

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON
) PLEAS
)

ACLU of South Carolina,

) CASE NO. 2024-CP-40-06286
)

Plaintiff,

v.

) SUPPLEMENT TO PLAINTIFF'S
) MOTION FOR TEMPORARY
) RESTRAINING ORDER OR
) PRELIMINARY INJUNCTION
)

State Election Commission,
South Carolina Department of
Motor Vehicles,

Defendants,

Thomas Alexander, in his official
capacity as President of the South
Carolina Senate,
South Carolina Republican Party,

Putative Intervenors¹.

In advance of the temporary restraining order hearing scheduled for tomorrow, October 25, 2024, at 9:00 a.m., Plaintiff ACLU of South Carolina respectfully supplements its Motion for Temporary Restraining Order or Preliminary Injunction with the following information:

- I. **SCMDV completed its review of 477-NC forms and identified 1,896 South Carolina citizens whose voter registration materials were wrongfully excluded by the SCDMV system.**

As of October 23, 2024, Defendant the South Carolina Department of Motor Vehicles (SCDMV) completed its hand-review of 477-NC forms from impacted voters. Through that review, SCDMV identified **1,896** SCDMV customers that:

- 1) Completed a SCMDV transaction between September 6, 2023 (120 days before the close of books for the Democratic Presidential Primary) and

¹ Counsel for the Speaker of the House, Murrell Smith, has indicated his intent to intervene but has not yet filed a motion or entered an appearance.

- October 14, 2024 (close of books for the 2024 general election);
- 2) Met all criteria for motor-voter registration under South Carolina law, S.C. Code §§ 7-5-180, 7-5-320;
 - 3) “[R]equested information from their SCDMV licensing application be forwarded to State Election Commission for [voter] registration” by checking “**Yes**, I wish to register to vote” on their 477-NC form; and
 - 4) The SCDMV system “did not send their information to the State Election Commission to complete the voter registration.”

See Ex. AA (Oct. 23, 2024, email from Mike Fitts, SCDMV Public Information Officer).

After compiling the list of impacted voters, SCDMV transmitted the list to the SEC. See Ex. AA. Based on Defendants’ prior representations, Plaintiff believes that this information was transmitted to the SEC in the typical motor-voter file format, which SEC is familiar with processing and that can be easily transmitted to the relevant county election boards for processing.

II. SEC represented that it will permit impacted voters to cast ballots in the 2024 election.

When SCDMV’s failure to process motor-voter applications for 17-year-olds originally came to light, the SEC provided an official statement to the news media regarding the solutions that were available to impacted voters. Specifically, SEC told the media (and, by extension, impacted voters) that:

[I]f a person indicates on their DMV form that they want to register to vote but the application is not received by the county election office, the person would still be allowed to vote after election officials verify the person’s form with the DMV. Election officials do this by calling representatives from the DMV who then check a copy of the person’s DMV form that was completed with the person was receiving services. *If the DMV representative sees that the person indicated that they wanted to register to vote and is qualified, then they will be allowed to vote.*

Ex. BB (Oct. 14, 2024, email from John Catalano, SEC Public Information Officer)

(emphasis added).

Now that SCDMV has identified and provided a list of all impacted voters, the SEC need not wait until a voter arrives at the polls to cure SCDMV's voter registration error. Rather, SCDMV's hard work now allows the SEC take swift—and far less burdensome—actions to ensure that impacted voters are (1) appropriately registered, and (2) notified of their successful registration.

III. Exhibits to Plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction.

Counsel mistakenly omitted the exhibits referenced in Plaintiff's original motion.

Those exhibits are also attached hereto:

- Exhibit A, SCDMV 477-NC Form
- Exhibit B, SCDMV Voter Attestation Screen
- Exhibit C, Order granting relief in *Mullins v. Cole*, 218 F. Supp. 3d 488 (S.D.W.Va. 2016).

Date: October 24, 2024

Respectfully Submitted,

/s Allen Chaney

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* Motions for Admission *pro hac vice*
forthcoming

‡*Not admitted in the District of
Columbia; practice limited under D.C.
App. R. 49(c)(3).*

Attorneys for Plaintiff