

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

The South Carolina State Conference of the)
NAACP, and Taiwan Scott, *on behalf of*)
himself and all other similarly situated)
persons,)

Plaintiffs,)

v.)

Thomas C. Alexander, *in his official*)
capacity as President of the Senate; Luke A.)
Rankin, in his official capacity as Chairman)
of the Senate Judiciary Committee;)
Murrell Smith, *in his official capacity as*)
Speaker of the House of Representatives;)
Chris Murphy, *in his official capacity as*)
Chairman of the House of Representatives)
Judiciary Committee; Wallace H. Jordan, in)
his official capacity as Chairman of the)
House of Representatives Elections Law)
Subcommittee; Howard Knapp, in his)
official capacity as interim Executive)
Director of the South Carolina State)
Election Commission; John Wells, Chair,)
JoAnne Day, Clifford J. Elder, Linda)
McCall, and Scott Moseley, *in their*)
official capacities as members of the South)
Carolina State Election Commission,)

Defendants.)

C/A No.: 3:21-cv-03302-MGL-TJH-RMG

ORDER

The United States Supreme Court in *Alexander v. South Carolina State Conference of the NAACP*, 144 S. Ct. 1221, 1251-52 (2024), remanded Plaintiffs’ vote-dilution claim for further proceedings before this Court. The Supreme Court stated that a vote-dilution claim is “analytically distinct” from a racial gerrymandering claim and requires a showing that the State “enacted a particular voting scheme as a purposeful device to minimize or cancel out the voting potential of

racial or ethnic minorities.” *Id.* at 1252 (citing *Miller v. Johnson*, 515 U.S. 900, 911 (1995)). The Supreme Court’s remand appears to follow the recommendation of the Solicitor General’s *amicus* brief that the Plaintiffs’ vote-dilution claim should be remanded to have this Court make findings concerning “whether the legislature acted with dilutive intent” and whether the enacted map had a “dilutive effect.” Brief for the United States, 2023 WL 4594185, at *32-33 (July 14, 2023).

The Court directs the parties to file within 30 days of this order memoranda which address the following issues:

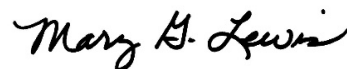
1. What factors and types of evidence should the Court consider in addressing the Plaintiffs’ vote-dilution claim? Are the framework and factors set forth in *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252, 265-68 (1977), appropriate for evaluating the vote-dilution claim?

2. Do the parties seek to supplement the record? If so, address the following issues:

A. Is supplementation of the record permissible and appropriate in this case after remand to address Plaintiffs’ vote dilution claim?

B. If supplementation of the record is permissible and appropriate, what specific type(s) of supplementation would the parties seek to offer?

AND IT IS SO ORDERED.



Mary Geiger Lewis
United States District Judge



Toby J. Heytens
United States Circuit Judge



Richard M. Gergel
United States District Judge

June 28, 2024
Charleston, South Carolina

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