

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

OCT 17 2011

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT ^{S.C. Supreme Court}

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr., individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joseph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

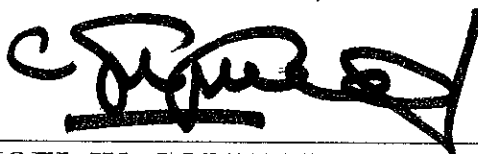
Respondents.

NOTICE OF PETITION FOR ORIGINAL JURISDICTION

Pursuant to Rule 245(c) of the South Carolina Appellate Court Rules, Respondents have twenty (20) days from the date of service hereof to file six (6) copies of a return to the attached Petition for Original Jurisdiction with the Clerk of the Supreme Court and to serve said return upon counsel for Petitioners at 1330 Lady Street, Suite 600, Columbia, South Carolina (physical address)/Post Office Box 12487, Columbia, South Carolina 29211 (mailing address). Failure to file a timely return may be deemed consent by that party to the matter being heard in the original jurisdiction of the Supreme Court.

Respectfully Submitted,

COLLINS & LACY, P.C.



JOEL W. COLLINS, JR.
CHRISTIAN STEGMAIER
JAMES L. FLOYD, III (LEE)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660 (voice)
(803) 771-4484 (facsimile)
ATTORNEYS FOR PETITIONERS

Columbia, South Carolina
October 17, 2011

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr., individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joseph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

Respondents.

PETITION FOR ORIGINAL JURISDICTION

TO: THE HONORABLE JUSTICES OF THE SOUTH CAROLINA
SUPREME COURT:

Pursuant to Rule 245(a) of the South Carolina Appellate Court Rules,¹

~~Petitioners Beaufort County, Scott Marshall, individually and as Director of~~
the Beaufort County Board of Elections and Registration, Chester County,
James E. Moore, Sr., individually and as Director of the Registration and
Election Commission of Chester County, Greenville County, Joseph Conway
Belangia, Jr., individually and as Director of the Greenville County Election
Commission and Greenville County Board of Registration, Spartanburg
County, Henry M. Laye, III individually and as Director of Spartanburg
County Election Commission respectfully request this Honorable Court

¹ Rule 245(a), SCACR states:

The Supreme Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties. **If the public interest is involved, or if special grounds of emergency or other good reasons exist** why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in the petition with supporting affidavits.

(emphasis added).

authorize the bringing of the attached suit within the original jurisdiction of this tribunal pursuant to Rule 245, SCACR, S.C. Code Ann. § 14-3-310, and S.C. Const. art. V., § 5.² Petitioners maintain the instant case involves a significant public interest. Moreover, as explicated within the narrative below, Petitioners assert the special ground of “emergency” exists, which necessitates the Supreme Court’s expedited attention to this dispute.

I. The Case or Controversy

This matter arises in connection to the upcoming 2012 Presidential Preference Primary in South Carolina. Specifically, the South Carolina Republican Party has announced plans to conduct a Presidential Preference Primary to select its nominee to stand for election to the office of President of the United States.³ Upon information and belief, the Republican Party

² The proposed complaint is attached as Exhibit A.

³ At present, the South Carolina Democratic Party has not announced a Presidential Preference Primary of its own in 2012. The current President of the United States, Barack Obama, is running for re-election and has no announced opposition for the 2012 Democratic Party nomination. Nevertheless, the South Carolina Democratic Party has held in the past and will – upon information and belief – hold future statewide Presidential Preference Primaries to determine its nominee for the office of the President of the United States of America. Due to the party’s historical activity and prospective future electoral activity, resolution of the controversy set forth and alleged within Petitioners’ Complaint will therefore affect the interests of

intends to conduct this primary on January 21, 2012. Upon further information and belief, the Republican Party intends to conduct its Presidential Preference Primary in each of South Carolina's 46 counties. The South Carolina Republican Party is a private entity and its Presidential Preference Primary is a private event.⁴ At issue in this dispute is how this Presidential Preference Primary will be paid for.

For the reasons stated herein (and stated within the attached Complaint), Petitioners – as representatives of several county election commissions - aver the onus of funding a purely partisan preference election should not fall to the individual counties. Petitioners therefore seek a ruling by this Court, which holds the entire financial responsibility for conducting

the South Carolina Democratic Party. Accordingly, Petitioners maintain the South Carolina Democratic Party is a proper party in this case.

⁴ Unlike an election, in which an officer is chosen, or a primary election (such as the elections for state and local government offices in June 2012) in which a party candidate is chosen, a Presidential Preference Primary settles nothing. What will be conducted on January 21, 2012, is neither an election nor really a primary. Pursuant to Rule 11(b) of the South Carolina Republican Party Rules, the results of the 2012 Republican Presidential preference primary will not make a binding determination as to which candidate will be the South Carolina Republican Party's nominee for President of the United States. See Exhibit B. Accordingly, in essence, the 2012 Republican Presidential Preference Primary is a political beauty pageant.

the 2012 Presidential Preference Primaries fall to some entity or entities other than the individual counties and their taxpayers.

II. Factual Background

A. 2008 Presidential Preference Primaries

In 2007, the General Assembly enacted S.C. Code Ann. § 7-11-20(B)(2), which authorized the South Carolina Election Commission to conduct Presidential Preference Primaries for the 2008 election cycle.⁵ Pursuant to this statutory authority, the General Assembly appropriated funds to support the counties with their conduction of the 2008 Presidential Preference Primaries. However, following these primaries, it came to light the Legislature's appropriation for these primaries fell far short of what the counties actually expended. For instance:

- Beaufort County was forced to expend \$204,585 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential Preference Primaries.⁶
- Greenville County was forced to expend over \$24,010 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential Preference Primaries.⁷

⁵ A copy of this statutory provision is attached as Exhibit C.

⁶ See Affidavit of Scott Marshall, Director of the Beaufort County Board of Elections and Registration (Exhibit D).

- Spartanburg County was forced to expend \$14,646 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential Preference Primaries.⁸
- Chester County was forced to expend \$4,526 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential Preference Primaries.⁹

Upon information and belief, the remaining 40 counties were forced to expend a total of \$718,593 in unreimbursed county funds for costs they incurred conducting the 2008 Presidential Preference Primaries.¹⁰ Due to this history of substantial financial shortfall and with the 2012 Presidential Preference Primary for the South Carolina Republican Party set to take place in the imminent future, Petitioners seek to avoid another circumstance where the counties held responsible for those costs incurred in hosting and operating

⁷ See Affidavit of Joseph Conway Belangia, Jr. Director of the Greenville County Election Commission and Greenville County Board of Registration (Exhibit E).

⁸ See Affidavit of Henry M. Laye, III, Director of the Spartanburg County Election Commission (Exhibit F).

⁹ See Affidavit of James E. Moore, Sr., individually and as Director of the Registration and Election Commission of Chester County (Exhibit G).

¹⁰ See Affidavit of Robert E. Lyon, Jr. (Exhibit H). Petitioners note that Newberry and Chesterfield Counties have not yet supplied data concerning unreimbursed costs for the 2008 Presidential Preference Primaries.

this private function, which are not covered by a General Assembly appropriation.

B. 2012 Presidential Preference Primaries

The South Carolina Election Commission has publicly articulated an opinion that S.C Code Ann. § 7-11-20(B)(2) authorizes it and others responsible for conducting elections (i.e., the respective county election commissions) to conduct Presidential Preference Primaries in 2012 and indefinitely thereafter. Specifically, in a September 19, 2011, letter from the South Carolina Election Commission to the South Carolina Association of Registration and Election Officials concerning “the costs associated with conducting the 2012 Presidential Preference Primaries,” the Commission stated: “According the SC Code of Laws Section 7-11-20(B)(2)[,] the State Election Commission and authorities responsible for conducting elections in each county conduct the [Presidential Preference Primaries].”¹¹

¹¹ A copy of this letter is attached as Exhibit I.

Petitioners further aver the State Election Commission’s reliance on S.C. Code Ann. §§7-9-110, 7-23-10 and 7-23-40, which govern elections and primaries, for purposes of mandating the that counties, rather than the political parties, assume financial responsibility for the 2012 Republic Presidential Primary is misplaced and erroneous.

For the 2012 election cycle, the Legislature has authorized \$680,000 of state money to help fund the Republican Presidential Preference Primary.¹²

However, upon information and belief, the South Carolina Election

Commission and other knowledgeable entities have estimated the actual costs of funding the 2012 Republican Presidential Preference Primary will greatly exceed \$680,000 on a statewide basis. For example:

- The cost of conducting the 2012 Republican Presidential Preference Primary in Greenville County is estimated to be \$183,440.¹³
- The cost of conducting the 2012 Republican Presidential Preference Primary in Beaufort County is estimated to be \$120,332.¹⁴
- The cost of conducting the 2012 Republican Presidential Preference Primary in Spartanburg County is estimated to be \$106,755.¹⁵

¹² See 2011 Act No. 73, §§ 79.6 & 79.12.

¹³ See Affidavit of Joseph Conway Belangia, Jr. Director of the Greenville County Election Commission and Greenville County Board of Registration (Exhibit E).

¹⁴ See Affidavit of Scott Marshall, Director of the Beaufort County Board of Elections and Registration (Exhibit D).

¹⁵ See Affidavit of Henry M. Laye, III Director of the Spartanburg County Election Commission (Exhibit F).

- The cost of conducting the 2012 Republican Presidential Preference Primary in Chester County is estimated to be \$16,587.¹⁶

The sum total of costs relating to the 2012 Republic Presidential Preference Primary for just these four counties is \$427,114, which accounts for approximately 63% of the total money appropriated by the General Assembly for the entire state.¹⁷ Clearly, too little money was set aside by the Legislature and, as a result, the counties are on a course for – once again - being left with incurring the financial responsibility for shortfalls in the 2012 Republican Preference Primary funding.¹⁸ Petitioners maintain there is no authority mandating they assume such responsibility.

¹⁶ See Affidavit of James E. Moore, individually and as Director of the Registration and Election Commission of Chester County (Exhibit G).

¹⁷ Upon information and belief, the South Carolina Election Commission's costs associate with the 2012 Presidential Preference Primaries will be \$80,000-120,000. Petitioners are of the further understand these costs are to be recouped from the \$680,000 General Assembly appropriation and that the Commission has a priority position for reimbursement (i.e., the Commission is to be reimbursed before the counties).

¹⁸ In a document dated October 12, 2011, prepared by the South Carolina Election Commission and provided to the respective county election commissions, the Commission submitted a reimbursement schedule for the costs associated with conducting the 2012 Presidential Preference Primary(ies). The reimbursement schedule submitted by the Commission uses the reimbursement rates used by the State of South Carolina in reimbursing the counties for "legitimate county election expense[s]"

III. Jurisdiction

The conduct of the 2012 Republican Presidential Preference Primary presents a question of significant public interest, especially when the Court

considers the significance the Republican Presidential Preference Primary in South Carolina has historically played in the national political scene in the

associated with conducting elections. The \$680,000 reimbursement authorized by the State, however, is insufficient to cover all the costs for this event. For instance, the \$60.00 per day for poll managers will not cover the federal minimum wage when overtime is involved, which it almost certainly will be. Failure of the counties to pay minimum wages would expose them to potential lawsuits. Also, the State Election Commission would provide no reimbursement for the use of public facilities by a political party conducting a primary poll, per §7-9-110. The marginal cost of heating and lighting the buildings, when they would not normally be used, is a real cost that will have to be shouldered by the county taxpayers. Any shortfall will have to be made up by the taxpayers for the benefit of private entities – the political parties conducting the preference primaries.

Petitioners contend that with its public pronouncements concerning the 2012 Presidential Preference Primary(ies), the State Election Commission is advocating the use of public funds for the benefit of a private organization. This position is in direct conflict with Article X, §11 of the South Carolina Constitution. See Op. Atty. Gen dated March 16, 2010, interpreting art X, §11, 2010 WL 1370086. The counties are subdivisions of state government; consequently, the State can and often does require counties to perform certain governmental functions with partial or no reimbursement. The political parties, on the other hand, are not governmental entities.

At present, the South Carolina Republican Party **has not** contractually agreed to reimburse the counties for the actual costs these political subdivisions will

modern era.¹⁹ Moreover, by virtue of the timeframes involved,²⁰ this instant dispute requires expedited attention and disposition by our courts. Accordingly, Petitioners asseverate the original jurisdiction of the Supreme Court has been implicated.

A. Significant Public Interest

Article V, § 5 of the South Carolina Constitution and § 14-3-310 vest the Supreme Court to entertain actions in its original jurisdiction. This Court has historically exercised original jurisdiction in matters that present a question of significant public interest. See, e.g., McCormick County Council v. Butler, 361 S.C. 92, 603 S.E.2d 586 (2004); Davenport v. City of Rock Hill, 315 S.C. 114, 432 S.E.2d 451 (1993). Included in the sphere of cases this Court has deemed significant enough to review in its original jurisdiction

incur in conducting the 2012 Republican Presidential Preference Primary in excess of the \$680,000 allocated to them by the General Assembly.

¹⁹ South Carolina is the “First in the South” primary. Since 1964, the South has been a stronghold for the Republican Party. Since 1980, the winner of the Republican Presidential Preference Primary has ultimately become the party’s nominee for president.

²⁰ The Republican Presidential Preference Primary is to take place January 21, 2012. As outlined within the supporting affidavits that accompany Petitioners’ Complaint, the counties will require at least 60 days prior to the primary to, inter alia, ensure sufficient polling places are available for use, mobilize poll workers, and ensure voting machines are prepared for service.

due to significant public interest are matters pertaining to the conduct of elections. See Breeden v. S.C. Democratic Executive Comm., 226 S.C. 204, 84 S.E.2d 723 (1954).

In Breeden, the Supreme Court reviewed the action of the state Democratic Party executive committee in refusing to declare candidate for county auditor in Marlboro County as the party nominee for general election. A central issue in the dispute was whether the Court possessed the jurisdiction to review the matter. The respondent party executive committee had moved for dismissal for lack of jurisdiction. In response, the Court answered unequivocally in the affirmative that it possessed the jurisdiction to hear the case for both public interest and exigency considerations: “The question of who is the nominee of the Democratic Party for the office of auditor of Marlboro County is not only of public interest, but one which should be promptly decided. To require petitioner to institute an action in the circuit court would unduly delay a final determination of the lawful nominee of the party.” Id. at 209, 84 S.E.2d at 725.

The case sub_judice is not unlike Breeden. Here, a substantial public interest affecting election-related activity indubitably exists. Specifically, the taxpaying citizens of the Petitioner counties and the remaining 42 counties

are on the precipice of having to expend precious public funds to conduct what is wholly a private function on behalf of a private political party. There exists no statute or other legal mandate, which requires the counties to host and pay for this private event. Prior to expending their valuable time and resource, the counties need the assurance that their disbursements for this private activity will be reimbursed by someone other than their taxpayers, many of whom will not even participate in this privately-sponsored event.

B. Existence of “Emergency” or Exigent Circumstance

Further, as of October 10, 2011, the South Carolina Republican Party has scheduled its Presidential Preference Primary for January 21, 2012. For the Petitioner counties and the remaining counties to properly conduct a Presidential Preference Primary on that date certain, affirmative action must be taken by them by no later than the end of November 2011. Because of this short time frame, in addition to this matter being one of significant public importance, this situation also arguably constitutes an “emergency” for purposes of satisfying the grounds of original jurisdiction.

IV. Relief Sought

By bringing this action in the original jurisdiction of the Supreme Court, Petitioners seek a judgment, which holds that:

- S.C. Code Ann. § 7-11-20(B) is expressly limited to the Presidential preference primaries conducted in the 2008 election cycle;
- The South Carolina Election Commission lacks the authority to conduct any Presidential preference primary in 2012 or in future election cycles unless specifically authorized by the General Assembly via statute or proviso;
- The South Carolina Election Commission lacks the authority to contract with any political party for any Presidential preference primary in 2012 or in future election cycles unless specifically authorized by the General Assembly via statute or proviso;
- The South Carolina Election Commission lacks the authority to require Petitioners or the other counties to expend county resources in conducting and funding any Presidential Preference Primary in 2012 or in future election cycles; and
- The tax paying citizens of Beaufort County, Chester County, Spartanburg County, and Greenville County cannot be required to bear any expense whatsoever in conducting a Presidential Preference Primary for any political party in 2012.

Like the scenario in Breeden, Petitioners maintain this Court clearly possesses the jurisdiction to award the relief these counties seek with regard to reimbursement for the 2012 Republican Presidential Preference Primary.

CONCLUSION

For the forgoing reasons, Petitioners maintain the instant case involves a significant public interest. Moreover, as explicated within the narrative above, Petitioners assert the special ground of “emergency” exists, which necessitates the Supreme Court’s expedited attention to this dispute. Accordingly, Petitioners respectfully request this Honorable Court authorize the bringing of the attached suit within the original jurisdiction of this tribunal pursuant to Rule 245, SCACR, S.C. Code Ann. § 14-3-310, and S.C. Const. art. V., § 5.

[SIGNATURE PAGE ATTACHED]

Respectfully Submitted,

COLLINS & LACY, P.C.

A handwritten signature in black ink, appearing to read 'J. Collins', written over a horizontal line.

JOEL W. COLLINS, JR.

CHRISTIAN STEGMAIER

JAMES L. FLOYD, III (LEE)

Post Office Box 12487

Columbia, South Carolina 29211

(803) 256-2660 (voice)

(803) 771-4484 (facsimile)

ATTORNEYS FOR PETITIONERS

Columbia, South Carolina
October 17, 2011

STATE OF SOUTH CAROLINA)

IN THE SOUTH CAROLINA SUPREME
COURT

Beaufort County, Scott M. Marshall,)
individually and as Director of the Beaufort)
County Board of Elections and)

CIVIL ACTION NUMBER:

~~Registration, Chester County, James E.)~~
Moore, individually and as Director of the)
Registration and Election Commission of)
Chester County, Greenville County,)
Conway Belangia, individually and as)
Director of the Greenville County Election)
Commission and Greenville County Board)
of Registration, Spartanburg County, Henry)
Laye, individually and as Director of the)
Spartanburg County Election Commission)

COMPLAINT

Plaintiffs,)

vs.)

South Carolina Election Commission,)
Marci Andino, as Executive Director of the)
South Carolina State Election Commission)
and as a representative of the South)

~~Carolina State Election Commission, South)~~
Carolina Republican Party, Chad Connelly,)
as Chairman of the Executive Committee of)
the South Carolina Republican Party and as)
a representative of the South Carolina)
Republican Party, the South Carolina)
Democratic Party, and Richard A.)
Harpootlian, as Chair of the Executive)
Committee of the South Carolina)
Democratic Party and as a representative of)
the South Carolina Democratic Party)

Defendants.)

Plaintiffs, above named, complaining of the Defendants, would respectfully show unto
this Honorable Court as follows:



1. Plaintiffs Beaufort County, Chester County, Greenville County, and Spartanburg County (hereinafter referred to herein as "Plaintiffs") are each a body politic and corporate with the capacity to bring this action pursuant to S.C. Code Ann. §4-1-10 (1986).

~~2. Plaintiff Scott M. Marshall is a resident of Beaufort County, a taxpayer in Beaufort County, and the Director of the Beaufort County Board of Elections and Registration.~~

3. Plaintiff James B. Moore is a resident of Chester County, a taxpayer in Chester County, and the Director of the Registration and Election Commission of Chester County.

4. Plaintiff Conway Belangia is a resident of Greenville County, a taxpayer in Greenville County, and the Director of the Greenville County Election Commission and Greenville County Board of Registration.

5. Plaintiff Henry Laye is a resident of Spartanburg County, a taxpayer in Spartanburg County, and the Director of the Spartanburg County Election Commission.

~~6. Defendant South Carolina Election Commission is an agency of the government of the State of South Carolina, the entity charged with carrying out the authority conferred upon it by the South Carolina Election Law, S.C. Code Ann. §7-1-10, et. seq.~~

7. Defendant Marci Andino is the duly appointed Executive Director and representative of the South Carolina State Election Commission.

8. Defendant South Carolina Republican Party is the state committee of a certified political party that received at least five percent of the popular vote in South Carolina for its candidate for President of the United States in the 2008 presidential election.

9. Defendant Chad Connelly is the duly appointed or elected Chairman of the Executive Committee and a representative of the South Carolina Republican Party.

10. Defendant South Carolina Democratic Party is the state committee of a certified political party that received at least five percent of the popular vote in South Carolina for its candidate for President of the United States in the 2008 presidential election.

~~11. Defendant Richard A. Harpootian is the duly appointed or elected Chairman of the Executive Committee and a representative of the South Carolina Democratic Party.~~

12. Plaintiffs and Defendants are proper parties to this action, pursuant to S.C. Code Ann. §15-53-80 (2005), as each party has an interest in Presidential preference primaries held in South Carolina in 2012 and in any subsequent election cycles. Resolution of the controversies set forth and alleged herein will affect such interests of each party to this proceeding.

13. This Honorable Court has previously found and exercised jurisdiction over Defendant South Carolina Election Commission, over Defendant South Carolina Republican Party, and over Defendant South Carolina Democratic Party as litigants in civil actions.

~~14. The South Carolina Republican Party has announced plans to conduct on January 21, 2012 a Presidential preference primary to assist the selection of its nominee for the 2012 Election of the President of the United States of America.~~

15. Under Rule 11(b) of the South Carolina Republican Party Rules, the results of the 2012 Republican Presidential preference primary will not make a binding determination as to who will be the South Carolina Republican Party's nominee for the 2012 Election of the President of the United States of America. A true copy of the 2011 South Carolina Republican Party Rules is attached hereto as Exhibit A.

16. The South Carolina Democratic Party has held in the past and will, upon information and belief, hold in the future Presidential preference primaries in South Carolina to determine its nominee for the office of the President of the United States of America.

17. S.C. Code Ann. §7-11-20(B)(2) authorized the South Carolina Election Commission to conduct Presidential preference primaries for the 2008 election cycle. A true copy of this statutory provision is attached hereto as Exhibit B.

