RECEIVED
Aug 14 2026
SC Court of Appeals

EXHIBIT 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
Lynn Shuler Teague, et al	)	CASE NO.: 2026-CP-40-03393
Plaintiffs,	)	
vs.	)	**ORDER**
House Legislative Rules Committee of the South Carolina House of Representatives, et al	)	
Defendants.	)	

RECEIVED
Aug 14 2026
SC Court of Appeals

On June 29, 2026, this matter came before Judge Coble on Defendant's Motion to Dismiss. Kathleen McDaniel, Esq., and Lydia Robins Hendrix, Esq., appeared on behalf of the Plaintiffs, and Michael Parente, Esq., and Mark Moore, Esq., appeared on behalf of the Defendants. After hearing the arguments made by counsel, the applicable law, and the filings of the parties, the Court took the matter under advisement.

Facts

The second regular session of the 126th South Carolina General Assembly adjourned *sine die* on May 14, 2026. Thereafter, Governor Henry McMaster issued an executive order convening the General Assembly in extraordinary session, including for purposes of addressing congressional redistricting and the state budget. On May 18, 2026, the South Carolina House of Representatives debated the redistricting bill on the House floor. The House Rules Committee scheduled a meeting for that same day and posted the notice and agenda shortly before the start of the meeting. Plaintiffs filed an emergency restraining order to prohibit the Defendants from enforcing any Rules Resolution that stemmed from the May 18, 2026, meeting, alleging the meeting violated the Freedom of Information Act ("FOIA"). This Court heard the case on expedited hearing and denied the motion through a Form 4 Order on May 20, 2026.

Discussion

As it is constitutionally empowered to do so, the South Carolina House of Representatives has adopted House Rule 4.4, which provides, in part, as follows:

> A committee should give a minimum of twenty-four hour advance notice for all committee meetings. Provided, however, in case of necessity due to exigent circumstances, the Speaker, in his sole discretion, may waive the twenty-four hour advance notice requirements herein. Committee chairmen must notify the committee members of all meetings. Failure of notice of any meeting shall not invalidate committee action unless bad faith is shown…

House Rule 4.4. This Court finds that pursuant to this Rule, the Speaker of the House exercised his sole discretion to determine that there were indeed "exigent circumstances." While there is no requirement that the Speaker must affirmatively delineate such circumstances to waive the twenty-four hour requirement in the Rule, this Court takes judicial notice of the legislative record to find that the Speaker did in fact properly exercise his authority under this House Rule.

Separation of Powers

Plaintiffs challenge and seek clarification to this Court's Form 4 Order from May 20, 2026, in which this Court denied the motion for temporary restraining order based on separation of powers as well as the applicability of FOIA to this specific case. Because this Court finds that the Speaker acted within his authority under Rule 4.4, it would be a violation of the separation of powers doctrine to require further testimony and/or examination of the Speaker. S.C. Const. art I, § 8 ("In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other."). To be clear, courts have the absolute right to inquire into and examine whether or not any House or Senate rule has been complied with. If the Speaker, or any member of the General Assembly, violates an internal rule this Court has the authority to use its constitutional power to check the other branch of government. However, once there is a finding that the Speaker acted within his scope, as has happened in this case, the inquiry needs to go no further.

Going to the Plaintiffs' end of their argument spectrum, why not simply inquire further and use the court's authority more? Simply put – there are always two sides to a coin. While Plaintiffs might enjoy the breadth of this Court's authority, what about the other branches and their same and equal authority? Could the General Assembly call this Court into their chambers and demand explanations of its rulings? Surely not. There is a reason courts exercise their judicial power with restraint.

FOIA

This Court also held in its May 20, 2026, ruling that FOIA was inapplicable in this specific case. This is because Rule 4.4 supplants the FOIA exceptions that are codified in law. Thus, this Court looks to Rule 4.4 and not FOIA to see if the Speaker complied with the Rule.

