

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

**RECEIVED**

**Aug 29 2024**

**S.C. SUPREME COURT**

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IN THE ORIGINAL JURISDICTION  
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Appellate Case No. 2024-001227  
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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 Commission.....Defendants/Respondents.

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**RETURN TO PETITION FOR  
ORIGINAL JURISDICTION**  
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Howard Knapp, in his official capacity as Executive Director of the State Election Commission (SEC),<sup>1</sup> submits this Return to Plaintiff/Petitioner’s Petition for Original Jurisdiction. Rules 240 & 245(c), SCACR. The SEC agrees with President Alexander, Speaker Smith, and Petitioner that this Court should exercise original jurisdiction over this matter due to the public interest involved in the once-a-decade process undertaken by the South Carolina General Assembly for redrawing Congressional election districts in this State and the district lines that

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<sup>1</sup> S.C. Code Ann. § 7-3-10 created the “State Election Commission.” There is no South Carolina government agency known as the “South Carolina Election Commission.” Because Knapp is named in his official capacity only, Respondent is identified as the SEC.

result from that process.<sup>2</sup> See *Anderson v. S.C. Election Comm’n*, 397 S.C. 551, 556, 725 S.E.2d 704, 706 (2012) (“This is a matter of great public importance. Integrity in elections is foundational.”).

The SEC respectfully asserts that, based on the timing of the Petition in regard to the current election cycle, care must be taken with respect to any remedy and no changes to the Congressional district lines should be made before the November 5, 2024 general election. Congressional elections are scheduled to take place under the Plan adopted by the General Assembly in 2022 S.C. Acts No. 118, as they were in 2022, and the process is well underway. Among many other events that have passed, the primaries were held on June 11, 2024, all necessary runoff elections took place on June 25, 2024, and the deadline for political parties to certify candidates to the general election ballot occurred on August 15, 2024. See SEC 2024 Election Calendar (Jul. 23, 2024), <https://scvotes.gov/wp-content/uploads/2024/07/2024-Election-Calendar-scVOTES-2024-07-23.pdf>. This Court has previously held that, “[a]s a general rule, courts . . . are without power to grant substantial relief once the time passes for the name of a contestant to be certified for the election of officers to be placed on the official ballot.” *Willis v. Wukela*, 379 S.C. 126, 131, 665 S.E.2d 171, 174 (2008); *Sasser v. S.C. Democratic Party*, 277 S.C. 67, 69, 282 S.E.2d 602, 603 (1981).<sup>3</sup> These cases reflect this Court’s recognition that, once the election process is underway, it should not be changed mid-course.

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<sup>2</sup> This position should in no way be construed as agreeing that Petitioner’s arguments have merit. The SEC anticipates it will take no position on the merits of the litigation, as was the case in *Alexander v. S.C. State Conf. of the NAACP*, 144 S. Ct. 1221 (2024). The SEC plays no role in drafting Congressional election districts, and understands that it is only named as a defendant here (just as it was in *Alexander*) because it would be required to implement a remedy if one is ordered.

<sup>3</sup> *Willis* and *Sasser* refer to the primary election certification deadline. For this election cycle, this deadline was April 5, 2024 at noon. See S.C. Code Ann. § 7-13-40; SEC 2024 Election Calendar at 3.

Moreover, there is insufficient time to draw a new Congressional Plan and start the primary and general election process anew before the November 5, 2024 general election. Even attempting to do so at this juncture would inevitably cause voter confusion. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (“Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.”); *Democratic Nat’l Comm. v Wisc. State Legis.*, 141 S. Ct. 28, 31 (2020) (Kavanaugh, J., concurring) (“The Court’s precedents recognize a basic tenet of election law: When an election is close at hand, the rules of the road should be clear and settled.”). The likelihood of confusion is even more pronounced in view of the fact that any changes would require upheavals in the process but only for Congressional elections.

[*Signature Page Follows*]

Respectfully submitted,

s/Michael R. Burchstead

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August 29, 2024  
Columbia, South Carolina