

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

MARY T. THOMAS, NEA RICHARD,
JEREMY RUTLEDGE, TRENA WALKER,
DR. BRENDA WILLIAMS, and THE
FAMILY UNIT, INC.,

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; CLIFFORD J.
EDLER and SCOTT MOSELEY, in their
official capacities as members of the South
Carolina Election Commission; and HENRY
D. McMASTER, in his official capacity as
Governor of South Carolina,

Defendants.

Civil Action No.: 3:20-cv-01552-JMC

**GOVERNOR McMASTER'S
ANSWER TO PLAINTIFFS'
COMPLAINT**

COMES NOW Defendant Henry D. McMaster, in his official capacity as Governor of South Carolina ("Governor McMaster"), by and through the undersigned counsel, and answers and otherwise responds to the Complaint for Injunctive and Declaratory Relief (ECF No. 1) ("Complaint") filed by Plaintiffs Mary T. Thomas, Nea Richard, Jeremy Rutledge, Trena Walker, Dr. Brenda Williams, and The Family Unit, Inc. (collectively, "Plaintiffs"). Governor McMaster's responses are made without waiving, and expressly reserving, all rights Governor McMaster has to file dispositive motions addressed to some or all of the claims asserted in the Complaint. Except as expressly and specifically admitted, qualified, or explained herein below, Governor McMaster denies each and every allegation in the Complaint. With respect to the numbered paragraphs of the Complaint, Governor McMaster responds as follows:

FOR A FIRST DEFENSE

INTRODUCTION

1. Paragraph 1 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 1 relies on information from the South Carolina Department of Health and Environmental Control (“DHEC”) and the State Election Commission (“SEC”), as cited in footnotes 1 and 2, respectively, Governor McMaster craves reference to the cited websites and denies any allegations or characterizations inconsistent therewith. To the extent Paragraph 1 alludes to and relies on Governor McMaster’s “home or work” Order, Governor McMaster craves reference to the terms and provisions of Section 1 of Executive Order No. 2020-21, as extended by Executive Order No. 2020-29 and most recently modified and amended by Executive Order No. 2020-31, and denies any allegations or characterizations inconsistent therewith. To the extent that Paragraph 1 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 1 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

2. Paragraph 2 of the Complaint consists of legal conclusions and arguments, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 2.

3. Paragraph 3 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent that Paragraph 3 contains factual allegations

directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 3 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 3 relies on section 7-15-320 of the South Carolina Code of Laws or any other statutory provision, Governor McMaster craves reference to the cited statutory provision and denies any allegations or characterizations inconsistent therewith.

4. Paragraph 4 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 4 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 4 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 4 relies on section 7-15-220 of the South Carolina Code of Laws, Sections 3(b) and 201 of the Voting Rights Act, or any other statutory provision, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

5. Paragraph 5 of the Complaint consists of legal conclusions, arguments, and unwarranted inferences, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 5. To the extent Paragraph 5 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 5 relies on information from the U.S. Census Bureau, Governor McMaster craves reference to the

website cited in footnote 3 and denies any allegations or characterizations inconsistent therewith.

6. Paragraph 6 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 6 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 6 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 6 relies on Section 2 of the Voting Rights Act or any other statutory provision, Governor McMaster craves reference to the cited statutory provision and denies any allegations or characterizations inconsistent therewith.

7. Paragraph 7 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 7 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 7 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

8. Paragraph 8 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 8 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 8 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a

belief as to the truth of the allegations. To the extent Paragraph 8 relies on section 7-15-310 of the South Carolina Code of Laws or any other statutory provision, Governor McMaster craves reference to the cited statutory provision and denies any allegations or characterizations inconsistent therewith. To the extent Paragraph 8 relies on actions by other States and proposes changing the laws of the State of South Carolina, Governor McMaster avers that such matters should be addressed to the South Carolina General Assembly and craves reference to the laws of this State.

