vote for in an election. The petitioners use of *Williams v. Rhodes*, 393 U.S. 23, 29–30 (1968) in this context omits the fact that laws were passed which restricted certain parties and individuals from being placed on a ballot, which on the face of the matter allowed someone’s raw ability to vote to be infringed upon.

An assertion of the “one man, one vote” system in the later paragraph of this part of the petitioners argument is considered. However, the response of this court is the empowerment by the Constitution of the United States to enumerate the state legislatures with the ability to determine its own method for apportioning electors.

“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:”

In a strict interpretation of this part, the court considers the only restriction on the state legislature's ability to choose its method of apportioning electors would be the fact that they must be equal to the seats in the House of Representatives and indeed the Senate.

Therefore, this court also rejects this argument.

Decisions of the Supreme Court more recently, namely in *Shelby County v. Holder* has asserted the right of states in determining their own voting methods and laws.

Moreover, and in particular mention of the merits of this part of the argument, trumped a piece of legislation (the Voting Rights Act) which is designed on the premise of the 14th Amendment.

In the second part of the discussion by the case in front of the court, whether or not the amendment can survive strict scrutiny.

The opinion of the court is that it can - based on the interest of equally distributing electors across all voters of the Chesapeake. The idea of dilution of the voters of the Chesapeake based on the apportionment of the electors is not accepted by the court.

The court will further break down the assessment of strict scrutiny in the matter:

The state has passed the amendment to equally proportion electors among all voters in the state without taking away anyone's fundamental right to vote or using classifications which would deny a vote based on race etc.

The Strengthening Democracy Amendment is upheld.

this opinion was authored by /u/VisibleChef and joined in full by /u/oath2order