

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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IN THE ORIGINAL JURISDICTION

S.C. SUPREME COURT

Appellate Case No. 2024-001227

League of Women Voters of South Carolina.....Plaintiff/Petitioner,

v.

Thomas Alexander, in his official capacity as President of the South Carolina Senate;
Murrell Smith, in his official capacity as Speaker of the South Carolina House of
Representatives; and Howard Knapp, in his official capacity as Director of the South
Carolina Election CommissionDefendants/Respondents,

**RESPONDENT PRESIDENT ALEXANDER’S RETURN
TO PETITION FOR ORIGINAL JURISDICTION**

Pursuant to Rule 245(c), SCACR, Respondent Thomas Alexander, in his official capacity as President of the South Carolina Senate, submits this return to Petitioner League of Women Voters of South Carolina’s petition for original jurisdiction. As explained below, President Alexander agrees the Court should exercise original jurisdiction over this matter and then dismiss the complaint.

This “Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties.” Rule 245(a), SCACR; *Carnival Corp. v. Historic Ansonborough Neighborhood Ass’n*, 407 S.C. 67, 80, 753 S.E.2d 846, 853 (2014) (recognizing “Rule 245 is concerned with whether a case should be resolved by this Court in the first instance because of the public interest involved

and the need for prompt resolution”). Petitioner bears the burden of showing “the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised.” Rule 245(a), SCACR.

A cohort of Petitioner’s counsel have spent the better part of three years challenging South Carolina’s Congressional districting plan in federal court as an alleged racially gerrymander, arguing politics played no role at all in crafting the plan. After losing that case, *Alexander v. S.C. State Conf. of the NAACP*, 144 S. Ct. 1221, 1249–50 (2024), they have now come to this Court alleging the exact opposite. President Alexander seeks finality from these baseless challenges after years of litigation and years of elections conducted under the Congressional districting plan. Because these challenges can generate voter confusion and impair the General Assembly’s legislative responsibilities, South Carolina voters and the General Assembly will be prejudiced if the parties are forced to litigate this issue “in a lower court in the first instance.” Rule 245(a), SCACR. In other words, “special grounds of emergency or other good reasons exist” for the Court to take the case. *Id.* Accordingly, the Court should accept this matter in its original jurisdiction.

In agreeing the Court should entertain this matter in its original jurisdiction, however, President Alexander does not admit the allegations and legal conclusions in the complaint and petition for original jurisdiction. To the contrary, Petitioner’s complaint and petition contain multiple misstatements of law and fact. President Alexander thus reserves all defenses to Petitioner’s complaint. If the Court grants the petition, President Alexander specifically reserves the right to contest this matter by way of dispositive motion or in a brief.

(Signature page to follow)

Respectfully submitted,

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*Pro hac vice application forthcoming

Columbia, South Carolina
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