The South Carolina Constitution expressly establishes that "each house shall ... determine its rules of procedure." S.C. Const. art. III, § 12. This "constitutional mandate" provides that "each house in the General Assembly determines its rules of procedure free from interference from the judicial and executive branches." *Bd. of Trs. of Sch. Dist. of Fairfield Cnty. v. State*, 395 S.C. 276, 279, 718 S.E.2d 210, 211 (2011). Our supreme court has held that the "Constitution empowers each House to determine its rules and proceedings." *State ex rel. Coleman v. Lewis*, 181 S.C. 10, 186 S.E. 625, 630 (1936). The court further held that "[n]either House may by its rules ignore constitutional restraints or violate fundamental rights…." *Id.* The United States Supreme Court has similarly held that "[n]either do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power." *United States v. Ballin*, 144 U.S. 1, 5 (1892).

In *Pinckney v. Peeler*, our supreme court struck down a statute that required a supermajority vote to overturn a piece of legislation. *Pinckney v. Peeler*, 434 S.C. 272, 278, 862 S.E.2d 906, 909 (2021). After reviewing South Carolina jurisprudence and constitutional provisions, the court held that the legislature's legislative power (found in the Constitution) only required a majority vote. Thus, one General Assembly cannot bind a future General Assembly's constitutional authority by a mere statute. While the *Pinckney* case is analogous to this case, there is a key distinction between the two. The court in *Pinckney* had to make the determination that as part of the plenary power of the General Assembly to legislate the threshold for passing a bill was a majority vote and not a supermajority vote. Once they made that determination, then the majority vote threshold was a protected constitutional power of the legislature. In the case at hand, the plenary power written into the Constitution is the ability for each house to determine their rules of procedure. Whether it be Rule 4.4 or any other internal rule, if this Court determines that the rule falls under a plenary power, then, just like the majority vote requirement in *Pinckney*, no statute can take away that power.

Similar to the *Pinckney* case, other jurisdictions have found that statutes cannot override a constitutional provision that allows for each legislative house to determine its own internal rules. The Supreme Court of Georgia held:

> These rules were adopted by both the House and the Senate after the passage of the 'Sunshine Law,['] and they show that both houses considered themselves free to adopt their own rules of internal procedure even though such rules were inconsistent with the 'Sunshine Law.'
>
> We do not believe that it can reasonably be argued that the House or Senate cannot pass an internal operating rule for its own procedures that is in conflict with a statute formerly enacted.

Coggin v. Davey, 233 Ga. 407, 411, 211 S.E.2d 708, 710–11 (1975). The Iowa Supreme Court is likewise persuasive:

> In our opinion even if the Legislature were to amend Chapter 28A to specifically include itself and its various committees, either house could nevertheless thereafter at any time by rule and without the concurrence of the other house close its sessions, committee meetings or any of them. *No mere statute of one General Assembly can abridge the power conferred by the people upon each house to "determine its rules of proceedings."*

Des Moines Reg. & Trib. Co. v. Dwyer, 542 N.W.2d 491, 497 (Iowa 1996) (quoting 1974 Op. Atty. Gen. 41 (February 6, 1973)) (emphasis in *Des Moines Register* opinion). Many other states have also arrived at this same logical conclusion. *See Abood v. League of Women Voters*, 743 P.2d 333,338 (Alaska 1987); *see Opinion of the Justices,* 157 Me. 98, 170 A.2d 657, 659 (1961); *see State ex rel. LaFollette v. Stitt,* 114 Wis.2d 358, 338 N.W.2d 684, 687 (1983).

Plaintiffs do not dispute the constitutionality or legality of the Rule, nor do they dispute that Rule 4.4 applies to this case. This Court does not understand how there can be any question then that Rule 4.4 is controlling and not the specific FOIA statute as to twenty-four hours' notice for meetings. *Compare* S.C. Code Ann. § 30-4-80 (2025) ("This requirement does not apply to emergency meetings of public bodies.") *with* S.C. House Rule 4.4 ("Provided, however, in case of necessity due to exigent circumstances, the Speaker, in his sole discretion, may waive the twenty-four hour advance notice requirements herein."). While this statute and this Rule are similar, they are clearly distinguishable, and thus one applies and one does not.

As stated at the hearing on June 29, 2026, Plaintiffs would have this Court rule that FOIA (and <u>any</u> other statute) is absolutely controlling over any House or Senate internal rule. If Plaintiffs' argument is correct that a statute – passed by a previous legislature – is controlling over any legislative rule, then the General Assembly could tie the hands of future legislators to come. For example, the General Assembly could pass a law requiring that no member of a public body could speak on a pending bill or ordinance for more than one minute (for the sake of argument this assumes it is generally applicable and thus encompasses the General Assembly). This new statute would surely limit the time that members of the House could speak, and no internal, procedural House rule could ever change that. *See* S.C. House Rule 5.19(a) ("No member shall speak more than twice on the main question of a bill or resolution being considered for any reading and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech…"). A statute cannot override the Constitution. There is a process for amending the Constitution and it does not involve statutory enactments.

