

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

League of Women Voters of South Carolina, *et al.*,

Plaintiffs,)

VS.)

Marci Andino, in her official capacity as)
Executive Director of the South Carolina)
State Election Commission, *et al.*,)

Defendants.)

Civil Action No. 2:20-3537-RMG

ORDER

The United States Court of Appeals for the Fourth Circuit issued an order in this matter dismissing the pending appeal and remanding this matter to this Court to address the issue of mootness, which was never raised before the District Court by Defendants. The Fourth Circuit further directed this Court to consider the impact of Directive 2020-01 (Dkt. No. 71-1) on the District Court's *Winter* analysis. *League of Women Voters v. Andino*, Appeal No. 20-2167, 2021 WL 927238, at *4 (4th Cir. Mar. 11, 2021). The Fourth Circuit identified the following issues for the District Court to consider:

1. Whether the Directive actually represents longstanding interpretation of the Commission;
2. Whether the Commission has the authority to rescind the Directive;
3. The degree of supervision and enforcement the Commission exercises over the Directive;
4. Whether the Commission exercised any such supervision in the past;

5. Whether any signature matching occurred at the county level in the wake of the Directive;
6. The impact, if any, the Directive bears on the *Winter* factors, including on the likelihood of success on the merits and the likelihood plaintiffs would suffer irreparable injury in the absence of an injunction.

The Court hereby directs Defendants to submit their briefs addressing the remanded issues within 15 days of this order. Plaintiffs are directed to file a response within 15 days thereafter. Defendants may file a reply within 5 days thereafter. Further, amicus briefs may be filed within 15 days of this order.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Court

April 6, 2021
Charleston, South Carolina