~~18. The South Carolina Election Commission has publicly stated its opinion that S.C. Code Ann. §7-11-20(B)(2) authorizes it and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.~~

19. In a September 19, 2011 letter from the South Carolina Election Commission to the South Carolina Association of Registration and Election Officials concerning “the costs associated with conducting the 2012 Presidential Preference Primaries,” the South Carolina Election Commission stated “According the SC Code of Laws Section 7-11-20(B)(2) the State Election Commission and authorities responsible for conducting elections in each county conduct the [Presidential Preference Primaries].” A true copy of this letter is attached hereto as Exhibit C.

20. The South Carolina Legislature has authorized \$680,000 of State funds to help pay for the South Carolina Republican Presidential preference primary in 2012.

21. Upon information and belief, the South Carolina Election Commission and others have estimated the actual costs of funding the 2012 Republican Presidential preference primary will greatly exceed \$680,000.

22. The Plaintiffs’ actual costs of funding the 2012 Republican Presidential preference primary in 2012 will greatly exceed the Plaintiffs’ pro rata shares of the \$680,000 appropriation and will also exceed the cost of conducting the said primary as estimated by the South Carolina Election Commission.

23. In a document dated October 12, 2011 prepared by the South Carolina Election Commission and provided to the County Election Commissions concerning the "2012 Presidential Preference Primary Reimbursable Expenses," the South Carolina Election Commission submitted a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. A true copy of this document is attached hereto as Exhibit D.

24. The reimbursement schedule submitted by the South Carolina Election Commission uses the reimbursement rates used by the State of South Carolina in reimbursing the Counties for "legitimate county election expense[s]" associated with conducting elections.

25. Upon information and belief, the reimbursement schedule submitted by the South Carolina Election Commission is insufficient to cover the actual costs Plaintiffs and the remaining South Carolina Counties will incur in conducting the 2012 Republican Presidential preference primary.

26. The estimated cost of conducting the 2012 Republican Presidential preference primary in Beaufort County will be \$120,332.

27. The estimated cost of conducting the 2012 Republican Presidential preference primary in Chester County will be \$16,587.

28. The estimated cost of conducting the 2012 Republican Presidential preference primary in Greenville County will be \$183,440.

29. The estimated cost of conducting the 2012 Republican Presidential preference primary in Spartanburg County will be \$106,755.

30. The total estimated cost of conducting the 2012 Republican Presidential preference primary in the other 42 Counties of South Carolina will be at least \$2,049,974.

31. Upon information and belief, Plaintiffs and other Counties throughout South Carolina will be responsible for bearing the actual costs of conducting one or both Presidential preference primaries in 2012 because such costs will exceed the amount allocated to each County by the South Carolina Election Commission.

32. Plaintiff Beaufort County was forced to expend \$204,585 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

33. Plaintiff Chester County was forced to expend \$4,526 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

34. Plaintiff Greenville County was forced to expend over \$24,010 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

35. Plaintiff Spartanburg County was forced to expend \$14,646 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

36. The other 42 Counties of South Carolina were forced to expend a total of \$718,593 in unreimbursed county funds for costs they incurred conducting the 2008 Presidential preference primaries for both the Democratic and Republican parties.

37. Defendant South Carolina Republican Party has not contractually agreed to reimburse Plaintiffs or other Counties of South Carolina for the actual costs they will incur in conducting the 2012 Republican Presidential preference primary in excess of the amount allocated to them from the aforesaid \$680,000 appropriation.

38. Defendant South Carolina Republican Party has not contractually agreed to reimburse Plaintiffs or other Counties throughout South Carolina for the actual costs they will incur in conducting the Republican Presidential preference primary during the 2012 election cycle or beyond.

39. This Honorable Court has original subject matter jurisdiction over this case, pursuant to Rule 245 of the South Carolina Appellate Court Rules. Breeden v. S.C. Democratic Executive Comm., 226 S.C. 204, 84 S.E.2d 723 (1954).

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- a. ~~This case involves a substantial public interest affecting the people of South Carolina in that the Defendants collectively maintain that the taxpaying citizens of the Plaintiff Counties and the remaining 42 counties should expend public funds to conduct a private political party Presidential preference primary without statutory authority; and~~
- b. Defendant South Carolina Republican Party has as of October 10, 2011 scheduled their Presidential preference primary for January 21, 2012. In order for the Plaintiffs, and the remaining South Carolina Counties to adequately conduct a Presidential preference primary on that date certain actions must be taken by the counties no later than the end of November of 2011. The short time frame constitutes the special grounds of emergency.

40. Defendant South Carolina Election Commission is an entity which conducts business in South Carolina including but not limited to conducting Presidential preference primaries within the State of South Carolina.

41. ~~Defendant South Carolina Republican Party and Defendant South Carolina Democratic Party~~ are entities which conduct business in South Carolina including but not limited to conducting Presidential preference primaries within the State of South Carolina.

42. Defendant Marci Andino is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Election Commission as the Executive Director of the South Carolina Election Commission.

43. Defendant Chad Connelly is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Republican Party as the Chair of the Executive Committee of Defendant South Carolina Republican Party.

44. Defendant Richard A. Harpootlian is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Democratic Party as the Chair of the Executive Committee of Defendant South Carolina Democratic Party.

PLAINTIFFS' CAUSE OF ACTION FOR DECLARATORY JUDGMENT

45. This action is brought pursuant to the provisions of the South Carolina Uniform Declaratory Judgments Act, S.C. Code Ann. §§15-53-10 (2005), *et. seq.*

46. There exists a “justiciable controversy,” as defined by South Carolina laws governing the application of the South Carolina Uniform Declaratory Judgments Act.

47. This case presents a concrete issue of immense public importance concerning the construction of S.C. Code Ann. § 7-11-20 (B) (Supp. 2009).

48. This case involves the definite assertion of legal rights under the statutory provision at issue.

49. This case presents an issue that is capable of repetition.

50. This case presents an issue that is appropriate for judicial determination by the South Carolina Supreme Court.

51. Plaintiffs would show that S.C. Code Ann. §7-11-20(B) (Supp. 2009) is the sole source of legal authority for the South Carolina Election Commission to conduct Presidential preference primaries or to contract with political parties with regards to any Presidential preference primary held in South Carolina.

52. Plaintiffs would show that the plain and unambiguous language of S.C. Code Ann. §7-11-20(B) (Supp. 2009) expressly and unequivocally limits to the year 2008 the South Carolina Election Commission’s authority to conduct a Presidential preference primary or to

contract with political parties with regards to Presidential preference primaries. This statute makes no reference to the 2012 election cycle.

53. The lack of any ambiguity in the language of S.C. Code Ann. §7-11-20(B) (Supp. ~~2009) precludes and forecloses any need to apply rules of statutory interpretation. The statute is~~ clear as written and limits its application to Presidential preference primaries held during the 2008 election cycle.

54. Plaintiffs therefore seek a judgment from this Honorable Court declaring that:

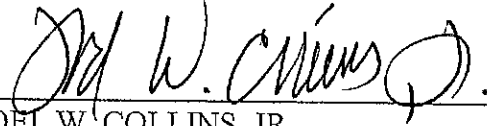
- a. S.C. Code Ann. § 7-11-20(B)(2) is expressly limited to the Presidential preference primaries conducted in the 2008 election cycle;
- b. Defendant South Carolina Election Commission lacks the authority to conduct for any political party any Presidential preference primary in 2012 or in future election cycles;
- c. Defendant South Carolina Election Commission lacks the authority to enter into a contract which would be binding on the Plaintiffs and other Counties of the State of South Carolina with any political party for any Presidential preference primary in 2012 or in future election cycles;
- d. S.C. Code Ann. § 7-11-20(B)(2) is not an authorization or a directive for either the South Carolina Election Commission or the Counties of the State of South Carolina to conduct a Presidential preference primary in South Carolina in 2012 or in future election cycles;
- e. Defendant South Carolina Election Commission lacks the authority to require Plaintiffs or other Counties of the State of South Carolina to expend county resources in conducting and funding any Presidential preference primary in 2012 or in future election cycles;
- f. The tax paying citizens of Beaufort County, Chester County, Spartanburg County, and Greenville County cannot be required to bear any expense whatsoever in conducting a Presidential preference primary for any political party; and
- g. Defendant South Carolina Election Commission cannot require Plaintiffs or other Counties of the State of South Carolina to expend county resources in conducting and funding any Presidential preference primary in 2012 or in future election cycles as such a requirement would violate Article X, §11 of the South Carolina Constitution, as requiring the expenditure of public funds to primarily benefit private organizations.

WHEREFORE, Plaintiffs pray for declaratory judgments as set forth in Paragraph 54 herein, for the costs of this action, and for such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

COLLINS & LACY, P.C.

By:



JOEL W. COLLINS, JR.
CHRISTIAN STEGMAIER
JAMES L. FLOYD, III (LEE)
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)

ATTORNEYS FOR PLAINTIFFS

Columbia, South Carolina

Oct 13, 2011

South Carolina Republican Party Rules

Rules of the South Carolina Republican Party

As Adopted by the Republican State Convention 1962 and As Amended by the...

~~State Convention, 1966~~

State Convention, 1974

State Convention, 1976

State Convention, 1978

State Convention, 1980

State Convention, 1982

State Convention, 1984

State Convention, 1986

State Convention, 1989

State Convention, 1991

State Convention, 1993

State Convention, 1996

State Convention, 1998

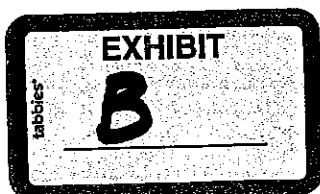
State Convention, 2002

State Convention, 2004

State Convention, 2007

State Convention, 2009

State Convention, 2011



South Carolina Republican Party Rules

PREAMBLE

We, the members of the South Carolina Republican Party, dedicated to the sound principles fostered by that Party, conscious of our civic responsibilities and rights and ~~firm in our determination to support and to help perpetuate the American way of life do~~ herewith establish this instrument, the Rules of the Republican Party of the Great State of South Carolina.

South Carolina Republican Party Rules

RULE 1 Name

RULE 2 Interpretation and Application of Rules; Amendments; Distributions; Definitions

RULE 3 Levels of Organization

RULE 4 Precinct Organization

a. Initial Organization

b. Reorganization

c. Proceedings

d. Resignations, vacancies

RULE 5 County Organization

a. Initial Organization

b. County Convention

c. Convention Proceedings

d. County Executive Committee

e. Resignations, vacancies

RULE 6 Congressional District Organization

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b. Reorganization

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e. Duties of Congressional District Executive Committee

f. Resignations, vacancies

g. Meetings

h. Proxies

i. Congressional District Chairman

RULE 7 State Organization

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RULE 11 Nomination of Candidates

a. Nomination of Candidates for Elective Public Office

b. The Presidential Preference Primary

c. Prohibition of Crossover Voting in Primaries

RULE 12 Election of Presidential Electors

RULE 13 Finances

RULE 14 Municipal Organizations

RULE 15 Party Officials as Candidates for Public Office

South Carolina Republican Party Rules

RULE 1

Name

The name of this political organization shall be "The South Carolina Republican Party."

The name of each component county organization shall be "The _____ County Republican Party." The name of each component precinct organization shall be

"The _____ Precinct Club of the _____ County Republican Party." The name of each component precinct organization in a municipal party shall be

"The _____ Municipal Precinct Club of The _____ Municipal Republican Party." The name of each component municipal party organization shall be

"The _____ Municipal Republican Party."

South Carolina Republican Party Rules

RULE 2

Interpretation and Application of Rules; Amendment; Distributions; Definitions

~~(a) These Rules shall be interpreted and applied so as to substantially accomplish their objectives. All records and lists required by the Rules shall be in writing. The spirit and not the letter of each Rule shall be controlling. Substantial compliance with a Rule shall be sufficient.~~

(b) Should any conflict exist or develop between any of these Rules and the South Carolina election law, the latter shall govern except as to those laws which have been judicially held to be constitutionally unenforceable or which are patently unconstitutional.

(c) In matters or areas not covered by these Rules, the Rules of the National Republican Party may be followed as a guide.

(d) The proceedings of all business, organizational, reorganizational, and committee meetings and all county and state conventions, not covered by these Rules or by enforceable provisions of the South Carolina election law, shall conform to the most recent edition of Roberts Rules of Order, Newly Revised.

(e) All elections to a party office at all levels of organization shall be decided by a majority vote unless otherwise directed by the rules; all delegates shall be elected by plurality vote.

(f) These Rules may be amended only by the State Convention by a two-thirds (2/3) vote of the total number of delegates registered and approved for that convention or reconvened convention.

(g) The State Executive Committee or the state chairman may cause explanatory footnotes to accompany these Rules when published or printed. Footnotes may be added to, removed, supplemented, corrected or altered as the occasion requires or as the orderly utilization and implementation of the Rules may suggest. Such footnotes or explanatory comment shall not be regarded as part of these Rules or have the force of Party Rules, but shall be considered as advisory only. The state chairman may require specific forms to be used for administrative purposes at all levels of the party. The state chairman may make other regulations regarding administrative practices at all levels of the party.

(h) The State Executive Committee, each County Executive Committee and each county convention may adopt for their own purposes such rules as they deem necessary and which are not in conflict with these Rules or with enforceable state law.

(i) The Rules may be reproduced and distributed as the State Executive Committee may direct. Each state party officer, each state convention officer, each committeeman, and each county chairman shall be furnished upon request a certified copy of these Rules by the state party secretary.

South Carolina Republican Party Rules

(j) Where used in these Rules, the male gender shall include female unless the context clearly indicates otherwise.

(k) "County Chairman" shall mean the duly elected Republican chairman of the county ~~executive committee in his county.~~

(l) "State Chairman" shall mean the duly elected Republican chairman of the state executive committee.

(m) "State Executive Committeeman" shall mean the duly elected Republican committeeman from his county to the Republican state executive committee.

(n) "County Executive Committeeman" shall mean the duly elected Republican Club committeeman from his precinct to the Republican county executive committee in his county.

(o) "Party" shall mean the South Carolina Republican Party at the state, congressional district, county, municipal, or precinct level.

(p) "State Officer" shall mean any officer of the party at the state level, duly elected or appointed, other than state executive committeemen.

(q) "District Officer" shall mean any officer of the party at the district level, duly elected or appointed, other than district committeemen.

(r) "County Officer" shall mean any officer of the party at the county level, duly elected or appointed, other than county committeemen.

(s) "Precinct Officer" shall mean any officer of the party elected by the precinct club.

South Carolina Republican Party Rules

RULE 3

Levels of Organization

~~(a) Organization of the party shall be at five levels: (1) the precinct organization; (2) the municipal organization; (3) the county organization; (4) the congressional district organization; and, (5) the state organization.~~

(b) Any other Republican organization based upon a geographical area may be established, or altered, only by the State Executive Committee.

South Carolina Republican Party Rules

RULE 4

Precinct Organization

~~(a) Initial Organization~~

(1) Initial organization of a precinct club in a county that does not have a county organization which is recognized by the State Executive Committee shall be in accordance with such instructions and procedures as the State Chairman shall direct. Such initial organization may be accomplished at any time in the manner as hereinafter stated.

(2) Initial organization of a precinct club in a county that has a county party organization, which is recognized by the State Executive Committee, shall be under the direction of the County Chairman, their designee, State Chairman or other Party official designated by the State Chairman upon noncompliance or refusal by County Chairman. A notice shall be caused to be published by the County Executive Committee once a week for two consecutive weeks, not more than three nor less than two weeks before the initial organization meetings and a make-up meeting in a newspaper having general circulation in the county. (7-9-50)

(b) Reorganization

(1) Organized clubs shall meet during the month of March at an appropriate place within the county at a time and day set by the County Executive Committee of each non-general election year, or at such other time and date as may be required by law for reorganization. The county chairman shall also set a date no later than five days prior to the county convention for precinct clubs to meet, referred to as a make-up meeting, that have failed to organize or re-organize or clubs that need to conduct further business, including the ability of precincts to fulfill their delegate allotment to the county convention. The make-up meeting for all precincts shall be held in one central location in the county and shall be properly advertised.

(2) Only those clubs previously certified or recognized as duly organized shall conduct reorganizational meetings. (7-9-50)

(c) Proceedings

In all organization and reorganization meetings of precinct clubs, business may be conducted as follows:

(1) The meeting shall be called to order by the club president or vice-president, if the president is not present, in an organized club. In an unorganized club, the meeting shall be called to order by such person as may have been designated by the county chairman (or State Chairman, if applicable) to arrange the meeting, and if none, then by some person in attendance who is eligible for membership in the precinct club.

(2) A temporary president, a temporary secretary, and a committee on credentials for the purpose of organizing or reorganizing shall be elected.

South Carolina Republican Party Rules

(3) The credentials committee shall report the names of those in attendance who are eligible for membership and who have signed the membership roll, verifying that each member is in fact eligible for membership. Membership eligibility is determined by the member having a current, valid voter registration certificate in that precinct, and either

(1) the person having voted in the election designated for the purposes of delegate allocation set forth in Rule 4(c)(5) or (2) the person being elected to membership at a precinct meeting. (7-9-40)

(4) When organized, a permanent president, one or more vice-presidents, a secretary, a treasurer, and a county committeeman to the county executive committee (a minimum of five (5) officers) may be elected. One person may not hold more than one office unless there are fewer than five people present at the club meeting. Such committees as may be desired may be created. (7-9-30) Precinct officers do not assume the duties of their office until after the county convention set forth in Rule 5(b) has been held, unless they are elected from a precinct not organized during the month of March under regular precinct reorganization.

(5) Delegates and alternates to the county convention shall be elected from among the members of the precinct club in attendance and/or those whose membership is set forth in the poll list of the preceding primary election (7-9-40). Each club shall have one delegate for every 25 members and major fraction thereof, based upon the number of votes polled in the first primary of the preceding general election year or based upon the number of votes for presidential electors at the last preceding general election thereof from the precinct as determined by the State Executive Committee; or if the last preceding nominations were by convention, the representation shall be based upon the number of votes for presidential electors at the last preceding general election therefore from the precinct (7-9-70). All precinct representation shall be based on the same election. An equal number of alternates may also be elected. The club secretary and club president shall certify the names of precinct club members, precinct club officers and delegates and alternates, along with their own certifications, to the county chairman no later than five (5) days following the initial precinct meeting. Vacancies in any precinct delegation at any County Convention or reconvened convention shall be filled from among the alternate delegates present. No delegate nor alternate shall be elected by the precinct club less than five (5) days before the County Convention. A certified list of precinct club members, precinct officers and delegates and alternates shall be forwarded to the state chairman by the county chairman no later than (7) seven days following the initial meeting, and no later than (3) three days after a make-up meeting. The county secretary shall make the certified list of delegates and alternates to the county convention available to any delegate, alternate or precinct officer no later than (3) three days after a make-up meeting. Such certified lists shall contain all contact information known to the county party. Upon receipt of the lists from the precinct, the county chairman shall promptly notify the club president of any irregularities found therein, and conversely, the club president shall be informed if the lists are in order."

(6) Except for organization and reorganization meetings, the president or five (5) members may call special meetings of the club at any time by giving at least forty-eight

South Carolina Republican Party Rules

(48) hours public notice. (7-9-50)

South Carolina Republican Party Rules

(7) If federal or state actions result in the creation of new precincts, consolidation of precincts or redrawing of precinct lines that cause duly elected precinct officers and delegates to no longer reside within their original precinct, the offices of the affected officers and delegates shall be declared vacant. The county executive committee shall set ~~a date within 45 days of such action for a special precinct reorganization meeting for~~ those precincts affected. The meeting shall be held in one location within the county and under the direction of the county chairman, their designee, the State Chairman or other Party official designated by the State Chairman upon noncompliance or refusal by County Chairman. The county executive committee shall give at least two (2) weeks notice published in a newspaper having general circulation in the county, of the specific time, date and place of the organizational meeting.

(d) Resignations, vacancies

(1) Resignations by any officer shall be submitted to the president and secretary. The county committeeman shall submit his resignation to the county chairman also. The club shall fill all vacancies in its elective offices, including county committeeman (7-9-60). If an elected officer or committeeman becomes disabled and cannot act or serve, or if he abandons his office by refusing to serve, he shall be notified in writing by the county executive committee, upon concurrence of a majority of the entire executive committee, that his office will be declared vacant, effective thirty (30) days from the date of notice, unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnishes a reason acceptable to the county executive committee as to why his office should not be declared vacant.

(2) A vacancy shall occur immediately if any elected officer or executive committeeman moves his legal residence outside the geographical area his office encompasses, and such vacancy shall be filled in accordance with the provisions of the Rules. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections. (3) Additionally, any County Executive Committee may declare vacant the office of any member of the County Executive Committee who is absent from three (3) consecutive County Executive Committee meetings without good cause when such committeeman has not been represented by a designated proxy or by the precinct president in attendance in his place. Provided, however, before such committeeman's office shall have been declared vacant, he shall be notified by certified mail by the county chairman and given opportunity to show cause before the County Executive Committee why he should not be removed from office.

(4) A vacancy shall occur as covered in Rule 15.

(5) A club meeting may be called by the club president or five other club members for the purpose of filling a vacancy among its officers, but such meetings require 48 hours notice in a newspaper of general circulation in the area in which the club is situated. (7-9-50)

South Carolina Republican Party Rules

(6) The club secretary shall keep a current roll of members, removing names as a result of death, transfer, resignation, request, etc. New precinct club members may be added as indicated by state party rules.

South Carolina Republican Party Rules

RULE 5

County Organization

~~(a) Initial Organization~~

Initial organization of a county organization in a county not having a county party organization which is recognized by the state executive committee shall be in accordance with instructions and procedures as the state chairman may direct.

(b) County Convention

In every non-general election year, the County Convention shall be called by the County Executive Committee in each county having an organization recognized by the State Executive Committee. The convention shall be held during the month of April, no less than 14 days following precinct reorganization meetings, and the specific date, time and location of the convention shall be set by the County Executive Committee. A notice shall be caused to be published by the County Executive Committee once a week for two consecutive weeks, not more than three nor less than two weeks before the actual day of the convention in a newspaper having general circulation in the county. The list of delegates certified by the president and secretary of each club shall constitute the temporary roll of the County Convention (7-9-70).