9. Responding to Paragraph 9 of the Complaint, Governor McMaster admits that “election integrity is a critical interest.” The remainder of Paragraph 9 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 9 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 9 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

10. Paragraph 10 of the Complaint consists of legal conclusions and arguments, to which no response is required, and request for relief, which Governor McMaster asserts should be denied. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 10.

PARTIES

11. Responding to Paragraph 11 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff Nea Richard is a registered voter. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining

allegations in Paragraph 11 and therefore denies the same and demands strict proof thereof.

12. Responding to Paragraph 12 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff Reverend Jeremy Rutledge is a registered voter. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 12 and therefore denies the same and demands strict proof thereof.

13. Responding to Paragraph 13 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff Mary Thomas is a registered voter. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13 and therefore denies the same and demands strict proof thereof.

14. Responding to Paragraph 14 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff Trena Walker is a registered voter. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 14 and therefore denies the same and demands strict proof thereof.

15. Responding to Paragraph 15 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff Dr. Brenda Williams is a registered voter. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 15 and therefore denies the same and demands strict proof thereof.

16. Responding to Paragraph 16 of the Complaint, Governor McMaster admits, upon information and belief, that Plaintiff The Family Unit, Inc. is an entity incorporated in the State of South Carolina. Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 16 and therefore denies the same

and demands strict proof thereof.

17. Responding to Paragraph 17 of the Complaint, Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

18. Responding to Paragraph 18 of the Complaint, Governor McMaster admits that Defendant Marci Andino is the Executive Director of the SEC and that she has been named as a Defendant in her official capacity. As to the remaining allegations in Paragraph 18, Governor McMaster craves reference to the cited statutory provision(s) and denies any allegations or characterizations inconsistent therewith.

19. Responding to Paragraph 19 of the Complaint, Governor McMaster admits that Defendant John Wells is the Chair of the SEC and that he has been named as a Defendant in his official capacity. Governor McMaster admits that Defendants Clifford J. Edler and Scott Moseley are members of the SEC and that they have been named as Defendants in their official capacities. As to the remaining allegations in Paragraph 19, Governor McMaster craves reference to the cited statutory provision, as well as the website referenced in footnote 7, and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 19 of the Complaint, Governor McMaster avers that he has recently appointed JoAnn Day and Linda McCall to serve as members of the SEC.

20. Responding to Paragraph 20 of the Complaint, Governor McMaster admits that he is the Governor of the State of South Carolina and that he has been named as a Defendant in his official capacity. As to the remaining allegations in Paragraph 20, Governor McMaster craves reference to the cited constitutional and statutory provisions and denies any allegations or characterizations inconsistent therewith.

JURISDICTION AND VENUE

21. Paragraph 21 of the Complaint is a statement of Plaintiffs' legal contentions and contains conclusions of law to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

22. Paragraph 22 of the Complaint is a statement of Plaintiffs' legal contentions and contains conclusions of law to which no response is required. To the extent a response is necessary, Governor McMaster does not presently challenge personal jurisdiction but denies that that "[t]he violations complained of" concern any conduct of Governor McMaster.

23. Paragraph 23 of the Complaint is a statement of Plaintiffs' legal contentions and contains conclusions of law to which no response is required. To the extent a response is necessary, Governor McMaster denies that declaratory relief is appropriate and craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

24. Paragraph 24 of the Complaint is a statement of Plaintiffs' legal contentions and contains conclusions of law to which no response is required. To the extent a response is necessary, Governor McMaster does not contest that venue is proper in this District and craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

STATEMENT OF FACTS

25. Paragraph 25 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 25 contains factual allegations

directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 25 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 25 relies on information from the Centers for Disease Control and Prevention (“CDC”), as cited in footnote 8, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

26. Paragraph 26 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 26 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 26 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

27. Paragraph 27 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 27 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 27 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 27 relies on information from the CDC, as cited in footnote 12, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

28. Paragraph 28 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 28 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 28 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

29. Paragraph 29 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 29 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 29 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 29 relies on information from the CDC, as cited in footnotes 14 and 15, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

