

Constitutional Process to Elect the President of the United States

Per Article II section 1 of the [US Constitution](#), the President is elected when the President of the Senate opens and counts the votes of electors in the presence of both houses of Congress. If the counted number of votes for one candidate is a majority of all cast electoral votes, then that candidate is elected President. The date that Congress has set for this counting is January 6th.

The 2020 Election of the President

An election is defined by the [Merriam-Webster dictionary](#) as:

“an act or process of electing”

The common usage of the term “election,” as defined by this famous and reputable dictionary, is the *process* or *act* of electing. The *process* of electing the president is clearly laid out in Article II Section 1 of the United States Constitution. The Election Process in the United States, as dictated by the United States constitution, is completed when the President of the Senate counts the electoral votes in the presence of both houses of Congress. The *act* of electing the President is this final step. Prior to this step, there is no Constitutionally recognized President Elect.

As there was no President Elect recognized by the very document that dictates how a Presidential Elect is decided upon at the time of the market resolution, the market should be ruled as Invalid. Per the [Omen Rules](#):

- The outcome of the market must be known by its Resolution Date. If the outcome is not known by the resolution date, whether it is due to a wrong setting of the resolution date or an unexpected event delaying the knowledge of the result, the market will resolve as invalid.” Clearly, this falls under the event of a wrong setting of the resolution date as the constitutionally defined process to elect the President had not been completed by the resolution of the market.

The general election is irrelevant to this discussion as it does not elect the President. The casting of the Electoral Votes is irrelevant to this discussion as that does not elect the President. The President is elected by the counting of votes cast by constitutionally defined electors. Their votes are not constitutionally recognized until the President of the Senate opens and counts each vote in the presence of both houses of Congress. The general election of the President is not constitutionally defined, and as Article VI Section 2 of the United States Constitution states:

- “This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;”

This clause is commonly referred to as the Supremacy Clause. The United States Constitution is the highest legal authority by which we run our nation, and more specifically by which we elect our President. Only this strict constitutionally defined process, therefore, should be considered when resolving the election of the President. While *States* have chosen to select their electors via

the general election, State law does not supersede the Federal Constitution as clearly stated in the Supremacy Clause.

There, quite simply, is no presidential election prior to the date of the counting set by Congress, January 6th. Prior to that point, the act of electing the President has not been completed, and the process to elect the President is ongoing. While many people do not understand the constitutional process for electing the President, this is not reason to pretend there are multiple presidential elections every four years in the United States. There is only *one* constitutionally recognized process to elect the President, and at the time of market resolution it had not occurred.

Omen Rules

There is no Omen rule allowing a redefining of a Constitutionally Defined process. The team supporting the “yes” resolution claims that the following rules permits such a redefining:

- Entities are assumed to reference the most obvious entity with that name, taking the context into account
- If a market can have different interpretations, but all those interpretations lead to the same outcome, this outcome should be reported.

First, there is no “entity” known as the United States Election. There is, however, a Constitutionally defined process to elect the President of the United States. This process concludes on the 6th of January. The resolution date incorrectly resolving the Constitutionally defined process to elect the President does not supersede the Supreme Law of the Land which dictates how, and when, a President is elected. The context given around [this rule](#) is clearly centered around different individuals, not incorrect interpretations of a Constitutionally defined process. This is a very loose interpretation of this rule, though even this interpretation is not a strong argument as there is a Constitutionally defined process to elect the President.

Second, as a reasonable interpretation of the question “Will Joe Biden win the 2020 United States presidential election” is “Will Joe Biden win the Constitutionally defined process by which we elect a President,” we cannot know if all interpretations will lead to the same outcome as the market resolved before the constitutionally defined process to elect the President concluded. This leads us back to the rule:

- The outcome of the market must be known by its Resolution Date

The constitutionally defined outcome of the election of the President **was not known** by December 20th, therefore the market must be invalid. You can make the argument that one outcome is *more likely* than another, but you cannot make the argument that one outcome is *certain* until the events have come to pass.

Kleros Precedent

The team pushing for a “yes” resolution states that no one claiming a .33 ETH bounty for proof of an invalid market is somehow proof of market validity. This fallacy is commonly known as an Argument from Ignorance. Quite simply, absence of proof is not proof of absence. The “yes” team claims that because no one claimed a .33 ETH bounty, a miniscule fraction of the value of this current case, a precedent is magically created forbidding a future ruling of invalidity. However, validity was not *proven* in this case, nor was it *disproven*. All that “precedent” proves is that no one bothered reading into constitutional law for .33 ETH. That case has *no bearing whatsoever* on this current case.

Final Statement

The very first rule on the [Omen rule page](#) is violated by this case.

- The outcome of the market must be known by its Resolution Date. If the outcome is not known by the resolution date, whether it is due to a wrong setting of the resolution date or an unexpected event delaying the knowledge of the result, the market will resolve as invalid

The [Constitutionally defined process](#) to elect the President of the United States had not been completed by the resolution date of the market; therefore the resolution date was wrongly set, and the market must be invalid.

There are no Omen rules allowing the redefining of a clearly defined process, and the Supreme Law of the Land clearly dictates that the President is elected when the President of the Senate counts the cast electoral votes in front of both houses of Congress.