



OCTOBER 2026

Election-Denying Judges Now Preside Over Nearly All Competitive Midterm Races

**As the Trump Administration Already Begins to Challenge
the Results of Certain Midterm Elections, Judges Who
Wouldn't Say He Lost in 2020 Could Hear the Cases**

**DEMAND
JUSTICE**

Overview

A new report from Demand Justice finds that 53 of the 60 battleground races this November are in districts or states presided over by at least one Trump-appointed federal judge who, under oath, refused to admit that Donald Trump lost the 2020 election.

The danger is clear: if the Trump Administration challenges the outcomes of any of these U.S. Senate or U.S. House races that determine control of Congress in court, the presiding judge could be an individual who refused to tell the truth about the 2020 election. As [The New York Times](#) reported this weekend: “Mr. Trump’s longstanding attacks on the integrity

of voting systems are crystallizing into what many election officials and Democrats fear is an attempt to lay the groundwork to challenge the results in November.”

This report, for the first time, reveals the extent to which any effort by the Trump administration to undermine certain elections could extend to the federal courts.



The Background

Last November, Demand Justice identified a troubling pattern among Trump's second-term federal judicial nominees ("Trump II judges"): not one answered honestly under oath when asked whether Donald Trump lost the 2020 election to Joe Biden. [As the report¹ found:](#)

"These judges provided near-identical phrasing to avoid a direct answer about the 2020 election, instead referencing the results of the Congressional 'certification' process, refusing to address the popular vote, or noting that President Biden 'served' as President. One noted that Biden won 'as a matter of law.' What's striking is that not a single nominee could answer the question plainly: Joe Biden won the election."

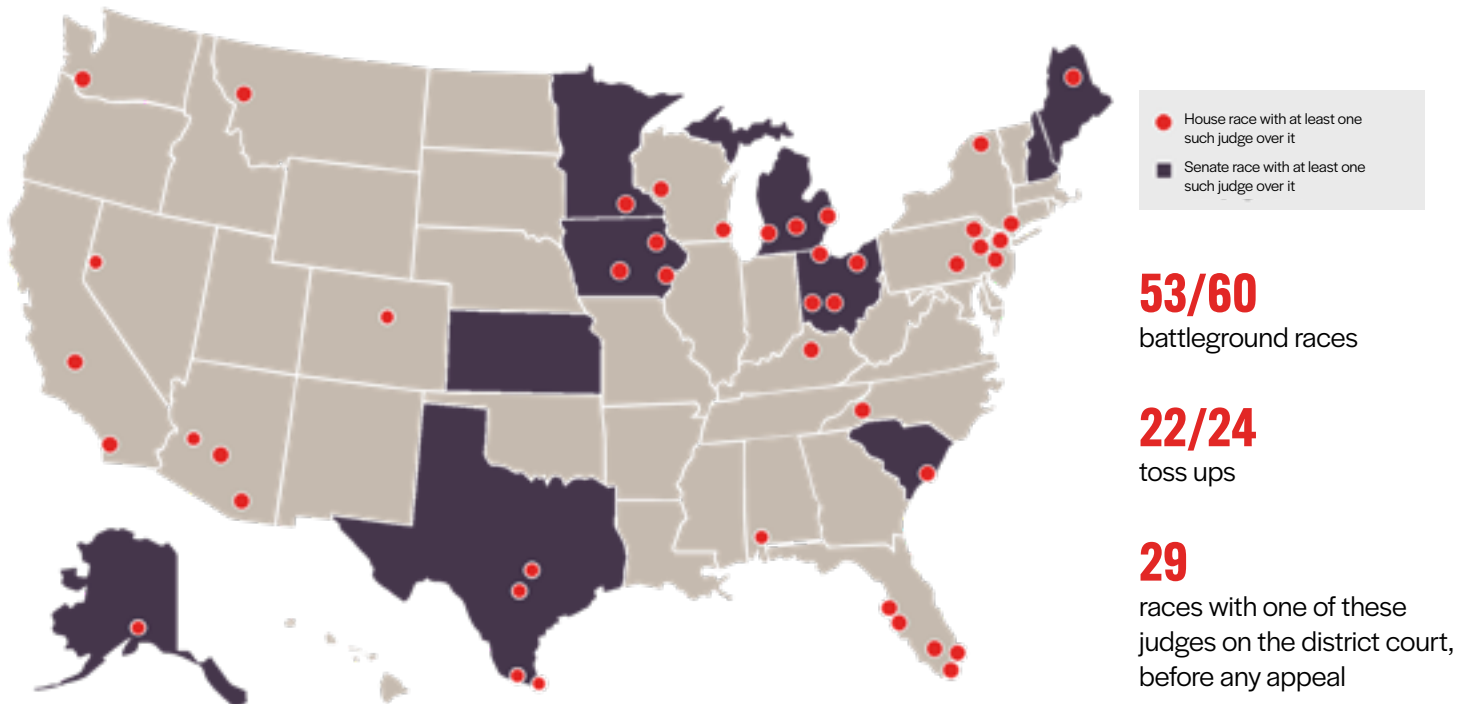
In addition, all Trump nominees have been dishonest under oath about the January 6th attack on the Capitol.