30. Paragraph 30 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 30 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 30 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

31. Paragraph 31 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. Although Paragraph 31 does not reference specific CDC guidance, Governor McMaster admits that the CDC has issued various forms of guidance in connection with COVID-19 and craves reference to the same and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 31, to the extent Paragraph 31 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 31 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

32. Paragraph 32 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 32 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 32 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 32 relies on information from the CDC, as cited in footnote 21, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

33. Paragraph 33 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 33 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster

denies the allegations. To the extent Paragraph 33 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 33 relies on information from the CDC, as referenced in footnote 22, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

34. Paragraph 34 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 34 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 34 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

35. Paragraph 35 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 35 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 35 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

36. Paragraph 36 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 36 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster

denies the allegations. To the extent Paragraph 36 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 36 relies on information from DHEC, as cited in footnotes 28, 29, and 30, Governor McMaster craves reference to the cited information and denies any allegations or characterizations inconsistent therewith.

37. Paragraph 37 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 37 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 37 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

38. Paragraph 38 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 38 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 38 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 38 relies on information from DHEC, as cited in footnote 33, Governor McMaster craves reference to the cited information and denies any allegations or characterizations inconsistent therewith.

39. Paragraph 39 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable

issues, rather than allegations of fact. To the extent Paragraph 39 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 39 relies on information from DHEC, as referenced in footnote 33, Governor McMaster craves reference to the cited information and denies any allegations or characterizations inconsistent therewith.

40. Paragraph 40 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster admits that he has issued “various executive orders” in connection with COVID-19 but denies the remaining allegations of Paragraph 40 to the extent Plaintiffs rely upon Executive Order No. 2020-07, as cited in footnote 35. To the extent Paragraph 40 relies on Governor McMaster’s Executive Orders and attempts to summarize, characterize, or paraphrase the same, Governor McMaster craves reference to the terms and provisions of those Executive Orders cited by Plaintiffs, as well as those subsequently issued, and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 40, Governor McMaster refers to and incorporates by reference the terms and provisions of Executive Order No. 2020-31.

41. Responding to Paragraph 41 of the Complaint, Governor McMaster admits that he issued Executive Order No. 2020-08 and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 41, Governor McMaster admits that the President of the United States proclaimed a National Emergency and craves reference to the terms and provisions thereof, as cited in footnote 37, and denies any allegations or characterizations inconsistent therewith.

42. Responding to Paragraph 42 of the Complaint, Governor McMaster admits that he

issued Executive Order No. 2020-09 on March 15, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith.

43. Responding to Paragraph 43 of the Complaint, Governor McMaster admits that he issued Executive Order No. 2020-09 on March 15, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith.

44. Responding to Paragraph 44 of the Complaint, Governor McMaster admits that on March 27, 2020, the President of the United States approved a major disaster declaration for the State of South Carolina and craves reference to the terms and provisions of the declaration, as cited in footnote 41, and denies any allegations or characterizations inconsistent therewith.

45. Responding to Paragraph 45 of the Complaint, Governor McMaster admits that he issued Executive Order No. 2020-15 on March 28, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith.

46. Responding to Paragraph 46 of the Complaint, Governor McMaster admits that he issued Executive Order No. 2020-17 on March 31, 2020, and Executive Order No. 2020-18 on April 3, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 46, Governor McMaster avers that Executive Order No. 2020-18 superseded, rescinded, and replaced Executive Order No. 2020-17, and he craves reference to the terms and provisions of the cited Executive Orders, as well as those Executive Orders subsequently issued, and denies any allegations or characterizations inconsistent therewith.

47. Responding to Paragraph 47 of the Complaint, Governor McMaster admits that he issued Executive Order No. 2020-21 on April 6, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith. Further

responding to Paragraph 47, Governor McMaster refers to and incorporates by reference the terms and provisions of Executive Order No. 2020-31.

48. Paragraph 48 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster refers to the terms and provisions of Executive Order No. 2020-21, as modified and amended, and the websites cited in footnotes 46 and 47 and denies any allegations or characterizations inconsistent therewith.