Another problem under their theory is if a House rule is not in compliance with a statute, then the House rule should be stricken. Taken to its logical conclusion, there is little doubt that many of the current House rules might not comply with one of the thousands of statutes that are codified into law. Imagine a statute that does not allow working past midnight – would late night voting sessions be shuttered? *See* House Rule 6.2 ("All questions as to priority of business or as to the time when any matters shall be considered or ordered for consideration and as to a departure from the regular order of business shall be decided without debate."). Imagine a statute that allows for any individual over the age of eighteen to apply and be considered for any public committee – would the General Assembly be prevented from seating members they find in good standing? *See* House Rule 10.1 ("Only the following persons shall be admitted within the House Chamber during a session of the House unless otherwise authorized by House Resolution."). What about a law that absolutely prohibits smoking in any public building – would not this Court be required to strike down House Rule 10.7? *See* House Rule 10.7 ("No smoking or use of tobacco products is permitted in any area under the exclusive control of the House of Representatives unless the area is otherwise designated a 'smoking area' by the Speaker."). The list could go on, but it is not necessary. This Court finds it abundantly clear that if an internal House or Senate rule is germane to its internal procedures and does not violate constitutional provisions, then it shall stand.

Then what is the check on House or Senate rules? The answer is constant and unwavering – the Constitution. The Constitution makes clear that each chamber makes their own procedural rules, and thus they are also bound by that same Constitution. The House or Senate cannot simply pass an internal rule under the guise that it is an internal procedure and free from judicial review. Rather, a court's first inquiry is to determine if the rule is in fact a rule for procedural operations of the particular legislative body, and second, does the procedural rule offend any constitutional provision.

Plaintiffs argue that without the court's checking of the General Assembly, they are free to pass any internal rule they see fit so long as it does not violate a constitutional provision. This is true – just as it is true that the General Assembly can pass any abhorrent law that they wish so long as it does not violate a constitutional provision, because the Constitution gives them that authority. S.C. Const. art. IV, § 21 ("Every bill or joint resolution which shall have passed the General Assembly… shall, before it becomes a law, be presented to the Governor…"). But members of the General Assembly do not appear in these positions by happenstance – they are duly elected and accountable to the people for whom they are elected. Just as laws passed by previous General Assemblies have had electoral consequences for its members, why would these rules not be subject to the same political realities? The Supreme Court of Georgia summed it up similarly: "If the House, the Senate, or both want to let the sun shine more brilliantly and more pervasively upon their deliberations and actions, they can do so by adopting rules and procedures applicable to their operations that will accomplish this purpose." *Coggin v. Davey*, 233 Ga. 407, 411, 211 S.E.2d 708, 711 (1975).

Other Arguments

This Court holds that the Plaintiffs do have standing to challenge the actions of the General Assembly and this Court does have subject matter jurisdiction. Because this Court holds that the Speaker complied with Rule 4.4, it does not address the issue of bad faith contemplated under the Rule. Because the underlying legislation from this Special Session did not pass the South Carolina Senate ahead of the primary elections, the Plaintiffs' claims are now moot. Finally, this Court declines to find that legislative immunity applies to this case.

Conclusion

This Court holds that internal, procedural rules passed by either house of the General Assembly are subject to constitutional restraints. If a rule is contrary to a statute, the inquiry is not whether the rule passes statutory muster but rather does the complained of rule violate any constitutional provision. The judiciary is an equal branch of government with equal power as the other branches. When necessary, it will use its authority to strike down any law, rule, or action that is not compliant with the Constitution. The Motion to Dismiss pursuant to Rule 12(b)(6) is GRANTED.

IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]

Richland Common Pleas

Case Caption:	Lynn Shuler Teague , plaintiff, et al vs House Legislative Rules Committee Of The Sc House Of Rep , defendant, et al
Case Number:	2026CP4003393
Type:	Order/Other

So Ordered

s/ Daniel Coble, 2774