The Supreme Court and the 2020 Election
A Nonpartisan Guide

Who wins the 2020 presidential election will shape the Supreme Court’s political balance and profoundly affect our laws, constitutional rights, and everyday lives. Five of the current Justices were appointed by Republican presidents and four by Democrats. Several Justices’ health and advanced age mean that either Joe Biden or Donald Trump will likely fill multiple open seats—either heightening or changing the Court’s current direction. US Senate races also affect the Court: For instance, Republican Majority Leader Mitch McConnell decided not to consider President Obama’s nominee Merrick Garland for a spot eventually taken by President Trump’s nominee, Neil Gorsuch.

Here are recent Supreme Court rulings that could change depending on whether Joe Biden or Donald Trump fills the Court’s next vacancies. Justices are listed as R if appointed by a Republican, and as D if appointed by a Democrat.

**Abortion** *June Medical Services v. Russo (2019)*
Majority: 4 D, 1 R; Minority: 4 R
Struck down a Louisiana law that would require doctors performing abortions to gain the right to admit patients to a nearby hospital. Upheld a lower court finding that the law would force at least two of the state’s three abortion clinics to close, women would have to wait longer and drive farther for abortions, and only one doctor would likely be left for 10,000 women seeking abortions in Louisiana each year.

**Campaign Finance** *Citizens United v. FEC (2010)*
Majority: 5 R; Minority: 4 D
Ruled that limits on independent political spending by unions and corporations are unconstitutional. This led to the creation of “superPACs,” which can accept unlimited money from donors to support a candidate.

**Climate Change** *Massachusetts v. EPA (2007)*
Majority: 4 D, 1 R; Minority: 4 R
Ruled that under the 1970 Clean Air Act, the Environmental Protection Agency (EPA) must regulate greenhouse gases if they threaten human health, regardless of the regulations’ cost.

**Contraceptives** *Burwell v. Hobby Lobby (2014)*
Majority: 5 R; Minority: 4 D
Ruled that a for-profit company can deny employees healthcare coverage for contraceptives based on the religious beliefs of the company’s owners.

**Gay/Same-Sex Marriage** *Obergefell v. Hodges (2012)*
Majority: 4 D, 1 R; Minority: 4 R
Ruled that marriage is a fundamental right, so states can’t stop same-sex couples from marrying.

**Gun Rights** *District of Columbia v. Heller (2008)*
Majority: 5 R; Minority: 4 D
Struck down Washington DC’s law banning handgun ownership. Ruled that the Second Amendment guarantees a person the right to own a firearm, so it’s unconstitutional for DC to have a blanket ban on people owning any types of guns, including handguns.
Since this unconstitutional because the formula for deciding which states it applied to change their voting laws. Section 4 of the Voting Rights Act.

Voting Rules

But voting in person or forgoing their right to vote. A lower court extended the deadline to accept absentee ballots couldn't surge Wisconsin's statewide election was scheduled for April 7, amid COVID's initial US outbreak. Absentee ballots surged due to concern about health risk at in-person polling locations. With the sudden rise in demand, the state couldn't mail all the absentee ballots in time, forcing many people to choose between risking their lives by voting in person or forgoing their right to vote. A lower court extended the deadline to accept absentee ballots. But the Supreme Court blocked the lower court's extension of the deadline.

Voting Rules

Section 4 of the Voting Rights Act made states with a history of racial discrimination get federal permission to change their voting laws. This made it harder to create hurdles to voting for minority groups. The Court ruled this unconstitutional because the formula for deciding which states it applied to was last updated in the 1960s. Since the law's removal, most formerly covered states have passed laws making it significantly harder to vote.