

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

JOANN SHERNOFF; DSCC,

Plaintiffs,

v.

MARCI ANDINO, in her official capacity as the Executive Director of the South Carolina State Election Commission; HOWARD M. KNAPP, in his official capacity as Director of Voter Services of the South Carolina State Election Commission; JOHN WELLS, in his official capacity as Chair of the South Carolina State Election Commission; and JOANNE DAY, CLIFFORD J. EDLER, LINDA MCCALL and SCOTT MOSELEY, in their official capacities as members of the South Carolina State Election Commission,

Defendants.

Case No. _____

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs JoAnn Shernoff and the DSCC seek a preliminary injunction enjoining Defendants from continuing conduct in violation of the First and Fourteenth Amendments of the United States Constitution and the procedural due process rights of South Carolina voters.¹ The requested preliminary injunction would require Defendants to direct county elections officials to provide prompt notice to individuals whose mailed ballots are rejected because they were allegedly not “properly signed and witnessed” and an opportunity to cure issues regarding ballot signatures.

¹ Pursuant to Local Civil Rule 7.02, Plaintiffs have conferred with counsel for Defendants who do not consent to the relief requested by this Motion.

S.C. Code. Ann. § 7-15-420. Specifically, this suit focuses on signature-related issues including perceived missing or otherwise improper signatures of a voter or a witness that erects barriers for individuals attempting to vote.

Plaintiffs ask that this Court issue a preliminary injunction enjoining the Defendants from failing to provide absentee voters with notice and an opportunity to cure the rejection of their absentee ballots for deficiencies related to South Carolina's Signature and Witness Requirements. Plaintiffs seek an injunction further requiring that Defendants direct county election officials to promptly review absentee ballot envelopes, including those that have already arrived and those that will come in on a rolling basis, and provide notice of signature-related deficiencies to voters by e-mail and phone if that information is available and by mail if neither e-mail nor phone is available. Plaintiffs also ask for an order directing Defendants to make available on a daily basis through November 3, 2020 a list of voters (including name, mailing address, and date of birth) who have submitted deficient absentee ballots so that DSCC may notify voters that their absentee ballots are defective and help those voters avoid disenfranchisement. Plaintiffs further request that voters whose ballots are rejected under the Signature Requirement may cure their ballot until the Friday following Election Day and that voters whose ballots are rejected under the Witness Requirement may lawfully cast a compliant absentee ballot or an in-person ballot before or on Election Day.

Plaintiffs respectfully request that the Court grant their Motion and issue a preliminary injunction pending a decision on the merits of Plaintiffs' claims in this matter.

Dated: October 18, 2020

By: /s/ Thomas J. Tobin

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** Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I certify that on October 18, 2020, I filed a copy of the above Motion, accompanying Memorandum of Law, and Exhibits 1-5 with the Court's electronic filing system.

/s/ Thomas J. Tobin