49. Paragraph 49 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster refers to the terms and provisions of Executive Order No. 2020-21, as modified and amended, and denies any allegations or characterizations inconsistent therewith.

50. Paragraph 50 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster refers to the terms and provisions of the Court's Orders, as cited in footnotes 49 and 50, and denies any allegations or characterizations inconsistent therewith.

51. Responding to Paragraph 51 of the Complaint, Governor McMaster admits that he sent a letter to the leadership of the General Assembly on April 16, 2020, and craves reference to the same, as attached to Plaintiffs' Complaint as Exhibit 1, and denies any allegations or characterizations inconsistent therewith.

52. Responding to Paragraph 52 of the Complaint, Governor McMaster admits that he

issued Executive Order No. 2020-28 on April 20, 2020, and craves reference to the terms and provisions thereof and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 52, Governor McMaster craves reference to the terms and provisions of those Executive Orders not cited or subsequently issued, to include Executive Order No. 2020-31, and denies any allegations or characterizations inconsistent therewith.

53. Paragraph 53 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 53 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 53 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 53 relies on certain information from the CDC, as cited in footnote 54, respectively, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

54. Paragraph 54 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 54 contains factual allegations against Governor McMaster to which a response is necessary, the allegations are denied. To the extent Paragraph 54 contains factual allegations about another person or entity, Governor McMaster is without knowledge or information sufficient to form a belief as to the truth of the allegations.

55. Paragraph 55 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable

issues, rather than allegations of fact. To the extent Paragraph 55 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 55 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 55 relies on certain information from DHEC and the CDC, as cited in footnotes 57 and 58, respectively, Governor McMaster craves reference to the cited websites and denies any allegations or characterizations inconsistent therewith.

56. Paragraph 56 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 56 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 56 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 56 relies on certain information from DHEC, as cited in footnote 61, Governor McMaster craves reference to the cited information and denies any allegations or characterizations inconsistent therewith.

57. Responding to Paragraph 57 of the Complaint, Governor McMaster admits that elections are scheduled to be held in South Carolina before the end of the calendar year. To the extent Paragraph 57 relies on information from SCvotes.org, as cited in footnote 65, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

58. Responding to Paragraph 58 of the Complaint, Governor McMaster admits that

Director Andino wrote a letter dated March 30, 2020, a copy of which is attached to the Complaint as Exhibit 2 (“Andino Letter”). To the extent Paragraph 58 relies on the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith.

59. Responding to Paragraph 59 of the Complaint, which relies on the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith.

60. Responding to Paragraph 60 of the Complaint, which relies on the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith.

61. Responding to Paragraph 61 of the Complaint, which appears to reference the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 61, Governor McMaster avers that, pursuant to the South Carolina Constitution, the General Assembly has the sole authority to “adopt[]” or “implement[]” the options referred to in the Andino Letter.

62. Paragraph 62 of the Complaint contains Plaintiffs’ summary of certain statutory provisions to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

63. Paragraph 63 of the Complaint contains Plaintiffs’ summary of certain statutory provisions to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

64. Paragraph 64 of the Complaint contains Plaintiffs' summary of certain statutory provisions to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

65. Paragraph 65 of the Complaint contains Plaintiffs' summary of certain statutory provisions to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

66. Paragraph 66 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

67. Paragraph 67 of the Complaint contains Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

68. Paragraph 68 of the Complaint contains Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

69. Paragraph 69 of the Complaint contains Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and

denies any allegations or characterizations inconsistent therewith.

70. Paragraph 70 of the Complaint contains Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

71. Paragraph 71 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

72. Paragraph 72 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 72 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 72 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

73. Paragraph 73 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 73 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 73 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 73 relies on the CDC guidelines

cited in footnote 21, Governor McMaster craves reference to the cited website and denies any allegations or characterizations inconsistent therewith.

