

## Suit to Extend the Voter-Registration Deadline in South Carolina Because of Covid-19 Was Too Late

*South Carolina Progressive Network Education Fund  
v. Andino (Mary Geiger Lewis, D.S.C. 3:20-cv-3503)*

Two days before South Carolina’s voter registration deadline, a voter-registration organization filed a federal complaint seeking an extension of the deadline to accommodate the social distancing made necessary by the global infectious Covid-19 pandemic. One week later, the district judge denied the organization immediate relief, because the suit had been brought too short a time before the election.

*Subject:* Registration procedures. *Topics:* Registration procedures; Covid-19; laches; intervention.

A voter-registration organization filed a federal complaint in the District of South Carolina on Friday, October 2, 2020, against state election officials seeking an extension of the October 4 voter-registration deadline to accommodate social distancing and stay-at-home orders resulting from the global infectious Covid-19 pandemic.<sup>1</sup> With its complaint, the organization filed a motion for a temporary restraining order and a preliminary injunction.<sup>2</sup>

On the following day, Judge Mary Geiger Lewis set the case for hearing on October 6,<sup>3</sup> but the hearing was canceled on October 5.<sup>4</sup> On October 9, Judge Lewis denied the organization immediate relief: “the Court is unable to order the change in election law the [plaintiff] seeks so close to the November 3, 2020, election.”<sup>5</sup> “The [plaintiff’s] goals are laudable. They are as laudable as the untimeliness of the filings of both their lawsuit and their motions are troubling.”<sup>6</sup>

The organization voluntarily dismissed its case on October 19.<sup>7</sup>

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1. Complaint, S.C. Progressive Network Educ. Fund v. Andino, No. 3:20-cv-3503 (D.S.C. Oct. 2, 2020), D.E. 1; S.C. Progressive Network Educ. Fund v. Andino, 493 F. Supp. 3d 460, 463–64 (D.S.C. 2020).

2. Motion, S.C. Progressive Network Educ. Fund, No. 3:20-cv-3503 (D.S.C. Oct. 2, 2020), D.E. 2; S.C. Progressive Network Educ. Fund, 493 F. Supp. 3d at 463–64.

3. Docket Sheet, S.C. Progressive Network Educ. Fund, No. 3:20-cv-3503 (D.S.C. Oct. 2, 2020) (D.E. 11).

4. *Id.* (D.E. 26).

5. S.C. Progressive Network Educ. Fund, 493 F. Supp. 3d at 469.

6. *Id.* at 470.

7. Notice, S.C. Progressive Network Educ. Fund, No. 3:20-cv-3503 (D.S.C. Oct. 19, 2020), D.E. 41.