

Exhibit A

To SCGOP's Motion to Intervene

SCGOP's (Proposed) Answer

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

ACLU of South Carolina,

Plaintiff,

v.

State Election Commission, South Carolina
Department of Motor Vehicles,

Defendants.

IN THE COURT OF COMMON PLEAS
THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2024-CP-40-06286

**SOUTH CAROLINA REPUBLICAN
PARTY'S (PROPOSED) ANSWER**

Intervenor–Defendant South Carolina Republican Party (the “SCGOP”), by and through the undersigned counsel, responding to the allegations of Plaintiff ACLU of South Carolina, alleges and states as follows:

1. Each and every allegation contained in Plaintiff’s Complaint not admitted, qualified, or explained by the SCGOP is denied.

FOR A FIRST DEFENSE

2. Responding to the allegations in Paragraph 1 of the Complaint, the SCGOP admits the allegations upon information and belief.

3. The SCGOP lacks information sufficient to form a belief as to the allegations in Paragraph 2 of the Complaint and thus denies the allegations and demands strict proof thereof. Further responding to the allegations in Paragraph 2 of the Complaint, the SCGOP craves reference to section 7-5-180 of the South Carolina Code and denies any allegations or characterizations inconsistent therewith.

4. The SCGOP denies the allegations in Paragraph 3 of the Complaint and demands strict proof thereof.

5. The SCGOP lacks information sufficient to form a belief as to the allegations in Paragraph 4 of the Complaint and thus denies the allegations and demands strict proof thereof.

6. Responding to the allegations in Paragraph 5 of the Complaint, the SCGOP craves reference to the authorities cited therein and denies any allegations or characterizations inconsistent therewith.

7. The SCGOP denies the allegations in Paragraph 6 of the Complaint and denies Plaintiff is entitled to any relief.

8. Responding to the allegations in Paragraph 7 of the Complaint, the SCGOP admits the allegations contained in the first sentence upon information and belief. The SCGOP lacks information sufficient to form a belief as to the remaining allegations in Paragraph 7 of the Complaint and thus denies the allegations and demands strict proof thereof.

9. The SCGOP admits the allegations in Paragraphs 8, 9, and 10 of the Complaint.

10. Responding to the allegations in Heading I of the Complaint, the SCGOP craves reference to applicable “South Carolina law” and denies any allegations or characterizations inconsistent therewith.

11. Responding to the allegations in Paragraph 11 of the Complaint, the SCGOP craves reference to article II section 4 of the South Carolina Constitution and denies any allegations or characterizations inconsistent therewith.

12. Responding to the allegations in Paragraph 12 of the Complaint, the SCGOP craves reference to section 7-5-180 of the South Carolina Code and denies any allegations or characterizations inconsistent therewith.

13. Responding to the allegations in Paragraph 13 of the Complaint, the SCGOP craves reference to section 7-5-180 of the South Carolina Code and the cited authority and denies any allegations or characterizations inconsistent therewith.

14. Responding to the allegations in Paragraph 14 of the Complaint, the SCGOP craves reference to the cited authority and denies any allegations or characterizations inconsistent therewith.

15. Responding to the allegations in Paragraph 15 of the Complaint, the SCGOP admits, upon information and belief, that the first “preceding primary” for the 2024 General Election was the Democratic Presidential Preference Primary on February 3, 2024, and that the books closed for that primary on January 4, 2024. Further responding to the allegations in Paragraph 15, the SCGOP craves reference to sections 7-11-20 and 7-5-150 of the South Carolina Code and the other cited authorities and denies any allegations or characterizations inconsistent therewith.

16. Responding to the allegations in Paragraph 16 of the Complaint, the SCGOP admits the allegations upon information and belief but craves reference to section 7-5-180 of the South Carolina Code and denies any allegations or characterizations inconsistent therewith.

17. Responding to the allegations in Heading II of the Complaint, the SCGOP denies the allegations and demands strict proof thereof.

18. Responding to the allegations in Paragraph 17 of the Complaint, the SCGOP craves reference to sections 7-5-320(A) and -320(C) of the South Carolina Code and the cited authority and denies any allegations or characterizations inconsistent therewith.

19. Responding to the allegations in Paragraph 18 of the Complaint, the SCGOP craves reference to sections 7-5-310(h) and -320(E) of the South Carolina Code and 52 U.S.C. § 20504(e)(1) and (2) and denies any allegations or characterizations inconsistent therewith.

20. Responding to the allegations in Paragraph 19 of the Complaint, the SCGOP craves reference to 52 U.S.C. § 20501(b) and denies any allegations or characterizations inconsistent therewith.

21. Responding to the allegations in Paragraph 20 of the Complaint, the SCGOP lacks information sufficient to form a belief as to the allegations and thus denies the allegations and demands strict proof thereof.