"I was not present at the U.S. Capitol at the time. I do not have personal knowledge of the details" - Then-nominee Maria Lanahan (Eastern District of Missouri) said when asked about January 6th

One year later, as control over two houses of Congress hangs in the balance, there are now 56 confirmed federal judges who demonstrated loyalty to Trump by covering for his lie about the 2020 election. Twenty-nine battleground races have one of these 56 judges on the district court itself, while 38 of them could face a Trump II judge on appeal.

WHERE THEY SIT

53 of the 60 battleground House and Senate races fall under a federal judge who refused to say Trump lost in 2020.



Note: Jurisdiction over a battleground race does not automatically mean any Trump second-term judge would hear an election case. With the exception of certain single-judge divisions, federal cases are assigned to judges at random within a district, and randomly assigned three-judge panels hear appeals at the circuit court level.

¹ Demand Justice, [A Pattern of Dishonesty and Evasion](#) (September 29, 2026).

COURTS THAT STOPPED TRUMP IN 2020 NOW LOOK VERY DIFFERENT

By and large, federal judges halted Trump's attempt to challenge the 2020 election results. One of Trump's Pennsylvania cases started in the Middle District of Pennsylvania and was appealed to the Third Circuit, where a panel led by a first-term Trump appointee wrote that "calling an election unfair does not make it so."² One of its Wisconsin cases began in the Eastern District of Wisconsin and was taken up by the Seventh Circuit on appeal.³ The suit to decertify Michigan's results was dismissed in the Eastern District of Michigan.⁴ The Arizona suit was dismissed in the District of Arizona.⁵ Trump and his allies lost these cases—none succeeded in proving election fraud and none invalidated the election results.

Since then, Trump appointed Emil Bove and Jennifer Mascott to the Third Circuit, Rebecca Taibleson to the Seventh, Michael Martin to the Eastern District of Michigan, and Eric Tung to the Ninth Circuit, which hears appeals from Arizona. Each of them refused to say, under oath, that Trump lost in 2020.

HOW WE COUNTED

Nominees: The analysis covers confirmed Article III judges from President Trump's second term, whose written answers to the Senate Judiciary Committee's questions for the record have been reviewed by Demand Justice as of October 23, 2026. Full responses are posted at demandjustice.org/judicialreport.

Races: We included every Senate and House contest rated Toss Up, Lean Democrat, or Lean Republican by the Cook Political Report as of October 23, 2026.⁶

Jurisdiction: A judge is counted as having jurisdiction over a race if the judge sits on the federal district court covering any part of the district or state, or on the appeals court for the circuit that includes it. The rule is applied uniformly: a circuit judge covers every state in the circuit. The names of confirmed Trump II district judges are provided when they sit on a district court with jurisdiction over any part of the relevant state or congressional district. The names of confirmed Trump II circuit judges are provided when they sit on the court of appeals with jurisdiction over the state in question. Only judges confirmed by the Senate are counted; pending nominees are excluded.

