

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Howard P King, Circuit Court Judge

Case No 2012-CP-18-1632

Dorchester County Democratic Party and Richard
Hayes,

Plaintiff,

v

Dorchester County Republican Party (Carroll Duncan, as Chairman),
Colleton County Republican Party, Berkeley County Republican Party,
Charleston County Republican Party, South Carolina Republican Party
(Matt Moore as Executive Director & Chad Connolly as Chairman),
Dorchester County Election Commission (Joshua Dickard as Executive Director),
Colleton County Election Commission, Berkeley County Election Commission,
Charleston County Election Commission, South Carolina
State Election Commission (Marc Andino, as Executive Director
& Chris Whitmire as Director of Public Information and Training),
Sean Bennett, Mike Rose, and Tony Piscatella,

Defendants,

of whom Mike Rose is the

Appellant

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 DORCHESTER COUNTY DEMOCRATIC)
 PARTY,)

Plaintiff,

vs

DORCHESTER COUNTY REPUBLICAN)
 PARTY (*Carroll Duncan, as Chairman*),)
 COLLETON COUNTY REPUBLICAN)
 PARTY, CHARLESTON COUNTY)
 REPUBLICAN PARTY, SOUTH)
 CAROLINA REPUBLICAN PARTY (*Matt)
 Moore as Executive Director & Chad)
 Connolly, as Chairman*), DORCHESTER)
 COUNTY BOARD OF ELECTIONS)
 (*Joshua Dickard as Executive Director*),)
 BERKELEY COUNTY ELECTION)
 COMMISSION, CHARLESTON COUNTY)
 ELECTION COMMISSION, SOUTH)
 CAROLINA STATE ELECTION)
 COMMISSION (*Marci Andino, as Executive)
 Director & Chris Whitmire as Director of)
 Public Information and Training*), SEAN)
 BENNETT; MIKE ROSE, TONY)
 PISCATELLA)

Defendants

IN THE COURT OF COMMON PLEAS
 IN THE FIRST JUDICIAL CIRCUIT

Civil Action No. 2012 CP-18 1632

CLERK OF COURT
 DORCHESTER COUNTY

FILED-RECORDED
 2012 JUL 24 AM 10 09

ORDER GRANTING MOTION TO
 EXPEDITE OF THE SOUTH CAROLINA
 STATE ELECTION COMMISSION
 (MARCI ANDINO, AS EXECUTIVE
 DIRECTOR AND CHRIS WHITMIRE AS
 DIRECTOR OF PUBLIC INFORMATION
 AND TRAINING), SCHEDULING ORDER,
 AND ADDING PARTIES

This matter was filed with the Clerk of Court of Dorchester County on June 29, 2012. On July 9, 2012, Sean Michael Bennett (Bennett) filed a Motion to Intervene as a defendant in this case and on July 12, 2012, Michael T. Rose (Rose) filed a Motion to Intervene as a plaintiff in this case. This matter was before the Hon. Dianne S. Goodstein, Chief Judge First Judicial Circuit. On July 19, 2012, Judge Goodstein recused herself and on July 20, 2012, the Supreme Court appointed me as the Circuit Judge to hear this matter. On July 23, 2012, I held a conference call to determine the status of the case, the parties, and the Motion to Expedite.

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On July 11, 2012, the SEC e-mailed a copy of its Motion to Expedite and Affidavit of Marci Andino to the Clerk of Court of Dorchester County (Clerk) and to the parties. The Motion to Expedite and original Affidavit of Marci Andino was filed with the Clerk on July 12, 2012. By written correspondence via e mail, counsel for the Plaintiff, DCRP, and SCRP have each consented to the Motion to Expedite and the parties on the July 23, 2012 conference call consented to the Motion to Expedite. Given the impending S.C. Code Ann § 7-13-350 deadline of noon August 15, 2012, for the DCRP and SCRP to certify, as appropriate, the candidates for inclusion on the general election ballot and the September 22, 2012 deadline for sending out absentee ballots¹ for the November 6, 2012 General Election, I find that it is appropriate to grant the Motion to Expedite in this matter.

On July 20, 2012, Plaintiff Dorchester County Democratic Party filed its first Amended Summons and First Amended Verified Complaint for Declaratory Judgment, Writ of Mandamus and Injunctive Relief. The First Amended Summons and Verified Complaint, *inter alia*, added several defendants, namely the Colleton County Republican Party, Berkeley County Republican Party, Charleston County Republican Party, Colleton County Election Commission, Berkeley County Election Commission, Charleston County Election Commission. I find that it is appropriate and necessary to add the county Republican parties and county election commissions so that full and complete relief can be granted. The First Amended Summons and Verified Complaint also added Sean Bennett, Mike Rose, and Tony Piscatella as parties defendant. Mr. Bennett and Mr. Rose had each previously filed Motions to Intervene. Mr. Piscatella is the official with whom Dorchester County Republicans filed their respective documents seeking

¹ The Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, *et seq.*, and S.C. Code Ann. § 7-15-460 (Supp. 2011) require that absentee ballots to all UOCAVA qualified electors be transmitted by September 22, 2012 (at least forty five (45) days prior to the November 6, 2012 General Election). The UOCAVA absentee ballots must include the offices for all federal offices, State, and county wide or less than county wide offices that are up for election in General Election.

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access to the primary and ultimately general election ballot as Republican candidates. I find that it is appropriate for each to be a party defendant to this case. Further, each was represented by counsel on the telephone conference and they did not object to being added as parties.

NOW THEREFORE, IT IS ORDERED THAT:

- 1 The Colleton County Republican Party, Berkeley County Republican Party, Charleston County Republican Party, Colleton County Election Commission, Berkeley County Election Commission, Charleston County Election Commission, Sean Bennett, Mike Rose, and Tony Piscatella are added as parties Defendant.
- 2 The Motion to Expedite is granted and the following scheduling order is adopted:
 - a Answers to the First Verified Amended Complaint shall be filed with the Dorchester County Clerk of Court on or before July 27, 2012, and a copy of the same shall be e-mailed to the Court.
 - b The parties shall agree upon uncontested facts and file the same with the Dorchester County Clerk of Court on or before July 30, 2012, and a copy of the same shall be e-mailed to the Court.
 - c The parties shall file with the Dorchester County Clerk of Court a statement of facts with copies of any evidence that will be offered in support thereof on or before July 30, 2012, and a copy of the same shall be e-mailed to the Court.
 - d Any Motions a party wishes to file shall be filed with the Dorchester County Clerk of Court on or before August 1, 2012, and a copy of the same shall be e-mailed to the Court.
 - e Any party wishing to file a proposed order shall file it via e-mail in Word format with the Dorchester County Clerk of Court on or before August 1, 2012, and a copy of the

same shall be e-mailed to the Court

- f. Written responses, if any, to Motions shall be filed with the Dorchester County Clerk of Court on or before August 3, 2012, and a copy of the same shall be e-mailed to the Court
- g. The hearing on any motions and the merits shall be held August 6, 2012, in the Dorchester County Court House, St. George, South Carolina

Additionally, it is ORDERED

That any party or counsel who has any objection to this matter being heard by this Court based on the disclosure made by the Court during the conference call, or for any other reason, shall file a motion for recusal by 5 00 PM July 24, 2012 and e-mail a copy to the Court and all counsel of record, and further Ordered

That that the Defendant, Tony Piscatella, shall file all documents relevant to this matter which are in his possession with the Dorchester Clerk of Court by 5 00 PM July 24, 2012 and they shall be made a part of the record in this case

AND IT IS SO ORDERED.


