

Trump could win 2020 election through court challenge: Rutgers Law professor

Kristin Myers

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With the presidential election still undecided and former Vice President Joe Biden inching closer to victory, the Trump campaign has already moved to challenge the voting count in the states of Michigan, Pennsylvania and Georgia, setting the stage for the election to be decided in the courts.

“It is a very likely possibility,” that President Trump could win the election in the court, Rutgers Law Professor Stacy Hawkins told Yahoo Finance Live on Wednesday. *“We have lots of indicators of what the justices might do — particularly if the challenge is around Pennsylvania, and the challenged ballots that might come in the day after the election and Friday.”*

“Three justices, Justices Alito, Thomas, and Gorsuch, have already expressed a willingness to disallow the counting of those ballots. It is expected that Amy Coney Barrett might join them in that,” Hawkins explained. *“You have what you need for the makings of the Supreme Court deciding the outcome of the election.”*

The campaign has filed lawsuits in Michigan, Georgia, and Pennsylvania. Michigan’s race has been called for Biden with less than 1% of the lead, while Georgia and Pennsylvania remain undecided.

In a statement, Trump campaign manager Bill Stepien said ***“President Trump’s campaign has not been provided with meaningful access to numerous counting locations to observe the opening of ballots and the counting process, as guaranteed by Michigan law. We have filed suit today in the Michigan Court of Claims to halt counting until meaningful access has been granted.”***

The campaign is also demanding the right to “review” all opened ballots from polling places where they weren’t granted access.

With the presidential race so close, the **Trump campaign is entitled to challenge the results** in some states. Trump’s campaign has already demanded a recount in the state of Wisconsin, which went to Biden with less than a 1% lead, according to the Associated Press.

“And it seems as though in all of these key battleground states, as it was last year, these margins are razor thin,” said Hawkins, adding ***that Wisconsin is “within the margin” for a recount.*** *“We know, at least based on 2016 and based on existing modeling for how close the margins are in each of these states, Michigan and Pennsylvania, in particular, that they are likely to be within the margin for the recount as well.”*



People with "Count the Votes" signs are seen during a protest in support of the vote counting in the US presidential election, at McPherson Square after the 2020 US Election Day. Trump's election campaign team has filed a lawsuit trying to stop the counting of all outstanding ballots in Michigan claiming that the campaign team have not been provided with meaningful access to numerous counting locations to observe the opening of ballots and the vote counting. Yegor Aleyev/TASS (Photo by Yegor Aleyev/TASS via Getty Images)

But thin margins aren't the only legal ground for Trump’s challenge. The campaign has also challenged the validity of ballots received and counted after Election Day.

“He is expected to continue to challenge that. In fact, the petition is currently before the Supreme Court to rehear that case. And so there are lots of grounds on which the Trump campaign is expected to be able to challenge the election results,” she said.

According to Hawkins, history can provide clues as to how several Supreme Court Justices will rule if they must make a decision on the election, pointing to the Bush v. Gore case in 2000, where the court ruled in Bush’s favor with a 5-4 Republican majority.

“We know that three of the justices on the Court — Chief Justice Roberts, Justice Kavanaugh, and now Justice Amy Coney Barrett, were all part of that ‘Bush v. Gore’ case on behalf of George Bush,” Hawkins pointed out. “We know about their willingness to have the Supreme Court step in, override decisions of the state, and declare the victor of a presidential election in favor of one candidate over the other. And I don’t think it’s any mystery what candidate that might be.”

Kristin Myers is a reporter at Yahoo Finance. Follow her on Twitter.