

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

KYLON MIDDLETON; DEON TEDDER;
AMOS WELLS; CARLYLE DIXON;
TONYA WINBUSH; ERNESTINE MOORE;
SOUTH CAROLINA DEMOCRATIC
PARTY; DNC SERVICES
CORPORATION/DEMOCRATIC
NATIONAL COMMITTEE; and DCCC,

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; and CLIFFORD J.
EDLER and SCOTT MOSELEY, in their
official capacities as members of the South
Carolina State Election Commission,

Defendants.

Case No. 3:20-cv-1730-JMC

JOINT STIPULATION RESOLVING PREPAID POSTAGE CLAIMS

COME NOW Kylon Middleton, Deon Tedder, Carlyle Dixon, Tonya Winbush, Ernestine Moore, the South Carolina Democratic Party, DNC Services Corporation/Democratic National Committee, and the DCCC (collectively, "Plaintiffs"); and Marci Andino, John Wells, Clifford J. Elder, and Scott Moseley (collectively, "SEC Defendants") in the above-referenced litigation and hereby stipulate that Count III and the portions of Count II and IV of the Complaint related to postage be dismissed without prejudice and resolved as follows:

(1) Plaintiffs' Complaint alleges, among other things, that the State's requirement that voters pay for postage to return their absentee ballots by mail violates (i) the First and Fourteenth

Amendments to the United States Constitution by unduly burdening the right to vote (Count II), (ii) the Twenty-Fourth Amendment by imposing a poll tax (Count III), and (iii) Section 2 of the Voting Rights Act by denying or abridging African Americans' right to vote (Count IV) (the "Postage Claims"). SEC Defendants deny Plaintiffs' allegations.

(2) SEC Defendants, in their capacity as officers and members of the State Election Commission, represent that the Commission intends to provide prepaid postage on all mail absentee ballot return envelopes for the November 2020 General Election, regardless of the number of voters deemed qualified to vote by absentee ballot by either the General Assembly or this Court.

(3) Plaintiffs and SEC Defendants agree that SEC Defendants' representation that postage will be prepaid for absentee ballots for the November 2020 general election makes further litigation, or Court resolution, of the Postage Claims unnecessary. Within ten (10) days of the filing of this Joint Stipulation, Plaintiffs will file a motion to amend and amended complaint to remove all claims and allegations relating to prepaid postage from the Complaint, and to that extent, SEC Defendants consent to such motion to amend.

(4) The parties agree that they shall bear their own attorney fees and costs related to the Postage Claims only, and no party shall be considered to be a prevailing party on the Postage Claims for the purpose of any law, statute or regulation providing for the award or recovery of attorney fees and/or costs.

Date: July 8, 2020

Respectfully submitted,

/s/ Christopher J. Bryant

/s/ Wm. Grayson Lambert

Marc E. Elias*
Bruce V. Spiva*
K'Shaani O. Smith*
Christopher J. Bryant, Federal ID 12538
PERKINS COIE LLP
700 Thirteenth St., N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9959
melias@perkinscoie.com
efrost@perkinscoie.com
kshaanismith@perkinscoie.com
cbryant@perkinscoie.com

M. Elizabeth Crum
Wm. Grayson Lambert, Federal ID 11761
BURR & FORMAN LLP
Post Office Box 11390
Columbia, SC 29211
(803) 799-9800

Robert Bolchoz
ROBERT BOLCHOZ LLC
P.O. Box 6989
Columbia, SC 29260
(803) 790-7474

Sopen B. Shah*
PERKINS COIE LLP
33 East Main Street, Suite 201
Madison, Wisconsin 53703-3095
Telephone: (608) 663-7460
Facsimile: (608) 663-7499
sshah@perkinscoie.com

Karl Smith Bowers, Jr.
BOWERS LAW OFFICE
P.O. Box 50549
Columbia, SC 29250
(803) 753-1099

Harrison D. Brant
STATE ELECTION COMMISSION
1122 Lady Street, Suite 500
Columbia, SC 29201
(803) 734-9063

**Admitted Pro Hac Vice*

Counsel for Plaintiffs

Counsel for Defendants
Marci Andino, John Wells, Clifford J.
Elder, and Scott Moseley