The Honorable Howard P. King
Third Judicial Circuit Judge

Sumter, South Carolina

July 23, 2012

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
 IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY)
 DEMOCRATIC PARTY, and)
 RICHARD HAYES)

Civil Action No 2012 CP-18-1632

Plaintiffs,)

vs)

ORDER

DCRP (*Carroll Duncan, as Chairman*),)
 COLLETON COUNTY REPUBLICAN)
 PARTY, BERKELEY COUNTY)
 REPUBLICAN PARTY,)
 CHARLESTON COUNTY)
 REPUBLICAN PARTY, SOUTH)
 CAROLINA REPUBLICAN PARTY)
 (*Matt Moore as Executive Director &*))
 (*Chad Connolly, as Chairman*))
 DORCHESTER COUNTY ELECTION)
 COMMISSION (*Joshua Dickard as*))
 (*Executive Director*), COLLETON)
 COUNTY ELECTION COMMISSION,)
 BERKELEY COUNTY ELECTION)
 COMMISSION, CHARLESTON)
 COUNTY ELECTION COMMISSION,)
 SOUTH CAROLINA STATE)
 ELECTION COMMISSION (*Marci*))
 (*Andino, as Executive Director & Chris*))
 (*Whitmore as Director of Public*))
 (*Information and Training*), SEAN)
 BENNETT, MIKE ROSE, TONY)
 PISCATELLA, EDWARD B CARTER,)

Defendants

This matter came before the Court on August 6, 2012, with regard to the Dorchester County Democratic Party's (Plaintiff or DCDP) First Amended Summons and First Amended Verified Complaint for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief. Present at the hearing were Dylan Goff, Esquire, Attorney for Plaintiff Butch Bowers, Esquire,

FILED-R-106771
 2012 AUG-9 AM 10 46
 1st JUDICIAL CIRCUIT
 DORCHESTER COUNTY

1 812 9/12/12

Attorney for Defendants DCRP (DCRP), Colleton County Republican Party (Colleton CRP), Berkeley County Republican Party (BCRP), Charleston County Republican Party (Charleston CRP), and South Carolina Republican Party (Matt Moore as Executive Director and Chad Connolly, as Chairman) (collectively, SCRCP), Todd Kincannon, Esquire, Attorney for Defendant Carroll Duncan as Chairman of the DCRP (Duncan), Andrew T Sheppard, Esquire, Attorney for Defendants Dorchester County Election Commission (Joshua Dickard as Executive Director) (collectively, DCEC), Samuel W Howell Esquire, Attorney for Defendant Colleton County Election Commission (Colleton CEC) and Defendant Berkeley County Election Commission (BCEC) and Charleston County Election Commission (Charleston CEC), M Elizabeth Crum, Esquire, Attorney for Defendants South Carolina State Election Commission (Marc Andino as Executive Director and Chris Whitmore as Director of Public Information and Training) (collectively, SEC) Robert D Robbins, Esquire, and Tanya Gee, Esquire, Attorneys for Defendant Sean Bennett (Bennett), Michael Rose, Esquire, and Joel Collins Jr, Esquire, Attorneys for Defendant Michael Rose (Rose), Chris Murphy, Esquire, Attorney for Defendant Tony Piscatella (Piscatella), and Lionel Lofton, Esquire and William H Waring, III, Esquire, Attorney for Defendant Edward B Carter (Carter)

FACTUAL BACKGROUND

This matter involves the allegations by Plaintiff that all non incumbent Republican candidates—Sean Bennett, Ed Carter, Roger Goodman, John Hull, Michael Turner, Carol Duncan and Jordan Bryngelson—did not meet the eligibility requirements to be on the Republican Primary Election ballot because they did not file their respective statements of economic interest (SEI) and statements of intention of candidacy (SIC) at the same time and with the same official as required by S C Code Ann § 8 13-1356 and Anderson v S.C Election

Comm. n 397 S C 551, 725 S E 2d 704 (2012) (petition for rehearing by way of clarification denied) and the candidates were erroneously certified to the SEC to appear on the Republican Primary Election ballot in disregard of the statute and opinion. Plaintiff also alleges that Tony Piscatella wrongfully concealed the DCRP's candidate filing records, which are alleged to be evidence in this case.

This matter was filed with the Clerk of Court of Dorchester County on June 29, 2012. On July 9, 2012, Bennett filed a Motion to Intervene as a defendant in this case and on July 12, 2012, Rose filed a Motion to Intervene as a plaintiff in this case. On July 12, 2012, the SEC filed its Motion to Expedite and Affidavit of Maici Andino to the Clerk of Court of Dorchester County (Clerk).

This matter was before the Hon. Dianne S. Goodstein, Chief Judge First Judicial Circuit. On July 19, 2012, Judge Goodstein recused herself and on July 20, 2012, the Supreme Court appointed me as the Circuit Judge to hear this matter. On July 20, 2012, Plaintiff filed its first Amended Summons and First Amended Verified Complaint for Declaratory Judgment, Writ of Mandamus and Injunctive Relief. The First Amended Summons and Verified Complaint, *inter alia*, added several defendants, namely the Colleton CRP, BCRP, Charleston CRP, Colleton CEC, BCEC, Charleston CEC, Bennett, Rose, and Piscatella.

On July 23, 2012, I held a conference call to determine the status of the case, the parties, and to resolve the Motion to Expedite. Given the impending S C Code Ann. § 7-13-350 deadline of noon August 15, 2012, for the political party defendants to certify, as appropriate, the candidates for inclusion on the general election ballot and the September 22, 2012 deadline for sending out absentee ballots¹ for the November 6, 2012 General Election, I granted the Motion to

¹ The Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff et seq. and S C Code Ann. § 7-15-460 (Supp. 2011) require that absentee ballots to all

Expedite, and issued an Order on July 23 2012, granting the Motion to Expedite, adding the Colleton CRP, BCRP, Charleston CRP, Colleton CEC, BCEC, Charleston CEC, Bennett Rose, and Piscatella as parties Defendant, and setting a scheduling order. Additionally all parties agreed that the relief sought was a declaratory judgment and that the request for injunction and mandamus should be withdrawn.

On July 27, 2012 the following parties filed an Answer to the First Amended Verified Complaint: the SEC, Bennett, Carroll S. Duncan as Chairman of the DCRP, Rose, Joshua Dickard as Executive Director of the DCEC, the Charleston CEC, the BCEC, the SCRCP and the DCRP. On July 30, Edward B. Carter was added as a party Defendant and filed his answer.

The Defendant Bennett filed a Motion to Dismiss for Lack of Standing. At the hearing, the Plaintiff, Dorchester County Democratic Party, move to add Richard Hayes, a Dorchester County resident and a resident of Senate District 38, as a party plaintiff. This motion was granted and the lack of standing issue became moot and the motion was denied.

On August 2, 2012, the Defendant Rose filed a motion for leave to Cross-Claim. This motion is denied on three grounds: (1) it was not timely filed in accordance with the expedited scheduling order to which Rose participated and did not object, (2) Rose, as a candidate, was required by law (S.C. Code Section 7-17 560) to exhaust administrative remedies before filing a lawsuit challenging the validity of an election, (3) Rose is not prejudiced by the denial of the motion. He previously filed and was granted the right to intervene as a party defendant and his position is before the Court by his timely filed answer raising the issues asserted in his cross complaint.

UOCAVA qualified electors be transmitted by September 22, 2012 (at least forty five (45) days prior to the November 6, 2012 General Election). The UOCAVA absentee ballots must include the offices for all federal offices State and county wide or less than county wide offices that are up for election in General Election.

