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U.S. Supreme Court rejects Trump allies' Pennsylvania case

Justice Alito received briefs on behalf of colleaguesBy **Art Moore**

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U.S. Supreme Court (Wikimedia Commons)

The U.S. Supreme Court on Tuesday refused to take a case brought by two Pennsylvania congressmen challenging the legality of the state's universal mail-in balloting.

The court said regarding the appeal by Republican Rep. Mike Kelly: "The application for injunctive relief presented to Justice Alito and by him

referred to the Court is denied."

Constitutional scholar Mark Levin commented on Twitter.

"Sadly, SCOTUS could not or would not cobble together 4 members to stop the lawlessness that took place by PA officials," he wrote. "It was a very solid case with clear federal ramifications but they denied relief."



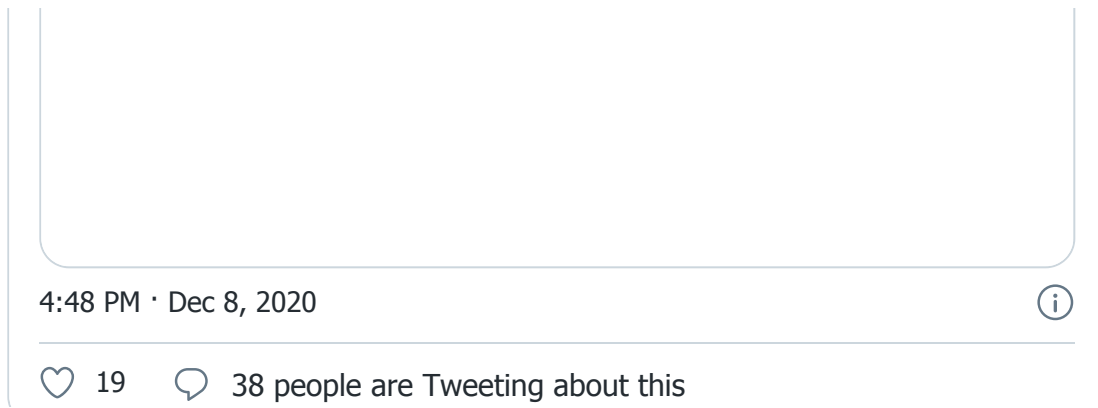
David Spunt 

@davidspunt



BREAKING: The Supreme Court just denied efforts to overturn Pennsylvania certification for Biden. #SCOTUS will not hear the case. @FoxNews

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The court has yet to act a separate case brought by Pennsylvania Republicans in late September challenging the decision by the secretary of state to extend the deadline by three days for returning mail-in ballots.

On Monday night, Texas sued Georgia, Michigan, Pennsylvania and Wisconsin in the Supreme Court allegation fraud and procedural problems in those states "preclude knowing who legitimately won the 2020 election and threaten to cloud all future elections."

Do you agree with this Supreme Court ruling?

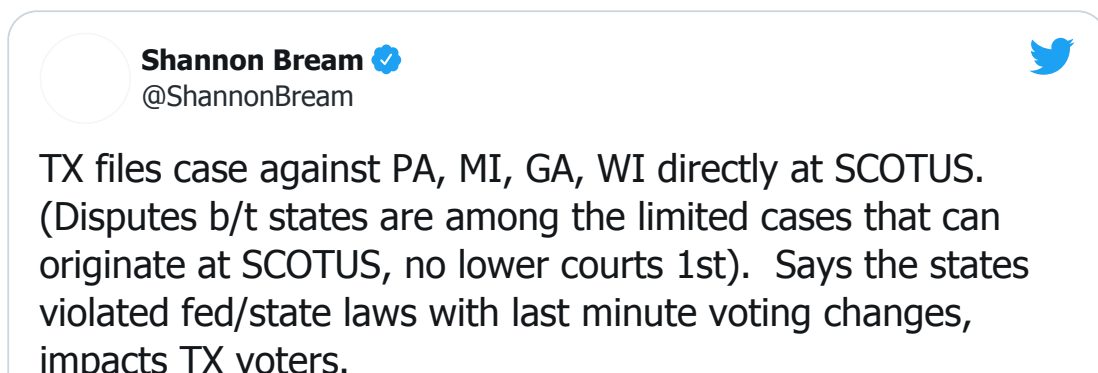
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Late Tuesday, the Supreme Court set a deadline of Thursday at 3 p.m. for the four states to respond to the Texas filing.



texasattorneygeneral.gov/sites/default/...

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Earlier Tuesday, amid warnings that Dec. 8 marked the first "safe harbor deadline" for resolving legal challenges to the election, [the Trump campaign legal team issued a statement](#) arguing election contests historically have lasted well beyond the December statutory deadlines. Attorneys Rudy Giuliani and Jenna Ellis cited the late Associate Justice Ruth Bader Ginsburg's recognition in *Bush v. Gore* that the date of "ultimate significance" is Jan. 6, when the House counts and certifies the votes of the Electoral College.

Dec. 8 is the deadline for states to certify election results before the Dec. 14 Electoral College vote.

On his Fox News show Sunday night, Levin argued "systemic fraud" in the 2020 election clearly took place 14 months ago when Pennsylvania officials illegally changed laws that compromised the integrity of the vote.

In October 2019, the Republican-led state legislature passed a bill, Act 77, changing the law to allow universal mail-in voting. However, the Pennsylvania Constitution requires that such changes to election law be made only by an amendment to the state constitution that culminates in a vote by the people.

Kelly and Sean Parnell took that argument and others to court, and a Pennsylvania appellate judge issued a temporary injunction to stop certification of the vote. The judge ruled they were likely to succeed on the merits of their case. The state's Supreme Court, however, overturned the ruling, prompting an appeal to the U.S. Supreme Court.

Last week, Texas Sen. Ted Cruz, arguing the case "raises serious legal issues," [urged the Supreme Court to hear the lawsuit](#).

"This appeal argues that Pennsylvania cannot change the rules in the middle of the game. If Pennsylvania wants to change how voting occurs, the state must follow the law to do so," said Cruz, who had volunteered to argue the case before the high court.


The Pennsylvania Supreme Court's decision, he said, reflected "their political and ideological biases."



"Just over a month ago, Justice Alito, along with Justice Thomas and Justice Gorsuch, wrote — correctly, I believe — concerning the Pennsylvania court's previous decision to count ballots received after Election Day, that 'there is a strong likelihood that the State Supreme Court decision violates the Federal Constitution,'" Cruz pointed out.

Last Thursday, [Trump campaign lawyer Jordan Sekulow](#) said the most likely path for the president would be for the U.S. Supreme Court to combine cases from several states that would together determine the outcome of the election. The matter could then go to the House, where the Constitution gives each state delegation one vote. Republicans control 26 state delegations while Democrats have 23.


The election also could go to the House via state legislatures, and Republicans in a number of the battleground states are discussing asserting their constitutional authority to dispute the selection of electors to the Electoral College.


See the segment from "Life, Liberty and Levin":



Martha MacCallum 
@marthamaccallum 

Everyone should watch this [@marklevinshow](#) to understand what happened in PA, and decide if you believe that this is exactly the kind of case SCOTUS should rule on.



Donald J. Trump  @realDonaldTrump