

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE SUPREME COURT'S ORIGINAL JURISDICTION

South Carolina Republican Party,..... Petitioner,

v.

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

Respondents.

RETURN OF THE SOUTH CAROLINA REPUBLICAN PARTY TO MOTION TO DISMISS
FILED BY RICHLAND COUNTY ELECTION COMMISSION

Respondent Richland County Election Commission seeks an order from this Court that would (a) dismiss the Emergency Petition for Writs of Prohibition and Injunction currently pending; (b) vacate all underlying Orders for a Temporary Restraining Order (including the Amended Order) issued by the Court of Common Pleas for Richland County; (c) order the return of all ballots and materials seized by SLED to the County Commission; and (d) provide for the County Commission 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.

The Petitioner does not object to the entry of such an Order, provided that the Order also confirms that there is no legal basis for a recount of the ballots cast for the House District 75 election, and that the County and State Election Commissions are expressly forbidden from conducting any recount of such ballots in the exercise of their “statutory obligations.”

Respectfully submitted,

ROBERT BOLCHOZ, LLC

By: _____

J.Robert Bolchoz
SC Bar #0012987
robert@bolchoz.com
1331 Park Street
Columbia, South Carolina 29201
(803) 790-7474

Attorney for Petitioner

November 13, 12
Columbia, South Carolina

PROOF OF SERVICE

I do hereby certify that I have served the below parties in this action with a copy of the pleading(s) hereinbelow specified by mailing and/or hand-delivering a copy of the same to the following address(es):

PLEADING: Return to the Motion to Dismiss Filed by the Richland
County Election Commission

PARTIES SERVED:

Richard A. Harpootlian, Esq.
Richard A. Harpootlian, P.A.
Counsel, SC Democratic Party
1410 Laurel Street
Columbia, SC 29202

Steve Hamm, Esquire
Richardson Plowden & Robinson, PA
Counsel, Richland County Election
Commission
PO Drawer 7788
Columbia, SC 29202

Liz Crum, Esquire
Counsel, SC Election Commission
McNair Law Firm, PA
PO Box 11390
Columbia, SC 29211

John S. Nichols, Esquire
Bluestein, Nichols, Thompson &
Delgado
Counsel, Richland County Clerk of
Court
1614 Taylor Street
Columbia, SC 29202

By: _____

Columbia, South Carolina
November 13, 12