

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

SOUTH CAROLINA DEMOCRATIC PARTY; DCCC; and DSCC,

Plaintiffs,

v.

MARCI ANDINO, in her official capacity as Executive Director of the South Carolina State Election Commission; JOHN WELLS, in his official capacity as Chair of the South Carolina State Election Commission; and CLIFFORD J. EDLER, HAROLD E. FAUST, and SCOTT MOSELEY, in their official capacities as members of the South Carolina State Election Commission,

Defendants,

Case No. 3:19-cv-03308-JMC

PROPOSED

ORDER OF DISMISSAL

The Plaintiffs bring this action in their own behalf and on behalf of their members arguing that South Carolina’s requirement to provide a full social security number (“SSN”) to register to vote frustrates their mission to register voters. See Paragraphs 7 through 9 of the Complaint, Document 1. Plaintiffs have informed this Court and Defendants that Plaintiffs plan to file for a preliminary injunction given the impending 2020 election and their perception that requiring potential voters to provide their whole SSN frustrates the mission of Plaintiffs to increase voter registrations in South Carolina.

The South Carolina Solicitor General has reviewed this matter and has filed a letter (the “Letter”) dated January 15, 2020, Document # 24. According to the Letter, the requirement for the full SSN apparently originated with an attorney general opinion from the Honorable Dan

McLeod in 1967. See Op. S.C. Att’y Gen., 1967 WL 11747 (September 29, 1967) (the “1967 Opinion”) that found in part that:

Accordingly, it is the opinion of this Office that if a person acknowledges that he has a Social Security number he may be required to present that number before being issued a registration certificate. This is for the protection of the voter as well as to insure the purity of the elective process.

The South Carolina Solicitor General informed this Court in the Letter that while the Office of the South Carolina Attorney General believed that the prior opinion might have been technically correct at the time it was issued, that “we now deem it necessary to modify it [the Letter] in keeping with the more modern practice of using only the last four digits of the SSN.” He further points out that this Office [Office of the South Carolina Attorney General] generally resolves all doubt in favor of the right to vote which is a fundamental right." Op. S.C. Att’y Gen., 2017 WL 1017485 (January 31, 2017).

NOW THEREFORE, it is ordered that within thirty days of the date of this order, that the South Carolina Election Commission will instruct the county boards of election to accept mail-in voter registration applications (which includes downloadable, mail-in registration forms that are returned via methods besides mail, such as in-person, fax, or e-mail) that include only the last four digits of an applicant’s social security number and update their trainings accordingly; and that within thirty days of the date of this order that the downloadable, mail-in registration form will be updated to reflect that applications containing only the last four digits of an applicant’s social security number will be accepted;

AND IT IS FURTHER ORDERED, without objection of the parties, that this case is dismissed;

AND IT IS FURTHER ORDERED, that this court shall retain jurisdiction until after the November 2020 elections, to revisit these matters should South Carolina fail to register voters who do not give their entire social security number.

IT IS SO ORDERED.

J. Michelle Childs

United States District Judge

Without objection:

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W. Jeffrey Young, Fed. Bar No. 6122

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