

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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IN THE ORIGINAL JURISDICTION  
OF THE SUPREME COURT

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Glenn F. McConnell, President *Pro Tempore* of the South  
Carolina Senate,..... Petitioner,

v.

Nikki R. Haley, Governor of the State of South Carolina,..... Respondent.

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**MOTION TO INTERVENE AND  
JOIN GOVERNOR HALEY'S OPPOSITION BRIEF**

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Pursuant to Rule 24 of the South Carolina Rules of Civil Procedure, the following members of the South Carolina General Assembly move to intervene in this matter as Respondents to ensure that their interests are adequately represented:

**Senators**

The Honorable Lee Bright  
The Honorable Kevin L. Bryant  
The Honorable Ronnie W. Cromer  
The Honorable Greg Gregory  
The Honorable Harvey S. Peeler, Jr.  
The Honorable Michael T. Rose  
The Honorable W. Greg Ryberg  
The Honorable David L. Thomas

**Representatives**

The Honorable Rita Allison  
The Honorable Nathan Ballentine  
The Honorable Eric J. Bikas  
The Honorable Kenneth A. Bingham

The Honorable William M. Chumley  
The Honorable Alan D. Clemmons  
The Honorable Thomas D. Corbin  
The Honorable Tracy R. Edge  
The Honorable Shannon S. Erickson  
The Honorable Marion B. Frye  
The Honorable Daniel P. Hamilton  
The Honorable Chip Huggins  
The Honorable Phillip D. Lowe  
The Honorable James H. Lucas  
The Honorable James H. Merrill  
The Honorable Wendy K. Nanney  
The Honorable Ralph W. Norman  
The Honorable Andrew S. Patrick  
The Honorable Thomas E. Pope  
The Honorable William E. Sandifer, III  
The Honorable J. Gary Simrill

To intervene as a matter of right under Rule 24(a)(2), a party must: (1) establish timely application; (2) assert an interest relating to the property or transaction that is the subject matter of the action; (3) demonstrate that it is in a position such that without intervention, disposition of the action may impair or impede its ability to protect that interest, and (4) demonstrate that its interest is inadequately represented by other parties. *In re Horry County State Bank*, 361 S.C. 503, 604 S.E.2d 723 (Ct. App. 2004). The Interveners readily satisfy these criteria.

The first criterion is straightforward, as this Motion is filed on the same day that this suit was commenced. The second is similarly clear: the subject matter of this litigation directly implicates Interveners' ability to perform their roles as members of the General Assembly.

Regarding the third and fourth criteria, this litigation, in its current posture, appears to pit the General Assembly against the Governor with respect to the Governor's authority to reconvene the legislature pursuant to Article IV, § 19 of the South Carolina

Constitution. Many legislators, however, recognize that exercising this constitutional power rests in the Governor's sound discretion and do not believe that this Court has jurisdiction to review the Governor's judgment. Interveners are ready and willing to reconvene and set about fulfilling their roles as legislators. By moving to intervene in this case, these members of the General Assembly are making the Court aware that, with respect to the issues presented, the Petitioner does not represent the viewpoint of every member of the legislative branch.

If this Motion is granted, the intervening legislators respectfully join and adopt by reference the Governor's Return in Opposition to the Petition for Original Jurisdiction and to Dismiss Complaint pursuant to Rule 208(b)(6) of the South Carolina Appellate Court Rules.

Respectfully submitted,

HALL & BOWERS, LLC

By: \_\_\_\_\_

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Columbia, South Carolina