All other motions filed in this matter, including the motions for summary judgment, to dismiss under the doctrine of laches, to dismiss for failure to state a cause of action, and for directed verdict, are denied

Testimony was presented by way of affidavits and all defendants were given the opportunity to cross examine the affiant

Having observed the witnesses, reviewed the evidence and considered the arguments of the parties, the Court makes the following

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1 This Court has jurisdiction over the parties to this case and the subject matter of this case
- 2 Mike Rose is a resident of Dorchester County, is the current Senator for District 38, and is seeking re election to that office
- 3 Sean Bennett is a resident of Dorchester County and is seeking election to the Senate District 38 seat
- 4 Ed Carter is a resident of Dorchester County and is seeking election to the House District 97 seat
- 5 Roger Goodman is a resident of Dorchester County and is seeking election to the Dorchester County Council District 6 seat
- 6 John Hull is a resident of Dorchester County and is seeking election to the Dorchester County Council District 4 seat
- 7 Michael Turner is a resident of Dorchester County and is seeking election to the Dorchester County Sheriff office

8 Jordan Bryngelson is a resident of Dorchester County and is seeking election to the House District 97 seat

9 Carroll Duncan (Duncan) is a resident of Dorchester County, the Chairman of the DCRP and is a candidate for the Dorchester County Council District 5 seat

10 Tony Piscatella is a Dorchester County resident, was at all relevant times the DCRP treasurer, and the person designated by the Chairman of the DCRP to receive candidate filings during the 2012 primary election

11 On July 7, 2012, Duncan sent a letter to Marci Andino (Andino) and Joshua Dickard (Dickard) purporting to decertify all non incumbent Republican candidates for districts and offices within Dorchester County, including statewide and countywide or less than countywide offices, stating that the decertification was made in an effort at compliance with the June 29, 2012 Order in Dorchester County Democratic Party v. Dorchester County Republican Party, et al., 2012 CP-18 1632 granting a temporary restraining order. The TRO expired

12 On July 18, 2012, Duncan sent another letter to Andino and Dickard, again purporting to decertify all non incumbent Republican candidates, asserting that as the Chairman for the DCRP it is her responsibility to certify and decertify all candidates

13 Andino responded on July 18, 2012, informing Duncan that, although the candidates for statewide offices file with their county party, the state party is given the authority and responsibility to certify and decertify under S.C. Code Ann. §7-15-11(2). The DCRP does not have the authority to decertify candidates for the South Carolina House of Representatives (House) or the Senate and only has the authority to certify and decertify candidates for countywide and less than countywide offices. The SCRP has the authority to certify and decertify for statewide offices

14 On May 2, 2012, the South Carolina Supreme Court ordered "the appropriate official of the political parties to file with the State Election Commission or the appropriate county election commission, by noon on May 4th 2012, a list of only those non-exempt candidates who simultaneously filed an SEI and an SIC as required by § 8-13 1356(B)" Anderson v South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012)

15 In Florence County Democratic Party v Florence County Republican Party, 727 S E 2d 418, 420 (S C 2012), the South Carolina Supreme Court reaffirmed that a candidate must file an SEI and an SIC at the same time and with the same official to be eligible to be certified as the political party's candidate in the general election

16 In Anderson and Florence County Democratic Party the Supreme Court held that the South Carolina election statutory scheme requires the political parties certified by the SEC, which parties nominate candidates by party primary, to certify that the candidates complied with the requirements of S C Code Ann § 7-11 15 (Supp 2012) and § 8-13 1356 (Supp 2011)

17 S C Code Ann 7-11-15(2) that requires the state party executive committee to certify House and Senate and does not authorize a county party executive committee to certify. The party executive committee responsible for certifying a candidate for nomination is the party responsible for decertifying the candidate

18 Section 7 11 15 of the South Carolina Code, states, in pertinent part

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party in the county of their residence. The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p m on March thirtieth. The state executive committees must certify candidates pursuant to Section 7-13

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No candidates name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate's statement of intention of candidacy has not been filed with the County Election Commission or State Election Commission, as the case may be, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7-13-40 and 7-13-350, as applicable

19 S C Code Sections 8-13-1356 (B) and (E) and 7-11-15 are mandatory and govern in this matter

20 Section 8-13-1356 states, in pertinent part.

(B) A candidate must file a statement of economic interests for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination

(E) An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination unless the declaration or petition is accompanied by a statement of economic interests. If the candidate's name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election

21 S C Code Ann § 7-13-350 requires the state and county political parties respectively to certify to the SEC and the county election commissions the names of the candidates for the November 6, 2012 general election on or before noon on August 15, 2012, and states, in pertinent part

Except as otherwise provided in this section, the nominees in a party primary or party convention held under the provisions of this title by any political party certified by the commission for one or more of the offices, national, state, circuit, multi-county district, countywide, less than countywide or municipal to be voted on in the general election, held on the first Tuesday following the first Monday in November, must be placed upon the appropriate ballot for the election as candidates nominated by the party by the authority charged by law with preparing the ballot if the names of the nominees are certified, in writing by the political party chairman, vice chairman, or secretary to the authority, for general elections held under Section 7-13-10, not later than twelve o'clock noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday, and for a special or municipal general election, by

at least twelve o'clock noon on the sixtieth day prior to the date of holding the election, or if the sixtieth day falls on Sunday, by twelve o'clock noon on the following Monday. Political parties nominating candidates by primary or convention must verify the qualifications of those candidates prior to certification to the authority charged by law with preparing the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which he has filed. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which he has filed shall not be nominated and certified, and such candidate's name shall not be placed on a general, special, or municipal election ballot.

22 Mike Rose and Sean Bennett were the only two candidates on the June 12, 2012 Republican Primary Election ballot seeking the Republican nomination for the Senate District 38 seat. The SCRCP certified both Mr. Rose and Mr. Bennett as Republican candidates for Senate District 38. Sean Bennett won the primary election by a percentage of 60.09% to 39.91%.

23 Ed Carter and Jordan Bryngelson were the only two candidates on the June 12, 2012 Republican Primary Election ballot seeking the Republican nomination for the House District 97 seat. The SCRCP certified both Mr. Carter and Mr. Bryngelson as Republican candidates for this seat.

24 While Mr. Roger Goodman and Mr. John Hull were each certified by the DCRP as candidates for county council, each filed affidavits with this Court averring that neither filed a paper copy of his SEI at the same time and with the person as he filed his SIC.

25 The parties agreed and stipulated at the hearing that the issues involving the certifying of candidates Carter, Bryngelson, Goodman, Hull, Turner and Duncan had been resolved and that findings of fact and conclusions regarding these candidates was unnecessary.

26 The Court finds that Bennett did file his Statement of Economic Interest (SEI) at the time of filing his Statement of Intended Candidacy (SIC). This Court is a strong believer in the democratic process, and that members of the General Assembly (Senate and House of

Representatives) are representatives of the people who elected them. The Court declines to disenfranchise the voters of Dorchester County and invalidate the results of the Republican Primary on the basis of confusing and unconvincing testimony and evidence that Bennett did not file his SEI in accordance with Code Section 8-13-1356. Anderson, supra and Florence County, supra, require only that proof of filing a paper copy is necessary. There is evidence in the record that Bennett filed a paper copy of his SEI by the affidavit of Bennett himself and two others, and none of this testimony was challenged by any of the defendants even though each was given an opportunity to do so by cross examination. Additionally, the DCRP officer in charge of filing, the Defendant Piscatella, also testified that a paper copy was filed. The paper copy cannot be located, but the fact that this copy is lost is not fatal to Bennett's claim of filing. The Court therefor finds, even though there is conflicting testimony in the record, that Bennett filed his copy of his SEI at the time he filed his SIC.