74. Paragraph 74 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 74 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 74 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

75. Paragraph 75 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 75 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 75 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 75 relies on the cited statutory provision, Governor McMaster craves reference to the same and denies any allegations or characterizations inconsistent therewith.

76. Paragraph 76 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 76 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 76 contains factual allegations about another party,

person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 76 relies on the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith. Further responding to Paragraph 76, Governor McMaster denies that there is a “mandatory” order in effect “currently instruct[ing] all South Carolinians to remain at ‘home or work’” and refers to the terms and provisions of Section 1 of Executive Order No. 2020-31.

77. Paragraph 77 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 77 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 77 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

78. Paragraph 78 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 78 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 78 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

79. Paragraph 79 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable

issues, rather than allegations of fact. To the extent Paragraph 79 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 79 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

80. Paragraph 80 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 80 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 80 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

81. Paragraph 81 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 81 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 81 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

82. Paragraph 82 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about the interpretation of unspecified laws in other States. To the extent Paragraph 82 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies

the allegations. To the extent Paragraph 82 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

83. Paragraph 83 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about the interpretation and application of West Virginia law, which have no relevance to the issues raised in Plaintiffs' Complaint. To the extent Paragraph 83 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 83 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

84. Paragraph 84 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about the interpretation and application of Alabama and Arkansas law, which have no relevance to the issues raised in Plaintiffs' Complaint. To the extent Paragraph 84 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 84 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

85. Paragraph 85 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about the interpretation and application of Virginia, Delaware, Massachusetts, and New Hampshire law, which have no relevance to the issues raised in Plaintiffs' Complaint. To the extent Paragraph 85 contains factual

allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 85 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

86. Paragraph 86 of the Complaint contains Plaintiffs' summary of certain statutory provisions to which no response is required. To the extent a response is required, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

87. Paragraph 87 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 87 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 87 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. Further responding to Paragraph 87, Governor McMaster denies the allegation contained in the second sentence and refers to the terms and provisions of Section 1 of Executive Order No. 2020-31.

88. Paragraph 88 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 88 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 88 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a

belief as to the truth of the allegations.

89. Paragraph 89 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 89 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 89 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

90. Responding to Paragraph 90 of the Complaint, Governor McMaster craves reference the website cited in footnote 73 and denies any allegations or characterizations inconsistent therewith.

91. Paragraph 91 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 91 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 91 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 91 relies on data from the U.S. Census Bureau, Governor McMaster craves reference to the website cited in footnotes 76 and 77 and denies any allegations or characterizations inconsistent therewith.

92. Paragraph 92 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 92 contains factual allegations

directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 92 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 92 relies on data from the U.S. Census Bureau, Governor McMaster craves reference to the website cited in footnotes 78 and 79 and denies any allegations or characterizations inconsistent therewith.

93. Paragraph 93 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 93 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 93 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 93 relies on data from the CDC, Governor McMaster craves reference to the website cited in footnote 80 and denies any allegations or characterizations inconsistent therewith.

94. Paragraph 94 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 94 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 94 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

95. Paragraph 95 of the Complaint consists of legal conclusions, arguments,

unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 95 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 95 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

96. Paragraph 96 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 96 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 96 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

97. Paragraph 97 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. Governor McMaster admits that “[p]rotecting election integrity and preventing improper use of absentee ballots certainly are valid governmental interests” and further avers that they are essential governmental interests. To the extent Paragraph 97 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the remaining allegations. To the extent Paragraph 97 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 97 relies on the Andino Letter, Governor McMaster craves reference to the Andino

Letter and denies any allegations or characterizations inconsistent therewith.

98. Paragraph 98 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster denies the allegations contained in Paragraph 98.

99. Paragraph 99 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent Paragraph 99 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 99 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

100. Paragraph 100 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact.

101. Paragraph 101 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

102. Paragraph 102 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

103. Paragraph 103 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

104. Paragraph 104 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

105. Paragraph 105 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

106. Paragraph 106 of the Complaint appears to contain Plaintiffs' summary of certain statutory provisions or voting processes and procedures to which no response is required. To the extent a response is necessary, Governor McMaster craves reference to the applicable statutory provisions and denies any allegations or characterizations inconsistent therewith.

