Twitter Thread by Arieh Kovler

Arieh Kovler
@ariehkovler

Trumpworld is excited: Breitbart is reporting that the State of Texas has filed suit against MI, PA, WI and GA in the Supreme Court in an attempt to get the election results tossed out in those states.

This lawsuit ticks a lot of Trump boxes:
■As a dispute between states, it starts out in SCOTUS
■It seeks to put enough EVs in play to swing the whole election result
■It's the 'big beautiful lawsuit' Trump has wanted all along

Breitbart hasn't published the actual complaint, and it doesn't appear to be anywhere else yet, but we can say some things about it from their reporting:

1. This is not a fraud claim. There won't be any Dominion or Chavez or North Korean submarines shipping Dem votes etc in it.

From the tiny excerpts published, it sounds like the Texas claim is essentially "These states didn't follow their own election rules and that's not fair on Texans"

> Certain officials in the Defendant States presented the pandemic as the justification for ignoring state laws regarding absentee and mail-in voting. The Defendant States flooded their citizenry with tens of millions of ballot applications and ballots in derogation of statutory controls as to how they are lawfully received, evaluated, and counted. Whether well intentioned or not, these unconstitutional acts had the same uniform effect—they made the 2020 election less secure in the Defendant States. Those changes are inconsistent with relevant state laws and were made by non-legislative entities, without any consent by the state legislatures. The acts of these officials thus directly violated the Constitution.

Anyone who's been following all the election cases so far can tell you how judges have reacted to this vote dilution argument so far. To assert that the State of Texas is injured because of vote-curing in Dane County, Wisconsin is... well, it's a stretch.

Not to mention that basically all of the claims raised here have been heard in state courts, federal district courts and even circuit courts already. There's nothing new here beyond a weak attempt to create injury and exploit original jurisdiction.

For a state to initiate proceedings against others at SCOTUS, it needs first to apply for leave to file a complaint. The respondent states can then get a chance to argue why the complaint shouldn't even be heard.

If leave is granted, that usually starts a LONG process of actual argument that can take months or years.

I'm not worried at all about this case. Texas can't show any harm it's been caused. This whole thing is a PR stunt, it's not a genuine legal process.

That said, I'll be happier when @questauthority wakes up to tell me it's all ok.

Thanks @questauthority! https://t.co/ndAxMRb2qq

> Yes, I have seen the thing about Texas suing other states over the election. Yes, the US Supreme Court has original and exclusive jurisdiction over cases between states.
>
> No, this is not a thing that will change the election. At all.
>
> — Mike Dunford (@questauthority) December 8, 2020