(c) Convention Proceedings

In all county conventions, business shall be conducted as follows:

- (1) The meeting shall be called to order by the county chairman, or vice-chairman if the chairman is not present. (7-9-80)
- (2) A temporary convention president, a temporary secretary and a committee on credentials for the purpose of organizing shall be elected. (7-9-80)
- (3) The credentials committee shall make its report and any appeals from the credentials committee's report shall be to the county convention (7-9-80). Further appeals there from may be made to the State Executive Committee at its next meeting thereafter, and if necessary, to the next regular state convention meeting.
- (4) When organized, a permanent convention president, secretary, and treasurer shall be elected. It shall also elect the county chairman, county vice-chairman (preferably of the opposite sex), a state executive committeeman, (7-9-80), and other such officers as the convention deems necessary, who shall serve for a term of two (2) years or until their successors are elected.
- (5) It shall also elect delegates to the district and State Convention. One delegate shall be elected for each six thousand residents in the county or majority fraction thereof, according to the latest official United States Census, plus two additional delegates. Double the number of delegates may be elected in which case each delegate shall have

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one-half vote. An equal number of alternates may also be elected (7-9-80). Should the county convention desire to designate the order of alternates who might fill vacancies, it may do so. Where no order of alternates is designated, the order in which the names are submitted to the state party shall be deemed the order of succession. The convention shall ~~designate one of its delegates as a member of the state credentials committee. If a county~~ is divided between two or more congressional districts, the number of state convention delegates to which such county shall be entitled shall be apportioned among the district as nearly as possible based on the population residing in each congressional district as a percentage of the entire population of the county at the last decennial census. "Each State Convention delegate elected to attend a Congressional District Convention shall be a resident of the congressional district the person is elected to represent and shall be elected only by those County Convention delegates who are residents of the same congressional district.

(6) A list certified by the convention secretary and signed by the convention president and/or county chairman, of all officers, delegates, and alternates elected by the county convention shall be forwarded by the county chairman or convention secretary to the state chairman and a copy to the district chairman not later than five (5) days following the county convention. Such list also shall include the name of the delegate chosen to serve on the credentials committee.

(7) The county convention shall be recessed in non-general election years and may be reconvened in the following general election year, during the month set by the state committee, to conduct such business as it deems advisable, including nomination of candidates.

(8) The delegates and alternates elected in SCGOP Rule 5 (c)(5) shall serve as delegates and alternates to the 2011 and 2012 State Conventions. They shall not automatically serve as delegates and alternates to the 2012 Congressional District Conventions. This rule shall be repealed on December 31, 2012.

(9) Congressional District delegates shall be selected based upon the congressional district apportionment plan that carries the force of law at the time of the 2012 Presidential Preference Primary. For counties that are within only one congressional district, delegates and alternates elected to the 2012 Congressional District Convention will be filled proportionately from among the delegates and alternates residing in those Congressional Districts who were elected in SCGOP Rule 5 (c)(5), in the order in which they were submitted to the state Party, and based upon the percentage of county population in each Congressional District. In the event that this process does not yield the maximum allotment of Congressional District delegates and alternates for a county, the County Party may, at the discretion of the county Executive Committee, reconvene its County Convention solely for the purpose of selecting additional delegates and alternates to the Congressional District Convention from any persons qualified under Rule 5(c)(5). The precinct delegates and alternates comprising these county conventions shall not change between convention meetings. This rule shall be repealed on December 31, 2012.

(d) County Executive Committee

(1) The clubs in each county shall be held together and operated under the control of a County Executive Committee which shall consist of one (1) committeeman from each

South Carolina Republican Party Rules

club elected by the club. The committee, when elected, shall by majority vote appoint its own officers, except the chairman and vice-chairman, who shall be elected by the County Convention. Appointed officers need not be executive committeemen. An officer of the County Executive Committee who is not an executive committeeman shall not be entitled to vote on any question. The county chairman may vote only in case of a tie vote. (7-9-60)

(2) The state executive committeeman from the county shall also be an officer of the County Executive Committee and shall be entitled to vote on any question. (7-9-60)

(3) The tenure of office of the county committeeman shall be until the convening of the county convention in each non-general election year.

(4) The secretary of the County Executive Committee shall keep such record of the committee's meetings as the committee may direct. Any written record that is kept shall be in duplicate, one copy for the chairman and one copy to be retained by the secretary.

(5) The County Executive Committee shall meet at the call of the chairman, any three committeemen, or by ten percent of the Committee's membership, whichever is greater, at such time and place as he or they shall appoint, but no meeting shall be held without each member of the committee having been given at least 24 hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement.

(e) Resignations, vacancies

(1) Resignation by any officer shall be submitted in writing to the county chairman and county secretary. Resignation by a county executive committeeman shall also be to the president and secretary of this precinct club. Resignation by the state executive committeeman shall be to the county chairman, county secretary, state chairman and state secretary.

(2) The County Executive Committee may remove any appointed officer at any time. It may fill any vacancies among its appointed officers.

(3) Should the office of the county chairman or county vice-chairman become vacant, the County Executive Committee shall fill the vacancy by electing a chairman or vice-chairman for the unexpired term. Vacancy in the office of county chairman shall not cause the vice-chairman to succeed to the office of chairman unless elected thereto by the County Executive Committee. Vacancies in the office of county chairman or vice-chairman that are filled by the County Executive Committee will not cause such officers to be "appointed" officers by the committee, but the same as if elected by the County Convention.

(4) If an elected officer or committeeman becomes disabled and cannot act or serve, or if he abandons his office by refusing to serve, he shall be notified in writing by the county executive committee, upon concurrence of a majority of the entire executive committee, that his office will be declared vacant, effective thirty (30) days from the date of the notice, unless the person gives earlier notice of his resignation or unless, within that time,

South Carolina Republican Party Rules

he resumes the full duties of his office or furnished a reason acceptable to the county executive committee as to why his office should not be declared vacant.

(5) Additionally, any County Executive Committee may declare vacant the office of any ~~member of the County Executive Committee who is absent from three (3) consecutive~~ County Executive Committee meetings without good cause when such committeeman - has not been represented by a designated proxy or by the precinct president in a attendance in his place. Provided, however, before such committeeman's office shall have been declared vacant, he shall be notified by certified mail by the county chairman and given opportunity to show cause before the County Executive Committee why he should not be removed from office. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections.

(6) A vacancy shall occur immediately if any elected officer or county executive committee moves his residence outside the geographical area his offices encompasses, and such vacancy shall be filled in accordance with the provisions of these Rules.

(7) A vacancy shall occur as covered under Rule 15.

South Carolina Republican Party Rules

RULE 6

Congressional District Organization

(a) Initial Organization

(1) Initial establishment of a Congressional District Organization, within such district not having a district organization which is recognized by the State Executive Committee, shall be in accordance with instructions and procedures as the State Chairman may direct.

(b) Reorganization

(1) In every Presidential election year, Congressional District Conventions shall be called by the Congressional District Executive Committee in each district having an organization recognized by the State Executive Committee. The Congressional District Convention shall be scheduled following the Presidential Preference Primary and no less than five (5) days prior to the State Convention.

(2) Notice of the Congressional District Convention shall be given in writing to all Delegates and Alternates to the State Convention, that have been elected at the County Convention within the district. Notification shall be given as early as possible but at least forty-eight (48) hours prior to the scheduled Congressional District Convention.

(3) SCGOP Rule 6(b)(2) shall not apply to the 2011 party reorganization process. Notice of the Congressional District Convention shall be given in writing to all Delegates and Alternates that have been designated as Delegates or Alternates to the 2012 Congressional District Convention pursuant to Rule 5(c)(9). Notification shall be given as early as possible but at least forty-eight (48) hours prior to the scheduled Congressional District Convention. This rule shall be repealed on December 31, 2012.

(c) Congressional District Convention

(1) The chairman of the district, or the vice-chairman if the chairman is not present, shall call the convention to order and preside until the election of a temporary president and temporary secretary.

(2) The credentials committee shall be appointed by the temporary convention president and the temporary convention secretary. Each county delegation shall be entitled to cast either one (1) vote per delegate, or one-half (1/2) vote per delegate, as having been instructed by their respective county convention.

(3) The credentials committee shall make its report and any appeals from this report, shall be made to the District Convention.

(4) When organized, a permanent convention president, a permanent convention secretary, and such other permanent convention officers as may appear necessary shall be elected.

South Carolina Republican Party Rules

(5) The following District Officers shall be elected from the delegates and alternates to the district and state conventions: Chairman, Vice-Chairman, and Secretary. Additional Vice-Chairmen may be elected where the convention so wishes. The District Chairman may appoint such other officers as deemed necessary.

(6) (a) In every presidential election year, the Congressional District Convention shall elect its quota of delegates and alternates to the National Convention to be held that year and shall submit a list of such delegates and alternates to the state chairman no later than three (3) days prior to the State Convention. Notice shall be given in at least three (3) newspapers having general circulation in the district giving the time, date and place of the District Convention at least fifteen (15) days prior to the date of the District Convention.

(b) Each candidate for election as such a delegate shall file with and place in the possession of the Congressional District Chairman or his designee before twelve (12) o'clock noon on the seventh (7th) day before the day fixed for the meeting of such Congressional District Convention a notice in writing of his candidacy and the Chairman shall provide such Convention with a list of such candidates. No person shall be eligible to run for Delegate or Alternate to the National Convention who is not a Congressional District Delegate or Alternate to the Congressional District Convention.

(c) The selection of such delegates and alternates shall be made by vote of such Congressional District Convention by ballot upon which shall be listed all such candidates for the office of delegate.

(d) Each delegate to such Congressional District Convention may vote for a number of such candidates not exceeding twice the number of such delegates to be elected by such Convention. Those candidates receiving the most votes shall be elected delegates, and those candidates receiving the next highest number of votes shall be elected alternates.

(e) A record of the vote at each District Convention shall be retained by the District Chairman and a copy thereof sent to the State Chairman at least three (3) days prior to the day fixed for the State Convention. Such record shall consist of a list of the candidates arranged in the order of the number of votes received by them, with the candidate receiving the greatest number ranked first and candidates with fewer votes ranked in descending order of the number of votes received by each in succession. The number of votes received by each candidates also shall be shown on the list. In the case of a tie, the position of the tying candidates on the list shall be determined by drawing lots.

(f) In the event a delegate or alternate elected at the Congressional District Convention resigns his position by giving notice in writing to his Congressional District Chairman before the organizational meeting provided for in these Rules to be called of all delegates and alternates elected to the National Convention, the next highest ranked candidate on the record of the vote at the District Convention willing to so serve shall fill such vacancy and his position shall be similarly filled, and the District Chairman shall promptly notify the affected candidates and the State Chairman.

(7) The District Convention may recess until recalled into session by the Convention President or by the District Chairman.

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(d) Congressional District Executive Committee

Membership of the Congressional District Executive Committee shall be composed of:

(1) The officers elected at the District Convention, with voting powers.

(2) Each duly elected County Chairman within the district, with voting powers.

(3) All duly elected State Executive Committeemen within the district, with voting powers.

(4) State Party officers residing in the Congressional District are considered ex-officio members of the respective District Executive Committee, with no voting power.

District Chairman must be delegate and as such cannot be denied a vote.

(e) Duties of Congressional District Executive Committee The Congressional District Executive Committee shall perform such duties as may be required or delegated by the State Executive Committee or by these rulings.

(f) Resignations, Vacancies

(1) Resignations by any officer shall be submitted, in writing, to the District Chairman and to the District Secretary. Resignation of the District Chairman shall be submitted to the district Vice-Chairman, the District Secretary, the State Chairman, and to the State Secretary.

(2) District office vacancies shall be filled by the District Executive Committee.

(g) Meetings

(1) The Congressional District Executive Committee shall meet at the call of the Chairman or any five (5) members thereof at such time and place as he or they may appoint. No meeting shall be held without each member of the committee having been given at least twenty-four (24) hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement.

(h) Proxies

Any member may issue a proxy for any meeting of the District Committee provided this issuance is in compliance with existing Party regulations.

(i) Congressional District Chairman

Congressional District Chairmen may attend and participate in all State Executive Committee meetings in a non-voting capacity.

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RULE 7

State Organization

(a) State Convention

(1) The state convention shall meet at a location in this State determined by the state committee to have adequate facilities during the month of May of every non-general election year on a day and at a time fixed by the state committee and announced publicly at least ten days before the meeting. In presidential election years, that state convention shall be held after the presidential preference primary and no less than five (5) days following the Congressional district conventions. Notice shall be given in at least three (3) newspapers of general circulation in the state giving the time, date, and place of the convention. The State Chairman shall also give written notice to each member of the State Executive Committee and each County Chairman of the date, time, and place of the Convention. The State Committee shall include in the call to convention available accommodations convenient to the convention site.

(2) The State Convention shall be composed of delegates elected by the County Convention, each county to be entitled to one delegate for every 6,000 residents in the county or major fraction thereof, according to the latest United States Census, plus two additional delegates, unless a County Convention has elected double the number of delegates, in which event all such one-half (1/2) vote delegates shall be seated. Any county delegation may change its votes from half votes to whole votes one time only upon recess of the State Convention which lasts 48 hours or longer. At the time the county delegation votes to go to whole votes, said delegates shall elect from the one-half vote delegates those individuals who are to serve as whole vote delegates. The remaining former one-half vote delegates will then become alternates, who will fill any vacancies in the delegation, prior to any of the original alternates. Each county delegation to a State Convention may fill any vacancies therein, first from among elected alternates, in order designated, if any, by the County Convention and thereafter from any delegates to the County Convention. Each county delegation to the State Convention shall have as its spokesman or chairman the county chairman or vice-chairman if that person is among the elected delegates; otherwise, the delegation shall elect its own chairman or spokesman. (7-9-100)

(3) The credentials committee of the State Convention shall be comprised of one (1) delegate from each county elected to the state credentials committee by the county conventions. Should the duly elected county delegate to the state credentials committee fail to attend and serve on said committee, the county chairman has authority to serve, and in the absence of both the delegate and the county chairman the state executive committeeman has authority to serve. The state chairman shall call the members of the credentials committee to meet in Columbia on the day before the convening of the state convention. The state chairman shall give written notice of the time, date and place of the meeting. At the meeting the credentials committee shall organize, electing one of its members as chairman and one as secretary, and shall proceed to examine and certify or reject the credentials of each county in alphabetical sequence. In case of a contest as to the election of delegates by any county, the county chairman shall notify the state

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chairman of such contest at the time the report of the county convention is made to the state chairman furnishing the names and addresses of all persons claiming to be delegates to the state convention. The credentials committee shall not seat any delegate to the credentials committee from a county where there is a contest until and unless the ~~committee first determines the rights of a properly designated delegate to a seat on the~~ credentials committee meeting. ~~The county chairman of the county in which the contest~~ may arise shall notify all contestants of the time, date and place of the credentials committee meeting. The credentials committee shall hear and determine such contest or contests in such manner as it shall decide upon. It shall report its findings and recommendations to the State Convention through its chairman or secretary as soon as the temporary organization of the convention is elected. Any person aggrieved by the report of the credentials committee may appeal to the state convention if he is a delegate to the convention, or if he would be a delegate but for the report of the credentials committee. Any member or members of the credentials committee may make a minority report if desired unless three-fourths (3/4) of the delegates to the convention vote not to receive a minority report.

(b) Convention Proceedings

In all state conventions business shall be conducted as follows:

- (1) The meeting shall be called to order by the state chairman or vice-chairman if the chairman is not present. (7-9-100)
- (2) A temporary convention president and a temporary convention secretary shall be elected. (7-9-100)
- (3) The credentials committee shall make its report and any appeal from the credentials committee's report shall be made to the convention.
- (4) When organized, a permanent convention president, two secretaries, one or more vice-presidents, a treasurer, and such other convention officers as may be desired shall be elected. (5) The State Convention shall elect the state chairman and the state first vice-chairman, (7-9-90). The State Convention may also elect a second vice-chairman and third vice-chairman whose duties will be determined by the State Executive Committee.
- (6) The State Convention shall be recessed in non-general election years and may be reconvened in the following general election year at the time set by the State Executive Committee to conduct such business as it deems advisable, including nomination of candidates. In presidential election years, the State Convention shall be re-convened to elect a national committeeman and national committeewoman and to elect at-large delegates and alternates to the National Convention. The State Convention may instruct its delegates and alternates to a national convention as to any matters it deems necessary.
- (7) Notice shall be given in at least three (3) newspapers of general circulation in the state giving the time, date and place of any reconvened State Convention at least fifteen (15) days prior to the established time.
- (8) (a) No person shall be allowed to run for Delegate-at-large or Alternate-at-large to the

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National Convention who is not a state delegate or alternate to the state convention. Each candidate for election as such Delegate-at-large shall file with and place in the possession of the state chairman before twelve (12) o'clock noon on the seventh day before the day fixed for the meeting of the state convention a written notice of his or her candidacy and the state chairman shall provide such convention with a list of such candidates.

(b) No person elected at a congressional district convention to be a delegate or alternate shall be eligible to be a candidate for selection as a delegate or alternate to be voted for at a state convention unless such person has filed and placed in possession of his congressional district chairman or his designee by twelve (12) o'clock on the third (3rd) day before the day fixed for the meeting of the state convention a written notice of his resignation as such delegate or alternate from such congressional district.

(c) The election of such delegates-at-large and alternates-at-large shall be made by vote of the state convention by ballot upon which shall be listed all such candidates for the office of delegate-at-large.

(d) Each delegate to the state convention may vote for a number of such candidates not exceeding twice the number of such delegates-at-large to be elected by the state convention. Those candidates receiving the most votes shall be elected delegates-at-large, and those candidates receiving next highest number of votes shall be elected alternates-at-large.

(e) A record of the vote at the convention shall be retained by the state chairman. Such record shall consist of a list of the candidates arranged in the order of the number of votes received by them, with the candidate receiving the greatest number ranked first, and candidates with fewer votes ranked in descending order of the number of votes received by each in succession. The number of votes received by each candidate also shall be shown on said list. In the case of a tie, the position of the tying candidates on the list shall be determined by drawing lots.

(f) In the event a delegate-at-large or alternate-at-large elected at the state convention resigns his position by giving notice in writing to the state chairman before the organizational meeting provided for in these rules to be called of all delegates and alternates elected to the national convention, the next highest ranked candidate on the record of the vote at the State Convention willing to serve shall fill such vacancy and his position shall be similarly filled, and the state chairman shall promptly notify the affected candidates.

(g) Within (4) four weeks after the election of the delegates and alternates, it shall be the responsibility of the State Chairman of the South Carolina Republican Party to call a meeting of all delegates and alternates elected to the National Convention for the purpose of organizing the delegation. At this time, acting under the leadership of the State Chairman, the delegates shall proceed to elect a delegation chairman, a delegation vice-chairman, and a delegation secretary. At this point in time, the National Convention delegation becomes a body unto itself and shall be governed by its own actions not inconsistent with the rules of the Republican National Convention.

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(h) In the event one or more delegates-at-large or alternates-at-large cannot attend the national convention, and such fact is made known by the delegate in writing to the chairman of the delegation, all candidates lower on the convention-vote record shall be ~~considered elected to the office which their new position on the convention-vote record~~ has entitled them. Once the credentials committee adopts the official roll at the convention, vacancies shall be filled in numerical order as provided in these rules.

(i) In a national convention, in the absence of any delegate-at-large, his place shall be filled from alternates in the following order: Alternate-at-large in the order listed; district alternates in the assigned order of districts (said order having been determined prior to the opening of the convention by lot at a caucus attended by the highest ranking member from each district) and in the order listed within districts.

(j) In the absence of a delegate from any congressional district, his place shall be taken by an alternate in the following order: alternates from the same district in the order listed; alternates-at-large in the order listed; district alternates from other districts in numerical order and in the order named within the districts. Provided further, however, that with the written notice to the chairman of the delegation, any delegate-at-large, already present at the national convention, shall select any alternate-at-large to represent him in his temporary absence, which shall not exceed one convention session in each instance, and any district delegate, already present at the convention, may select a district alternate from the same district to represent him, his temporary absence not to exceed one convention session in each instance.

~~(9) No resolutions shall be considered by the State Convention that shall not have received the prior approval of at least one county convention, the State Executive Committee, or a Resolutions committee appointed by the State Executive Committee.~~

(c) State Executive Committee

(1) The Republican State Executive Committee shall have the general management of the State Republican Party, subject to direction from the State Convention. The members of the state executive committee shall be elected by the county conventions. The committee shall choose its own officers except the state chairman and state vice-chairman who shall be elected by the state convention. Appointed officers need not be committeemen, but an officer of the state committee who is not a committeeman shall not be entitled to vote. The district chairmen and vice-chairmen and state chairman of official Republican auxiliaries shall be ex-officio members of the state committee. Voting members of the state executive committee shall be the state committeeman from each county, the national committeeman, the national committeewoman, president of the state Federation of Republican Women, the state fist vice-chairman when not presiding (and when presiding, only in case of a tie vote, as the state chairman) only in case of a tie vote) (7-9-90): provided, however, that voting members may be represented by proxy in accordance with Rule 7 herein.

(2) The tenure of office of a state committeeman (except as modified by Rule 6, section "d" hereof) shall be for two (2) years from the time of his election or until his successor

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has been elected (7-9-90).

(3) The state executive committee shall be considered a continuing body and its established rules of operative procedure and organization established pursuant to these ~~rules or pursuant to applicable law shall continue in force until changed by affirmative~~ action of the Committee in conformity with these rules or applicable law.

(4) The state secretary shall forward the original minutes of the state executive committee meetings and the originals of other documents to the state chairman and shall keep a copy for his files. The state secretary shall deliver all records to his successor or else furnish his successor with certified copies of all records.

(5) The state committee shall meet at the call of the chairman or any five (5) members thereof at such time and place as he or they may appoint (7-9-90). No meeting shall be held without each member of the committee having been given at least twenty-four (24) hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement. In no event shall the State Executive Committee meet less than once per calendar quarter.

(6) The state chairman with the approval of the State Executive Committee may appoint such committees, other than the credentials committee, as he deems necessary for the proper and efficient functioning of the Party.