The Court is also unconvinced that the filing of the SEI with the DCRP did not meet the requirements of the statute that the filing be for the preceding year. The evidence is less than clear with regard to the period covered by Bennett's SEI filing, and the regulations of the State Ethics Commission (SEC) regarding filing requirements and time are murky and unclear. After weighing the evidence I find that the filing complies with S C Code Section 8-13 1356 (B). The voters of Dorchester County have spoken, and it is appropriate that their voices be heard if it can be done within the law. The Court finds that Bennett has complied with both the statutory and case law.

26 The Court disapproves of the removal of the relevant records by Piscatella from the office of the DCRP. Even understanding the concerns of Piscatella to potential tampering of the records in view of potential access by twelve to thirty persons, there were ways of securing the

records other than removal. Nonetheless this removal in no way affects the validity or admissibility of the records and no convincing attack has been made on their authenticity.

NOW THEREFORE IT IS ORDERED THAT

The correctness or incorrectness of the filing of the non-incumbent candidates except Sean Bennett was concluded at the hearing on August 6, 2012 with the agreement of all the parties and that consent and order on the record is the Order of the Court with regard to those candidates,

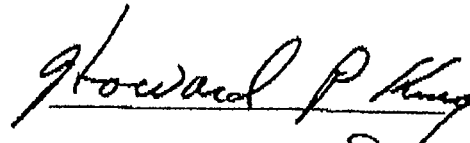
AND IT IS FURTHER ORDERED THAT

The complaint of the plaintiff, Dorchester County Democratic Party that Shawn Bennett be decertified as the Republican candidate for Senate Seat 38 is denied and that by way of declaratory relief, as agreed by the parties, the Court does hereby declare that Sean Bennett has met the requirements of S.C. Code section 8-13-1356 and the case law interpreting that statute. The letter of July 18, 2012 of Ms. Duncan purporting to decertify him is of no force and effect as it exceeded the statutory authority of the DCRP. Bennett is eligible to be and was properly on the Republican Party Primary ballot and is eligible for certification on the general election ballot.

AND IT IS FURTHER ORDERED THAT

No sanctions are imposed and each party shall bear their own costs and attorney's fees.

AND IT IS SO ORDERED'


The Honorable Howard P. King

Presiding Judge

Sumter, South Carolina

August 9, 2012

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY DEMOCRATIC)
 PARTY,)

Civil Action No 2012-CP 18 1632

Plaintiff,)

vs)

ORDER LIFTING AUTOMATIC STAY

DCRP (*Carroll Duncan, as Chairman*))
 COLLETON COUNTY REPUBLICAN)
 PARTY, BERKELEY COUNTY)
 REPUBLICAN PARTY, CHARLESTON)
 COUNTY REPUBLICAN PARTY SOUTH)
 CAROLINA REPUBLICAN PARTY (*Matt*))
Moore as Executive Director & Chad)
Connolly, as Chairman), DORCHESTER)
 COUNTY ELECTION COMMISSION)
 (*Joshua Dickard as Executive Director*),)
 COLLETON COUNTY ELECTION)
 COMMISSION, BERKELEY COUNTY)
 ELECTION COMMISSION,)
 CHARLESTON COUNTY ELECTION)
 COMMISSION, SOUTH CAROLINA)
 STATE ELECTION COMMISSION (*Marc*))
Andino, as Executive Director & Chris)
Whitmire as Director of Public Information)
and Training) SEAN BENNETT, MIKE)
 ROSE, TONY PISCATELLA EDWARD B)
 CARTER,)

Defendants)

FILED
 AUG 13 2012
 10 10 AM
 CLERK

On August 10, 2012, pursuant to Rule 241(d)(1), SCACR,¹ Defendant South Carolina State Election Commission (Marc Andino as Executive Director and Chris Whitmire as Director of Public Information and Training) (collectively, SEC) moved this Court for an Order lifting the automatic stay imposed by Rule 241(a), SCACR. Because the statutory deadlines regarding the November 6, 2012 General Election are imminent and any delay in meeting those deadlines

¹ Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal. Rule 241(d)(1), SCACR

would have significant negative consequences for the candidates, voters, and public officials of this State, I find lifting the automatic stay is appropriate

FACTUAL BACKGROUND

This matter involves the allegations by Plaintiff Dorchester County Democratic Party and Appellant/Defendant Mike Rose that non-incumbent Republican candidate Sean Bennett, the winner of the Republican Party Primary Election for Senate District 38, did not meet the eligibility requirements to be on the Republican Primary Election ballot because he did not file his statements of economic interest (SEI) and statements of intention of candidacy (SIC) at the same time and with the same official as required by S C Code Ann § 8-13-1356 and Anderson v. S C Election Comm'n, 397 S C 551, 725 S E 2d 704 (2012) (petition for rehearing by way of clarification denied) and Mr Bennett was erroneously certified to the SEC to appear on the Republican Primary Election ballot in disregard of the statute and opinion. A trial on the merits was held on August 6, 2012, and on August 9, 2012, I issued an Order finding Mr Bennett had complied with S C Code Ann § 8-13 1356 and Anderson v. S C Election Comm'n, 397 S C 551, 725 S E 2d 704 (2012) (petition for rehearing by way of clarification denied), and therefore was eligible to be and was properly on the June 12, 2012 Primary Election ballot and is eligible for certification to the General Election ballot

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1 Section 7-13-350 of the South Carolina Code (Supp 2011) requires that before noon on August 15, 2012, the state political parties must certify to the SEC its candidates for the South Carolina House of Representatives, State Senate, congressional, and solicitor offices for the November 6, 2012 General Election, and the county political parties must certify the

nomination candidates for county wide and less than county wide offices that are up for election in the General Election

2 After August 15, 2012 the SEC will be preparing ballot data sets (definitions) and ballot forms and will need the entire time before the General Election to accomplish that task

3 Pursuant to Section 7-15-406 of the South Carolina Code (Supp 2011), absentee ballots must be sent to all UOCAVA qualified electors at least forty five (45) days prior to the November 6, 2012 General Election. Therefore, the UOCAVA ballots have to be sent out not later than September 22, 2012. The UOCAVA absentee ballots include the offices for all federal, state and county wide or less than county wide offices that are up for election in the General Election. See S C Code Ann § 7-15-460 (Supp 2011) ²

4 Because of the tight time constraints imposed by state and federal law on the election process, any stay preventing the political parties from certifying candidates to the SEC or preventing the SEC from moving forward with preparations for the November 6, 2012 General Election would have significant negative consequences for the candidates, voters, and public officials of this State

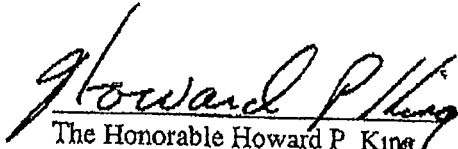
5 Further, Appellant/Defendant Mike Rose does not have a likelihood of success on the merits of his appeal. The evidence adduced at trial showed Defendant Sean Bennett had filed a paper copy of his SEI at the same time and with the same official as his SIC.

