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.

HENRY D. MCMASTER, in his official capacity as Governor of South Carolina; HARVEY PEELER, in his official capacity as President of the Senate; LUKE A. RANKIN, in his official capacity as Chairman of the Senate Judiciary Committee; JAMES H. LUCAS, 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.

Case No.: 3:21-cv-03302-JMC

DECLARATION OF BRENDA MURPHY
ON BEHALF OF THE SOUTH CAROLINA NAACP
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

My name is Brenda Murphy and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

1. I am the President of the South Carolina State Conference of the NAACP ("South Carolina NAACP"). In this capacity, I am familiar with, and receive frequent updates, and proposals for, activities of the organization.
2. The South Carolina NAACP is a subsidiary of the National Association for the Advancement of Colored People ("NAACP"), which formed in 1909. The South Carolina NAACP was chartered in 1939 and is the oldest civil rights group in South Carolina. Consistent with the NAACP's mission, the South Carolina NAACP, on behalf of its members and the other constituents it serves, seeks to remove all barriers of racial discrimination through democratic processes and the enactment and enforcement of federal, state, and local laws securing civil rights, including laws relating to voting rights.
3. The South Carolina NAACP and its local branches have been heavily involved in voter education and voter registration activities for decades and have been credited with registering thousands of voters throughout South Carolina.
4. The South Carolina NAACP has 77 branches comprised of adult members across the state, including at least one branch in each of South Carolina's 46 counties. Across South Carolina, the South Carolina NAACP has more than 13,000 members, who are predominantly, but not exclusively Black people. Its membership also includes other minority residents of South Carolina, including constituents of the communities that the South Carolina NAACP and its local branches serve.

5. Members of local branches are also members of the South Carolina NAACP. For example, Marvin Neal and Elizabeth Kilgore are both members of the South Carolina NAACP, including serving in leadership roles, as well as members of the Georgetown and Sumter County Branches of the NAACP, respectively.
6. South Carolina NAACP members live in malapportioned U.S. Congressional and state legislative districts. Specifically, members live in overpopulated U.S. Congressional District 1 ("CD-1"), as well as in overpopulated state House districts ("HD"). Members also live in overpopulated state Senate districts ("SD"). But I understand that only Congressional and state House contests will take place in 2022.
7. South Carolina NAACP members and the other community constituents we serve plan to vote in upcoming 2022 elections. But they plan to do more than just vote. Consistent with previous years, they plan to participate in the entire election process. Some members plan to run as candidates for state House district seats. The South Carolina NAACP and its members want to advocate to current representatives and potential candidates about issues impacting Black communities and other communities throughout South Carolina. There are many issues facing Black South Carolinians like the need for COVID-19 protections, COVID-19 funding relief, moratoriums on evictions, access to low-income housing, equitable healthcare, infrastructure funding, police accountability, hate-crime protections, and jobs that pay living wages, among other issues.
8. These are all urgent issues impacting Black South Carolinians and other community members. But the COVID-19 funding, especially timely disbursement of monetary funds, and access to affordable and low-incoming housing are pressing issues that the South Carolina NAACP has prioritized in recent months. Because of COVID-19's negative

impact on the economy, along with the shrinking housing market in South Carolina, both the risk of and amount of people experiencing homelessness has increased. These concerns are heightened in parts of the State that have experienced significant population growth and gentrification, which have contributed to Black residents and families being disproportionately displaced, especially along the coastal areas. Without immediate help and solutions to address these problems, more people will be experiencing homelessness and thus exposed to a host of negative harms resulting from it, including negative health outcomes and job insecurity. To this end, in these recent weeks alone, I have met with and spoken to community members and organizations throughout the State to try to address access to housing in South Carolina. At the same time, I'm trying to balance those efforts with the work I and other South Carolina NAACP leadership are doing to ensure that the State develops fair and nondiscriminatory congressional and state legislative maps on behalf of the South Carolina NAACP and its membership and the community constituents we serve.

9. South Carolina NAACP organizational leadership and its members and other constituents we serve want to personally know our Congressional and state House candidates. Other members and constituents want to be able to give money to candidates. The South Carolina NAACP and its members want to create educational materials about candidates to inform ourselves and community members.

10. South Carolina NAACP members also want to associate with other members who share their preferred candidates. The same is true for candidates. They want to know what communities they will represent and with whom they should communicating to inform their campaign platforms and priority issues.

11. The South Carolina Legislature has not proposed or adopted new Congressional district boundaries or adopted state House district boundaries to remedy the over and under populated districts within them. This inaction and the prolonged uncertainty about district boundaries harms South Carolina communities and voters that the South Carolina NAACP serves. Without knowing the contours of districts of where voters reside, the South Carolina NAACP and its members other community constituents cannot engage in candidate advocacy, education, and recruitment before candidate-filing deadlines. Nor can they engage in candidate advocacy and recruitment, learn about candidates who will represent them, educate themselves on candidates' platforms and take positions on policy issues, and prepare to hold current representatives and potential candidates accountable, including through non-partisan candidate forums that local branches have done in previous years and plan to do in advance of 2022 election dates.
12. The South Carolina NAACP, for example, is advocating for affordable and low-income housing in Charleston, Greenville, Horry County, and York Counties. But without the district boundaries in each of these counties, its leadership and community members within the counties are unable to appeal to the appropriate Congressional and state House and Senate representatives and potential candidates for policy, funding, and other support for that important issue.
13. The malapportioned districts and uncertainty also harms South Carolina NAACP members and other community constituents who desire to communicate with and contribute financially to candidates. Nor can they associate with and organize other members and other community constituents who share their preferred candidates because they don't know the contours of their districts.

I, Brenda Murphy, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Dated: November _9_, 2021

Brenda C. Murphy

Brenda Murphy