(7) The annual budget for the South Carolina Republican Party shall be approved at the first meeting of the State Executive Committee held in each year. The proposed budget shall be submitted by the state chairman.

(8) The state Chairman shall conduct an annual certified financial audit each calendar year, and make those audit findings available to the Executive Committee.

(d) Resignations, Vacancies

(1) Resignations by an officer shall be to the state chairman and state secretary. Resignation by a national committeeman or national committeewoman also shall be to the chairman of the national party or such other officer as the national party may designate. Resignation by a state committeeman also shall be to his county chairman and county secretary.

(2) The state committee may remove any officer chosen by it at any time. It may fill any vacancies among its chosen officers.

(3) Should the office of state chairman or state vice-chairman become vacant, the state committee may fill the vacancy by electing a chairman or vice-chairman for the unexpired term. Vacancy in the office of state chairman shall not cause the vice-chairman to succeed to the office of state chairman unless elected thereto by the state committee. Vacancies in the office of state chairman or vice-chairman that are filled by the state committee will not thereby cause such officers to be "appointed" officers by the committee but they shall be the same as if elected by the State Convention.

South Carolina Republican Party Rules

(4) If an elected officer or committeeman becomes disabled and cannot act or serve, except for a temporary period, or if he moves his residence outside the geographical area his office encompasses, or if he abandons his office by refusing to serve, he shall be notified in writing by the executive committee, upon concurrence of a majority of the ~~entire executive committee, that his office will be declared vacant, effective thirty (30)~~ days from the date of the notice unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnishes a reason acceptable to the state executive committee as to why his office should not be declared vacant.

(5) Additionally, the state executive committee may declare vacant the office of any member of the state executive committee who is absent from three (3) consecutive meetings without good cause when such committeeman has been represented by a designated proxy or by the county chairman in attendance in his/her place; provided, however, before such Committeeman's office shall have been declared vacant, he shall be notified by certified mail by the state chairman and given opportunity to show cause before the state executive committee why he should not be removed from office. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections.

~~(6) Any vacancy in the state ticket of electors or in the national committee of the Party, however occurring, shall be filled by the state committee, all by a majority vote of the whole committee (7-9-90).~~

(e) Honors and Awards

Authority to bestow special state party honors and awards is reserved to the State Executive Committee, upon recommendation of the Honors and Awards Committee.

South Carolina Republican Party Rules

RULE 8

Proxies

~~(a) Proxies may be used by any county committeeman and any state committeeman. The national committeeman and national committeewoman may also use proxies as ex-officio members of the state executive committee.~~

(b) To be valid, a proxy must be in writing, dated, signed by the author, give the full name and address of the person designated as proxy, specify the specific meeting for which the proxy is given, all in duplicate. One executed copy of the proxy shall be given to the chairman or secretary of the group, committee or meeting at which the proxy attends. A proxy shall also contain a signature endorsement thereof by the proxy that he consents to the appointment.

(c) Only members of the party from the same group represented by the author shall be appointed proxy. Such as, a county committeeman may appoint a proxy only from his own precinct; a state committeeman may appoint a proxy only from his own county.

(d) Proxies shall not be used or recognized in the Party at any level except as provided for in these rules.

~~(e) No individuals may have more than one (1) vote either in his own right or by reason of any proxy he may hold. A proxy can only be used by an individual actually in attendance at the meeting for which the proxy is given. Attendance at the meeting for which the proxy is given by the author of the proxy shall terminate the proxy, unless the author should leave prior to the termination of the meeting and announce prior to his leaving whom he has designated as his proxy.~~

(f) If a state committeeman does not attend scheduled meetings of the state committee and does not appoint a proxy in writing, the county chairman of his county or his county first vice-chairman, when the chairman is absent, shall be considered an automatic proxy at such meeting. This same provision applies in similar fashion at the county level.

(g) The state chairman and the state vice-chairman may designate any member of the party in the state as proxy for their vote only, at a scheduled meeting, provided that such proxy shall not apply to the proxy presiding or acting with other authority.

(h) The state executive committee may provide for the use of proxies within a party organization created by it under the provisions of the Party Rule 3, but such use is to be limited to the pattern authorized elsewhere in this Rule 7, and, in any event, the use of proxies so authorized shall be limited to meetings of or at the organization created by the state executive committee and shall not extend to the use of such proxies at state executive committee meetings.

(i) No proxy shall be authorized to designate a substitute or successor proxy. However, an author of a proxy may designate successive proxies in the event the proxy first designated does not attend.

RULE 9

South Carolina Republican Party Rules

RULE 9
Quorum

~~(a) A quorum of all committees shall be the lesser of 25 members or one-third of the members thereof. All meetings must be properly noticed.~~

(b) In case of a vacancy occurring in the office of state chairman, state vice-chairman, national committeeman or national committeewoman, a quorum for the purpose of electing an individual to fill the vacancy shall be two-thirds (2/3) of the membership of the state executive committee electing the replacement (7-9-90).

(c) A quorum at all conventions shall be a majority of the delegates thereto.

(d) However, for entity that has (2) two consecutive inquorate meetings for which notice has been properly provided, the quorum at all meetings of such entity shall be the members present until the succeeding reorganization.

(e) The quorum for taking any action required by law or national party rules, including but not limited to election protest hearings and election of presidential electors, shall be the members present.

South Carolina Republican Party Rules

RULE 10

Appeals

All controversies which may arise in precinct organization shall be decided on appeal by the county committee. All controversies which may arise in county party organization or in a congressional district organization shall be decided on appeal by the state executive committee, provided that all questions pertaining to the seating of delegates at all levels shall be determined by the convention, meeting, or body. The state chairman shall call a meeting of the state executive committee no later than two weeks after an appeal has been filed with the state chairman.

South Carolina Republican Party Rules

RULE 11

Nomination of Candidates

~~(a) Nomination of candidate for elective public office~~

(1) As a general policy the South Carolina Republican Party endorses the primary method of nominating candidates for elective office. However, the convention method also is considered to be an acceptable and approved method of nomination.

(2) Where a convention nominates candidates for public office the convention must first decide to use the convention method of nomination by a three-fourths (3/4) vote of the total membership of the convention or such other majority as may be required by law.

(3) Where a convention method of nomination is adopted, candidates for federal and state offices of divisions larger than counties, which includes statewide, congressional, judicial and senatorial districts, shall be nominated by the state convention. However, where it is otherwise provided by law that candidates for certain offices encompassing an election district not larger than counties shall have candidates nominated as determined by the county convention not inconsistent with existing valid state law.

(4) If the primary system of nominating candidates for elective public office is used, such rules and procedures in connection therewith shall be forwarded as may be required by law and as supplemented by such rules and procedures as may be promulgated by the State Executive Committee.

(5) When no other filing fee has been set by state or county committee each candidate at the time of filing for the nomination as a candidate for the Republican Party shall place with the appropriate party official a fee, in the form of cash or certified check, equal to two (2) percent of one year's salary for the office being sought. Provided that in the event that the office being sought has no salary, the governing committee shall set a reasonable filing fee.

(6) No candidate may be nominated by the Republican Party who is not a registered elector in and a bona fide resident of the State of South Carolina and of the particular election district, if less than statewide, in which he offers as a candidate for office.

(7) Where by reason or changes in the governing law, either by way of legislative enactment or by judicial decree by a court of competent jurisdiction, it becomes impossible to comply with any provision of these rules and also with changed condition, the state executive committee is authorized to promulgate such rules, procedures and guidelines as may be necessary and appropriate.

(8) Presidential electors shall be elected in accordance with the procedures set forth in Rule 11 of this body of rules.

(b) The Presidential Preference Primary

(1) Unless decided otherwise by the state party convention within two (2) years prior to

South Carolina Republican Party Rules

each presidential election year, the South Carolina Republican Party shall conduct a statewide presidential preference primary on a date within two weeks after the New Hampshire Republican Primary or earlier if necessary to preserve South Carolina's "First in the South" status. Notwithstanding this provision, the State Chairman and the State Executive Committee have the right to set the primary date.

(2) In the event that the convention decides not to hold a primary, and circumstances surrounding the presidential election shall have substantially changed such that a primary would be deemed advisable, the state executive committee, prior to January 15 of the presidential election year, may override the decision of the convention and reinstate the primary.

(3) If, however, after the closing of the filing period for the presidential preference primary no more than one candidate has qualified, no presidential preference primary shall be held.

(4) Each congressional district delegate from South Carolina to the ensuing Republican National Convention shall be bound during the first ballot at the convention to the presidential candidate who received the greatest number of votes in that particular delegate's home district during the presidential preference primary.

(5) However, if the candidate to which a delegate is bound falls below thirty (30) percent of the vote on the first ballot, that delegate automatically is released before the second ballot.

(6) Each delegate-at-large shall be bound for the first ballot to the candidate who received the largest number of votes statewide in the presidential preference primary.

(7) All other details pertaining to this presidential preference primary shall be the responsibility of the state executive committee.

(c) No person that has voted in the primary or run-off election of another political party, including a presidential preference primary, shall be allowed to cast a ballot in a Republican Primary or run-off for the same office in the same election cycle.

South Carolina Republican Party Rules

RULE 12

Elections of Presidential Electors

~~(1) No later than sixty (60) days prior to the date of the general election in each presidential election year it shall be the responsibility of the State Executive Committee of the South Carolina Republican Party to elect the Party's presidential electors for the ensuing presidential elections.~~

(2) After coming together the committee shall caucus according to congressional districts and each caucus shall nominate not more than seven (7) and not less than two (2) candidates for that district's position on the electoral college.

(3) The committee then shall reassemble and each member of the committee shall vote by secret ballot for not more than one (1) of the nominees listed by each caucus. The winner for each district shall be determined by plurality vote.

(4) Nominations for South Carolina's two at-large positions on the electoral college shall come from the floor of the committee. After all the nominations have been made each member of the committee shall vote by secret ballot for not more than two (2) of the nominees. The two winners shall be determined by plurality vote.

South Carolina Republican Party Rules

RULE 13

Finances

~~No one is empowered to incur indebtedness or financial obligation on the part of the South Carolina Republican Party unless expressly authorized to do so by the state convention or the state executive committee. Prior to any such authorization, funds must be on hand and available for the purpose authorized.~~

The state chairman may authorize the expenditure of available funds for necessary activities, the payment of bills or the reimbursement of expenses incurred by an individual on party business, but there shall be no obligation to do so. Any person incurring expenses does so on his own responsibility and he shall promptly make payment therefore personally, regardless of whether or not reimbursement is expected.

All checks issued by the state treasurer shall be signed by him and countersigned by the state chairman or the executive director. The names of the state chairman, the state treasurer, and the executive director shall be certified to the bank of deposit.

South Carolina Republican Party Rules

RULE 14

Municipal Organization

~~The County Committee is authorized to provide such rules or adopt such regulations as it~~
~~may deem necessary or desirable to structure, organize and establish a Municipal~~
Republican Executive Committee in each municipality, principally located in said County
for the purpose of administering the Republican Party participation in any partisan
municipal election including the nomination of Republican candidates therein. The
Organization must be in accordance with the Rules of the South Carolina Republican
Party and must conform to the requirements of the South Carolina Municipal Election
Code.

South Carolina Republican Party Rules

RULE 15

Party Officials as Candidates for Public Office

- ~~(1) A vacancy shall occur immediately if a person who holds an elected or appointed party office or who is a Delegate or Alternate to a Party Convention, at any level~~ becomes, (1) an announced and/or official candidate for the nomination to elected public office who at the close of filing, has not filed as a candidate in the Republican Primary or (2) an elected officer of another political party.
- (2) At levels above the precinct level, an officer—but not a delegate—shall resign such office if (1) such officer files as a candidate in a Republican Party primary and (2) at the close of filing and certification of candidates, more than one candidate is certified as seeking the Republican nomination. Provided, however, that an officer must immediately resign from such office upon announcing for federal or statewide office.

"(6) Notwithstanding the provisions of Section 7-13-351 of the 1976 Code, all candidates seeking nomination by petition must file these petitions with the State Election Commission no later than noon on September ninth.

"(7) Notwithstanding the provisions of Section 7-13-350 of the 1976 Code, the names of all nominees to be placed on the special election ballots must be certified by the respective political party to the appropriate election commissioners by noon on September eleventh."

Effect of Amendment

The 1990 amendment added the fifth unnumbered paragraph pertaining to nonpartisan school trustee elections.

The 1996 amendment revised this section.

The 2000 amendment added the second sentence of the third undesignated paragraph relating to candidates' qualifications, and, in the fourth undesignated paragraph, added "State House of Representatives or".

The 2003 amendment, in the second undesignated paragraph of item (3), designated (1) and added (2) and made nonsubstantive changes in items (1), (2), and the third undesignated paragraph of item (3).

Cross References

Employment and Workforce Appellate Panel, creation, purpose, powers, composition, see § 41-29-300.

Special elections to fill vacancies in office, see § 7-13-190.

Research References

Encyclopedias

S.C. Jur. Elections § 1, Scope Note.

S.C. Jur. Elections § 37, Filing Dates.

S.C. Jur. Elections § 46, Statutory Requirements.

Attorney General's Opinions

In the absence of legislation for court guidance, an election should be held with the opportunity for a write-in vote for an office for which no candidate filed. 1988 Op Atty Gen, No. 88-84, p 110.

Notes of Decisions

In general 1

1. In general

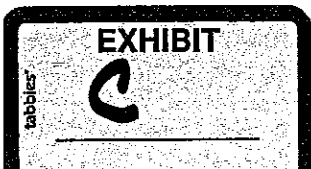
Requirement of § 7-11-15 that independent candidate for State House of Representatives formally declare candidacy in March for general

election the following November, despite lack of need for primary in June, is unconstitutional because no valid state interest is promoted by requiring independent candidates to register at the same time as candidates who are members of political parties intending to hold primaries. *Crömer v. State of S.C.* (C.A.4 (S.C.) 1990) 917 F.2d 819.

§ 7-11-20. Conduct of party conventions or party primary elections generally; presidential preference primaries.

(A) Except as provided in subsection (B), party conventions or party primary elections held by political parties certified as such by the State Election Commission pursuant to the provisions of this title to nominate candidates for any of the offices to be filled in a general or special election must be conducted in accordance with the provisions of this title and with party rules not in conflict with the provisions of this title or of the Constitution and laws of this State or of the United States.

(B)(1) Except as provided in item (2), a certified political party wishing to hold a presidential preference primary election may do so in accordance with the provisions of this title and party rules. However, notwithstanding any other provision of this title, the state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements. If a party holds a presidential preference primary election on a Saturday, an absentee ballot must be provided to a person who signs an affirmation stating that for religious reasons he does not wish to take part in the electoral process on a Saturday.



(2) For the 2008 election cycle, if the state committee of a certified political party which received at least five percent of the popular vote in South Carolina for the party's candidate for President of the United States decides to hold a presidential preference primary election, the State Election Commission must ~~conduct the presidential preference primary in accordance with the provisions of this title and party rules provided that a registered elector may cast a ballot in only one presidential preference primary.~~ However, notwithstanding any other provision of this title, (a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost-effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, ~~and such candidate's name must not be placed on a primary ballot.~~ Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.

(3) The political party shall give written notice to the State Election Commission of the date set for the party's presidential preference primary no later than ninety days before the date of the primary.

(4) Nothing in this section prevents a political party from conducting a presidential preference primary for the 2008 election cycle pursuant to the provisions of Section 7-11-25.

HISTORY: 1962 Code § 23-252; 1952 Code § 23-252; 1950 (46) 2059; 1974 (58) 2866; 1991 Act No. 47, § 1, eff May 1, 1991; 1992 Act No. 489, § 3, eff July 1, 1992; 2007 Act No. 81, § 1, eff June 19, 2007.

Effect of Amendment

The 1991 amendment added the second paragraph.

The 1992 amendment, in the second paragraph, added the third sentence.

The 2007 amendment designated the existing undesignated paragraphs as subsection (A) and paragraph (B)(1) and added paragraphs (B)(2) to (B)(4) relating to conducting presidential preference primaries.

Cross References

Decertification of a political party for failure to nominate candidates for office by convention or party primary, see § 7-9-10.

Furnishing of absentee ballots and other primary election materials to county board of registration, see § 7-15-365.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joesph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

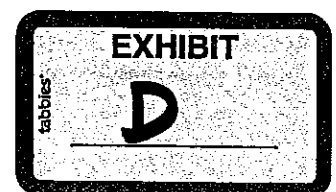
v.

~~South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,~~

Respondents.

AFFIDAVIT

Affidavit of Scott Marshall attached hereto.



STATE OF SOUTH CAROLINA

)

COUNTY OF BEAUFORT

)

AFFIDAVIT OF SCOTT MARSHALL

Personally appeared before me the undersigned who, being first duly sworn, deposes and

says:

Personally appeared before me the undersigned who, being first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and of sound mind.
2. I have personal knowledge of the matters stated herein.
3. I am the Executive Director of the Beaufort County Board of Elections and Registration.
4. I am a resident of Beaufort County and pay taxes assessed and collected by Beaufort County, South Carolina.
5. The Beaufort County Board of Elections and Registration is charged with conducting elections in Beaufort County in accordance with applicable state law.
6. The Beaufort County Board of Elections and Registration operates voting stations throughout Beaufort County, employs poll workers, operates polling facilities, and oversees the other numerous activities necessary for conducting elections and registering voters in Beaufort County.
7. During the 2008 election cycle, the Beaufort County Board of Elections and Registration carried out the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary in accordance with instructions from the South Carolina Election Commission and pursuant to the provisions of S.C. Code Ann. §7-11-20(B) (Supp. 2007).

8. In performing activities necessary to conduct the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary, the Beaufort County Board of Elections and Registration was forced to use Beaufort County taxpayer funds to cover the costs of these primaries to the extent those costs were not reimbursed by the South Carolina Election Commission, the South Carolina Democratic Party, or the South Carolina Republican Party.

9. Beaufort County was forced to expend over \$204,585 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

10. The South Carolina Election Commission has informed the Beaufort County Board of Elections and Registration that its opinion is that S.C Code Ann. §7-11-20(B)(2) mandates the South Carolina Election Commission and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.

11. The South Carolina Election Commission submitted to the Beaufort County Board of Elections and Registration a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. This reimbursement schedule uses the reimbursement rates the State of South Carolina uses to reimburse the Counties for “legitimate county election expense[s]” associated with conducting elections.

12. Permitting the South Carolina Election Commission to require the Beaufort County Board of Elections and Registration and the remaining Counties throughout South Carolina to conduct the 2012 Republican presidential preference primary would cause considerable harm to Beaufort County and the other Counties throughout South Carolina.

13. First, the estimated cost of conducting the 2012 Republican Presidential preference primary in Beaufort County will be \$120,332. This amount will exceed the amount it will

receive from the South Carolina Election Commission for its expenses in conducting the 2012 Republican Presidential preference primary. The burden of the unreimbursed expenses will be placed on Beaufort County and its taxpayers.

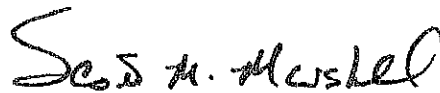
14. Second, using the reimbursement rates used by the State of South Carolina to reimburse Beaufort County for the costs of conducting the 2012 Republican Presidential preference primary will not fully reimburse Beaufort County and will prevent Beaufort County from paying certain expenses to employees for conducting the primary, such as overtime, that are mandated by Federal Law.

15. Third, because Beaufort County will not be reimbursed for its total costs of conducting the 2012 Republican Presidential preference primary, Beaufort County will be forced to allocate and use county funds for the primary benefit of a private political organization for a primary that does not primarily benefit the citizens of Beaufort County.

16. I declare under the penalty of perjury that the foregoing is true and correct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

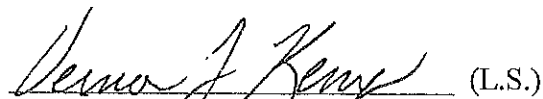
This 17th day of October, 2011



SCOTT MARSHALL
Individually and as Director of the Beaufort
County Board of Elections and Registration

SWORN to and SUBSCRIBED before me

This 17th day of October, 2011

 (L.S.)
NOTARY PUBLIC for South Carolina
My Commission Expires: 5-20-20

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joseph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

~~South Carolina Election Commission, Marci Andino, as~~
Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

Respondents.

AFFIDAVIT

Affidavit of Joseph Conway Belangia, Jr. attached hereto.



STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF JOSEPH CONWAY
BELANGIA, JR.

Personally appeared before me the undersigned who, being first duly sworn, deposes and

says:

1. I am over eighteen (18) years of age and of sound mind.
2. I have personal knowledge of the matters stated herein.
3. I am the Director of the Greenville County Election Commission and Greenville County Board of Registration.
4. I am a resident of Greenville County and pay taxes assessed and collected by Greenville County, South Carolina.
5. The Greenville County Election Commission and Greenville County Board of Registration are charged with conducting elections in Greenville County in accordance with applicable state law.
6. The Greenville County Election Commission and Greenville County Board of Registration operates voting stations throughout Greenville County, employs poll workers, operates polling facilities, and oversees the other numerous activities necessary for conducting elections and registering voters in Greenville County.
7. During the 2008 election cycle, the Greenville County Election Commission and Greenville County Board of Registration carried out the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary pursuant to the provisions of S.C. Code Ann. §7-11-20(B) (Supp. 2007).
8. In performing activities necessary to conduct the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary, the Greenville

County Election Commission and Greenville County Board of Registration was forced to use Greenville County taxpayer funds to cover the costs of these primaries to the extent those costs were not reimbursed by the South Carolina Election Commission, the South Carolina Democratic Party, or the South Carolina Republican Party.

9. Greenville County was forced to expend over \$24,010 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

10. The South Carolina Election Commission has informed the Greenville County Election Commission and Greenville County Board of Registration that its opinion is that S.C Code Ann. §7-11-20(B)(2) authorizes the South Carolina Election Commission and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.

11. The South Carolina Election Commission submitted to the Greenville County Election Commission and Greenville County Board of Registration a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. This reimbursement schedule uses the reimbursement rates the State of South Carolina uses to reimburse the Counties for "legitimate county election expense[s]" associated with conducting elections.