² [Donald J. Trump for President, Inc. v. Secretary of Pennsylvania](#), No. 20-3371 (3d Cir. Nov. 27, 2020).

³ [Trump v. Wisconsin Elections Commission](#), No. 20-3414 (7th Cir. Dec. 24, 2020)

⁴ [King v. Whitmer](#), No. 20-13134 (E.D. Mich. Aug. 21, 2021).

⁵ [Bowyer v. Ducey](#), No. 20-02321 (D. Ariz. Dec. 9, 2020).

⁶ Cook Political Report, 2026 [CPR Senate Race Ratings](#) (last visited Oct. 20, 2026); Cook Political Report, [2026 CPR House Race Ratings](#) (last visited Oct. 23, 2026).

Appendix A

ALL 53 BATTLEGROUND RACES WITH THE TRUMP II JUDGES WHO HAVE JURISDICTION

The verbatim answers of all 37 Trump II judges are in Appendix B.

Race	Cook Rating	Circuit	District Court(s)
AK Senate	Toss Up	9th Cir.: Tung (1)	D. Alaska: Peterson (1)
AK-AL	Lean R	9th Cir.: Tung (1)	D. Alaska: Peterson (1)
AL-02	Lean R	-	M.D. Ala.: Lewis, Jr. (1)
AZ-01	Lean D	9th Cir.: Tung (1)	-
AZ-02	Lean R	9th Cir.: Tung (1)	-
AZ-06	Lean D	9th Cir.: Tung (1)	-
CA-22	Toss Up	9th Cir.: Tung (1)	-
CA-48	Lean D	9th Cir.: Tung (1)	-
FL-13	Lean R	-	M.D. Fla.: Dudek, Moe, Pratt (3)
FL-14	Toss Up	-	M.D. Fla.: Dudek, Moe, Pratt (3)
FL-22	Toss Up	-	M.D. Fla.: Dudek, Moe, Pratt (3) S.D. Fla.: Artau, Kuntz (2)
FL-25	Lean D	-	S.D. Fla.: Artau, Kuntz (2)
FL-27	Lean R	-	S.D. Fla.: Artau, Kuntz (2)
IA Senate	Toss Up	8th Cir.: Smith, Traynor (2)	-
IA-01	Lean D	8th Cir.: Smith, Traynor (2)	-
IA-02	Toss Up	8th Cir.: Smith, Traynor (2)	-
IA-03	Lean D	8th Cir.: Smith, Traynor (2)	-
KS Senate	Toss Up	-	D. Kan.: Kuhlman, Mattivi, Powell (3)
KY-06	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	E.D. Ky.: Meredith (1)
ME Senate	Toss Up	1st Cir.: Dunlap (1)	-
ME-02	Lean R	1st Cir.: Dunlap (1)	-

Race	Cook Rating	Circuit	District Court(s)
MI Senate	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	E.D. Mich.: Martin (1)
MI-04	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	-
MI-07	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	E.D. Mich.: Martin (1)
MI-10	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	E.D. Mich.: Martin (1)
MN Senate	Lean D	8th Cir.: Smith, Traynor (2)	-
MN-01	Lean R	8th Cir.: Smith, Traynor (2)	-
MT-01	Toss Up	9th Cir.: Tung (1)	D. Mont.: Mercer, Lane (2)
NC-11	Lean D	-	W.D. N.C.: Orso, Rodriguez (2)
NH Senate	Lean D	1st Cir.: Dunlap (1)	-
NJ-07	Lean D	3d Cir.: Bove, Mascott (2)	-
NV-02	Lean R	9th Cir.: Tung (1)	-
NY-17	Toss Up	2d Cir.: Schwartz (1)	-
NY-21	Lean R	2d Cir.: Schwartz (1)	-
OH Senate	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	N.D. Ohio: Hendershot (1) S.D. Ohio: Byrne (1)
OH-07	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	N.D. Ohio: Hendershot (1)
OH-09	Toss Up	6th Cir.: Hermandorfer, Flowers (2)	N.D. Ohio: Hendershot (1)
OH-10	Lean R	6th Cir.: Hermandorfer, Flowers (2)	S.D. Ohio: Byrne (1)
OH-15	Lean R	6th Cir.: Hermandorfer, Flowers (2)	S.D. Ohio: Byrne (1)
PA-01	Lean R	3d Cir.: Bove, Mascott (2)	E.D. Pa.: Pozos (1)
PA-07	Lean D	3d Cir.: Bove, Mascott (2)	E.D. Pa.: Pozos (1)
PA-08	Toss Up	3d Cir.: Bove, Mascott (2)	-
PA-10	Lean D	3d Cir.: Bove, Mascott (2)	-
SC Senate	Lean R	-	D.S.C.: Clarke (1)
SC-01	Lean R	-	D.S.C.: Clarke (1)

