

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CALHOUN)
)
 ANNE CROOK,)
)
 Plaintiff,)
)
 vs.)
)
 SOUTH CAROLINA ELECTION)
 COMMISSION a/k/a STATE)
 ELECTION COMMISSION,)
)
 Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2025-CP-09-

**PETITION FOR
 AN EX PARTE TEMPORARY
 RESTRAINING ORDER,
 MOTION FOR PRELIMINARY
 INJUNCTION, AND COMPLAINT
 FOR DECLARATORY AND
 INJUNCTIVE RELIEF**

PLAINTIFF hereby files this petition, motion, and complaint, and would respectfully show unto the Court as follows:

1. Plaintiff Dr. Anne Crook is a resident of and registered voter in Calhoun County, South Carolina.
2. Defendant South Carolina Election Commission, also known as the State Election Commission, is an agency of the State of South Carolina, which has the responsibility for administering elections and voters' registration information data in the State of South Carolina
3. The alleged questions of law are pertinent to all registered voters in South Carolina and in particular to this Plaintiff; that Plaintiff provided personal information data in order to become a registered voter in Calhoun County, South Carolina.
4. That this action relates to a matter of public interest.

5. Jurisdiction and venue are proper with this Court, the Calhoun County Court of Common Pleas, pursuant to South Carolina Code § 15-53-20 *et seq.*

6. On or about August 6, 2025, the Civil Rights Division of the United States Department of Justice (hereinafter “USDOJ”) emailed a letter to the Executive Director of Defendant, requesting that Defendant turnover to USDOJ the “South Carolina’s statewide voter registration list and information”, a copy of which is attached hereto and made apart hereof.

7. On or about August 14, 2025, USDOJ emailed a follow-up letter to Defendant’s Executive Director clarifying that USDOJ was requesting every registered voter’s “full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number”, a copy of which is attached hereto and made apart hereof.

8. On or about August 20, 2025, Defendant requested an extension to respond to the request of USDOJ.

9. That on information and belief, an extension was granted to September 5, 2025.

PETITION FOR A TEMPORARY RESTRAINING ORDER
AND MOTION FOR A PRELIMINARY INJUNCTION
RULE 65(b), SCRPC

10. Plaintiff reiterates and re-alleges each of the allegations of paragraphs 1 through 9 above as if set forth herein verbatim.

11. Rule 65 of the SCRPC provides that an *ex parte* temporary restraining order may not be issued "unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had thereon." Rule 65(b), SCRPC.

12. A temporary restraining order should be issued here to prevent Defendant from violating the constitutional rights of Plaintiff by allowing an invasion of her privacy and to prevent Defendant from violating the protections guaranteed to Plaintiff by state law that prohibit the release of her personal information data as contained in the voter files of Defendant. Compliance has been requested by USDOJ to Defendant with a deadline of September 5, 2025, and there is no adequate time to convene a hearing prior to that date.

13. If Defendant complies with the request of USDOJ, there will not be an adequate remedy at law.

14. Accordingly, a temporary restraining order should be issued preventing Defendant from releasing the voter files of Defendant which include personal information data of Plaintiff until a hearing is held and this matter can be more fully ruled upon.

FIRST CAUSE OF ACTION
(Declaratory Relief)

15. Plaintiff reiterates and re-alleges each of the allegations of paragraphs 1 through 14 above as if set forth herein verbatim.

16. Pursuant to South Carolina Code § 15-53-20 *et seq*, the Court should declare that:

a. The release of the personal information data of Plaintiff, as contained in Defendant's voter registration file, would violate Article 1 Section 10 of the Constitution of South Carolina which guarantees Plaintiff's right to privacy.

b. The release of the personal information data of Plaintiff as contained in Defendant's voter registration file, would violate the provisions of state laws preventing state agencies from releasing this information. S.C. Code § 30-2-10 *et. seq.*; S.C. Code § 7-5-186, and other applicable South Carolina law.

SECOND CAUSE OF ACTION
(Injunctive Relief)

17. Plaintiff reiterates and re-alleges each of the allegations of paragraphs 1 through 16 above as if set forth herein verbatim.

18. Pursuant to South Carolina Code § 15-53-120, the Court should enter a temporary restraining order and, after a merits hearing, a permanent injunction enjoining Defendant from any further actions related to the release of the South Carolina statewide voter registration list containing Plaintiff's personal information data, and any further relief necessary to conform the Defendant's conduct to the Constitution and laws the State of South Carolina, and effectuate the orders and judgment of this Court.