12. Permitting the South Carolina Election Commission to require the Greenville County Election Commission and Greenville County Board of Registration and the remaining Counties throughout South Carolina to conduct the 2012 Republican presidential preference primary would cause considerable harm to Greenville County and the other Counties throughout South Carolina.

13. First, the estimated cost of conducting the 2012 Republican Presidential preference primary in Greenville County will be \$183,440. This amount will exceed the amount it will receive from the South Carolina Election Commission for its expenses in conducting the ~~2012 Republican Presidential preference primary. The burden of the unreimbursed expenses~~ will be placed on Greenville County and its taxpayers.

14. Second, using the reimbursement rates used by the State of South Carolina to reimburse Greenville County for the costs of conducting the 2012 Republican Presidential preference primary will not fully reimburse Greenville County and will prevent Greenville County from paying certain expenses to employees for conducting the primary, such as overtime, that are mandated by Federal Law.

15. Third, because Greenville County will not be reimbursed for its total costs of conducting the 2012 Republican Presidential preference primary, Greenville County will be forced to allocate and use county funds for the primary benefit of a private political organization for a primary that does not primarily benefit the citizens of Greenville County.

16. The South Carolina Republican Party has as of October 10, 2011 scheduled their Presidential preference primary for January 21, 2012.

17. In order for Greenville County and the remaining South Carolina Counties to adequately conduct the South Carolina Republican Presidential preference primary on January 21, 2012, certain actions must be undertaken by Greenville County and the remaining South Carolina Counties no later than the end of November of 2011. This short time frame constitutes the special grounds of emergency.


18. The matters set forth in this affidavit involve a substantial public interest affecting the people of South Carolina in that the Defendants collectively maintain that the taxpaying

citizens of Greenville County and the remaining 45 counties should expend public funds to conduct a private political party Presidential preference primary without statutory authority.

19. I declare under the penalty of perjury that the foregoing is true and correct.


~~FURTHER, YOUR AFFIANT SAYS YETH NAUGHT.~~

This 17th day of October, 2011


JOSEPH CONWAY BELANGIA, JR.
Individually and as Director of the
Greenville County Election Commission and
Greenville County Board of Registration

SWORN to and SUBSCRIBED before me

This 17th day of October, 2011

 (L.S.)
~~NOTARY PUBLIC for South Carolina~~
My Commission Expires: 09-08-2020

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joesph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

Respondents.

AFFIDAVIT

Affidavit of Henry M. Laye, III attached hereto.



STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF HENRY M. LAYE, III

Personally appeared before me the undersigned who, being first duly sworn, deposes and

says:

1. I am over eighteen (18) years of age and of sound mind.
2. I have personal knowledge of the matters stated herein.
3. I am the Director of the Spartanburg County Election Commission.
4. I am a resident of Spartanburg County and pay taxes assessed and collected by Spartanburg County, South Carolina.
5. The Spartanburg County Election Commission is charged with conducting elections in Spartanburg County in accordance with applicable state law.
6. The Spartanburg County Election Commission operates voting stations throughout Spartanburg County, employs poll workers, operates polling facilities, and oversees the other numerous activities necessary for conducting elections in Spartanburg County.
7. During the 2008 election cycle, the Spartanburg County Election Commission carried out the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary pursuant to the provisions of S.C. Code Ann. §7-11-20(B) (Supp. 2007).
8. In performing activities necessary to conduct the 2008 Democratic Presidential preference primary and the 2008 Republican Presidential preference primary, the Spartanburg County Election Commission was forced to use Spartanburg County taxpayer funds to cover the costs of these primaries to the extent those costs were not reimbursed by

the South Carolina Election Commission, the South Carolina Democratic Party, or the South Carolina Republican Party.

9. Spartanburg County was forced to expend over \$14,646 in unreimbursed county ~~funds for costs it incurred conducting the 2008 Presidential preference primaries.~~

10. The South Carolina Election Commission has informed the Spartanburg County Election Commission that its opinion is that S.C Code Ann. §7-11-20(B)(2) authorizes the South Carolina Election Commission and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.

11. The South Carolina Election Commission submitted to the Spartanburg County Election Commission a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. This reimbursement schedule uses the reimbursement rates the State of South Carolina uses to reimburse the Counties for “legitimate county election expense[s]” associated with conducting elections.

12. Permitting the South Carolina Election Commission to require the Spartanburg County Election Commission and the remaining Counties throughout South Carolina to conduct the 2012 Republican presidential preference primary would cause considerable harm to Spartanburg County and the other Counties throughout South Carolina.

13. First, the estimated cost of conducting the 2012 Republican Presidential preference primary in Spartanburg County will be \$106,755. This amount will exceed the amount it will receive from the South Carolina Election Commission for its expenses in conducting the 2012 Republican Presidential preference primary. The burden of the unreimbursed expenses will be placed on Spartanburg County and its taxpayers.

14. Second, using the reimbursement rates used by the State of South Carolina to reimburse Spartanburg County for the costs of conducting the 2012 Republican Presidential preference primary will not fully reimburse Spartanburg County and will prevent ~~Spartanburg County from paying certain expenses to employees for conducting the primary,~~ such as overtime, that are mandated by Federal Law.

15. Third, because Spartanburg County will not be reimbursed for its total costs of conducting the 2012 Republican Presidential preference primary, Spartanburg County will be forced to allocate and use county funds for the primary benefit of a private political organization for a primary that does not primarily benefit the citizens of Spartanburg County.

16. The South Carolina Republican Party has as of October 10, 2011 scheduled their Presidential preference primary for January 21, 2012.

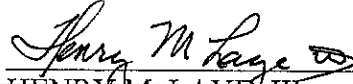
17. In order for Spartanburg County and the remaining South Carolina Counties to ~~adequately conduct the South Carolina Republican Presidential preference primary on~~ January 21, 2012, certain actions must be undertaken by Spartanburg County and the remaining South Carolina Counties no later than the end of November of 2011. This short time frame constitutes the special grounds of emergency.

18. The matters set forth in this affidavit involve a substantial public interest affecting the people of South Carolina in that the Defendants collectively maintain that the taxpaying citizens of Spartanburg County and the remaining 45 counties should expend public funds to conduct a private political party Presidential preference primary without statutory authority.

19. I declare under the penalty of perjury that the foregoing is true and correct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

This 17th day of October, 2011

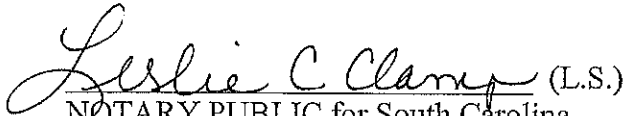


~~HENRY M. LAYE, III~~

Individually and as Director of the
Spartanburg County Election Commission

SWORN to and SUBSCRIBED before me

This 17th day of October, 2011



(L.S.)
NOTARY PUBLIC for South Carolina
My Commission Expires: 09-08-2020

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joesph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

~~South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,~~

Respondents.

AFFIDAVIT

Affidavit of James E. Moore, Sr. attached hereto.



reimbursed by the South Carolina Election Commission, the South Carolina Democratic Party, or the South Carolina Republican Party.

8. Chester County was forced to expend over \$4,526 in unreimbursed county funds for ~~costs it incurred conducting the 2008 Presidential preference primaries.~~

9. The South Carolina Election Commission has informed the Registration and Election Commission of Chester County that its opinion is that S.C Code Ann. §7-11-20(B)(2) authorizes the South Carolina Election Commission and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.

10. The South Carolina Election Commission submitted to the Registration and Election Commission of Chester County a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. This reimbursement schedule uses the reimbursement rates the State of South Carolina uses to reimburse the Counties for “legitimate county election expense[s]” associated with conducting elections.

11. Permitting the South Carolina Election Commission to require the Registration and Election Commission of Chester County and the remaining Counties throughout South Carolina to conduct the 2012 Republican presidential preference primary would cause considerable harm to Chester County and the other Counties throughout South Carolina.

12. First, the estimated cost of conducting the 2012 Republican Presidential preference primary in Chester County will be \$16,587. This amount will exceed the amount it will receive from the South Carolina Election Commission for its expenses in conducting the 2012 Republican Presidential preference primary. The burden of the unreimbursed expenses will be placed on Chester County and its taxpayers.

13. Second, using the reimbursement rates used by the State of South Carolina to reimburse Chester County for the costs of conducting the 2012 Republican Presidential preference primary will not fully reimburse Chester County and will prevent Chester County ~~from paying certain expenses to employees for conducting the primary, such as overtime,~~ that are mandated by Federal Law.

14. Third, because Chester County will not be reimbursed for its total costs of conducting the 2012 Republican Presidential preference primary, Chester County will be forced to allocate and use county funds for the primary benefit of a private political organization for a primary that does not primarily benefit the citizens of Chester County.

15. The South Carolina Republican Party has as of October 10, 2011 scheduled their Presidential preference primary for January 21, 2012.

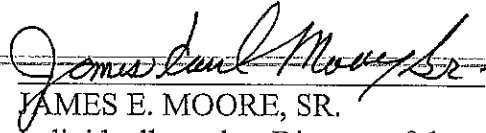
16. In order for Chester County and the remaining South Carolina Counties to adequately conduct the South Carolina Republican Presidential preference primary on January 21, 2012, certain actions must be undertaken by Chester County and the remaining South Carolina Counties no later than the end of November of 2011. This short time frame constitutes the special grounds of emergency.

17. The matters set forth in this affidavit involve a substantial public interest affecting the people of South Carolina in that the Defendants collectively maintain that the taxpaying citizens of Chester County and the remaining 45 counties should expend public funds to conduct a private political party Presidential preference primary without statutory authority.

18. I declare under the penalty of perjury that the foregoing is true and correct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.


This 17th day of October, 2011



JAMES E. MOORE, SR.
Individually and as Director of the
Registration and Election Commission of
Chester County

SWORN to and SUBSCRIBED before me

This 17th day of October, 2011

 (L.S.)
NOTARY PUBLIC for South Carolina
My Commission Expires: 09-08-2020

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joesph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

~~South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,~~

Respondents.

AFFIDAVIT

Affidavit of Robert E. Lyon, Jr. attached hereto.



STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF ROBERT E. LYON, JR.

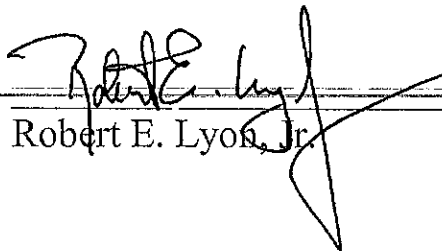
Personally appeared before me the undersigned who, being first duly sworn, deposes and
says:

1. I am over eighteen (18) years of age and of sound mind.
 2. I have personal knowledge of the matters stated herein.
 3. I am the Deputy Executive Director and General Counsel for the South Carolina Association of Counties (hereinafter referred to herein as "SCAC").
 4. The SCAC conducted a survey of the Counties of the State of South Carolina to compile information on the 2008 Presidential preference primaries and the 2012 Presidential preference primaries. A representative of each county was sent a questionnaire to fill out and return to the SCAC. The data requested in the survey included the costs the County incurred in conducting the 2008 Presidential preference primaries and the estimated costs to the County to conduct a Presidential preference primary in 2012.
 5. Based on the figures the SCAC received in response to this survey, the total costs of non-reimbursed expenses to the 40 Counties of the State of South Carolina, which excludes Beaufort County, Chester County, Chesterfield County, Greenville County, Newberry County, and Spartanburg County, for conducting the 2008 Presidential preference primaries was \$718,593.
-

[Signature Page to Follow]

FURTHER, YOUR AFFIANT SAYETH NAUGHT.


This 17th day of October, 2011



Robert E. Lyon, Jr.

SWORN to and SUBSCRIBED before me

This 17th day of October, 2011

 (L.S.)
NOTARY PUBLIC for South Carolina
My Commission Expires: 09-08-2020

September 19, 2011

Mrs. Lynn Fata
President
South Carolina Association of Registration and Election Officials
Lee County Registration and Elections
Post Office Box 309
Bishopville, SC 29010

Dear Mrs. Fata:

Thank you for your letter dated September 9, 2011 concerning the intent of the General Assembly, the opinion of the Attorney General and the costs associated with conducting the 2012 Presidential Preference Primaries (PPP).

COMMISSIONERS

JOHN H. HUDGENS, III
Chairperson

CYNTHIA M. BENSCH

MARILYN BOWERS

PAMELLA B. PINSON

THOMAS WARING

MARCI ANDINO
Executive Director

2221 Devine Street
P.O. Box 5987
Columbia, SC 29250

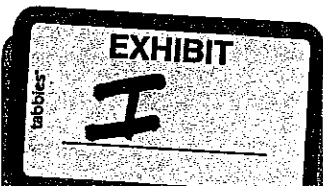
803.734.9060
Fax: 803.734.9366
www.scvotes.org

In response to a request from the Senate Finance Committee, this agency prepared a fiscal impact statement for the PPP. The fiscal impact statement includes costs for poll managers, ballots and audio files, polling place technicians, polling place rent, commissioner mileage, postage, and placing election notices in newspapers of general circulation. The fiscal impact statement contained only items that we routinely reimburse counties for following a primary. Counties have never been reimbursed for staff overtime, temporary staff, legal fees or research fees to comply with public records requests.

In preparing the fiscal impact statement, actual costs of the 2008 PPP were considered as well as the current number of registered voters, anticipated PPP voter turnout and the fact that there is an incumbent President that could also impact turnout and the necessity of both parties to conduct a primary.

Prior to the 2008 PPP, counties were given a budget for poll managers and asked to consider consolidating polling places as a cost savings measure according to SC Code of Laws Section 7-11-20. The majority of counties submitted reimbursements for an amount equal to or less than the budget and we did not receive any feedback indicating that the quantity of poll managers was inadequate. For Lee County, 118 poll workers/397 poll worker days were allowed and 71 poll workers/254 poll worker days were used. The amount of poll workers used was significantly below the number allowed.

The State Election Commission has not asserted that it has the authority to require county election commissions to conduct the PPP. According the SC Code of Laws Section 7-11-20 (B)(2) the State Election Commission and authorities responsible for conducting elections in each county conduct the PPP. This was confirmed in an opinion by the Attorney General.



The State Election Commission discussed this in a meeting held on July 18, 2011 and they were in agreement with the Attorney General. Unless we are instructed otherwise by a court, we will follow the guidance provided by the Attorney General.

In addition, the FY2011-12 Appropriations Act, passed by the General Assembly, contains two provisos that allow the agency to use carry-forward funds to conduct the PPP. This agency has no authority to second guess the intent of the General Assembly and enter into the political debate regarding who should pay for the PPP.

As you have requested, time has been allotted on the State Election Commission agenda for Wednesday, September 21st at 10:00 am for you to discuss SCARE's position with the commission.

Sincerely,

Marci Andino

Marci Andino

/mba

Cc: ~~The Honorable Nikki R. Haley, Governor of South Carolina~~
The Honorable Alan Wilson, Attorney General
Chad Connelly, Chairman, SC Republican Party
Dick Harpootlian, Chairman, SC Democratic Party
Joseph B. Dill, President, SC Association of Counties
✓ Michael B. Cone, Executive Director, SC Association of Counties
M. Kent Lesesne, Staff Attorney, SC Association of Counties

STATE OF SOUTH CAROLINA)

IN THE SOUTH CAROLINA SUPREME COURT

Beaufort County, Scott Marshall,)
individually and as Director of the Beaufort)
County Board of Elections and)

CIVIL ACTION NUMBER:

~~Registration, Chester County, James E.~~)

Moore, Sr. individually and as Director of)
the Registration and Election Commission)
of Chester County, Greenville County,)
Joseph Conway Belangia, Jr., individually)
and as Director of the Greenville County)
Election Commission and Greenville)
County Board of Registration, Spartanburg)
County, Henry M. Laye, III individually)
and as Director of the Spartanburg County)
Election Commission)

COMPLAINT

Plaintiffs,

vs.

South Carolina Election Commission,)
Marci Andino, as Executive Director of the)
South Carolina State Election Commission)

~~and as a representative of the South)
Carolina State Election Commission, South)
Carolina Republican Party, Chad Connelly,)
as Chairman of the Executive Committee of)
the South Carolina Republican Party and as)
a representative of the South Carolina)
Republican Party, the South Carolina)
Democratic Party, and Richard A.)
Harpootlian, as Chair of the Executive)
Committee of the South Carolina)
Democratic Party and as a representative of)
the South Carolina Democratic Party)~~

Defendants.

Plaintiffs, above named, complaining of the Defendants, would respectfully show unto this Honorable Court as follows:

1. Plaintiffs Beaufort County, Chester County, Greenville County, and Spartanburg County (hereinafter referred to herein as "Plaintiffs") are each a body politic and corporate with the capacity to bring this action pursuant to S.C. Code Ann. §4-1-10 (1986).

~~2. Plaintiff Scott M. Marshall is a resident of Beaufort County, a taxpayer in Beaufort County, and the Director of the Beaufort County Board of Elections and Registration.~~

3. Plaintiff James E. Moore is a resident of Chester County, a taxpayer in Chester County, and the Director of the Registration and Election Commission of Chester County.

4. Plaintiff Conway Belangia is a resident of Greenville County, a taxpayer in Greenville County, and the Director of the Greenville County Election Commission and Greenville County Board of Registration.

5. Plaintiff Henry Laye is a resident of Spartanburg County, a taxpayer in Spartanburg County, and the Director of the Spartanburg County Election Commission.

6. Defendant South Carolina Election Commission is an agency of the government of the State of South Carolina, the entity charged with carrying out the authority conferred upon it by the South Carolina Election Law, S.C. Code Ann. §7-1-10, et. seq.

7. Defendant Marci Andino is the duly appointed Executive Director and representative of the South Carolina State Election Commission.

8. Defendant South Carolina Republican Party is the state committee of a certified political party that received at least five percent of the popular vote in South Carolina for its candidate for President of the United States in the 2008 presidential election.

9. Defendant Chad Connelly is the duly appointed or elected Chairman of the Executive Committee and a representative of the South Carolina Republican Party.

10. Defendant South Carolina Democratic Party is the state committee of a certified political party that received at least five percent of the popular vote in South Carolina for its candidate for President of the United States in the 2008 presidential election.

~~11. Defendant Richard A. Harpootlian is the duly appointed or elected Chairman of the Executive Committee and a representative of the South Carolina Democratic Party.~~

12. Plaintiffs and Defendants are proper parties to this action, pursuant to S.C. Code Ann. §15-53-80 (2005), as each party has an interest in Presidential preference primaries held in South Carolina in 2012 and in any subsequent election cycles. Resolution of the controversies set forth and alleged herein will affect such interests of each party to this proceeding.

13. This Honorable Court has previously found and exercised jurisdiction over Defendant South Carolina Election Commission, over Defendant South Carolina Republican Party, and over Defendant South Carolina Democratic Party as litigants in civil actions.

~~14. The South Carolina Republican Party has announced plans to conduct on January~~
21, 2012 a Presidential preference primary to assist the selection of its nominee for the 2012 Election of the President of the United States of America.

15. Under Rule 11(b) of the South Carolina Republican Party Rules, the results of the 2012 Republican Presidential preference primary will not make a binding determination as to who will be the South Carolina Republican Party's nominee for the 2012 Election of the President of the United States of America. A true copy of the 2011 South Carolina Republican Party Rules is attached hereto as Exhibit A.

16. The South Carolina Democratic Party has held in the past and will, upon information and belief, hold in the future Presidential preference primaries in South Carolina to determine its nominee for the office of the President of the United States of America.

17. S.C. Code Ann. §7-11-20(B)(2) authorized the South Carolina Election Commission to conduct Presidential preference primaries for the 2008 election cycle. A true copy of this statutory provision is attached hereto as Exhibit B.

~~18. The South Carolina Election Commission has publicly stated its opinion that S.C.~~
Code Ann. §7-11-20(B)(2) authorizes it and others responsible for conducting elections to conduct Presidential preference primaries in 2012 and indefinitely thereafter.

19. In a September 19, 2011 letter from the South Carolina Election Commission to the South Carolina Association of Registration and Election Officials concerning “the costs associated with conducting the 2012 Presidential Preference Primaries,” the South Carolina Election Commission stated “According the SC Code of Laws Section 7-11-20(B)(2) the State Election Commission and authorities responsible for conducting elections in each county conduct the [Presidential Preference Primaries].” A true copy of this letter is attached hereto as Exhibit C.

20. The South Carolina Legislature has authorized \$680,000 of State funds to help pay for the South Carolina Republican Presidential preference primary in 2012.

21. Upon information and belief, the South Carolina Election Commission and others have estimated the actual costs of funding the 2012 Republican Presidential preference primary will greatly exceed \$680,000.

22. The Plaintiffs’ actual costs of funding the 2012 Republican Presidential preference primary in 2012 will greatly exceed the Plaintiffs’ pro rata shares of the \$680,000 appropriation and will also exceed the cost of conducting the said primary as estimated by the South Carolina Election Commission.

23. In a document dated October 12, 2011 prepared by the South Carolina Election Commission and provided to the County Election Commissions concerning the "2012 Presidential Preference Primary Reimbursable Expenses," the South Carolina Election Commission submitted a reimbursement schedule for the costs associated with conducting the 2012 Presidential preference primaries. A true copy of this document is attached hereto as Exhibit D.

24. The reimbursement schedule submitted by the South Carolina Election Commission uses the reimbursement rates used by the State of South Carolina in reimbursing the Counties for "legitimate county election expense[s]" associated with conducting elections.

25. Upon information and belief, the reimbursement schedule submitted by the South Carolina Election Commission is insufficient to cover the actual costs Plaintiffs and the remaining South Carolina Counties will incur in conducting the 2012 Republican Presidential preference primary.

26. The estimated cost of conducting the 2012 Republican Presidential preference primary in Beaufort County will be \$120,332.

27. The estimated cost of conducting the 2012 Republican Presidential preference primary in Chester County will be \$16,587.

28. The estimated cost of conducting the 2012 Republican Presidential preference primary in Greenville County will be \$183,440.

