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Conservatives call on President Trump to swiftly nominate a conservative to fill the Ginsburg vacancy on the Supreme Court. We then urge the Senate to confirm this nominee prior to the November election.

Both historical precedent and the Senate's constitutional prerogative compel quick action. Between 1796 and 1968, there have been nineteen vacancies on the Supreme Court where the president and the Senate were of the same party. Seventeen of those nominations were subsequently confirmed, nine of them prior to that year's election.

Moreover, holding the confirmation vote prior to November ensures it is done in full view of the American people, with all the accountability that entails. A vote in the lame duck session takes place after the election is decided, with markedly different incentives for senators who have just been re-elected or will be leaving the Senate. In short, it ensures these senators can safely ignore the wishes of their voters.

There is also the issue of ensuring a fully staffed Supreme Court prior to any challenges to what is expected to be a contested electoral outcome. Joe Biden's campaign has already announced an expanded staff of lawyers prepared to litigate whatever outcome presents itself in November, or in the weeks that follow. With Ginsburg absent, a 4-4 split on the Supreme Court would be possible. Such a deadlock would send the outcome to the circuit courts, and further throw the country into chaos. A fully staffed Supreme Court is vital to ensuring that the election disputes get a fair and final hearing.

Perhaps most importantly, however, this is what conservatives elected the Senate to do – to fully embrace the mandate of the majority they were given by their voters. The Constitution gives the Senate the authority to confirm a Supreme Court nominee at a time of their choosing. We ask them to fully embrace that prerogative prior to the election, rather than in the lame duck.

Justice Sandra Day O'Connor was confirmed in 33 days. Justice Ruth Bader Ginsburg was confirmed in 42 days. We urge the Senate to move swiftly toward a confirmation before November 3, acting as Joe Biden [admonished](#) in 2016: "I made it absolutely clear that I would go forward with the confirmation process as chairman even a few months before a presidential election."

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