

# The question should be answered

According to common sense, Omen rules and Kleros policies Biden won the election. In this document, we will show why the question “Will Joe Biden win the 2020 United States presidential election?” should resolve to **Yes**. Or if you believe that there is a conspiracy to steal the election from Trump to **No**.

## Meaning of winning the election

First we can ask ourselves what “winning the election” means.

[Omen rules](#)<sup>1</sup> specify:

*“Entities are assumed to reference the most obvious entity with that name, taking the context into account.”*

The resolution date of this market has been set to December 21, approximately 6 days after the vote of delegates which happened on December 14<sup>2</sup>. This means that the most obvious entity referred to by this market is “The vote of the delegates” and not “The count of the two Houses”. Biden won the vote of the delegates by 306 against 232.

Note that all the electors who voted December 14 were certified by their respective states.

You can find links to official results [there](#)<sup>3</sup> (note that I’m not asking you to trust ballotpedia but to look at the links in the “Official Results” column linking to official state websites).

## Potential rejection of delegate votes

Now the Invalid side will argue that the official results of the states could be rejected by the president of the Senate who is a Republican. However the role of the president of the Senate here is purely an administrative role. He cannot reject votes simply because he would like the result to be different. The [electoral law](#)<sup>4</sup> indicates:

*“§ 15. Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o’clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the **President of the Senate**, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, **shall make a list of the votes as they shall appear from***

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<sup>1</sup> <https://omen.eth.link/rules.pdf>

<sup>2</sup>

<https://www.theguardian.com/us-news/2020/dec/14/electoral-college-joe-biden-donald-trump-2020-election>

<sup>3</sup>

[https://ballotpedia.org/Election\\_results\\_certification\\_dates,\\_2020#Certification\\_deadlines\\_organized\\_by\\_state](https://ballotpedia.org/Election_results_certification_dates,_2020#Certification_deadlines_organized_by_state)

<sup>4</sup> <https://www.archives.gov/files/electoral-college/state-officials/presidential-election-brochure.pdf>

*the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, **the President of the Senate shall call for objections**, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors **the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law**; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, **unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes** of the legally appointed electors of such State. **But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted.** When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.”*

To summarize:

- The president of the senate counts the votes.
- Members of the two Houses can object.
- Votes can be rejected if the two Houses vote to reject them.
- In case of disagreement between the Houses (Senate/House of representatives), the results certified by the states stand.

The president of the senate has a purely administrative role. So have the two Houses. It's impossible for this procedure to lawfully modify the result of a valid vote of delegates. To unlawfully modify the result of a valid vote of delegates, both houses would need to collude into unlawfully modifying the votes of the states. The House of Representative, being

controlled by a majority of the Democratic party would never modify lawful results to invalidate the victory of their candidate. The Senate, despite being controlled by the Republican party is also very unlikely to modify lawful results as even if Republican would have preferred a victory of Trump, they are unlikely to break the rule of law in order to overturn the result of an election. And even if they were, the state results would stand because both houses are needed to overturn results certified by the states.

Now, let's assume that due to some very unlikely event, both Houses were to decide to invalidate state votes. Would that mean that Biden lost the election? Certainly not, if politicians in power were to decide to disregard the result of an election and put a ruler they chose, that wouldn't mean that Biden would have lost the election. That would mean that the US would have been the victim of a coup.

Because the date of resolution is set up after the vote and certification by states but before the date where the Houses certify the results (and this market has been deemed valid on [curate](#)<sup>5</sup>), it is up to you jurors to evaluate the results certified by the states and to vote for Yes (if they think the state results are valid) or No (if they think that those are fake and Trump won).

To sum up:

- The election is already won, the procedure of counting is a purely administrative procedure.
- The result of this procedure can only be a victory of Biden unless unlawful actions happen.
- Even if politicians were to perform unlawful actions to serve their own interest and the Senate would vote to invalidate the results, the House of representative would not (because their interest is for Biden to be president). This would result in the state certified results to stand.
- Even if those results were to be invalidated, it wouldn't mean that Biden lost, it would mean that there is a coup attempt. The election is already won. Kleros and the two Houses procedure are both legal procedures to find out who won the election (one for the purpose of this market, the other for the purpose of US administration). Those procedures do not make someone win the election, they only assess who has won.
- For people believing that Trump won the election, the two Houses process shouldn't change this result and should vote No.