NOW THEREFORE IT IS ORDERED THAT

1 The automatic stay imposed by Rule 241, SCACR, upon the filing of a notice of appeal is hereby lifted

² This section was precleared by the United States Department of Justice on August 22, 2011

AND IT IS SO ORDERED


The Honorable Howard P. King
Third Judicial Circuit active/retired

Sumter, South Carolina

August 13, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)

DORCHESTER COUNTY
DEMOCRATIC PARTY,

Plaintiff,

vs

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan, as Chairman*),
SOUTH CAROLINA REPUBLICAN
PARTY (*Matt Moore as Executive
Director & Chad Connolly, as Chairman*),
DORCHESTER COUNTY BOARD OF
ELECTIONS (*Joshua Dickard as
Executive Director*), SOUTH CAROLINA
STATE ELECTION COMMISSION
(*Marci Andino, as Executive Director &
Chris Whitmire as Director of Public
Information and Training*),

Defendants

Civil Action No 2012 CP-~~40~~¹⁸ 11632

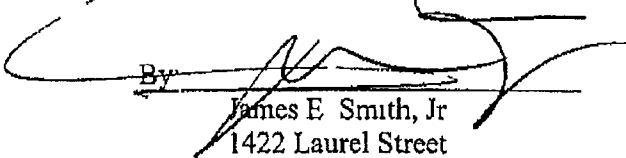
SUMMONS

FILED - RECORDED
2012 JUN 29 PM 12:41
CLERK OF COURT
DORCHESTER COUNTY

TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the Verified Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Verified Complaint upon the subscribers at their offices, 1422 Laurel Street, Columbia, South Carolina 29201, within thirty (30) days after service hereof or at an earlier date as may be set by the Court, exclusive of the day of service, and if you fail to answer the Verified Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said Verified Complaint

JAMES E SMITH JR, P A

By 

James E. Smith, Jr
1422 Laurel Street
Columbia, SC 29201
803 933-9800
Attorneys for Plaintiff

Columbia, South Carolina
June 28, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY
DEMOCRATIC PARTY,

Plaintiff,

vs

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan, as Chairman*),
SOUTH CAROLINA REPUBLICAN
PARTY (*Matt Moore as Executive
Director & Chad Connolly, as Chairman*),
DORCHESTER COUNTY BOARD OF
ELECTIONS (*Joshua Dickard as
Executive Director*), SOUTH CAROLINA
STATE ELECTION COMMISSION
(*Murci Andino as Executive Director &
Chris Whitmire as Director of Public
Information and Training*),

Defendants

Civil Action No 2012-CP 18-1632

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT, WRIT
OF MANDAMUS, APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND MOTION FOR
INJUNCTIVE RELIEF**

FILED - RECORD
2012 JUN 29 PM 12:41
CLERK OF COURT
DORCHESTER COUNTY

TO THE DEFENDANTS ABOVE NAMED

COMES NOW the Plaintiff, by and through its undersigned counsel, before this Court seeking a Declaratory Judgment under Rule 57 and a Temporary Restraining Order and Injunctive Relief under Rule 65 of the S C Rules of Procedure in connection with a dispute as to whether the Defendants must comply with the S C Supreme Court's Order in *Anderson v S C Election Commission*, Op No 27120 (S C Sup Ct filed May 2, 2012) (*interpreting* S C Code Section 8-13-1356 and *holding* that given its plain language, Section 8-13-1356 should be applied as written)

STATEMENT OF THE CASE

1 Recognizing that Judgments and Decrees speak for themselves, Plaintiff does not come before this Court requesting elucidation or clarification of the Supreme Court's opinion in *Anderson*. The past lawlessness of the named Defendants and the continuing violation of both the laws of this State and their direct disregard of the Highest Court's Order regarding the rights of Plaintiff and his own corresponding obligations make it necessary to seek relief from this Court to avoid additional damage, deceit and fraud upon the electoral process and wasted resources associated election process. Time is of the essence. The Court should not permit an ineligible candidate to be certified for the general election. The Court should immediately take action to prevent fraudulent ballots from being printed. Plaintiff submits that all the non-incumbent Dorchester County Republican candidacies are *void ab initio* inasmuch as they have never been eligible candidates for the November 6, 2012 General Election. All non incumbent Dorchester Republican candidates must be removed from the ballot in order for the election process to proceed in a lawful manner.

SUPPORT FOR GRANT OF TRO, INJUNCTIVE RELIEF DECLARATORY JUDGMENT AND WRIT OF MANDAMUS

The above-named Plaintiff respectfully submits the following

1 Plaintiff, Dorchester County Democratic Party (DCDP), is a county committee of the South Carolina Democratic Party—certified by the South Carolina Election Commission and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in a general or special

election and nominates candidates of that party on a regular basis by party primary
Richard Hayes is the Chairman of DCDP

2 Defendant, South Carolina State Election Commission (SCSEC), is a commission organized under the laws of South Carolina with a primary mission to ensure every eligible citizen has the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their votes will count. The Director of SCSEC is Marcy Andino, and Chris Whitmire is Director of Public Information and Training

3 Defendant, South Carolina Republican Party, is a political party certified by the South Carolina Election Commission and operating subject to South Carolina Code of Laws §7-9-10, et seq. The Chairman of the South Carolina Republican Party is Chad Connelly and Matt Moore is the Executive Director

4 Defendant, Dorchester County Republican Party (DCRP), is a county committee of the South Carolina Republican Party—certified by the South Carolina Election Commission and the Anderson County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party on a regular basis by party primary. Carroll Duncan is the Chairman of DCRP

5 Defendant, Dorchester County Voter Registration and Election Commission (DEC), has been codified by the South Carolina Legislature¹ as a

¹ S.C. Code §7-27-375 7 member board appointed by Governor

government entity which conducts elections and registers electors in Dorchester County
Joshua Dickard is the Director

6 This action is brought pursuant to the S C Uniform Declaratory
Judgments Act under S C Code Section 15-53-10 through 15-53-140 for the declaration
of rights, status, and other legal relations

7 Incorporated in this action is a Petition for a Writ of Mandamus² to compel
officers charged with ministerial duties, which have refused to perform those duties, to
immediately comply with the laws of South Carolina and carry out their respective duties

8 Plaintiff seeks a temporary restraining order and permanent injunction
pursuant to Rule 65 of the South Carolina and respectfully requests this Court to exempt
him from submitting a security as contemplated in Rule 65 (c)

9 A real and substantial controversy exists in this matter, and there is a
definite assertion of legal rights and a positive legal duty with respect thereto

10 Plaintiff has substantial interest in the subject matter of this complaint and
will be directly affected by the non-enforcement of the statute and Order³ questioned
That is, Plaintiff is an individual who's civil and political rights are directly affected by
the Order⁴ and statutes at issue here

11 A Declaratory Judgment by this Court would terminate the uncertainty and
controversy as complained of below

² Writ of Mandamus is a form of relief *Plum Creek Development Co Inc v City of
Conway* 334 S C 30 (1999)

³ *Anderson v S C Election Comm'n, Op No 27120* (S C Sup Ct filed May 2, 2012)

⁴ Id

12 A Writ of Mandamus is needed to command those Defendants with ministerial duties, to perform those duties which Plaintiff (Petitioner) have a specific right therein, and which the Plaintiff (Petitioner) have no other legal remedy

13 If injunctive relief is granted against any or all of the Defendants, Plaintiff believes he is entitled to an award of attorney's fees for the cost associated with bringing this action as this Court deems appropriate, based on Defendants who have violated the Order⁵ of the South Carolina Supreme Court

