

In the Supreme Court of
South Carolina

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IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

S.C. SUPREME COURT

League of Women Voters of South Carolina.....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;

Howard Knapp, in his official capacity as Director of the South Carolina Election
CommissionRespondents

and

Henry McMaster, in his official capacity as the Governor of South Carolina
.....Intervenor

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF
LAW AND PROFESSOR ROBERT F. WILLIAMS IN SUPPORT OF PETITIONER

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The Brennan Center for Justice at New York University School of Law (“Brennan Center”) and Professor Robert F. Williams hereby move, pursuant to South Carolina Appellate Court Rule 213, for leave to file a brief as *amici curiae* in support of Petitioner League of Women Voters of South Carolina.

The Brennan Center is a not-for-profit, non-partisan think tank and public interest law institute that seeks to improve systems of democracy and justice. The Brennan Center seeks to bring the idea of representative self-government closer to reality, including by working to ensure fair and non-discriminatory redistricting practices and to protect the right of all Americans to vote. The Brennan Center conducts regular empirical, qualitative, historical, and legal research on redistricting and has participated in a number of voting rights and redistricting cases around the country in state and federal court, both as counsel and as *amicus curiae*.

The Brennan Center also works to realize a fair and independent judicial system that protects fundamental rights, democratic values, and the rule of law under state constitutions as well as the U.S. Constitution. Recognizing that state courts and state constitutions are critical and distinct sources of protection of rights and democratic institutions, the Brennan Center regularly produces research and resources about state constitutional developments. The Brennan Center also regularly participates as *amicus* before the U.S. Supreme Court, federal circuit courts, and state appellate courts on these issues.

Professor Robert F. Williams is a Distinguished Professor of Law Emeritus at Rutgers University School of Law. He is an expert in state constitutional law and directed the Center for State Constitutional Studies at Rutgers. Professor Williams has authored extensive legal scholarship on state constitutional law, including *The Law of American State Constitutions* (2nd ed., 2023). He is also the co-author of *State Constitutional Law, Cases and Materials* (5th ed.,

2015).

Amici have a strong interest in the outcome of this litigation, which implicates the core of their work on state constitutionalism and, for the Brennan Center, voting rights. The South Carolina Constitution provides a crucial check—indeed, the only check—on extreme partisan gerrymandering in this state, and this Court is empowered to enforce it. This case concerns an admitted partisan gerrymander—the clearest possible set of facts to warrant judicial intervention. If the electoral districts enacted by S.865 are allowed to stand, this state will effectively sanction partisan gerrymandering, along with all of its harmful consequences for voters, its distorting effects on governing institutions, and its degradation of the integrity of our constitutional republic.

As *amici*, the Brennan Center and Professor Williams seek to highlight the pivotal role that state constitutions play in protecting the democratic process—a role that is distinct from and broader than that of the U.S. Constitution. *Amici* further seek to illuminate the strong equality mandate in the Free and Open Elections Clause of the South Carolina Constitution, which requires that voters be afforded equal influence over elections irrespective of their political views and prohibits the intentional manipulation of the electoral process to entrench favored political candidates or parties or, conversely, to target disfavored ones. *Amici* respectfully submit that their subject-matter expertise and briefing of these important issues will assist the Court as it decides how to rule on the issues before it. The proposed *amicus* brief of the Brennan Center and Professor Williams is attached hereto as Exhibit A.

For the foregoing reasons, the Brennan Center and Professor Williams request that this Court grant their Motion for Leave.

Dated: February 7, 2025

KENDRICK & LEONARD, P.C.

By: *s/ Joshua Snow Kendrick*

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