29. The estimated cost of conducting the 2012 Republican Presidential preference primary in Spartanburg County will be \$106,755.

30. The total estimated cost of conducting the 2012 Republican Presidential preference primary in the other 42 Counties of South Carolina will be at least \$2,049,974.

31. Upon information and belief, Plaintiffs and other Counties throughout South Carolina will be responsible for bearing the actual costs of conducting one or both Presidential preference primaries in 2012 because such costs will exceed the amount allocated to each County by the South Carolina Election Commission.

32. Plaintiff Beaufort County was forced to expend \$204,585 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

33. Plaintiff Chester County was forced to expend \$4,526 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

34. Plaintiff Greenville County was forced to expend over \$24,010 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

35. Plaintiff Spartanburg County was forced to expend \$14,646 in unreimbursed county funds for costs it incurred conducting the 2008 Presidential preference primaries.

36. The other 42 Counties of South Carolina were forced to expend a total of \$718,593 in unreimbursed county funds for costs they incurred conducting the 2008 Presidential preference primaries for both the Democratic and Republican parties.

37. Defendant South Carolina Republican Party has not contractually agreed to reimburse Plaintiffs or other Counties of South Carolina for the actual costs they will incur in conducting the 2012 Republican Presidential preference primary in excess of the amount allocated to them from the aforesaid \$680,000 appropriation.

38. Defendant South Carolina Republican Party has not contractually agreed to reimburse Plaintiffs or other Counties throughout South Carolina for the actual costs they will incur in conducting the Republican Presidential preference primary during the 2012 election cycle or beyond.

39. This Honorable Court has original subject matter jurisdiction over this case, pursuant to Rule 245 of the South Carolina Appellate Court Rules. Breeden v. S.C. Democratic Executive Comm., 226 S.C. 204, 84 S.E.2d 723 (1954).

~~a. This case involves a substantial public interest affecting the people of~~
South Carolina in that the Defendants collectively maintain that the taxpaying citizens of the Plaintiff Counties and the remaining 42 counties should expend public funds to conduct a private political party Presidential preference primary without statutory authority; and

b. Defendant South Carolina Republican Party has as of October 10, 2011 scheduled their Presidential preference primary for January 21, 2012. In order for the Plaintiffs, and the remaining South Carolina Counties to adequately conduct a Presidential preference primary on that date certain actions must be taken by the counties no later than the end of November of 2011. The short time frame constitutes the special grounds of emergency.

40. Defendant South Carolina Election Commission is an entity which conducts business in South Carolina including but not limited to conducting Presidential preference primaries within the State of South Carolina.

~~41. Defendant South Carolina Republican Party and Defendant South Carolina Democratic Party are entities which conduct business in South Carolina including but not limited to conducting Presidential preference primaries within the State of South Carolina.~~

42. Defendant Marci Andino is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Election Commission as the Executive Director of the South Carolina Election Commission.

43. Defendant Chad Connelly is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Republican Party as the Chair of the Executive Committee of Defendant South Carolina Republican Party.

44. Defendant Richard A. Harpootlian is a resident of the State of South Carolina and conducts business in South Carolina on behalf of Defendant South Carolina Democratic Party as the Chair of the Executive Committee of Defendant South Carolina Democratic Party.

~~PLAINTIFFS' CAUSE OF ACTION FOR DECLARATORY JUDGMENT~~

45. This action is brought pursuant to the provisions of the South Carolina Uniform Declaratory Judgments Act, S.C. Code Ann. §§15-53-10 (2005), *et. seq.*

46. There exists a “justiciable controversy,” as defined by South Carolina laws governing the application of the South Carolina Uniform Declaratory Judgments Act.

47. This case presents a concrete issue of immense public importance concerning the construction of S.C. Code Ann. § 7-11-20 (B) (Supp. 2009).

48. This case involves the definite assertion of legal rights under the statutory provision at issue.

49. This case presents an issue that is capable of repetition.

50. This case presents an issue that is appropriate for judicial determination by the South Carolina Supreme Court.

51. Plaintiffs would show that S.C. Code Ann. §7-11-20(B) (Supp. 2009) is the sole source of legal authority for the South Carolina Election Commission to conduct Presidential preference primaries or to contract with political parties with regards to any Presidential preference primary held in South Carolina.

52. Plaintiffs would show that the plain and unambiguous language of S.C. Code Ann. §7-11-20(B) (Supp. 2009) expressly and unequivocally limits to the year 2008 the South Carolina Election Commission’s authority to conduct a Presidential preference primary or to

contract with political parties with regards to Presidential preference primaries. This statute makes no reference to the 2012 election cycle.

53. The lack of any ambiguity in the language of S.C. Code Ann. §7-11-20(B) (Supp. ~~2009) precludes and forecloses any need to apply rules of statutory interpretation. The statute is~~ clear as written and limits its application to Presidential preference primaries held during the 2008 election cycle.

54. Plaintiffs therefore seek a judgment from this Honorable Court declaring that:

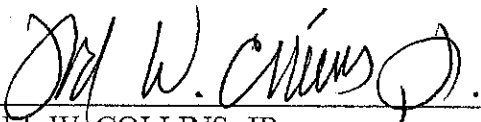
- a. S.C. Code Ann. § 7-11-20(B)(2) is expressly limited to the Presidential preference primaries conducted in the 2008 election cycle;
- b. Defendant South Carolina Election Commission lacks the authority to conduct for any political party any Presidential preference primary in 2012 or in future election cycles;
- c. Defendant South Carolina Election Commission lacks the authority to enter into a contract which would be binding on the Plaintiffs and other Counties of the State of South Carolina with any political party for any Presidential preference primary in 2012 or in future election cycles;
- d. S.C. Code Ann. § 7-11-20(B)(2) is not an authorization or a directive for either the South Carolina Election Commission or the Counties of the State of South Carolina to conduct a Presidential preference primary in South Carolina in 2012 or in future election cycles;
- e. Defendant South Carolina Election Commission lacks the authority to require Plaintiffs or other Counties of the State of South Carolina to expend county resources in conducting and funding any Presidential preference primary in 2012 or in future election cycles;
- f. The tax paying citizens of Beaufort County, Chester County, Spartanburg County, and Greenville County cannot be required to bear any expense whatsoever in conducting a Presidential preference primary for any political party; and
- g. Defendant South Carolina Election Commission cannot require Plaintiffs or other Counties of the State of South Carolina to expend county resources in conducting and funding any Presidential preference primary in 2012 or in future election cycles as such a requirement would violate Article X, §11 of the South Carolina Constitution, as requiring the expenditure of public funds to primarily benefit private organizations.

WHEREFORE, Plaintiffs pray for declaratory judgments as set forth in Paragraph 54 herein, for the costs of this action, and for such further relief as this Honorable Court deems just and proper.

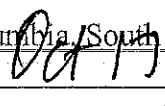
Respectfully submitted,

COLLINS & LACY, P.C.

By:


JOEL W. COLLINS, JR.
CHRISTIAN STEGMAIER
JAMES L. FLOYD, III (LEE)
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)

ATTORNEYS FOR PLAINTIFFS

Columbia, South Carolina
, 2011

South Carolina Republican Party Rules

Rules of the South Carolina Republican Party

As Adopted by the Republican State Convention 1962 and As Amended by the...

State Convention, 1966

State Convention, 1974

State Convention, 1976

State Convention, 1978

State Convention, 1980

State Convention, 1982

State Convention, 1984

State Convention, 1986

State Convention, 1989

State Convention, 1991

State Convention, 1993

State Convention, 1996

State Convention, 1998

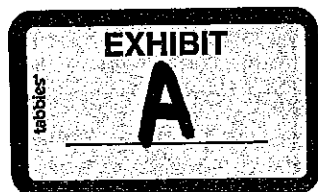
State Convention, 2002

State Convention, 2004

State Convention, 2007

State Convention, 2009

State Convention, 2011



South Carolina Republican Party Rules

PREAMBLE

We, the members of the South Carolina Republican Party, dedicated to the sound principles fostered by that Party, conscious of our civic responsibilities and rights and firm in our determination to support and to help perpetuate the American way of life do ~~herewith establish this instrument, the Rules of the Republican Party of the Great State of South Carolina.~~

South Carolina Republican Party Rules

RULE 1 Name

RULE 2 Interpretation and Application of Rules; Amendments; Distributions; Definitions

RULE 3 Levels of Organization

RULE 4 Precinct Organization

a. Initial Organization

b. Reorganization

c. Proceedings

d. Resignations, vacancies

RULE 5 County Organization

a. Initial Organization

b. County Convention

c. Convention Proceedings

d. County Executive Committee

e. Resignations, vacancies

RULE 6 Congressional District Organization

a. Initial Organization

b. Reorganization

c. Congressional District Convention

d. Congressional District Executive Committee

e. Duties of Congressional District Executive Committee

f. Resignations, vacancies

g. Meetings

h. Proxies

i. Congressional District Chairman

RULE 7 State Organization

a. State Convention

b. Convention Proceedings

c. State Executive Committee

d. Resignations, Vacancies

e. Honors and Awards

RULE 8 Proxies

RULE 9 Quorum

RULE 10 Appeals

RULE 11 Nomination of Candidates

a. Nomination of Candidates for Elective Public Office

b. The Presidential Preference Primary

c. Prohibition of Crossover Voting in Primaries

RULE 12 Election of Presidential Electors

RULE 13 Finances

RULE 14 Municipal Organizations

RULE 15 Party Officials as Candidates for Public Office

South Carolina Republican Party Rules

RULE 1

Name

The name of this political organization shall be "The South Carolina Republican Party."

The name of each component county organization shall be "The _____ County Republican Party." The name of each component precinct organization shall be

"The _____ Precinct Club of the _____ County Republican Party." The name of each component precinct organization in a municipal party shall be

"The _____ Municipal Precinct Club of The _____ Municipal Republican Party." The name of each component municipal party organization shall be

"The _____ Municipal Republican Party."

South Carolina Republican Party Rules

RULE 2

Interpretation and Application of Rules; Amendment; Distributions; Definitions

(a) ~~These Rules shall be interpreted and applied so as to substantially accomplish their~~ objectives. All records and lists required by the Rules shall be in writing. The spirit and not the letter of each Rule shall be controlling. Substantial compliance with a Rule shall be sufficient.

(b) Should any conflict exist or develop between any of these Rules and the South Carolina election law, the latter shall govern except as to those laws which have been judicially held to be constitutionally unenforceable or which are patently unconstitutional.

(c) In matters or areas not covered by these Rules, the Rules of the National Republican Party may be followed as a guide.

(d) The proceedings of all business, organizational, reorganizational, and committee meetings and all county and state conventions, not covered by these Rules or by enforceable provisions of the South Carolina election law, shall conform to the most recent edition of Roberts Rules of Order, Newly Revised.

(e) All elections to a party office at all levels of organization shall be decided by a majority vote unless otherwise directed by the rules; all delegates shall be elected by plurality vote.

(f) These Rules may be amended only by the State Convention by a two-thirds (2/3) vote of the total number of delegates registered and approved for that convention or reconvened convention.

(g) The State Executive Committee or the state chairman may cause explanatory footnotes to accompany these Rules when published or printed. Footnotes may be added to, removed, supplemented, corrected or altered as the occasion requires or as the orderly utilization and implementation of the Rules may suggest. Such footnotes or explanatory comment shall not be regarded as part of these Rules or have the force of Party Rules, but shall be considered as advisory only. The state chairman may require specific forms to be used for administrative purposes at all levels of the party. The state chairman may make other regulations regarding administrative practices at all levels of the party.

(h) The State Executive Committee, each County Executive Committee and each county convention may adopt for their own purposes such rules as they deem necessary and which are not in conflict with these Rules or with enforceable state law.

(i) The Rules may be reproduced and distributed as the State Executive Committee may direct. Each state party officer, each state convention officer, each committeeman, and each county chairman shall be furnished upon request a certified copy of these Rules by the state party secretary.

South Carolina Republican Party Rules

(j) Where used in these Rules, the male gender shall include female unless the context clearly indicates otherwise.

(k) "County Chairman" shall mean the duly elected Republican chairman of the county executive committee in his county.

(l) "State Chairman" shall mean the duly elected Republican chairman of the state executive committee.

(m) "State Executive Committeeman" shall mean the duly elected Republican committeeman from his county to the Republican state executive committee.

(n) "County Executive Committeeman" shall mean the duly elected Republican Club committeeman from his precinct to the Republican county executive committee in his county.

(o) "Party" shall mean the South Carolina Republican Party at the state, congressional district, county, municipal, or precinct level.

(p) "State Officer" shall mean any officer of the party at the state level, duly elected or appointed, other than state executive committeemen.

(q) "District Officer" shall mean any officer of the party at the district level, duly elected or appointed, other than district committeemen.

(r) "County Officer" shall mean any officer of the party at the county level, duly elected or appointed, other than county committeemen.

(s) "Precinct Officer" shall mean any officer of the party elected by the precinct club.

South Carolina Republican Party Rules

RULE 3

Levels of Organization

~~(a) Organization of the party shall be at five levels: (1) the precinct organization; (2) the municipal organization; (3) the county organization; (4) the congressional district organization; and, (5) the state organization.~~

(b) Any other Republican organization based upon a geographical area may be established, or altered, only by the State Executive Committee.

South Carolina Republican Party Rules

RULE 4

Precinct Organization

(a) Initial Organization

(1) Initial organization of a precinct club in a county that does not have a county organization which is recognized by the State Executive Committee shall be in accordance with such instructions and procedures as the State Chairman shall direct. Such initial organization may be accomplished at any time in the manner as hereinafter stated.

(2) Initial organization of a precinct club in a county that has a county party organization, which is recognized by the State Executive Committee, shall be under the direction of the County Chairman, their designee, State Chairman or other Party official designated by the State Chairman upon noncompliance or refusal by County Chairman. A notice shall be caused to be published by the County Executive Committee once a week for two consecutive weeks, not more than three nor less than two weeks before the initial organization meetings and a make-up meeting in a newspaper having general circulation in the county. (7-9-50)

(b) Reorganization

(1) Organized clubs shall meet during the month of March at an appropriate place within the county at a time and day set by the County Executive Committee of each non-general election year, or at such other time and date as may be required by law for reorganization. The county chairman shall also set a date no later than five days prior to the county convention for precinct clubs to meet, referred to as a make-up meeting, that have failed to organize or re-organize or clubs that need to conduct further business, including the ability of precincts to fulfill their delegate allotment to the county convention. The make-up meeting for all precincts shall be held in one central location in the county and shall be properly advertised.

(2) Only those clubs previously certified or recognized as duly organized shall conduct reorganizational meetings. (7-9-50)

(c) Proceedings

In all organization and reorganization meetings of precinct clubs, business may be conducted as follows:

(1) The meeting shall be called to order by the club president or vice-president, if the president is not present, in an organized club. In an unorganized club, the meeting shall be called to order by such person as may have been designated by the county chairman (or State Chairman, if applicable) to arrange the meeting, and if none, then by some person in attendance who is eligible for membership in the precinct club.

(2) A temporary president, a temporary secretary, and a committee on credentials for the purpose of organizing or reorganizing shall be elected.

South Carolina Republican Party Rules

(3) The credentials committee shall report the names of those in attendance who are eligible for membership and who have signed the membership roll, verifying that each member is in fact eligible for membership. Membership eligibility is determined by the member having a current, valid voter registration certificate in that precinct, and either

(1) the person having voted in the election designated for the purposes of delegate allocation set forth in Rule 4(c)(5) or (2) the person being elected to membership at a precinct meeting. (7-9-40)

(4) When organized, a permanent president, one or more vice-presidents, a secretary, a treasurer, and a county committeeman to the county executive committee (a minimum of five (5) officers) may be elected. One person may not hold more than one office unless there are fewer than five people present at the club meeting. Such committees as may be desired may be created. (7-9-30) Precinct officers do not assume the duties of their office until after the county convention set forth in Rule 5(b) has been held, unless they are elected from a precinct not organized during the month of March under regular precinct reorganization.

(5) Delegates and alternates to the county convention shall be elected from among the members of the precinct club in attendance and/or those whose membership is set forth in the poll list of the preceding primary election (7-9-40). Each club shall have one delegate for every 25 members and major fraction thereof, based upon the number of votes polled in the first primary of the preceding general election year or based upon the number of votes for presidential electors at the last preceding general election thereof from the precinct as determined by the State Executive Committee; or if the last preceding nominations were by convention, the representation shall be based upon the number of votes for presidential electors at the last preceding general election therefore from the precinct (7-9-70). All precinct representation shall be based on the same election. An equal number of alternates may also be elected. The club secretary and club president shall certify the names of precinct club members, precinct club officers and delegates and alternates, along with their own certifications, to the county chairman no later than five (5) days following the initial precinct meeting. Vacancies in any precinct delegation at any County Convention or reconvened convention shall be filled from among the alternate delegates present. No delegate nor alternate shall be elected by the precinct club less than five (5) days before the County Convention. A certified list of precinct club members, precinct officers and delegates and alternates shall be forwarded to the state chairman by the county chairman no later than (7) seven days following the initial meeting, and no later than (3) three days after a make-up meeting. The county secretary shall make the certified list of delegates and alternates to the county convention available to any delegate, alternate or precinct officer no later than (3) three days after a make-up meeting. Such certified lists shall contain all contact information known to the county party. Upon receipt of the lists from the precinct, the county chairman shall promptly notify the club president of any irregularities found therein, and conversely, the club president shall be informed if the lists are in order."

(6) Except for organization and reorganization meetings, the president or five (5) members may call special meetings of the club at any time by giving at least forty-eight

South Carolina Republican Party Rules

(48) hours public notice. (7-9-50)

South Carolina Republican Party Rules

(7) If federal or state actions result in the creation of new precincts, consolidation of precincts or redrawing of precinct lines that cause duly elected precinct officers and delegates to no longer reside within their original precinct, the offices of the affected officers and delegates shall be declared vacant. The county executive committee shall set a date within 45 days of such action for a special precinct reorganization meeting for those precincts affected. The meeting shall be held in one location within the county and under the direction of the county chairman, their designee, the State Chairman or other Party official designated by the State Chairman upon noncompliance or refusal by County Chairman. The county executive committee shall give at least two (2) weeks notice published in a newspaper having general circulation in the county, of the specific time, date and place of the organizational meeting.

(d) Resignations, vacancies

(1) Resignations by any officer shall be submitted to the president and secretary. The county committeeman shall submit his resignation to the county chairman also. The club shall fill all vacancies in its elective offices, including county committeeman (7-9-60). If an elected officer or committeeman becomes disabled and cannot act or serve, or if he abandons his office by refusing to serve, he shall be notified in writing by the county executive committee, upon concurrence of a majority of the entire executive committee, that his office will be declared vacant, effective thirty (30) days from the date of notice, unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnishes a reason acceptable to the county executive committee as to why his office should not be declared vacant.

(2) A vacancy shall occur immediately if any elected officer or executive committeeman moves his legal residence outside the geographical area his office encompasses, and such vacancy shall be filled in accordance with the provisions of the Rules. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections. (3) Additionally, any County Executive Committee may declare vacant the office of any member of the County Executive Committee who is absent from three (3) consecutive County Executive Committee meetings without good cause when such committeeman has not been represented by a designated proxy or by the precinct president in attendance in his place. Provided, however, before such committeeman's office shall have been declared vacant, he shall be notified by certified mail by the county chairman and given opportunity to show cause before the County Executive Committee why he should not be removed from office.

(4) A vacancy shall occur as covered in Rule 15.

(5) A club meeting may be called by the club president or five other club members for the purpose of filling a vacancy among its officers, but such meetings require 48 hours notice in a newspaper of general circulation in the area in which the club is situated. (7-9-50)

South Carolina Republican Party Rules

(6) The club secretary shall keep a current roll of members, removing names as a result of death, transfer, resignation, request, etc. New precinct club members may be added as indicated by state party rules.

South Carolina Republican Party Rules

RULE 5

County Organization

(a) Initial Organization

Initial organization of a county organization in a county not having a county party organization which is recognized by the state executive committee shall be in accordance with instructions and procedures as the state chairman may direct.

(b) County Convention

In every non-general election year, the County Convention shall be called by the County Executive Committee in each county having an organization recognized by the State Executive Committee. The convention shall be held during the month of April, no less than 14 days following precinct reorganization meetings, and the specific date, time and location of the convention shall be set by the County Executive Committee. A notice shall be caused to be published by the County Executive Committee once a week for two consecutive weeks, not more than three nor less than two weeks before the actual day of the convention in a newspaper having general circulation in the county. The list of delegates certified by the president and secretary of each club shall constitute the temporary roll of the County Convention (7-9-70).

(c) Convention Proceedings

In all county conventions, business shall be conducted as follows:

- (1) The meeting shall be called to order by the county chairman, or vice-chairman if the chairman is not present. (7-9-80)
- (2) A temporary convention president, a temporary secretary and a committee on credentials for the purpose of organizing shall be elected. (7-9-80)
- (3) The credentials committee shall make its report and any appeals from the credentials committee's report shall be to the county convention (7-9-80). Further appeals therefrom may be made to the State Executive Committee at its next meeting thereafter, and if necessary, to the next regular state convention meeting.
- (4) When organized, a permanent convention president, secretary, and treasurer shall be elected. It shall also elect the county chairman, county vice-chairman (preferably of the opposite sex), a state executive committeeman, (7-9-80), and other such officers as the convention deems necessary, who shall serve for a term of two (2) years or until their successors are elected.
- (5) It shall also elect delegates to the district and State Convention. One delegate shall be elected for each six thousand residents in the county or majority fraction thereof, according to the latest official United States Census, plus two additional delegates. Double the number of delegates may be elected in which case each delegate shall have

South Carolina Republican Party Rules

one-half vote. An equal number of alternates may also be elected (7-9-80). Should the county convention desire to designate the order of alternates who might fill vacancies, it may do so. Where no order of alternates is designated, the order in which the names are submitted to the state party shall be deemed the order of succession. The convention shall designate one of its delegates as a member of the state credentials committee. If a county is divided between two or more congressional districts, the number of state convention delegates to which such county shall be entitled shall be apportioned among the district as nearly as possible based on the population residing in each congressional district as a percentage of the entire population of the county at the last decennial census. "Each State Convention delegate elected to attend a Congressional District Convention shall be a resident of the congressional district the person is elected to represent and shall be elected only by those County Convention delegates who are residents of the same congressional district.