WHEREFORE, having fully set forth her Complaint above, Plaintiff prays that this Honorable Court grant her Petition for a temporary restraining order and, after discovery, enter a Final Declaratory Judgment and Injunctive Relief as set forth above, along with any further relief the Court deems just and proper.

Date: August 28, 2025
Orangeburg, South Carolina

s/ C. Bradley Hutto

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VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Plaintiff - Dr. Anne Crook

Sworn before me on August 28, 2025

[Signature] (Sealed)

Notary Public for South Carolina

My commission expires 12/22/30

[Signature: Anne Crook]

FITSNELMS



U.S. Department of Justice
Civil Rights Division

Voting Section
950 Pennsylvania Ave, NW - 4CON
Washington, DC 20530

August 6, 2025

Via Mail and Email

The Honorable Howard Knapp
Executive Director, State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201
hknapp@elections.sc.gov; elections@elections.sc.gov

Dear Executive Director Knapp:

We write to you as the chief election official for the State of South Carolina to request South Carolina's statewide voter registration list and information regarding South Carolina's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.* On July 2, we contacted you about obtaining an electronic copy of the statewide voter registration list for purposes of enforcing the NVRA and the Help America Vote Act, 52 U.S.C. § 20901 *et seq.*, and we are renewing our request for that information today.

The NVRA requires each state and the District of Columbia to make available for inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions. *See* 52 U.S.C. § 20510.

The plain text of § 20507(i) requires disclosure. The phrase "all records" envisions an expansive application and includes the registration information of cancelled records and accompanying voter history. *Project Vote/Voting for Am, Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012); *see also Voter Reference Foundation, LLC v. Torrez*, 727 F.Supp.3d 1014, 1212 (D. N.M. 2024) (finding "all records" includes voter list). Similarly, "programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters" encompasses a broad range of state programs, including the removal of non-citizens from voter rolls. *Id.* The capacious language of the Public Disclosure Provision has been found to "set[] a floor, not a ceiling" to the types of records that must be disclosed. *Public Interest Legal Foundation, Inc. v. Matthews*, 589 F.Supp.3d 932, 941 (C.D. Ill. 2022) (citing *Project Vote/Voting for Am., Inc.*, 682 F.3d at 337). The request for the statewide voter registration list sits firmly above that floor. Courts have continuously found that Section 8(i) requires the disclosure of voter registration records. *See, e.g., Public Interest Legal Foundation v. Boockvar*, 431 F.Supp.3d 553, 556 (M.D. Pa. 2019) (permitting disclosure of documents regarding "all

registrants who were identified as potentially not satisfying the citizenship requirement”); *Project Vote/Voting for Am, Inc.*, 682 F.3d at 333 (4th Cir. 2012) (requiring disclosure of voter registration applications for “*any individual*” who timely completed an application) (emphasis added); *Project Vote, Inc. v. Kemp*, 208 F.Supp.3d 1320, 1344 (N.D. Ga. 2016) (holding that “Section 8(i) requires the disclosure of individual voter registration records”).

Congress passed the NVRA in an effort to “protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.” NVRA § 20501. This intention is achieved through the public disclosure provision, which Congress created to establish external checks on potential administrative oversights or inefficiencies regarding ineligible voters appearing on voter rolls. *See Project Vote/Voting for Am, Inc.*, 682 F.3d at 334-35. State laws are not a bar to providing this information. If the NVRA, a federal act, and state law “do not operate harmoniously in a single procedural scheme for federal voter registration, then Congress has exercised its power to ‘alter’ the state’s regulation, and that regulation is superseded.” *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d sub nom. Arizona v. Inter Tribal Council of Arizona, Inc.* (“ITCA”), 570 U.S. 1 (2013).

Please also provide a list of the election officials who are responsible for implementing South Carolina’s general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken, and when those steps were taken, to ensure that the State’s list maintenance program has been properly carried out in full compliance with the NVRA.

Please provide this information within 14 days of the date of this letter. The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department’s secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Howard Knapp
Executive Director, State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201
hknapp@elections.sc.gov
elections@elections.sc.gov

Re: **Complete South Carolina's Voter Registration List with All Fields**

Executive Director Knapp:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list ("VRL") and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department's request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested South Carolina's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

The Help America Vote Act (“HAVA”), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA’s computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of South Carolina’s complete and current VRL. The purpose of the request is to ascertain South Carolina’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, South Carolina must ensure that it contains *all fields*, which includes either the registrant’s full name, date of birth, residential address, his or her state driver’s license number, or the last four digits of the registrant’s social security number as required under the Help America Vote Act (“HAVA”)² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note);

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency's function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

³ Containing *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required by HAVA.