## Rules to avoid Invalidity

[Omen rules](#)<sup>6</sup> are specifically made to avoid "the curse of invalidity". If you are skeptic enough, nothing of the physical world can be determined with certainty. To avoid most markets to be determined as invalid Omen rules specify:

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<sup>5</sup>

<https://curate.kleros.io/tcr/0xb72103eF8819F2480c25d306eFAb7c3382fBA612/0x8d87cbbe4a554d36f4a31baf0d06579d0f2e4b54ee5130672ea2ba959314f6af>

<sup>6</sup> <https://omen.eth.link/rules.pdf>

*“In general, if the market does not break a rule of the Invalid Market section, reasonable efforts should be made to determine its outcome even if the question is not 100% technically perfect”*

Here, even if the two houses haven't yet announced the winner, the reasonable efforts to determine the outcome would be to look at electoral votes certified by the states (here are the [link to them as a reminder](#)). Looking at those certified votes, we can see that Biden wins 306 against 232.

## Source of resolution

Supporters of the invalid side will argue that the only acceptable source to determine who won the election is the two house assembly and since that source hasn't reported yet, the market should be invalid. However this market doesn't specify the two houses as its source. We should therefore look at [Omen rules](#)<sup>7</sup> to see that:

*“If the market doesn't mention a specific source, the most credible outcome should be reported. In order to determine the credibility of an outcome, the quantity of sources and their credibility are to be taken into account. Credibility of sources and of outcomes should be assessed according to facts, not unproven beliefs”.*

First let's look at the media (to avoid potential bias I just searched US election in google news and I'm listing all articles returned and categorize them depending of if they say that [Biden won](#) / [Trump won](#) / [Or that it's undecided](#)):

ABC News: [Trump entertains desperate schemes to overturn election](#) (“last month's election, which Biden won”)

The Philadelphia Inquirer: [Frustrated Trump redoubles his efforts to challenge the election result](#) (refers to Biden as “President elect”)

Irish Post: [Donald Trump discussed 'imposing martial law' to overturn US election result on Friday](#)

USAPP: [What Happened: Five Steps from the Presidential Election to the Electoral College in 2020](#) (refers to Biden as “President elect”)

The Commercial Appeal: [The people decided Joe Biden will be the next president. Claims of voter fraud disrupt our democracy | Opinion](#)

AFP: [Joe Biden legally won the 2020 presidential election](#)

BBC: [US election: Putin congratulates Biden after electoral college win](#)

The Guardian: [Electoral college confirms Joe Biden's victory in presidential election](#)

CNN: [Barr says no need for special counsels to investigate election or Hunter Biden](#) (refers to Biden as “President elect”)

Actually I would have expected some dissent from pro Trump media, but all confirmed Biden victory.

Head of states also [acknowledge Biden victory](#)<sup>8</sup> and even companies are now validating Biden victory (see labels on [Trump tweets](#)<sup>9</sup>).

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<sup>7</sup> <https://omen.eth.link/rules.pdf>

<sup>8</sup> <https://edition.cnn.com/2020/12/15/europe/putin-biden-election-congratulates-intl/index.html>

<sup>9</sup> <https://twitter.com/realDonaldTrump/status/1341138409092509696>

There is a global consensus that Biden won.

## Kleros Spirit Of Dispute

Finally, we can look at Kleros court policies, in particular the one about the spirit of the dispute:

*“Jurors should attempt to interpret disputes according to the “spirit of the dispute” unless the arbitrable contract or the policies of the subcourt state otherwise.”*

Here the spirit of the dispute is definitely “Who won this election?” and saying “Well Biden surely won, but since the two houses haven’t certified the results yet, so we don’t know” is definitely not in the spirit of the dispute/question.

The court rules mention refusing to arbitrate (invalid) only for the following:

*““Refuse to arbitrate” should be used for disputes where both sides of the dispute have engaged in activities which are immoral (ex: refuse to rule on an assassination market dispute).”*

And the Omen policies do not give any other ground for invalid. Moreover the market has made it into the [curate list of valid markets](#)<sup>10</sup> which is additional evidence to its validity.

Therefore this market is valid and should be answered.

## Conclusion

This market asks who has won the delegate vote, not about the counting process of the houses. The counting process cannot alter the result of the vote but only assesses it. States have certified delegates and they have voted giving Biden a 306 VS 232 majority.

Omen rules are specifically made to declare everything invalid on the slightest suspicion.

There is a global consensus in the media, heads of states and companies that Biden have won.

It is now up to you as jurors to determine whether Biden or Trump has won this election. And for that all is showing that Biden has won and that it is the correct answer.

We therefore ask you to answer **Yes** to this market. Or, if you believe that there is a global conspiracy involving mainstream media to steal the election and that state certified results are wrong, to vote **No**. No matter what you think as a juror, the question which is asked **should be answered**.