14 Having affirmed the above, this Court has proper jurisdiction over this matter and venue is proper

FACTS AND ALLEGATIONS

15 Plaintiff has brought this action to seek enforcement of South Carolina law S C Code Sec 8-13-1356 and recent SC Supreme Court decisions. The South Carolina Supreme Court held in *Anderson v S C Election Commission* Op No 27120 (S C Sup, Ct filed May 2, 2012) that S C Code Section 8-13-1356 requires non exempt candidates to file a paper copy SEI simultaneously with a SIC as the only method by which a non-exempt individual can comply with Sec 8-13-1356 *Id*. The South Carolina Supreme Court held in *Florence County Democratic Party v Florence County Republican Party* Op No 27128 (S C Sup Ct filed June 5, 2012) that candidates who had filed a SIC with the political party did not constitute "public officials" who were exempt from filing a paper copy SEI simultaneously with the SIC unless the candidate already held the office and had an SEI on file with the appropriate supervisory office. (Emphasis Added) See

⁵ *Id*

S C Code Sec 8-13 1356(A) The remedy is removal of the ineligible candidate from the ballot

16 The gravamen of the TRO, Injunctive Relief, Declaratory Judgment and Mandamus causes of action is that none of the non-incumbent Dorchester County Republican Candidates (1) complied with the provisions under Section 8-13-1356 (2) were unlawfully certified by the DCRP, SCRIP DEC and SEC for the primary nomination, (3) were held ineligible to appear on a ballot by the Supreme Court, (4) were to be removed from the certified list subsequently submitted by the SCRIP to the SEC, (5) but remained on the Dorchester County ballot for the June 12, 2012 Primary Election, and (6) must not be certified as candidates for the general election and must be removed from the ballot The below facts and law speak for themselves

2 Under Code Section 8-13-1356(B), non-exempt individuals must file a Statement of Economic Interest *at the same time* and with the same official with whom the individual files a Statement of Intention of Candidacy (Emphasis Added)

3 Under Code Section 8 13-1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations *may not* accept a Statement of Intention of Candidacy unless it is accompanied by a Statement of Economic Interest (Emphasis Added)

4 It has been widely reported by sources within the Dorchester County Republican Party that none of the non-incumbent candidates provided the SEI at the same time as their SIC, all failing to comply with Sections 8 13 1356 (B) and 8-13-1356(E)

5 Indeed, the DCRP party instructed those filing for office not to provide a paper copy of the SEI and most of the candidate did not even complete the SEI until days after they filed their SIC

6 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment holding that any individual who did not comply with the plain language requirements as set forth under 8-13-1356 (B) and (E) was “improperly placed on the party primary ballots and must be removed” and directed the “appropriate official of the political parties to file with the State Election Commission by noon on May 4, 2012, a list of only those non-exempt candidates who simultaneously filed and SEI and an SIC as required by Section 8-13-1356(B)” *Anderson* at 27

7 On May 4, 2012, per the Supreme Court’s Order dated May 2, 2012, the South Carolina Republican Party submitted to the State Election Commission and Pickens County Election Commission a list of individuals who were qualified to be certified by the South Carolina Republican Party

8 In spite of the Supreme Court’s Order⁶, the Defendants did unlawfully certify the candidacies of all the Republican non-incumbent candidates for the June 12, 2012 Republican Primary election

9 All of the non-incumbent Republican candidates in Dorchester County are unlawful and ineligible for the General Election

10 Section 8-13-1356(E) further provides that, “[i]f the candidate’s name inadvertently appears on the ballot the officer authorized to receive declarations of

⁶ *Anderson v S C Election Comm n Op No 27120* (S C Sup Ct filed May 2, 2012)

candidacy or petitions for nomination must not certify the candidate subsequent to the election ”

11 Non-incumbent Dorchester County Republicans must not be certified for the General Election ballot

12 The Defendants actions are in direct conflict with the Court's decision in *Anderson* and are in absolute denial of the main premise on which the conflict stemmed

13 The Defendants were aware of the significant election issues before our Highest Court And further that they understood and yet willfully disregarded the clear language of the statute and the Supreme Court's Order in *Anderson*

WHEREFORE, the Plaintiff prays that this Court issues the Ex-Parte relief of a temporary restraining order then set this matter to be heard as soon as this Court deems appropriate under the circumstances

Plaintiff prays, in the interest of Justice, that a Writ of Mandamus be issued against those several Defendants who have failed to carry out their duties under S C Code and *Anderson Id* Regardless of where the blame lays the Plaintiff comes before this Court praying for declaratory and injunctive relief to enforce the Supreme Court's clear command under *Anderson* The Plaintiff specifically requests that this Court ORDER the State Election Commission and all other Defendants to

(1) Comply with the holdings in *Anderson and Florence County Democratic Party v Florence County Republican Party* Op No 27128 (S C Sup Ct filed June 5, 2012),

-
- (2) Not certify the names of all non-incumbent Dorchester County Republicans to the General Election *Anderson* is clear the names “must be removed”⁷,
- (3) Grant a Writ of Mandamus to all Defendants tasked with the necessary ministerial duties to comply with the terms on the declaratory judgment and injunctive relief
- (4) Award court costs and attorney’s fees to Plaintiffs pursuant to Rule 65 of S C Rules of Civil Procedure

⁷ Id at 27

(5) Due to the egregious nature of the Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever the Court deems appropriate and as may be requested by the Plaintiff

RESPECTFULLY SUBMITTED

JAMES E SMITH JR P A

By

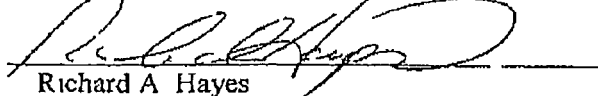
James E Smith Jr Esquire
1422 Laurel Street
Columbia, S C 29201
(803) 933-9800

Attorneys for Plaintiff

Columbia, South Carolina
June 28, 2012

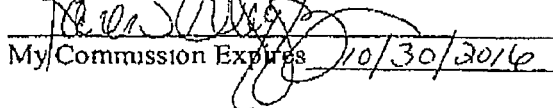
VERIFICATION

I HAVE READ THE ABOVE COMPLAINT IN ITS ENTIRETY AND VERIFY THAT ITS CONTENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE


Richard A Hayes

Sworn before me on June 28, 2012

Notary Public for South Carolina


My Commission Expires 10/30/2016

DCDP V DCRP ET AL
COMPLAINT DECLARATORY JUDGMENT WRIT OF MANDAMUS
APPLICATION FOR A TEMPORARY RESTRAINING ORDER
AND MOTION FOR INJUNCTIVE RELIEF
PAGE 10

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)

DORCHESTER COUNTY) Civil Action No 2012-CP-18-1632
DEMOCRATIC PARTY,)
)
Plaintiff,)

vs)

ANSWER

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
SOUTH CAROLINA REPUBLICAN PARTY)
(*Matt Moore as Executive Director & Chad*))
(*Connolly, as Chairman*), DORCHESTER)
COUNTY BOARD OF ELECTIONS (*Joshua*))
(*Dickard as Executive Director*), SOUTH)
CAROLINA STATE ELECTION COMMISSION)
(*Marci Andino, as Executive Director & Chris*))
(*Whitmire as Director of Public Information and*))
(*Training*),)
Defendants)

FILED (np)
2012 JUL -9 PM 1 50
CLERK OF COURT
DORCHESTER COUNTY

TO THE PLAINTIFF AND ITS ATTORNEY, JAMES E SMITH, JR , ESQUIRE

Comes now the Intervenor, Sean Michael Bennett (hereinafter referred to as Intervenor), to hereby fully answer the allegations of the Plaintiff's Verified Complaint for Declaratory Judgment, Writ of Mandamus, Application for Temporary Restraining Order, and Motion for Injunctive Relief and show this Honorable Court as follows