107. Paragraph 107 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable issues, rather than allegations of fact. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

108. Paragraph 108 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations about complex, nonjusticiable

issues, rather than allegations of fact. To the extent Paragraph 108 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 108 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the extent Paragraph 108 relies on the Andino Letter, Governor McMaster craves reference to the Andino Letter and denies any allegations or characterizations inconsistent therewith.

CLAIM FOR RELIEF

COUNT ONE

(Violation of the Fundamental Right to Vote 42 U.S.C. § 1983, First and Fourteenth Amendments to the U.S. Constitution)

109. Responding to Paragraph 109 of the Complaint, Governor McMaster repeats, re-alleges, and incorporates by reference all prior responses to the preceding Paragraphs of the Complaint as if fully set forth herein verbatim.

110. Responding to Paragraph 110 of the Complaint, Governor McMaster admits that duly qualified South Carolina electors have a fundamental right to vote under the First and Fourteenth Amendments to the United States Constitution. The remainder of Paragraph 100 of the Complaint consists of legal conclusions, to which no response is required.

111. Paragraph 111 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations, rather than allegations of fact. To the extent Paragraph 111 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 111 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the

allegations.

112. Paragraph 112 of the Complaint consists of legal conclusions, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 112.

COUNT TWO
(Violations of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301)

113. Responding to Paragraph 113 of the Complaint, Governor McMaster repeats, re-alleges, and incorporates by reference all prior responses to the preceding Paragraphs of the Complaint as if fully set forth herein verbatim.

114. Paragraph 114 of the Complaint contains excerpts of certain provisions of Section 2 of the Voting Rights Act. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations inconsistent therewith.

115. Paragraph 115 of the Complaint contains quotations from *League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224, 238–40 (4th Cir. 2014). To the extent a response is necessary, Governor McMaster craves reference to the cited case and denies any allegations or characterizations inconsistent therewith.

116. Paragraph 116 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, and generalizations, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 116.

117. Paragraph 117 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, and generalizations, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 117.

118. Paragraph 118 of the Complaint consists of legal conclusions, arguments,

unwarranted inferences, editorial comments, and generalizations, rather than allegations of fact. To the extent Paragraph 118 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 118 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

119. Paragraph 119 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations, rather than allegations of fact. To the extent tat Paragraph 119 contains factual allegations directed at or against Governor McMaster to which a response is necessary, Governor McMaster denies the allegations. To the extent Paragraph 119 contains factual allegations about another party, person, or entity, Governor McMaster is without sufficient knowledge or information to form a belief as to the truth of the allegations.

120. Paragraph 120 of the Complaint consists of legal conclusions, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 120.

COUNT THREE

(Violations of Sections 3 and 201 of the Voting Rights Act, 52 U.S.C. §§ 10302, 10501)

121. Responding to Paragraph 121 of the Complaint, Governor McMaster repeats, re-alleges, and incorporates by reference all prior responses to the preceding Paragraphs of the Complaint as if fully set forth herein verbatim.

122. Paragraph 122 of the Complaint contains excerpts of certain provisions of Section 201 of the Voting Rights Act. To the extent a response is necessary, Governor McMaster craves reference to the cited statutory provisions and denies any allegations or characterizations

inconsistent therewith.

123. Paragraph 123 of the Complaint contains quotations from *United States v. Board of Commissioner of Sheffield*, 435 U.S. 110, 120–21 (1978). To the extent a response is necessary, Governor McMaster craves reference to the cited case and denies any allegations or characterizations inconsistent therewith. To the extent Paragraph 123 relies on a 1998 letter from the Acting Assistant Attorney General, as cited in footnote 83, Governor McMaster craves reference to the letter and denies any allegations or characterizations inconsistent therewith.