Race	Cook Rating	Circuit	District Court(s)
TX Senate	Toss Up	-	N.D. Tex.: Mitchell (1) S.D. Tex.: Colmenero, Ganjei, Jones, Marck (4) W.D. Tex.: Davis, Wolfe (2)
TX-15	Toss Up	-	S.D. Tex.: Colmenero, Ganjei, Jones, Marck (4) W.D. Tex.: Davis, Wolfe (2)
TX-23	Lean R	-	N.D. Tex.: Mitchell (1) W.D. Tex.: Davis, Wolfe (2)
TX-34	Lean D	-	S.D. Tex.: Colmenero, Ganjei, Jones, Marck (4)
TX-35	Toss Up	-	W.D. Tex.: Davis, Wolfe (2)
WA-03	Lean D	9th Cir.: Tung (1)	-
WI-01	Lean R	7th Cir.: Taibleson (1)	-
WI-03	Lean D	7th Cir.: Taibleson (1)	-

Appendix B

ALL 37 ANSWERS TO “DID DONALD TRUMP LOSE THE 2020 ELECTION?”

Verbatim written answers from President Trump’s second-term Article III nominees to the Senate Judiciary Committee’s questions for the record, as compiled by Demand Justice. Full answers on January 6 are at demandjustice.org/judicialreport.

Nominee	Court	Answer
Ed Artau	Southern District of Florida	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election or political commentary, is that it would be improper to offer any such comment as a judicial nominee. See Code of Conduct U.S. Judges, Canon 3A(6); Canon 5.
Emil Bove	Third Circuit	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the positions of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5
Matthew Byrne	Southern District of Ohio	Joseph R. Biden was certified as the winner of the 2020 presidential election by a joint session of Congress after the counting of the Electoral College votes.
Sheria Clarke	District of South Carolina	Joe Biden was certified the winner of the 2020 election.
Angela Colmenero	Southern District of Texas	Joe Biden was certified as the winner of the 2020 election.
Andrew Davis	Western District of Texas	Joe Biden was certified as the winner of the 2020 election.

Nominee	Court	Answer
Kyle Dudek	Middle District of Florida	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. There were various legal challenges to the results of the 2020 presidential election, and to the extent this question seeks to elicit a response about those matters or an opinion about the election in general, my answer is that it would be improper to offer any such comment as a current judicial officer. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.
Joshua Dunlap	First Circuit	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, it would be improper to offer any such comment as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.
Benjamin Flowers	Sixth Circuit	Joe Biden was certified the winner of the 2020 election. To the extent this question asks for my opinion about the existence or non-existence of fraud, election irregularities, or other matters pertaining to the fairness or integrity of the election, I agree with Justice Ketanji Brown Jackson who, in her responses to this Committee's questions for the record pertaining to the 2016 and 2020 elections, explained that under the Code of Conduct for United States Judges, it is inappropriate for judicial nominees to comment on election results.
Nicholas Ganjei	Southern District of Texas	Joseph Robinette Biden, Jr. was certified the winner of the 2020 election.
Mike Hendershot	Northern District of Ohio	Joseph Biden was certified as the winner of the 2020 presidential election and served as President of the United States. To the extent this question asks for my opinion about political debate or political commentary regarding that election, the Code of Conduct for United States Judges prevents me from answering further
Whitney Hermandorfer	Sixth Circuit	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.
Arthur Jones	Southern District of Texas	Congress certified Joseph Robinette Biden, Jr. as the winner of the 2020 election.