FOR A FIRST DEFENSE

1 Each and every allegation of the Complaint is denied, unless hereinafter admitted, qualified or explained

2 The Statement of the Case and introductory paragraph labeled number 1 on page 2 of the Complaint are mere statements by Plaintiff which do not require a response, and are therefore denied

3 Upon information and belief, the allegations of paragraph 1 under the Support for Grant of TRO Injunctive Relief Declaratory Judgment, and Writ of Mandamus at the bottom of page 2 of the Complaint are admitted

4 Upon information and belief, the allegations of paragraphs 2 and 3 on page 3 of the Complaint are admitted

5 As to the allegations of paragraph 4 on page 3 of the Complaint, it is admitted that the Dorchester County Republican Party is a County committee of the South Carolina Republican Party and is certified by the South Carolina Election Commission It is denied that the Dorchester Republican Party is certified by the Anderson County Board of Elections and Voter Registration It is further admitted that Carroll Duncan is the Chairperson of the Dorchester County Republican Party

6 Upon information and belief, the allegations of paragraph 5 on page 3 are admitted

7 The allegations of paragraphs 6 and 7 on page 4 of the Complaint are statements of law which do not require a response and are therefore denied

8 The allegations of paragraph 8 on page 4 of the Complaint are a statement of law which does not require a response and are therefore denied, and Intervener further denies that Plaintiff should be exempt from submitting security as set forth in Rule 65(c) of the SCRCF

9 The allegations of paragraphs 9, 10, and 11 on page 4 of the Complaint are denied and strict proof is demanded hereof

10 The allegations of paragraphs 12, 13 and 14 on page 5 of the Complaint are denied and strict proof is demanded hereof

11 As to the allegations of paragraph 15 on page 5 of the Complaint, Intervener would crave reference to the Supreme Court decisions in Anderson v S C Election

Comm'n and Florence County Democratic Party v Florence County Republican Party

Anything alleged in paragraph 15 that is inconsistent with these two court decisions is hereby denied

12 The allegations of paragraph 16 on page 6 of the Complaint are denied and strict proof is demanded hereof

13 The allegations of paragraphs 2 and 3 on page 6 of the Complaint are statements of law which do not require a response and are therefore denied

14 The allegations of paragraph 4 on page 6 of the Complaint are denied and strict proof is demanded hereof

15 The allegations of paragraph 5 on page 7 of the Complaint are denied and strict proof is demanded hereof

16 As to the allegations of paragraphs 6, 7, and 8 on page 7 of the Complaint, Intervenor would crave reference to the Orders of the South Carolina Supreme Court. Any allegations in paragraphs 6, 7, and 8 that are inconsistent with the Orders of the Supreme Court are hereby denied.

17 The allegations of paragraph 9 on page 7 are denied and strict proof is demanded hereof

18 The allegations on paragraph 10 on page 7 are a statement of law which do not require a response and are therefore denied

19 The allegations of paragraph 11, 12, and 13 on page 8 of the Complaint are hereby denied and strict proof is demanded hereof

FOR A SECOND AND AFFIRMATIVE DEFENSE
(Rule 12(b)(1))

20 Intervenor realleges and incorporates each and every allegation of the First Defense as if fully set forth and repeated verbatim herein

21 Intervenor moves to dismiss the Complaint of the Plaintiff for lack of jurisdiction over the subject matter under Rule 12(b)(1) of the SCRCP

FOR A THIRD AND AFFIRMATIVE DEFENSE
(Rule 12(b)(4))

22 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

23 Intervenor moves to dismiss the Complaint of the Plaintiff for insufficiency of process under Rule 12(b)(4) of the SCRCP

FOR A FOURTH AND AFFIRMATIVE DEFENSE
(Rule 12(b)(5))

24 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

25 Intervenor moves to dismiss the Complaint of the Plaintiff for insufficiency of service of process under Rule 12(b)(5) of the SCRCP

FOR A FIFTH AND AFFIRMATIVE DEFENSE
(Rule 12(b)(6))

26 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

27 Intervenor moves to dismiss the Complaint of the Plaintiff for failure to state facts sufficient to constitute a cause of action under Rule 12(b)(6) of the SCRCP

FOR A SIXTH AND AFFIRMATIVE DEFENSE
(Rule 12(b)(7))

28 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

29 Intervenor moves to dismiss the Complaint of the Plaintiff for failure to join a party under Rule 19 pursuant to Rule 12(b)(7) of the SCRCP

FOR A SEVENTH AND AFFIRMATIVE DEFENSE
(Rule 65(c))

26 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

27 Intervenor moves to dismiss the Complaint of the Plaintiff for failure to post security pursuant to Rule 65(c) of the SCRPC

FOR AN EIGHTH AND AFFIRMATIVE DEFENSE
(Laches)

28 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

29 Intervenor moves to dismiss the Complaint of the Plaintiff because the Plaintiff is barred by the Doctrine of Laches

FOR A NINTH AND AFFIRMATIVE DEFENSE
(Administrative Remedies)

30 Intervenor realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

31 Intervenor moves to dismiss the Complaint of the Plaintiff for failure to exhaust administrative remedies prior to filing this legal action in the Dorchester County Court of Common Pleas

FOR A TENTH AND AFFIRMATIVE DEFENSE
(Temporary Injunction and Writ of Mandamus Improper)

32 Intervener realleges and incorporates each and every allegation of the previous Defenses as if fully set forth and repeated verbatim herein

33 Intervener moves to dismiss the Complaint of the Plaintiff due to the fact that a request for a Temporary Injunction and Writ of Mandamus are improper and should be dismissed

WHEREFORE having fully answered the Complaint of the Plaintiff, Intervenor, Sean Michael Bennett, prays that the same be dismissed, that costs be assessed to the Plaintiff, that Intervenor be awarded attorneys' fees and costs, and for such other and further relief that this Honorable Court deems just and proper

Summerville South Carolina

7-6, 2012

Respectfully submitted



Robert D Robbins

Robert D Robbins Attorney at Law, LLC

110 N Main Street

Summerville, SC 29483

Phone (843) 285-7100

Facsimile (843) 285 7199

ATTORNEY FOR SEAN MICHAEL BENNETT

3 Mr. Bennett properly filed all forms simultaneously with the Dorchester County Republican Party necessary to become a candidate for South Carolina Senate District 38 including his Statement of Intention of Candidacy a hard copy of his Statement of Economic Interest Form and confirmation of his electronic filing of his Statement of Economic Interest Form with the South Carolina Ethics Commission. A copy of Mr. Bennett's submissions to the Dorchester County Republican Party are attached hereto as Exhibit A.

4 Mr. Bennett's candidate packet was received by Tony Piscatella the Officer of the Dorchester County Republican Party vested with the power to receive the candidate filings. Mr. Piscatella verified that Mr. Bennett filed all of the forms and information needed for the office of South Carolina Senate District 38. This action was witnessed by Ms. Woods and both men signed an acknowledgement statement to that effect dated March 20, 2012. A copy of the statement with their signatures is attached hereto as Exhibit B.

5 At the close of the filing period the only other candidate for South Carolina Senate District 38 was the incumbent, Mike Rose. No Democratic candidate filed for South Carolina Senate District 38 and no independent candidates filed for this seat.

6 On May 2, 2012 the South Carolina Supreme Court issued its opinion in Anderson et al. v. the South Carolina Election Commission, et al. in which it held that a hard copy of the Statement of Economic Interest Form had to be filed simultaneously with the Statement of Intention of Candidacy. The Supreme Court instructed the State Democratic and Republican Parties and the County Democratic and Republican Parties to certify that the non-incumbent candidates that had previously filed had complied with this decision.

