

**IN THE SUPREME COURT
OF THE STATE OF SOUTH CAROLINA**

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S.C. SUPREME COURT

**IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT**

Appellate Case No. 2012-213345

South Carolina Republican Party, Petitioner,

v.

South Carolina Election Commission,
The Honorable Jeannette W. McBride, in
her capacity as Richland County Clerk of
Court; South Carolina Democratic Party;
Richland County Election Commission Respondents.

**RESPONDENT SOUTH CAROLINA DEMOCRATIC PARTY'S
RETURN TO PETITION FOR WRITS OF PROHIBITION AND INJUNCTION**

Richard A. Harpootlian
Graham L. Newman
M. David Scott
Christopher P. Kenney
RICHARD A. HARPOOTLIAN, P.A.
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ATTORNEYS FOR RESPONDENT
SOUTH CAROLINA DEMOCRATIC PARTY

November 13, 2012
Columbia, South Carolina

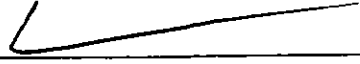
On November 8, 2012, the Richland County Circuit Court, the Honorable L. Casey Manning, ordered the State Law Enforcement Division (SLED) to seize all ballots in Richland County and supervise a count of those ballots by working with the South Carolina State Election Commission.

On November 9, 2012, Petitioner petitioned this Court for a writs of prohibition and injunction preventing the enforcement of the Circuit Court's order. The same day, this Court issued a stay and ordered Respondents to file a response.

Respondents South Carolina Democratic Party (SCDP) and Richland County Election Commission (RCEC), respectively the Plaintiff and Defendant in the Circuit Court action, have consulted through their respective counsel and after receiving adequate assurances from the RCEC that dismissal of the Circuit Court action and return of the seized ballots will result in an orderly, lawful count of votes cast in Richland County using the procedures proscribed by law, the SCDP has dismissed its case pursuant to Rule 41(a), SCRCP (attached as Exhibit A).

Respondent SCDP respectfully submits that this case is moot and should be dismissed. Respondent SCDP consents to the motion to dismiss filed by the RCEC and respectfully joins its request for an order (i) dismissing the Emergency Petition for Writs of Prohibition and Injunction; (ii) vacating all underlying Orders for a Temporary Restraining Order (including the Amended Order) issued by the Circuit Court; (iii) ordering the return of all ballots and materials seized by SLED to the County Commission; and (iv) providing for the RCEC to have until 5:00 p.m. on Friday, November 16, 2012, to complete its statutory obligations regarding the ballots cast in the 2012 General Election conducted on November 6, 2012.

Respectfully submitted by:



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ATTORNEYS FOR RESPONDENT
SOUTH CAROLINA DEMOCRATIC PARTY

November 13, 2012
Columbia, South Carolina

Exhibit A

(Stipulation of Dismissal filed in South Carolina
Democratic Party v. Richland County Election
Commission, 2012-CP-40-07551)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

South Carolina Democratic Party;)
Amanda Alpert Loveday as)
Executive Director of the South Carolina)
Democratic Party;)

Civil Action No.: 2012-CP-40-07551

Plaintiff,)

STIPULATION OF DISMISSAL

v.)

Richland County Election Commission;)
Lillian McBride as Executive Director of)
the Richland County Election Commission;)
and M. Elizabeth Crum as Chair of the)
Richland County Election Commission,)

Defendants.)

JEANETTE W. McBRIDE
S.C.P. & G.S.
2012 NOV 13 AM 9:13
RICHLAND COUNTY
FILED

WHEREFORE, on November 8, 2012, the Honorable L. Casey Manning entered an Amended Temporary Restraining Order pursuant to Rule 65, SCRCF, upon application of Plaintiffs the South Carolina Democratic Party (SCDP) and Amanda Alpert Loveday as Executive Director of the SCDP;

AND WHEREFORE, the partial execution of that Order maintained the status quo in this dispute through the seizure and safekeeping of ballots in Richland County by the State Law Enforcement Division;

AND WHEREFORE, Plaintiffs have had time to consult with Defendants Richland County Election Commission (RCEC), Lillian McBride as Executive Director of the RCEC, and M. Elizabeth Crum as Chair of the RCEC through their respective counsel;

AND WHEREFORE, Plaintiffs have received adequate assurances that dismissal of this case and return of the seized ballots will result in an orderly, lawful count of votes cast in Richland County using the procedures proscribed by law;

Plaintiffs by and through their undersigned counsel hereby stipulate to the dismissal of this case—without prejudice—pursuant to Rule 41(a), SCRPC.

While not required by Rule 41(a), SCRPC, the undersigned have consulted with opposing counsel who has represented that the Defendants consent to this dismissal.

Respectfully submitted by,



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ATTORNEYS FOR PLAINTIFFS SOUTH
CAROLINA DEMOCRATIC PARTY AND
AMANDA ALPERT LOVEDAY AS EXECUTIVE
DIRECTOR OF THE SCDP

Columbia, South Carolina
November 12, 2012

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHALND)
)
 South Carolina Democratic Party;)
 Amanda Alpert Loveday as)
 Executive Director of the South Carolina)
 Democratic Party;)
)
 Plaintiff,)
)
 v.)
)
 Richland County Board of Elections;)
 Lillian McBride as Executive Director of)
 the Richland County Board of Elections;)
 and M. Elizabeth Crum as Chair of the)
 Richland County Board of Elections,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2012-CP-40-07551

CERTIFICATE OF SERVICE

RICHLAND COUNTY
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 JEANETTE W. McBRIDE
 C.C.P. & G.S.

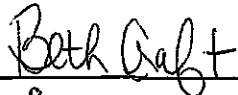
I, Beth Craft, on behalf of Richard A. Harpootlian, P.A., hereby certify that I served the following individuals, on November 13, 2012, with a copy of the following, VIA E-MAIL & U.S. MAIL:

Document: Stipulation of Dismissal.

Counsel: Steven W. Hamm, Esquire
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Robert Bolchez, Esquire
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 Beth Craft

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South Carolina Republican Party, Petitioner,

v.

South Carolina Election Commission,
The Honorable Jeannette W. McBride, in
her capacity as Richland County Clerk of
Court; South Carolina Democratic Party;
Richland County Election Commission Respondents.

CERTIFICATE OF SERVICE

I, Heather Hardy, on behalf of Richard A. Harpootlian, P.A., hereby certify that I served the following individuals, on November 13, 2012, with a copy of the following, VIA E-MAIL & U.S. MAIL:

Document: *Respondent South Carolina Democratic Party's Return to Petition for Writs of Prohibition and Injunction.*

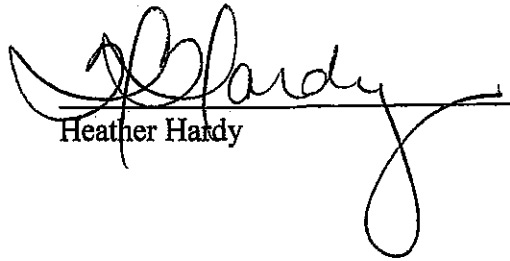
Counsel: Steven W. Hamm, Esquire
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Heather Hardy