

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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**Apr 10 2025**

IN THE ORIGINAL JURISDICTION

**S.C. SUPREME COURT**

Case No.

Curtis M. Loftis, Jr., State Treasurer.....

Petitioner,

v.

Thomas C. Alexander, President of the South Carolina  
Senate, .....

Respondent.

**PETITION FOR ORIGINAL JURISDICTION  
AND FOR EXPEDITED CONSIDERATION**

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April 10 2025

## **INTRODUCTION**

Petitioner respectfully requests that the South Carolina Supreme Court authorize the bringing of the attached suit within its original jurisdiction pursuant to South Carolina Constitution Article V, §5, Rule 245, SCACR, and S.C. Code Ann. § 14-3-310. This Petition seeks: (1) leave to file the Complaint for Declaratory and Injunctive Relief and Motion for Preliminary Injunction (attached hereto as Exhibit A) in accordance with Rule 245(c), SCACR; (2) an order or writ preliminarily enjoining the removal proceedings initiated by the Senate under Article XV, § 3 of the Constitution and as further described in the April 2, 2025 Sense of the Senate until the resolution of this matter; and (3) a final determination declaring that the “Sense of the Senate” adopted April 2, 2025 (attached hereto as Exhibit B) is improper, deficient, and unconstitutional, and an order or writ permanently enjoining further proceedings in advancement thereof.

## **FACTUAL BACKGROUND**

The factual background is set forth in Petitioner’s Complaint, attached as Exhibit A and is incorporated herein by reference as if set forth at length.

## **STANDARD OF REVIEW**

Rule 245(a), SCACR provides that the Supreme Court may consider matters in its original jurisdiction when “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.”

## **GROUND FOR GRANTING THE PETITION**

The proper interpretation and application of Article XV of the South Carolina Constitution, governing impeachment and removal, are of extraordinary public interest. The Respondent’s application of Article XV threatens to disregard the choice of the citizenry via statewide popular elections of the State’s Constitutional officials and other statewide elected officials, undermine the

Constitutionally-established delineation of powers of the bicameral legislature, invade the independence of state judges, and violate the separation of powers of state government among its three branches.

No statewide elected official has ever been impeached or removed from office under the current State Constitution via Article XV or the preceding version of Article XV of the Constitution of 1895. The State constitution clearly establishes a process for impeachment of “officials elected on a statewide basis” in Article XV, Sections 1 and 2, whereby “The House of Representatives alone shall have the power of impeachment in cases of serious crimes or serious misconduct in office...” Section 3 of Article XV has certainly never been applied to statewide elected officials, and there is no authority supporting that Section 3 should apply to a statewide elected official.

Nevertheless, the Senate has initiated action remove the popularly elected State Treasurer pursuant to the less-demanding standards and procedure of Article XV, Section 3, which allows removal for certain officers when there is “not sufficient ground of impeachment” and utilizes a “hearing” afforded the officer charged instead of a “trial” as called for by Sections 1 and 2. The ‘Sense of the Senate’ illustrates the difference between a trial and a hearing in this regard, as it does not permit the calling of witnesses to testify in the proceedings. *See* Sense of the Senate, April 2, 2025. The Senate served the State Treasurer with its Sense of the Senate on April 2, 2024, notifying him that, on April 21, 2025, the Senate shall convene a hearing for his removal.

The critical Constitutional matters presented by the Senate’s action, along with the expedited timeline established by the Senate’s action – allowing only twelve business days between notice of the hearing and the hearing itself— necessitate the Supreme Court’s exercise of jurisdiction.

In light of the foregoing, the Court should authorize Petitioner to file the Complaint for Declaratory and Injunctive Relief and Motion for Preliminary Injunction attached hereto as Exhibit A in the Court's original jurisdiction.

Respectfully submitted,

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Dated: April 10, 2025