



Written by [Bob Adelman](#) on December 9, 2020

Texas Lawsuit Now Joined by Eight Other States; Likely to Determine Election Outcome

So persuasive and vitally relevant to the final outcome of the presidential election is the lawsuit filed by Texas Attorney General Ken Paxton on Monday that attorneys general of eight other states — Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, South Carolina, and South Dakota — [have joined him in it](#).

In a statement accompanying the filing, Paxton said, “The failure [of Georgia, Michigan, Pennsylvania, and Wisconsin] to abide by the rule of law casts a dark shadow of doubt over the outcome of the entire election. We now ask the Supreme Court to step in to correct this egregious error.”

In the filing with the Supreme Court, Paxton wrote,

This case presents a question of law: did the Defendant States violate the Electors Clause [of the U.S. Constitution] by taking non-legislative actions to change the election rules that would govern the appointment of presidential electors?

If they did — with evidence piling up daily that they did — then “these non-legislative changes to the Defendant States’ election laws facilitated the casting and counting of ballots in violation of [their] state laws which, in turn, violated the Electors Clause of Article II, Section 1, Clause 2 of the United States Constitution.”

Paxton concluded:

Nonlegislative actors modified the Defendant States’ election statutes and ... the resulting uncertainty casts doubt on the lawful winner.

Those two facts are enough to decide the merits of the Electors Clause claim. The [Supreme] Court should thus vacate the Defendant States’ appointment and impending certifications of presidential electors and remand [return] to their State legislatures to allocate presidential electors via any constitutional means that does not rely on 2020 election results that includes votes cast in violation of State election statutes in place on Election Day.

Among all the various lawsuits filed over the issue of Election Day fraud, this one, as Jay Sekulow stated on Newsmax’s *Stinchfield* on Tuesday night, is the “be all and end all case” of the election and its outcome. Sekulow, chief counsel of the American Center for Law & Justice (ACLJ), made his case in an interview [available here](#), claiming that this single lawsuit is the “one we have been waiting for ... that will be determinative” of the final results of the election.

In response, the Supreme Court has ordered the four defendant states to respond to Paxton’s claims no later than Thursday at 3 p.m. Once those responses have been received and digested, the Court will then decide whether to take Paxton’s suit under judicial review.

The four defendant states control 62 Electoral College votes, more than enough deny Joe Biden his alleged victory and possibly return Donald Trump to the White House for a second term.

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