

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

**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**

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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:

s/Richard A. Harpootlian _____
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