

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

ANNE CROOK,

Plaintiff,

v.

SOUTH CAROLINA ELECTION COMMISSION
A/K/A STATE ELECTION COMMISSION,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2025-CP-09-00195

MOTION TO CHANGE VENUE

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel for the South Carolina Election Commission¹ (Defendant or SEC), will move before the Presiding Judge of the First Judicial Circuit at the Calhoun County Common Pleas, Saint Matthews, South Carolina, at such time and place as may be set by the Court, for an Order, pursuant to Rule 12(b)(3), SCRCP, and S.C. Code Ann. § 15-77-50, changing the venue of this case to Richland County.

Venue for actions against state agencies is governed by S.C. Code Ann. § 15-77-50, titled “Jurisdiction and venue of actions affecting State agencies and officials,” which provides in pertinent part:

The circuit courts of this State are hereby vested with jurisdiction to hear and determine all questions, actions and controversies ... affecting boards, commissions and agencies of this State, and officials of the State in their official capacities in the circuit where such question, action or controversy shall arise.

¹ There is no entity known as the South Carolina Election Commission. The agency is the State Election Commission.

This statutory requirement is mandatory, not discretionary. See *Whetstone v. S.C. Dep't of Highways & Pub. Transp.*, 272 S.C. 324, 327, 252 S.E.2d 35, 37 (1979) (holding that § 15-77-50 is a mandatory statute which “direct[s] where actions against state agencies are to be commenced.”).

The question, action, or controversy in this action arises in Richland County, not Calhoun County. The sole Defendant is the SEC, a state agency whose offices are located at 1122 Lady St, Columbia, SC 29201, which is in Richland County. The Complaint seeks relief regarding the United States Department of Justice’s request for an electronic copy of certain information or data within the control of the SEC (thus, the information or data at issue is located in Richland County). Accordingly, the proper venue for this action is Richland County.

Pursuant to Rule 11(a), SCRCPP, the undersigned counsel attempted to confer with Plaintiff’s counsel by telephone prior to filing this Motion. Because of the exigent need to file as far as possible in advance of the hearing currently set for Wednesday, September 10, 2025 at 10 AM, this Motion is being filed prior to having heard back from opposing counsel. However, Plaintiff’s counsel was put on notice in a telephone call this morning that the Motion may be forthcoming. Thus, the undersigned counsel certifies that this consultation could not be timely held. The undersigned counsel will update the Court if a response is received after the filing of this Motion. The undersigned counsel also conferred with counsel for the proposed intervenor, Governor McMaster, who does not object to this Motion.

Signature on Following Page

Respectfully Submitted,

s/ Michael R. Burchstead

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Attorneys for South Carolina Election Commission

September 5, 2025
Columbia, SC

CERTIFICATE OF SERVICE

I, Angella Ackbersingh-Teed, an employee of Burr & Forman, LLP, hereby certify that a true and correct copy of the foregoing ***MOTION TO CHANGE VENUE*** has been served via the Court's E-filing system on September 5th, 2025:

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