(6) A list certified by the convention secretary and signed by the convention president and/or county chairman, of all officers, delegates, and alternates elected by the county convention shall be forwarded by the county chairman or convention secretary to the state chairman and a copy to the district chairman not later than five (5) days following the county convention. Such list also shall include the name of the delegate chosen to serve on the credentials committee.

(7) The county convention shall be recessed in non-general election years and may be reconvened in the following general election year, during the month set by the state committee, to conduct such business as it deems advisable, including nomination of candidates.

(8) The delegates and alternates elected in SCGOP Rule 5 (c)(5) shall serve as delegates and alternates to the 2011 and 2012 State Conventions. They shall not automatically serve as delegates and alternates to the 2012 Congressional District Conventions. This rule shall be repealed on December 31, 2012.

(9) Congressional District delegates shall be selected based upon the congressional district apportionment plan that carries the force of law at the time of the 2012 Presidential Preference Primary. For counties that are within only one congressional district, delegates and alternates elected to the 2012 Congressional District Convention will be filled proportionately from among the delegates and alternates residing in those Congressional Districts who were elected in SCGOP Rule 5 (c)(5), in the order in which they were submitted to the state Party, and based upon the percentage of county population in each Congressional District. In the event that this process does not yield the maximum allotment of Congressional District delegates and alternates for a county, the County Party may, at the discretion of the county Executive Committee, reconvene its County Convention solely for the purpose of selecting additional delegates and alternates to the Congressional District Convention from any persons qualified under Rule 5(c)(5). The precinct delegates and alternates comprising these county conventions shall not change between convention meetings. This rule shall be repealed on December 31, 2012.

(d) County Executive Committee

(1) The clubs in each county shall be held together and operated under the control of a County Executive Committee which shall consist of one (1) committeeman from each

South Carolina Republican Party Rules

club elected by the club. The committee, when elected, shall by majority vote appoint its own officers, except the chairman and vice-chairman, who shall be elected by the County Convention. Appointed officers need not be executive committeemen. An officer of the County Executive Committee who is not an executive committeeman shall not be entitled to vote on any question. The county chairman may vote only in case of a tie vote. (7-9-60)

(2) The state executive committeeman from the county shall also be an officer of the County Executive Committee and shall be entitled to vote on any question. (7-9-60)

(3) The tenure of office of the county committeeman shall be until the convening of the county convention in each non-general election year.

(4) The secretary of the County Executive Committee shall keep such record of the committee's meetings as the committee may direct. Any written record that is kept shall be in duplicate, one copy for the chairman and one copy to be retained by the secretary.

(5) The County Executive Committee shall meet at the call of the chairman, any three committeemen, or by ten percent of the Committee's membership, whichever is greater, at such time and place as he or they shall appoint, but no meeting shall be held without each member of the committee having been given at least 24 hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement.

(e) Resignations, vacancies

(1) Resignation by any officer shall be submitted in writing to the county chairman and county secretary. Resignation by a county executive committeeman shall also be to the president and secretary of this precinct club. Resignation by the state executive committeeman shall be to the county chairman, county secretary, state chairman and state secretary.

(2) The County Executive Committee may remove any appointed officer at any time. It may fill any vacancies among its appointed officers.

(3) Should the office of the county chairman or county vice-chairman become vacant, the County Executive Committee shall fill the vacancy by electing a chairman or vice-chairman for the unexpired term. Vacancy in the office of county chairman shall not cause the vice-chairman to succeed to the office of chairman unless elected thereto by the County Executive Committee. Vacancies in the office of county chairman or vice-chairman that are filled by the County Executive Committee will not cause such officers to be "appointed" officers by the committee, but the same as if elected by the County Convention.

(4) If an elected officer or committeeman becomes disabled and cannot act or serve, or if he abandons his office by refusing to serve, he shall be notified in writing by the county executive committee, upon concurrence of a majority of the entire executive committee, that his office will be declared vacant, effective thirty (30) days from the date of the notice, unless the person gives earlier notice of his resignation or unless, within that time,

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he resumes the full duties of his office or furnished a reason acceptable to the county executive committee as to why his office should not be declared vacant.

(5) Additionally, any County Executive Committee may declare vacant the office of any member of the County Executive Committee who is absent from three (3) consecutive County Executive Committee meetings without good cause when such committeeman has not been represented by a designated proxy or by the precinct president in a attendance in his place. Provided, however, before such committeeman's office shall have been declared vacant, he shall be notified by certified mail by the county chairman and given opportunity to show cause before the County Executive Committee why he should not be removed from office. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections.

(6) A vacancy shall occur immediately if any elected officer or county executive committee moves his residence outside the geographical area his offices encompasses, and such vacancy shall be filled in accordance with the provisions of these Rules.

(7) A vacancy shall occur as covered under Rule 15.

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RULE 6

Congressional District Organization

(a) Initial Organization

(1) Initial establishment of a Congressional District Organization, within such district not having a district organization which is recognized by the State Executive Committee, shall be in accordance with instructions and procedures as the State Chairman may direct.

(b) Reorganization

(1) In every Presidential election year, Congressional District Conventions shall be called by the Congressional District Executive Committee in each district having an organization recognized by the State Executive Committee. The Congressional District Convention shall be scheduled following the Presidential Preference Primary and no less than five (5) days prior to the State Convention.

(2) Notice of the Congressional District Convention shall be given in writing to all Delegates and Alternates to the State Convention, that have been elected at the County Convention within the district. Notification shall be given as early as possible but at least forty-eight (48) hours prior to the scheduled Congressional District Convention.

(3) SCGOP Rule 6(b)(2) shall not apply to the 2011 party reorganization process. Notice of the Congressional District Convention shall be given in writing to all Delegates and Alternates that have been designated as Delegates or Alternates to the 2012 Congressional District Convention pursuant to Rule 5(c)(9). Notification shall be given as early as possible but at least forty-eight (48) hours prior to the scheduled Congressional District Convention. This rule shall be repealed on December 31, 2012.

(c) Congressional District Convention

(1) The chairman of the district, or the vice-chairman if the chairman is not present, shall call the convention to order and preside until the election of a temporary president and temporary secretary.

(2) The credentials committee shall be appointed by the temporary convention president and the temporary convention secretary. Each county delegation shall be entitled to cast either one (1) vote per delegate, or one-half (1/2) vote per delegate, as having been instructed by their respective county convention.

(3) The credentials committee shall make its report and any appeals from this report, shall be made to the District Convention.

(4) When organized, a permanent convention president, a permanent convention secretary, and such other permanent convention officers as may appear necessary shall be elected.

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(5) The following District Officers shall be elected from the delegates and alternates to the district and state conventions: Chairman, Vice-Chairman, and Secretary. Additional Vice-Chairmen may be elected where the convention so wishes. The District Chairman may appoint such other officers as deemed necessary.

(6) (a) In every presidential election year, the Congressional District Convention shall elect its quota of delegates and alternates to the National Convention to be held that year and shall submit a list of such delegates and alternates to the state chairman no later than three (3) days prior to the State Convention. Notice shall be given in at least three (3) newspapers having general circulation in the district giving the time, date and place of the District Convention at least fifteen (15) days prior to the date of the District Convention.

(b) Each candidate for election as such a delegate shall file with and place in the possession of the Congressional District Chairman or his designee before twelve (12) o'clock noon on the seventh (7th) day before the day fixed for the meeting of such Congressional District Convention a notice in writing of his candidacy and the Chairman shall provide such Convention with a list of such candidates. No person shall be eligible to run for Delegate or Alternate to the National Convention who is not a Congressional District Delegate or Alternate to the Congressional District Convention.

(c) The selection of such delegates and alternates shall be made by vote of such Congressional District Convention by ballot upon which shall be listed all such candidates for the office of delegate.

(d) Each delegate to such Congressional District Convention may vote for a number of such candidates not exceeding twice the number of such delegates to be elected by such Convention. Those candidates receiving the most votes shall be elected delegates, and those candidates receiving the next highest number of votes shall be elected alternates.

(e) A record of the vote at each District Convention shall be retained by the District Chairman and a copy thereof sent to the State Chairman at least three (3) days prior to the day fixed for the State Convention. Such record shall consist of a list of the candidates arranged in the order of the number of votes received by them, with the candidate receiving the greatest number ranked first and candidates with fewer votes ranked in descending order of the number of votes received by each in succession. The number of votes received by each candidates also shall be shown on the list. In the case of a tie, the position of the tying candidates on the list shall be determined by drawing lots.

(f) In the event a delegate or alternate elected at the Congressional District Convention resigns his position by giving notice in writing to his Congressional District Chairman before the organizational meeting provided for in these Rules to be called of all delegates and alternates elected to the National Convention, the next highest ranked candidate on the record of the vote at the District Convention willing to so serve shall fill such vacancy and his position shall be similarly filled, and the District Chairman shall promptly notify the affected candidates and the State Chairman.

(7) The District Convention may recess until recalled into session by the Convention President or by the District Chairman.

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(d) Congressional District Executive Committee

Membership of the Congressional District Executive Committee shall be composed of:

- (1) The officers elected at the District Convention, with voting powers.
- (2) Each duly elected County Chairman within the district, with voting powers.
- (3) All duly elected State Executive Committeemen within the district, with voting powers.
- (4) State Party officers residing in the Congressional District are considered ex-officio members of the respective District Executive Committee, with no voting power.

District Chairman must be delegate and as such cannot be denied a vote.

(e) Duties of Congressional District Executive Committee The Congressional District Executive Committee shall perform such duties as may be required or delegated by the State Executive Committee or by these rulings.

(f) Resignations, Vacancies

(1) Resignations by any officer shall be submitted, in writing, to the District Chairman and to the District Secretary. Resignation of the District Chairman shall be submitted to the district Vice-Chairman, the District Secretary, the State Chairman, and to the State Secretary.

(2) District office vacancies shall be filled by the District Executive Committee.

(g) Meetings

(1) The Congressional District Executive Committee shall meet at the call of the Chairman or any five (5) members thereof at such time and place as he or they may appoint. No meeting shall be held without each member of the committee having been given at least twenty-four (24) hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement.

(h) Proxies

Any member may issue a proxy for any meeting of the District Committee provided this issuance is in compliance with existing Party regulations.

(i) Congressional District Chairman

Congressional District Chairmen may attend and participate in all State Executive Committee meetings in a non-voting capacity.

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RULE 7

State Organization

(a) State Convention

(1) The state convention shall meet at a location in this State determined by the state committee to have adequate facilities during the month of May of every non-general election year on a day and at a time fixed by the state committee and announced publicly at least ten days before the meeting. In presidential election years, that state convention shall be held after the presidential preference primary and no less than five (5) days following the Congressional district conventions. Notice shall be given in at least three (3) newspapers of general circulation in the state giving the time, date, and place of the convention. The State Chairman shall also give written notice to each member of the State Executive Committee and each County Chairman of the date, time, and place of the Convention. The State Committee shall include in the call to convention available accommodations convenient to the convention site.

(2) The State Convention shall be composed of delegates elected by the County Convention, each county to be entitled to one delegate for every 6,000 residents in the county or major fraction thereof, according to the latest United States Census, plus two additional delegates, unless a County Convention has elected double the number of delegates, in which event all such one-half (1/2) vote delegates shall be seated. Any county delegation may change its votes from half votes to whole votes one time only upon recess of the State Convention which lasts 48 hours or longer. At the time the county delegation votes to go to whole votes, said delegates shall elect from the one-half vote delegates those individuals who are to serve as whole vote delegates. The remaining former one-half vote delegates will then become alternates, who will fill any vacancies in the delegation, prior to any of the original alternates. Each county delegation to a State Convention may fill any vacancies therein, first from among elected alternates, in order designated, if any, by the County Convention and thereafter from any delegates to the County Convention. Each county delegation to the State Convention shall have as its spokesman or chairman the county chairman or vice-chairman if that person is among the elected delegates; otherwise, the delegation shall elect its own chairman or spokesman. (7-9-100)

(3) The credentials committee of the State Convention shall be comprised of one (1) delegate from each county elected to the state credentials committee by the county conventions. Should the duly elected county delegate to the state credentials committee fail to attend and serve on said committee, the county chairman has authority to serve, and in the absence of both the delegate and the county chairman the state executive committeeman has authority to serve. The state chairman shall call the members of the credentials committee to meet in Columbia on the day before the convening of the state convention. The state chairman shall give written notice of the time, date and place of the meeting. At the meeting the credentials committee shall organize, electing one of its members as chairman and one as secretary, and shall proceed to examine and certify or reject the credentials of each county in alphabetical sequence. In case of a contest as to the election of delegates by any county, the county chairman shall notify the state

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chairman of such contest at the time the report of the county convention is made to the state chairman furnishing the names and addresses of all persons claiming to be delegates to the state convention. The credentials committee shall not seat any delegate to the credentials committee from a county where there is a contest until and unless the ~~committee first determines the rights of a properly designated delegate to a seat on the credentials committee meeting.~~ The county chairman of the county in which the contest may arise shall notify all contestants of the time, date and place of the credentials committee meeting. The credentials committee shall hear and determine such contest or contests in such manner as it shall decide upon. It shall report its findings and recommendations to the State Convention through its chairman or secretary as soon as the temporary organization of the convention is elected. Any person aggrieved by the report of the credentials committee may appeal to the state convention if he is a delegate to the convention, or if he would be a delegate but for the report of the credentials committee. Any member or members of the credentials committee may make a minority report if desired unless three-fourths (3/4) of the delegates to the convention vote not to receive a minority report.

(b) Convention Proceedings

In all state conventions business shall be conducted as follows:

- (1) The meeting shall be called to order by the state chairman or vice-chairman if the chairman is not present. 7-9-100)
- ~~(2) A temporary convention president and a temporary convention secretary shall be elected. (7-9-100)~~
- (3) The credentials committee shall make its report and any appeal from the credentials committee's report shall be made to the convention.
- (4) When organized, a permanent convention president, two secretaries, one or more vice-presidents, a treasurer, and such other convention officers as may be desired shall be elected. (5) The State Convention shall elect the state chairman and the state first vice-chairman, (7-9-90). The State Convention may also elect a second vice-chairman and third vice-chairman whose duties will be determined by the State Executive Committee.
- (6) The State Convention shall be recessed in non-general election years and may be reconvened in the following general election year at the time set by the State Executive Committee to conduct such business as it deems advisable, including nomination of candidates. In presidential election years, the State Convention shall be re-convened to elect a national committeeman and national committeewoman and to elect at-large delegates and alternates to the National Convention. The State Convention may instruct its delegates and alternates to a national convention as to any matters it deems necessary.
- (7) Notice shall be given in at least three (3) newspapers of general circulation in the state giving the time, date and place of any reconvened State Convention at least fifteen (15) days prior to the established time.
- (8) (a) No person shall be allowed to run for Delegate-at-large or Alternate-at-large to the

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National Convention who is not a state delegate or alternate to the state convention. Each candidate for election as such Delegate-at-large shall file with and place in the possession of the state chairman before twelve (12) o'clock noon on the seventh day before the day fixed for the meeting of the state convention a written notice of his or her candidacy and the state chairman shall provide such convention with a list of such candidates.

(b) No person elected at a congressional district convention to be a delegate or alternate shall be eligible to be a candidate for selection as a delegate or alternate to be voted for at a state convention unless such person has filed and placed in possession of his congressional district chairman or his designee by twelve (12) o'clock on the third (3rd) day before the day fixed for the meeting of the state convention a written notice of his resignation as such delegate or alternate from such congressional district.

(c) The election of such delegates-at-large and alternates-at-large shall be made by vote of the state convention by ballot upon which shall be listed all such candidates for the office of delegate-at-large.

(d) Each delegate to the state convention may vote for a number of such candidates not exceeding twice the number of such delegates-at-large to be elected by the state convention. Those candidates receiving the most votes shall be elected delegates-at-large, and those candidates receiving next highest number of votes shall be elected alternates-at-large.

(e) A record of the vote at the convention shall be retained by the state chairman. Such record shall consist of a list of the candidates arranged in the order of the number of votes received by them, with the candidate receiving the greatest number ranked first, and candidates with fewer votes ranked in descending order of the number of votes received by each in succession. The number of votes received by each candidate also shall be shown on said list. In the case of a tie, the position of the tying candidates on the list shall be determined by drawing lots.

(f) In the event a delegate-at-large or alternate-at-large elected at the state convention resigns his position by giving notice in writing to the state chairman before the organizational meeting provided for in these rules to be called of all delegates and alternates elected to the national convention, the next highest ranked candidate on the record of the vote at the State Convention willing to serve shall fill such vacancy and his position shall be similarly filled, and the state chairman shall promptly notify the affected candidates.

(g) Within (4) four weeks after the election of the delegates and alternates, it shall be the responsibility of the State Chairman of the South Carolina Republican Party to call a meeting of all delegates and alternates elected to the National Convention for the purpose of organizing the delegation. At this time, acting under the leadership of the State Chairman, the delegates shall proceed to elect a delegation chairman, a delegation vice-chairman, and a delegation secretary. At this point in time, the National Convention delegation becomes a body unto itself and shall be governed by its own actions not inconsistent with the rules of the Republican National Convention.

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(h) In the event one or more delegates-at-large or alternates-at-large cannot attend the national convention, and such fact is made known by the delegate in writing to the chairman of the delegation, all candidates lower on the convention-vote record shall be considered elected to the office which their new position on the convention-vote record has entitled them. Once the credentials committee adopts the official roll at the convention, vacancies shall be filled in numerical order as provided in these rules.

(i) In a national convention, in the absence of any delegate-at-large, his place shall be filled from alternates in the following order: Alternate-at-large in the order listed; district alternates in the assigned order of districts (said order having been determined prior to the opening of the convention by lot at a caucus attended by the highest ranking member from each district) and in the order listed within districts.

(j) In the absence of a delegate from any congressional district, his place shall be taken by an alternate in the following order: alternates from the same district in the order listed; alternates-at-large in the order listed; district alternates from other districts in numerical order and in the order named within the districts. Provided further, however, that with the written notice to the chairman of the delegation, any delegate-at-large, already present at the national convention, shall select any alternate-at-large to represent him in his temporary absence, which shall not exceed one convention session in each instance, and any district delegate, already present at the convention, may select a district alternate from the same district to represent him, his temporary absence not to exceed one convention session in each instance.

(9) No resolutions shall be considered by the State Convention that shall not have received the prior approval of at least one county convention, the State Executive Committee, or a Resolutions committee appointed by the State Executive Committee.

(c) State Executive Committee

(1) The Republican State Executive Committee shall have the general management of the State Republican Party, subject to direction from the State Convention. The members of the state executive committee shall be elected by the county conventions. The committee shall choose its own officers except the state chairman and state vice-chairman who shall be elected by the state convention. Appointed officers need not be committeemen, but an officer of the state committee who is not a committeeman shall not be entitled to vote. The district chairmen and vice-chairmen and state chairman of official Republican auxiliaries shall be ex-officio members of the state committee. Voting members of the state executive committee shall be the state committeeman from each county, the national committeeman, the national committeewoman, president of the state Federation of Republican Women, the state fist vice-chairman when not presiding (and when presiding, only in case of a tie vote, as the state chairman) only in case of a tie vote) (7-9-90); provided, however, that voting members may be represented by proxy in accordance with Rule 7 herein.

(2) The tenure of office of a state committeeman (except as modified by Rule 6, section "d" hereof) shall be for two (2) years from the time of his election or until his successor

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has been elected (7-9-90).

(3) The state executive committee shall be considered a continuing body and its established rules of operative procedure and organization established pursuant to these rules or pursuant to applicable law shall continue in force until changed by affirmative action of the Committee in conformity with these rules or applicable law.

(4) The state secretary shall forward the original minutes of the state executive committee meetings and the originals of other documents to the state chairman and shall keep a copy for his files. The state secretary shall deliver all records to his successor or else furnish his successor with certified copies of all records.

(5) The state committee shall meet at the call of the chairman or any five (5) members thereof at such time and place as he or they may appoint (7-9-90). No meeting shall be held without each member of the committee having been given at least twenty-four (24) hours notice thereof. Mailing written notice at least two (2) secular days prior to the date of the scheduled meeting shall be sufficient compliance with this requirement. In no event shall the State Executive Committee meet less than once per calendar quarter.

(6) The state chairman with the approval of the State Executive Committee may appoint such committees, other than the credentials committee, as he deems necessary for the proper and efficient functioning of the Party.

(7) The annual budget for the South Carolina Republican Party shall be approved at the first meeting of the State Executive Committee held in each year. The proposed budget shall be submitted by the state chairman.

(8) The state Chairman shall conduct an annual certified financial audit each calendar year, and make those audit findings available to the Executive Committee.

(d) Resignations, Vacancies

(1) Resignations by an officer shall be to the state chairman and state secretary. Resignation by a national committeeman or national committeewoman also shall be to the chairman of the national party or such other officer as the national party may designate. Resignation by a state committeeman also shall be to his county chairman and county secretary.

(2) The state committee may remove any officer chosen by it at any time. It may fill any vacancies among its chosen officers.

(3) Should the office of state chairman or state vice-chairman become vacant, the state committee may fill the vacancy by electing a chairman or vice-chairman for the unexpired term. Vacancy in the office of state chairman shall not cause the vice-chairman to succeed to the office of state chairman unless elected thereto by the state committee. Vacancies in the office of state chairman or vice-chairman that are filled by the state committee will not thereby cause such officers to be "appointed" officers by the committee but they shall be the same as if elected by the State Convention.

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(4) If an elected officer or committeeman becomes disabled and cannot act or serve, except for a temporary period, or if he moves his residence outside the geographical area his office encompasses, or if he abandons his office by refusing to serve, he shall be notified in writing by the executive committee, upon concurrence of a majority of the ~~entire executive committee, that his office will be declared vacant, effective thirty (30)~~ days from the date of the notice unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnishes a reason acceptable to the state executive committee as to why his office should not be declared vacant.

