

As published on

LAW.COM

JUL 14, 2015

## Donald Trump? How About President Selina?



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It seems as if there is a new presidential candidate every week, leaving us bemused, perplexed, concerned, or a little bit of each. So let's take a few minutes off. In the great tradition of Preston Sturges' [Sullivan's Travels](#), I invite you to muse about the process by tuning into HBO's wildly popular show, [Veep](#).

At the end of Season 4 last month, the wacky and irrepressible TV President Selina Meyer (*aka* Julia Louis-Dreyfus) is on the verge of being elected president in her own right. For those who are new to the series, here is a thumbnail: Selina ran for President in Season 1, tanked in the polls and joined the ticket as Vice President; the incumbent resigned in Season 3 and she unexpectedly became President; in Season 4, Selina runs for the top job. [Season 4's finale](#) was Election Night. *Spoiler alert:* Selina and her opponent tie! Each has 269 electoral college votes, just missing the magic number of 270. No one wins.

Sound far-fetched? Some in the *commentariat* thought the [Obama-Romney race might wind up this way](#). TV, of course, easily makes the improbable happen, and viewers undoubtedly went racing for their US constitutions to figure out what would happen next. I immediately regressed into "constitutional crisis mode," the episode reminding me of the Bush-Gore fiasco in 2000 when a full [36 days](#) elapsed before anyone knew who was elected president.

Selina, hysterical, demands to understand her latest predicament. Not to worry: her crack team of genius advisers immediately surf the internet and come up with the answer. (*Where was her election lawyer?!?*) The [Twelfth Amendment](#) to the constitution provides that when no one gets an electoral college majority, the House of Representatives elects the president, and the Senate elects the Vice President. There is a hitch, of course. She is told that control of the House is up for grabs – congressional races are too close to call. So, maybe, the House deadlocks, and, assuming the Senate backs her wily Vice Presidential running mate Tom James,

he becomes VP and then ascends to the now-vacant presidency. James relishes the scenario; Selina is speechless. Cut to credits.

Not so fast, Tom James. Despite projections, the electoral college must still actually vote. On [the first Monday after the second Wednesday in December](#), electors from each of the fifty states and Washington DC meet to cast their ballots. Many states have laws requiring electors to vote for the candidate to whom they are pledged, but not all do. Politics being what it is, surely there must be at least *one* elector tempted to switch allegiance, giving either Selina or her opponent the requisite 270. Can you imagine the shenanigans that might ensue to cajole, bully or buy that vote? After all, if Selina can [surreptitiously pay a lobbyist to defeat her own legislation](#), there is no doubt her crack team would be scrambling to convince some elector to change her vote in return for a night in the Lincoln bedroom.

Assuming this tactic fails and the electors remain evenly divided, it is likely that House members would also be subject to intense lobbying efforts by the President, who has hundreds of plum jobs to dole out. [The last time the House voted for President in real life](#), in 1824, John Quincy Adams beat out Andrew Jackson by appointing Speaker of the House Henry Clay as his Secretary of State.

But if the House also remains deadlocked (as presaged in the Season 4 finale), and the Senate chooses James as VP, the House may simply call it a day and let him serve as Acting President. James, even without any precedent to back him up, could [then nominate his own VP](#). True to the name of the show, he could nominate Selina, creating more high-jinx as the Congress deliberates whether to confirm her. *What a come-down for Selina!* After failing to convince the House to vote for her as President, she now must beg the entire Congress to let her keep her old job as Veep – and to serve under slimy James no less.

But Selina should not give up. Another lifeline can emerge. If there are a few vacancies in the House, as there often are, then, *voilà*, the deadlock in the House could be broken. The race is on again! If the House finally did elect her, James would return to his Veep slot, displacing Selina as *his* Vice President.

I am sure the *Veep* writers are licking their chops over the potential plot lines as they write Season 5 and anticipate Season 6.

To be sure, *Veep* is a comedy, not a tutorial. But just as [West Wing taught America how a President can step aside temporarily](#) (President Jed Bartlet was too distraught to govern when his daughter was kidnapped), we might learn a few things about presidential succession as we enjoy the zaniness. No question that there is a lot of room for our favorite group of incompetents to muck up the constitution on the way back to the White House.

Almost better than the real election!

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