Nominee	Court	Answer
Jeffrey Kuhlman	District of Kansas	President Biden was certified as the winner of the 2020 presidential election.
Jeffrey Kuntz	Southern District of Florida	Joseph R. Biden, Jr. was certified the winner of the 2020 Electoral College and, as a result, became the 46th President of the United States
Katie Lane	District of Montana	Article II and the Twelfth Amendment of the Constitution prescribes that the President is elected by a vote of the electoral college and certification by Congress. Consistent with this constitutional process, President Biden was certified the winner of the 2020 election.
Billy Lewis, Jr.	Middle District of Alabama	President Biden was certified as the victor of the Electoral College and served as the 46th President of the United States after taking the oath of office in January 2021.
John Marck	Southern District of Texas	Joseph Biden was certified as the winner of the 2020 election
Michael Martin	Eastern District of Michigan	As a matter of law, Joe Biden was the winner of the 2020 election
Jennifer Mascott	Third Circuit	President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections.
Tony Mattivi	District of Kansas	President Biden was certified the winner of the 2020 presidential election and served as the 46th President.
William Mercer	District of Montana	Pursuant to Article II and the Twelfth Amendment, Congress certified President Biden as the victor of the 2020 election.
Chad Meredith	Eastern District of Kentucky	Joe Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States
Kasdin Mitchell	Northern District of Texas	Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral College votes and was sworn in and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as commenting on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would not be appropriate for me as a judicial nominee to offer any comment. See Code of Conduct of United States Judges, Canons 3 & 5.

Nominee	Court	Answer
Anne-Leigh Gaylord Moe	Middle District of Florida	Joseph Biden was certified as the winner of the 2020 presidential election. To the extent that this question could be reasonably construed as calling for my opinion on a political matter, consistent with the position of prior judicial nominees I will not offer such an opinion. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.
Matthew Orso	Western District of North Carolina	President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections.
Aaron Peterson	District of Alaska	President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.
Tony Powell	District of Kansas	President Biden was certified as the winner of the 2020 presidential election and served four years as President of the United States.
Antonio Pozos	Eastern District of Pennsylvania	Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States.
Jordan Pratt	Middle District of Florida	President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. See U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.
Susan Rodriguez	Western District of North Carolina	President Trump was not certified as the winner of the 2020 presidential election. To the extent this question seeks a response about legal matters or an opinion about the election, it would be impermissible for me to comment as a sitting U.S. Magistrate Judge under the Code of Conduct of U.S. Judges and its judicial cannons.
Matthew Schwartz	Second Circuit	Congress certified President Biden as the winner of the 2020 presidential election. In keeping with the position of prior judicial nominees, it would be inappropriate for me to opine on political, policy, or legal debates regarding the integrity of any election, including the 2020 presidential election. See Code of Conduct for United States Judges, Canons 3(A)(6), 5.

Nominee	Court	Answer
Justin Smith	Eighth Circuit	Pursuant to the process set forth by the Constitution and federal law, President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. President Trump was certified as the winner of the 2016 and 2024 elections.
Rebecca Taibleson	Seventh Circuit	President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections
Daniel Traynor	Eighth Circuit	President Biden was certified as the winner of the 2020 presidential election. He served as the 46th President of the United States. Insofar as this question asks my views on any legal issue relating to the 2020 election, I agree with Justice Ketanji Brown Jackson who stated in her Questions for the Record that judicial nominees should not comment on election results pursuant to the Code of Conduct for United States Judges.
Eric Tung	Ninth Circuit	President Biden was certified as having won the 2020 presidential election, and served as the 46th President of the United States.
Christopher Wolfe	Western District of Texas	President Biden was certified as the winner of the 2020 presidential election and served four years as President of the United States.

**DEMAND
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