124. Paragraph 124 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, editorial comments, and generalizations, rather than allegations of fact. Paragraph 124 of the Complaint also contains quotations from *Northwest Austin Municipal Utility District No. One v. Holder*, 557 U.S. 193, 198 (2009), and *Reno v. Bossier Parish School Board*, 528 U.S. 320, 338 n.6 (2002). To the extent a response is necessary, Governor McMaster craves reference to the cited cases and denies any allegations or characterizations inconsistent therewith.

125. Paragraph 125 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, and generalizations, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 125.

126. Governor McMaster admits the allegations of Paragraph 126 and craves reference to the South Carolina Supreme Court's opinion in *Gregory v. S.C. Democratic Executive Committee*, 271 S.C. 364, 247 S.E.2d 439 (1978).

127. Paragraph 127 of the Complaint consists of legal conclusions, arguments, unwarranted inferences, and generalizations, to which no response is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 127.

128. Paragraph 128 of the Complaint consists of legal conclusions, to which no response

is required. To the extent a response is necessary, Governor McMaster denies the allegations of Paragraph 128.

FOR A SECOND DEFENSE

Plaintiffs' Complaint should be dismissed under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

FOR A THIRD DEFENSE

Plaintiffs are not entitled to injunctive relief of any kind because they are not likely to succeed on the merits, they cannot demonstrate irreparable harm, the balance of the equities does not tip in their favor, and an injunction would not be in the public interest.

FOR A FOURTH DEFENSE

Plaintiffs' claim for injunctive relief fails because they raise nonjusticiable political questions and seek relief that violates the doctrines of separation of powers, federalism, and comity.

FOR A FIFTH DEFENSE

Plaintiffs' claims are barred or limited because they knew, should have known, or had reason to know the facts and circumstances on which their claims are based, and Plaintiffs' lack of diligence prejudices Defendants. *See Smith v. S.C. Election Comm'n*, 874 F. Supp. 2d 483, 498 (D.S.C. 2012) (three-judge panel). Accordingly, Plaintiffs' claims are barred, limited, or otherwise subject to defenses based on the doctrines of laches, waiver, acquiescence, estoppel, and other similar concepts and their requests for relief are inequitable and so barred or limited by corresponding equitable doctrines.

FOR A SIXTH DEFENSE

Plaintiffs' claims are barred to the extent they are premised on Section 1 of Executive Order

No. 2020-21, which has since been modified and amended by Executive Order No. 2020-31, such that the “Home or Work Order” is no longer mandatory. The cited Executive Orders also expressly provide that they are “not intended to create, and do[] not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivision, or other entities, or any officers, employees or agents thereof, or any other person.” *E.g.*, Executive Order No. 2020-31, § 3(A).

FOR A SEVENTH DEFENSE

Plaintiffs’ claim under Section 201 of the Voting Rights Act is not properly before the Court because raising such a claim requires an affirmative request and the subsequent convening of a three-judge court.

FOR AN EIGHTH DEFENSE

Plaintiffs lack standing to bring the instant action and the claims asserted are either not yet ripe or are now moot and may be barred by the doctrine of sovereign immunity.

FOR A NINTH DEFENSE

Governor McMaster expressly adopts and incorporates by reference any and all applicable defenses asserted by other Defendants that are not otherwise specifically set forth herein.

FOR A TENTH DEFENSE

Governor McMaster expressly reserves the right to amend his Answer and assert any further affirmative defenses at such time and to the extent warranted before, during, or after discovery or based on his investigation of the case or other relevant factual developments, and he hereby gives notice of his intend to do so at the appropriate time.

WHEREFORE, having fully answered and otherwise responded to Plaintiffs' Complaint, Governor McMaster respectfully requests that the Court dismiss Plaintiffs' Complaint or otherwise deny the relief sought therein, enter judgment in Defendants' favor on all counts, and award Governor McMaster and the remaining Defendants any relief that the Court deems equitable, just, and proper.

Respectfully submitted,

/s/Thomas A. Limehouse, Jr.
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May 11, 2020
Columbia, South Carolina