22. Responding to the allegations in Heading A of the Complaint, the SCGOP asserts no response is required, but to the extent a response is required, the SCGOP denies the allegations.

23. The SCGOP lacks information sufficient to form a belief as to the allegations in Paragraphs 21, 22, 23, and 24 of the Complaint and thus denies the allegations and demands strict proof thereof.

24. Responding to the allegations in Paragraph 25 of the Complaint, the SCGOP asserts no response is required because the allegations call for a legal conclusion. Further responding to the allegations in Paragraph 25, the SCGOP craves reference to sections 7-5-180 and -320 of the South Carolina Code and 52 U.S.C. § 20504 and denies any allegations or characterizations inconsistent therewith.

25. The SCGOP denies the allegations in Paragraph 26 of the Complaint and demands strict proof thereof. Further responding to the allegations in Paragraph 26, the SCGOP craves reference to section 7-5-180 of the South Carolina Code and denies any allegations or characterizations inconsistent therewith.

26. Responding to the allegations in Heading III of the Complaint, the SCGOP denies the allegations and demands strict proof thereof.

27. The SCGOP lacks information sufficient to form a belief as to the allegations in Paragraphs 27, 28, 29, and 30 of the Complaint and thus denies the allegations and demands strict proof thereof.

28. Responding to the allegations in Heading IV of the Complaint, the SCGOP denies the allegations and demands strict proof thereof.

29. Responding to the allegations in Paragraphs 31 and 32 of the Complaint, the SCGOP lacks information sufficient to form a belief as to the allegations and thus denies the allegations and demands strict proof thereof.

30. Responding to the allegations in Paragraph 33 of the Complaint, the SCGOP incorporates its answers to the preceding Paragraphs as if fully set forth here.

31. Responding to the allegations in Paragraph 34 of the Complaint, the SCGOP craves reference to article 1 section 3 of the South Carolina Constitution and denies any allegations or characterizations inconsistent therewith.

32. Responding to the allegations in Paragraphs 35, 36, 37, 38, and 39 of the Complaint, the SCGOP asserts no response is required because the allegations call for a legal conclusion.

33. Responding to the allegations in Paragraph 40 of the Complaint, the SCGOP incorporates its answers to the preceding Paragraphs as if fully set forth here.

34. Responding to the allegations in Paragraph 41 of the Complaint, the SCGOP asserts no response is required because the allegations call for a legal conclusion.

35. Responding to the PRAYER FOR RELIEF section and WHEREFORE Paragraph, including subparts 1.a, 2.a.i and ii, 3, 4, 5, and 6, the SCGOP admits Plaintiff is seeking declarations and injunctive relief as stated therein but denies Plaintiff is entitled to any relief.

FOR A SECOND DEFENSE

36. Plaintiff fails to state facts sufficient to constitute a cause of action under any theory of the case and, therefore, the Court should dismiss the Complaint under Rule 12(b)(6), SCRCPP.

FOR A THIRD DEFENSE

37. Plaintiff fails to state a claim for a declaratory judgment upon which relief may be granted. “To state a cause of action under the Declaratory Judgment[s] Act, a party must demonstrate a justiciable controversy.” *Graham v. State Farm Mut. Auto. Ins. Co.*, 319 S.C. 69, 71, 459 S.E.2d 844, 845 (1995). “Justiciability encompasses several doctrines, including ripeness, mootness, and standing.” *James v. Anne’s Inc.*, 390 S.C. 188, 193, 701 S.E.2d 730, 732 (2010). Because Plaintiff lacks standing and some of the requested relief is moot, the Court should dismiss the Complaint under Rules 12(b)(1) and 12(b)(6), SCRCPP.

FOR A FOURTH DEFENSE

38. Plaintiff failed to allege the elements necessary for injunctive relief and, in any event, Plaintiff is not entitled to injunctive relief in this action.

FOR A FIFTH DEFENSE

39. Plaintiff’s claims are barred, in whole or in part, by the doctrines of waiver, laches, and unclean hands.

FOR A SIXTH DEFENSE

40. Plaintiff’s claim for injunctive relief fails because it seeks relief that violates the separation of powers, federalism, and comity doctrines.

FOR A SEVENTH DEFENSE

41. The SCGOP expressly reserves the right to amend its Answer and assert any further affirmative defenses at such time and to the extent warranted, and the SCGOP gives notice of its intent to do so at the appropriate time.

WHEREFORE, having fully answered the allegations in Plaintiff's Complaint, the SCGOP respectfully requests that the Court dismiss the Complaint with prejudice and grant such further relief as it deems just and proper.

Respectfully submitted,

/s/Robert E. Tyson, Jr.
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Columbia, South Carolina
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