

The Supreme Court of South Carolina

Robert O. Call, Jr., Appellant,

v.

Berkeley County Republican Party (Timothy Callanan, as Chairman); South Carolina Republican Party (Matt Moore, as Executive Director, and Chad Connolly, as Chairman); Berkeley County Election Commission; South Carolina Election Commission (Marci Andino, as Executive Director, and Chris Whitmire, as Director of Public Information and Training); Timothy Callanan and Kenneth Gunn, Respondents.

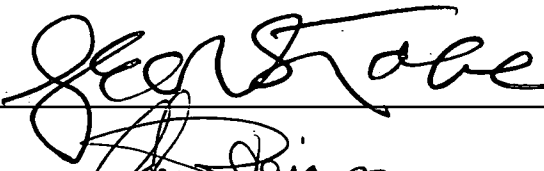
Appellate Case No. 2012-212872

ORDER


Appellant and respondent Kenneth Gunn were candidates in the Republican primary election for Berkeley County Council District 3. After Gunn won the election, petitioner filed an action in the circuit court challenging the results of the election, alleging Gunn did not file his Statement of Economic Interest and Statement of Intention of Candidacy at the same time as required by S.C. Code Ann. § 8-13-1356 (Supp. 2011), as interpreted by this Court in *Anderson v. S.C. Election Comm'n*, 397 S.C. 551, 725 S.E.2d 704 (2012). Appellant sought to enjoin Gunn's certification or to remove Gunn from the general election ballot as the Republican candidate for the seat. The circuit court dismissed petitioner's action on the ground of laches, and appellant has appealed from that order.

Respondent South Carolina Election Commission, joined by the Berkeley County Election Commission, now moves to dismiss the appeal as moot. Because the general election has already taken place, the issues raised in this appeal are moot. *Sasser v. S.C. Democratic Party*, 277 S.C. 67, 282 S.E.2d 602 (1981) (as a general rule, courts are without power to grant substantial relief once the time passes for

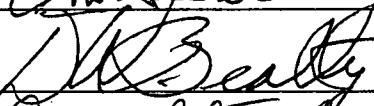
the name of a contestant to be certified for the election of officers to be placed on the official ballot). Accordingly, we grant the motion to dismiss.




C.J.



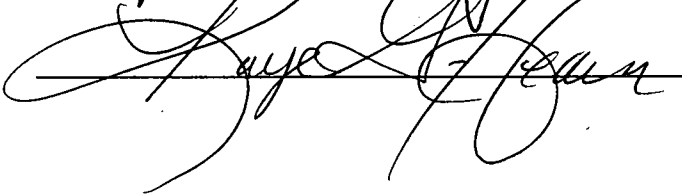
J.



J.



J.



J.

Columbia, South Carolina

June 5, 2013

cc:

James Emerson Smith, Jr.
Dylan Ward Goff
Mary Elizabeth (Liz) Crum
Samuel W. Howell, IV
J. Robert Bolchoz
Karl Smith Bowers, Jr.
Matthew Todd Carroll
Amber B. Carter
Ariail Burnside Kirk
Timothy Callanan
Kenneth E. Gunn