(5) Additionally, the state executive committee may declare vacant the office of any member of the state executive committee who is absent from three (3) consecutive meetings without good cause when such committeeman has been represented by a designated proxy or by the county chairman in attendance in his/her place; provided, however, before such Committeeman's office shall have been declared vacant, he shall be notified by certified mail by the state chairman and given opportunity to show cause before the state executive committee why he should not be removed from office. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Republican candidate, unless there is no Republican nominee in the relevant race, they shall immediately vacate their Republican Party office. The State Executive Committee may waive this provision in statewide and multi-county elections, and the county executive committees may waive this provision for their county and less-than-county elections.

~~(6) Any vacancy in the state ticket of electors or in the national committee of the Party, however occurring, shall be filled by the state committee, all by a majority vote of the whole committee (7-9-90).~~

(e) Honors and Awards

Authority to bestow special state party honors and awards is reserved to the State Executive Committee, upon recommendation of the Honors and Awards Committee.

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RULE 8

Proxies

~~(a) Proxies may be used by any county committeeman and any state committeeman. The national committeeman and national committeewoman may also use proxies as ex-officio members of the state executive committee.~~

(b) To be valid, a proxy must be in writing, dated, signed by the author, give the full name and address of the person designated as proxy, specify the specific meeting for which the proxy is given, all in duplicate. One executed copy of the proxy shall be given to the chairman or secretary of the group, committee or meeting at which the proxy attends. A proxy shall also contain a signature endorsement thereof by the proxy that he consents to the appointment.

(c) Only members of the party from the same group represented by the author shall be appointed proxy. Such as, a county committeeman may appoint a proxy only from his own precinct; a state committeeman may appoint a proxy only from his own county.

(d) Proxies shall not be used or recognized in the Party at any level except as provided for in these rules.

(e) No individuals may have more than one (1) vote either in his own right or by reason of any proxy he may hold. A proxy can only be used by an individual actually in attendance at the meeting for which the proxy is given. Attendance at the meeting for which the proxy is given by the author of the proxy shall terminate the proxy, unless the author should leave prior to the termination of the meeting and announce prior to his leaving whom he has designated as his proxy.

(f) If a state committeeman does not attend scheduled meetings of the state committee and does not appoint a proxy in writing, the county chairman of his county or his county first vice-chairman, when the chairman is absent, shall be considered an automatic proxy at such meeting. This same provision applies in similar fashion at the county level.

(g) The state chairman and the state vice-chairman may designate any member of the party in the state as proxy for their vote only, at a scheduled meeting, provided that such proxy shall not apply to the proxy presiding or acting with other authority.

(h) The state executive committee may provide for the use of proxies within a party organization created by it under the provisions of the Party Rule 3, but such use is to be limited to the pattern authorized elsewhere in this Rule 7, and, in any event, the use of proxies so authorized shall be limited to meetings of or at the organization created by the state executive committee and shall not extend to the use of such proxies at state executive committee meetings.

(i) No proxy shall be authorized to designate a substitute or successor proxy. However, an author of a proxy may designate successive proxies in the event the proxy first designated does not attend.

RULE 9

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RULE 9

Quorum

(a) A quorum of all committees shall be the lesser of 25 members or one-third of the members thereof. All meetings must be properly noticed.

(b) In case of a vacancy occurring in the office of state chairman, state vice-chairman, national committeeman or national committeewoman, a quorum for the purpose of electing an individual to fill the vacancy shall be two-thirds (2/3) of the membership of the state executive committee electing the replacement (7-9-90).

(c) A quorum at all conventions shall be a majority of the delegates thereto.

(d) However, for entity that has (2) two consecutive inquorate meetings for which notice has been properly provided, the quorum at all meetings of such entity shall be the members present until the succeeding reorganization.

(e) The quorum for taking any action required by law or national party rules, including but not limited to election protest hearings and election of presidential electors, shall be the members present.

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RULE 10

Appeals

All controversies which may arise in precinct organization shall be decided on appeal by the county committee. All controversies which may arise in county party organization or in a congressional district organization shall be decided on appeal by the state executive committee, provided that all questions pertaining to the seating of delegates at all levels shall be determined by the convention, meeting, or body. The state chairman shall call a meeting of the state executive committee no later than two weeks after an appeal has been filed with the state chairman.

South Carolina Republican Party Rules

RULE 11

Nomination of Candidates

~~(a) Nomination of candidate for elective public office~~

(1) As a general policy the South Carolina Republican Party endorses the primary method of nominating candidates for elective office. However, the convention method also is considered to be an acceptable and approved method of nomination.

(2) Where a convention nominates candidates for public office the convention must first decide to use the convention method of nomination by a three-fourths (3/4) vote of the total membership of the convention or such other majority as may be required by law.

(3) Where a convention method of nomination is adopted, candidates for federal and state offices of divisions larger than counties, which includes statewide, congressional, judicial and senatorial districts, shall be nominated by the state convention. However, where it is otherwise provided by law that candidates for certain offices encompassing an election district not larger than counties shall have candidates nominated as determined by the county convention not inconsistent with existing valid state law.

(4) If the primary system of nominating candidates for elective public office is used, such rules and procedures in connection therewith shall be forwarded as may be required by law and as supplemented by such rules and procedures as may be promulgated by the State Executive Committee.

(5) When no other filing fee has been set by state or county committee each candidate at the time of filing for the nomination as a candidate for the Republican Party shall place with the appropriate party official a fee, in the form of cash or certified check, equal to two (2) percent of one year's salary for the office being sought. Provided that in the event that the office being sought has no salary, the governing committee shall set a reasonable filing fee.

(6) No candidate may be nominated by the Republican Party who is not a registered elector in and a bona fide resident of the State of South Carolina and of the particular election district, if less than statewide, in which he offers as a candidate for office.

(7) Where by reason or changes in the governing law, either by way of legislative enactment or by judicial decree by a court of competent jurisdiction, it becomes impossible to comply with any provision of these rules and also with changed condition, the state executive committee is authorized to promulgate such rules, procedures and guidelines as may be necessary and appropriate.

(8) Presidential electors shall be elected in accordance with the procedures set forth in Rule 11 of this body of rules.

(b) The Presidential Preference Primary

(1) Unless decided otherwise by the state party convention within two (2) years prior to

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each presidential election year, the South Carolina Republican Party shall conduct a statewide presidential preference primary on a date within two weeks after the New Hampshire Republican Primary or earlier if necessary to preserve South Carolina's "First in the South" status. Notwithstanding this provision, the State Chairman and the State Executive Committee have the right to set the primary date.

(2) In the event that the convention decides not to hold a primary, and circumstances surrounding the presidential election shall have substantially changed such that a primary would be deemed advisable, the state executive committee, prior to January 15 of the presidential election year, may override the decision of the convention and reinstate the primary.

(3) If, however, after the closing of the filing period for the presidential preference primary no more than one candidate has qualified, no presidential preference primary shall be held.

(4) Each congressional district delegate from South Carolina to the ensuing Republican National Convention shall be bound during the first ballot at the convention to the presidential candidate who received the greatest number of votes in that particular delegate's home district during the presidential preference primary.

(5) However, if the candidate to which a delegate is bound falls below thirty (30) percent of the vote on the first ballot, that delegate automatically is released before the second ballot.

(6) Each delegate-at-large shall be bound for the first ballot to the candidate who received the largest number of votes statewide in the presidential preference primary.

(7) All other details pertaining to this presidential preference primary shall be the responsibility of the state executive committee.

(c) No person that has voted in the primary or run-off election of another political party, including a presidential preference primary, shall be allowed to cast a ballot in a Republican Primary or run-off for the same office in the same election cycle.

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RULE 12

Elections of Presidential Electors

(1) No later than sixty (60) days prior to the date of the general election in each presidential election year it shall be the responsibility of the State Executive Committee of the South Carolina Republican Party to elect the Party's presidential electors for the ensuing presidential elections.

(2) After coming together the committee shall caucus according to congressional districts and each caucus shall nominate not more than seven (7) and not less than two (2) candidates for that district's position on the electoral college.

(3) The committee then shall reassemble and each member of the committee shall vote by secret ballot for not more than one (1) of the nominees listed by each caucus. The winner for each district shall be determined by plurality vote.

(4) Nominations for South Carolina's two at-large positions on the electoral college shall come from the floor of the committee. After all the nominations have been made each member of the committee shall vote by secret ballot for not more than two (2) of the nominees. The two winners shall be determined by plurality vote.

South Carolina Republican Party Rules

RULE 13

Finances

~~No one is empowered to incur indebtedness or financial obligation on the part of the South Carolina Republican Party unless expressly authorized to do so by the state convention or the state executive committee. Prior to any such authorization, funds must be on hand and available for the purpose authorized.~~

The state chairman may authorize the expenditure of available funds for necessary activities, the payment of bills or the reimbursement of expenses incurred by an individual on party business, but there shall be no obligation to do so. Any person incurring expenses does so on his own responsibility and he shall promptly make payment therefore personally, regardless of whether or not reimbursement is expected.

All checks issued by the state treasurer shall be signed by him and countersigned by the state chairman or the executive director. The names of the state chairman, the state treasurer, and the executive director shall be certified to the bank of deposit.

South Carolina Republican Party Rules

RULE 14

Municipal Organization

The County Committee is authorized to provide such rules or adopt such regulations as it may deem necessary or desirable to structure, organize and establish a Municipal Republican Executive Committee in each municipality, principally located in said County for the purpose of administering the Republican Party participation in any partisan municipal election including the nomination of Republican candidates therein. The Organization must be in accordance with the Rules of the South Carolina Republican Party and must conform to the requirements of the South Carolina Municipal Election Code.

South Carolina Republican Party Rules

RULE 15

Party Officials as Candidates for Public Office

- ~~(1) A vacancy shall occur immediately if a person who holds an elected or appointed party office or who is a Delegate or Alternate to a Party Convention, at any level~~ becomes, (1) an announced and/or official candidate for the nomination to elected public office who at the close of filing, has not filed as a candidate in the Republican Primary or (2) an elected officer of another political party.
- (2) At levels above the precinct level, an officer—but not a delegate—shall resign such office if (1) such officer files as a candidate in a Republican Party primary and (2) at the close of filing and certification of candidates, more than one candidate is certified as seeking the Republican nomination. Provided, however, that an officer must immediately resign from such office upon announcing for federal or statewide office.

"(6) Notwithstanding the provisions of Section 7-13-351 of the 1976 Code, all candidates seeking nomination by petition must file these petitions with the State Election Commission no later than noon on September ninth.

"(7) Notwithstanding the provisions of Section 7-13-350 of the 1976 Code, the names of all nominees to be placed on the special election ballots must be certified by the respective political party to the appropriate election commissioners by noon on September eleventh."

Effect of Amendment

The 1990 amendment added the fifth unnumbered paragraph pertaining to nonpartisan school trustee elections.

The 1996 amendment revised this section.

The 2000 amendment added the second sentence of the third undesignated paragraph relating to candidates' qualifications, and, in the fourth undesignated paragraph, added "State House of Representatives or".

The 2003 amendment, in the second undesignated paragraph of item (3), designated (1) and added (2) and made nonsubstantive changes in items (1), (2), and the third undesignated paragraph of item (3).

Cross References

Employment and Workforce Appellate Panel, creation, purpose, powers, composition, see § 41-29-300.

Special elections to fill vacancies in office, see § 7-13-190.

Research References

Encyclopedias

S.C. Jur. Elections § 1, Scope Note.

S.C. Jur. Elections § 37, Filing Dates.

S.C. Jur. Elections § 46, Statutory Requirements.

Attorney General's Opinions

In the absence of legislation for court guidance, an election should be held with the opportunity for a write-in vote for an office for

which no candidate filed. 1988 Op Atty Gen, No. 88-34, p 110.

Notes of Decisions

In general 1

1. In general

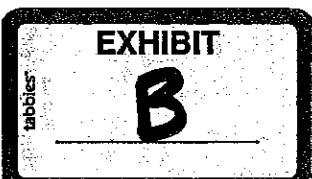
Requirement of § 7-11-15 that independent candidate for State House of Representatives formally declare candidacy in March for general

election the following November, despite lack of need for primary in June, is unconstitutional because no valid state interest is promoted by requiring independent candidates to register at the same time as candidates who are members of political parties intending to hold primaries. Cromer v. State of S.C. (C.A.4 (S.C.) 1990) 917 F.2d 819.

§ 7-11-20. Conduct of party conventions or party primary elections generally; presidential preference primaries.

(A) Except as provided in subsection (B), party conventions or party primary elections held by political parties certified as such by the State Election Commission pursuant to the provisions of this title to nominate candidates for any of the offices to be filled in a general or special election must be conducted in accordance with the provisions of this title and with party rules not in conflict with the provisions of this title or of the Constitution and laws of this State or of the United States.

(B)(1) Except as provided in item (2), a certified political party wishing to hold a presidential preference primary election may do so in accordance with the provisions of this title and party rules. However, notwithstanding any other provision of this title, the state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements. If a party holds a presidential preference primary election on a Saturday, an absentee ballot must be provided to a person who signs an affirmation stating that for religious reasons he does not wish to take part in the electoral process on a Saturday.



(2) For the 2008 election cycle, if the state committee of a certified political party which received at least five percent of the popular vote in South Carolina for the party's candidate for President of the United States decides to hold a presidential preference primary election, the State Election Commission must conduct the presidential preference primary in accordance with the provisions of this title and party rules provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding any other provision of this title, (a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost-effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and such candidate's name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.

(3) The political party shall give written notice to the State Election Commission of the date set for the party's presidential preference primary no later than ninety days before the date of the primary.

(4) Nothing in this section prevents a political party from conducting a presidential preference primary for the 2008 election cycle pursuant to the provisions of Section 7-11-25.

HISTORY: 1962 Code § 23-252; 1952 Code § 23-252; 1950 (46) 2059; 1974 (58) 2866; 1991 Act No. 47, § 1, eff May 1, 1991; 1992 Act No. 489, § 3, eff July 1, 1992; 2007 Act No. 81, § 1, eff June 19, 2007.

Effect of Amendment

The 1991 amendment added the second paragraph.

The 1992 amendment, in the second paragraph, added the third sentence.

The 2007 amendment designated the existing undesignated paragraphs as subsection (A) and paragraph (B)(1) and added paragraphs (B)(2) to (B)(4) relating to conducting presidential preference primaries.

Cross References

Decertification of a political party for failure to nominate candidates for office by convention or party primary, see § 7-9-10.

Furnishing of absentee ballots and other primary election materials to county board of registration, see § 7-15-365.

**SOUTH CAROLINA
ELECTION COMMISSION**

September 19, 2011

Mrs. Lynn Fata
President
South Carolina Association of Registration and Election Officials
Lee County Registration and Elections
Post Office Box 309
Bishopville, SC 29010

Dear Mrs. Fata:

Thank you for your letter dated September 9, 2011 concerning the intent of the General Assembly, the opinion of the Attorney General and the costs associated with conducting the 2012 Presidential Preference Primaries (PPP).

COMMISSIONERS

JOHN H. HUDGENS, III
Chairperson

CYNTHIA M. BENSCHE

MARILYN BOWERS

PAMELLA B. PINSON

THOMAS WARING

MARCI ANDINO
Executive Director

2221 Devine Street
P.O. Box 5987
Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.sevotes.org

In response to a request from the Senate Finance Committee, this agency prepared a fiscal impact statement for the PPP. The fiscal impact statement includes costs for poll managers, ballots and audio files, polling place technicians, polling place rent, commissioner mileage, postage, and placing election notices in newspapers of general circulation. The fiscal impact statement contained only items that we routinely reimburse counties for following a primary. Counties have never been reimbursed for staff overtime, temporary staff, legal fees or research fees to comply with public records requests.

In preparing the fiscal impact statement, actual costs of the 2008 PPP were considered as well as the current number of registered voters, anticipated PPP voter turnout and the fact that there is an incumbent President that could also impact turnout and the necessity of both parties to conduct a primary.

Prior to the 2008 PPP, counties were given a budget for poll managers and asked to consider consolidating polling places as a cost savings measure according to SC Code of Laws Section 7-11-20. The majority of counties submitted reimbursements for an amount equal to or less than the budget and we did not receive any feedback indicating that the quantity of poll managers was inadequate. For Lee County, 118 poll workers/397 poll worker days were allowed and 71 poll workers/254 poll worker days were used. The amount of poll workers used was significantly below the number allowed.

The State Election Commission has not asserted that it has the authority to require county election commissions to conduct the PPP. According to the SC Code of Laws Section 7-11-20 (B)(2) the State Election Commission and authorities responsible for conducting elections in each county conduct the PPP. This was confirmed in an opinion by the Attorney General.



The State Election Commission discussed this in a meeting held on July 18, 2011 and they were in agreement with the Attorney General. Unless we are instructed otherwise by a court, we will follow the guidance provided by the Attorney General.

In addition, the FY2011-12 Appropriations Act, passed by the General Assembly, contains two provisos that allow the agency to use carry-forward funds to conduct the PPP. This agency has no authority to second guess the intent of the General Assembly and enter into the political debate regarding who should pay for the PPP.

As you have requested, time has been allotted on the State Election Commission agenda for Wednesday, September 21st at 10:00 am for you to discuss SCARE's position with the commission.

Sincerely,

Marci Andino

Marci Andino

/mba

Cc: The Honorable Nikki R. Haley, Governor of South Carolina
The Honorable Alan Wilson, Attorney General
Chad Connelly, Chairman, SC Republican Party
Dick Harpootlian, Chairman, SC Democratic Party
Joseph B. Dill, President, SC Association of Counties
✓ Michael B. Cone, Executive Director, SC Association of Counties
M. Kent Lesesne, Staff Attorney, SC Association of Counties

2012 Presidential Preference Primary
Reimbursable Expenses

The reimbursable expenses for the 2012 Presidential Preference Primary (PPP) are listed below. ~~This list has been revised because the Republican Party has agreed to pay all legitimate county~~
expenses for this primary. A legitimate county election expense is an expense incurred as a result of conducting the primary.

Poll Managers

\$60 per day

3 days for clerk/2 days for managers

Up to 3 managers (maximum) for absentee/failsafe process for a maximum of 15 days

Legal Notices

Ballot printing and shipping

Rovers

\$150 plus .505 per mile for mileage between precincts on election day

Commissioners

.505 per mile for mileage between precincts on election day

Supplies (Items specific to 2012 PPP)

Postage

.44 per mailed absentee application

~~Variable amount for postage per mailed absentee ballot~~

Rent for polling places and custodians *

Staff overtime costs

Temporary office staff

Additional poll managers

Fuel - delivery/pick up of voting machines

This is not intended to be an all-inclusive list of reimbursable expenses. Items not listed may be reimbursed.

*No reimbursement for public facilities that receive state funds per Section 7-9-110 of the South Carolina Code of Laws.

10/12/2011



RECEIVED

OCT 18 2011

THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr., individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joseph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

Petitioners,

v.

South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

Respondents.

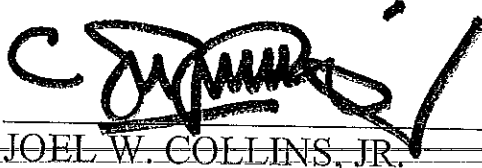
SUMMONS

TO THE RESPONDENTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the petition and complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answers upon the subscriber, at the address below, within thirty (30) days of the grant of Petitioners' Petition for Original Jurisdiction, and if you fail to answer, judgment by default will be rendered against you for the relief demanded.

Respectfully Submitted,

COLLINS & LACY, P.C.



JOEL W. COLLINS, JR.

CHRISTIAN STEGMAIER

JAMES L. FLOYD, III (LEE)

Post Office Box 12487

Columbia, South Carolina 29211

(803) 256-2660 (voice)

(803) 771-4484 (facsimile)

ATTORNEYS FOR PETITIONERS

Columbia, South Carolina

October 18, 2011

S.C. SUPREME COURT

OCT 18 2011

RECEIVED

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Beaufort County, Scott Marshall, individually and as Director of the Beaufort County Board of Elections and Registration, Chester County, James E. Moore, Sr. individually and as Director of the Registration and Election Commission of Chester County, Greenville County, Joesph Conway Belangia, Jr., individually and as Director of the Greenville County Election Commission and Greenville County Board of Registration, Spartanburg County, Henry M. Laye, III individually and as Director of Spartanburg County Election Commission,

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South Carolina Election Commission, Marci Andino, as Executive Director of the South Carolina State Election Commission and as a representative of the South Carolina State Election Commission, South Carolina Republican Party, Chad Connelly, as Chairman of the Executive Committee of the South Carolina Republican Party and as a representative of the South Carolina Republican Party, the South Carolina Democratic Party, and Richard A. Harpootlian, as Chair of the Executive Committee of the South Carolina Democratic Party and as a representative of the South Carolina Democratic Party,

Respondents.

Proof of Service

I, the undersigned Administrative Assistant, of the law offices of Collins & Lacy, P.C., attorneys for Petitioners, do hereby certify that I have served all Respondents in this action with a copy of the pleading(s) specified herein below by having a copy personally served to the addresses set forth below.

Pleadings: **Notice of Petition for Original Jurisdiction, Petition for Original Jurisdiction, Summons, and Complaint**

Persons Served:

John Hudgens, III
Chairman, SC State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205

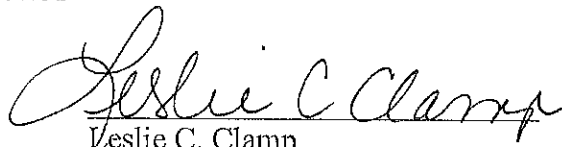
Marci Andino
Executive Director
State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205

Chad Connelly, Chair
~~SC Republican Party~~
1913 Marion Street
Columbia, SC 29201

Richard A. Harpootlian, Jr., Esquire, Chair
SC Democratic Party
1410 Laurel Street
Columbia, SC 29201-2516

The Honorable Alan Wilson
Attorney General
State of South Carolina
Rembert Dennis Building
Room 519
Columbia, SC 29201

Columbia, South Carolina
October 18, 2011


Leslie C. Clamp
Administrative Assistant