7 After receiving the Anderson decision the Dorchester County Republican Party certified that Sean Bennett had complied with the Supreme Court ruling by simultaneously filing a hard copy of the Statement of Economic Interest Form with his

Statement of Intention of Candidacy. No challenge to the certification was made between May 2, 2012 and June 12, 2012 (the date of the Republican Primary) by either Senator Mike Rose, any individual citizen of Senate District 38, any member of the Dorchester County Democratic Party or the Dorchester County Democratic Party itself.

8 The primary election for South Carolina Senate District 38 was held on June 12, 2012, and Sean Bennett received 4,119 votes which represented 60.9% of the votes cast in the Senate primary. Mr. Bennett was certified as the winner of the Senate District 38 primary by the Dorchester County Election Commission.

9 Subsequent to Sean Bennett's victory, neither Senator Mike Rose, any individual citizen of Senate District 38, any member of the Dorchester County Democratic Party, nor the Dorchester County Democratic Party itself, filed a protest concerning the primary election. Mr. Bennett is informed and believes that the deadline for such a protest expired prior to the filing of the present litigation.

10 After Mr. Bennett had won with over 60% of the vote in the primary election, the Dorchester County Democratic Party filed litigation on June 29, 2012, in an effort to decertify him from the ballot. The Dorchester County Democratic Party obtained an *ex parte* Temporary Restraining Order from Circuit Court Judge DeAndrea Benjamin dated June 28, 2012, which purports to decertify any non-incumbent candidates for the November 6, 2012 General Election. Mr. Bennett is a non-incumbent candidate for the November 6, 2012 General Election.

11 The Dorchester County Democratic Party did not name Sean Bennett as a Defendant despite the fact that it seeks to decertify him as a candidate for South Carolina Senate District 38. Mr. Bennett contends pursuant to Rule 24 of the SCRPC and South Carolina Code §15-53-80 that he is an indispensable party to this litigation. The Plaintiff is seeking declaratory relief in its pleadings, and §15-53-80 clearly states that all parties that

have or claim an interest which would be affected by the declaration shall be made parties to the proceeding Rule 24 allows for intervention of right when a statute confers an unconditional right or when the applicant claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest unless the applicant's interest is adequately represented by existing parties

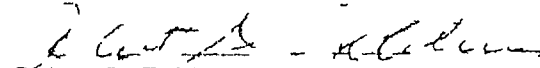
12 Mr Bennett respectfully requests that this Court allow him to intervene pursuant to the aforementioned Rule and Statute as it is necessary for him to be a part of this litigation in order to adequately protect his interest as he cannot rely on the parties presently named in this litigation to adequately represent his interests

WHEREFORE Sean Michael Bennett respectfully prays to this Honorable Court that he be allowed to intervene in the above litigation in order to adequately protect his interest as the Republican nominee for South Carolina Senate District 38 in the November 6 2012 general election

Summerville, South Carolina

____ 7-6 _____ 2012

Respectfully submitted


Robert D Robbins
Robert D Robbins Attorney at Law LLC
110 N Main Street
Summerville SC 29483
Phone (843) 285-7100
Facsimile (843) 285 7199
ATTORNEY FOR SEAN MICHAEL BENNETT

ATTORNEY VERIFICATION

Pursuant to Rule 11 of the SCRCP I affirm that prior to the filing of this Motion I attempted to contact the attorney for the Plaintiff in a good faith effort to resolve the matter contained in the Motion


Robert D Robbins

Encl 74

Statement of Intention of Candidacy - Partisan

CERTIFIED COPY

This form must be completed by a candidate seeking partisan office

7/12/12 - 9 PM 1:50

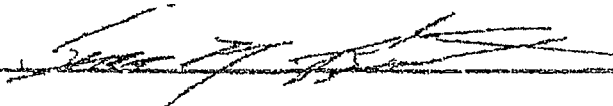
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

Name	Sean Bennett		Party	Republican	
Office	Senate		District	33	
Primary or Convention	Primary	Election Date	5/12/12		
Address	1422 Remondia Park	City	Summerville	Zip	29485
Email Address	sbennett74@gmail.com				
Telephone	Cell 8442-3009	Home	841-3352	Work	821-3009
Voter Registration Number	5207270				
Guidelines for a Candidate's Name to appear on the ballot • A given name or a derivative may be used - The name will not contain quotations, parentheses, or other distinguishing marks - Nicknames are allowed if they are used in good faith for honest purposes and do not • Imply professional or social status • Include an office or military rank • Exceed 15 letters					
Name as you wish it to appear on ballot (please print)		Sean Bennett			
Audio Ballot - Phonetically spell your name, if necessary		Example: Jackson Gervais jur VAY Sean BEN ET			

Candidate's Oath

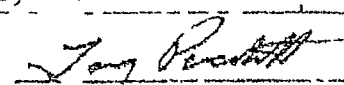
I affirm that I meet, or will meet at the time of the general or special election the qualifications for this office

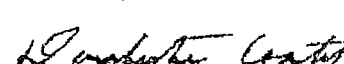
Candidate's Signature



Completed by County Party

Date Received 3/20/12 Time Received 1147

Received By 

County Political Party 

Completed by State Party

Date Received _____ Time Received _____

Received By _____

State Political Party _____

SOUTH CAROLINA

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting**

Electronic Filing

Statement of Economic Interests Filing confirmation

Your report has been filed successfully on 9/19/2012 2:08:11 PM Your confirmation number is
88121867-RCJ162-278da488

Your confirmation has been sent to the email address on record. Please print this page for your records. Click 'Continue' to return
to your Statement of Economic Interests Filing, or logout if you are finished.

[Continue](#)

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Statement of Economic Interests Review****Filing Report Review**

Name Sean Bennett
 Year 2011
 Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1427 Peninsula Pointe Summerville, SC 29485	843 442,3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2017

Income and Benefits

* * No Income and Benefits Reported * * *

Family Income and Benefits

* No Family Income and Benefits Reported * * *

Regulated Business Associations

* * * No Regulated Business Associations Reported * * *

Real or Personal Property Interests

* No Property Interest Entries Reported * *

Real or Personal Property Interests II

*** No Sold, Leased, or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyists Principals

*** No Lobbyist/Lobbyists Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

* No Gifts Reported *

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

[Print](#) [Go Back](#)

Dorchester County Republican Party Candidate Support Declaration Statement

Name

Sam B. B. B.

Seeking Office for

SC Senate

Seat/District #

38

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- ✓ 1 I am a resident of the district for which I am running for office and a registered voter
- ✓ 2 I am a citizen of the United States and a resident of South Carolina
- ✓ 3 I will be at least 18 years of age as of the next general election
- ✓ 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
- ✓ 5 I have not been convicted of a felony or offense against the election laws
- ✓ 6 I will accurately state my qualifications and background in connection with my candidacy
- ✓ 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature

[Signature]

Date

7/15/12

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1. Continued efficiency in Government Restructuring	✓			
2. Policies which restore public confidence in the Judiciary	✓			
3. Constitutional adherence to States' Rights	✓			
4. A Tax Policy which promotes prosperity	✓			
To Establish Justice				
1. An end to racial and gender Discrimination & Affirmative Action	✓			
2. Strict adherence to Ethics in Government	✓			
3. Governmental protection of Constitutional Property Rights	✓			
4. Freedom in the job market through the Right to Work	✓			
5. Ensure the Integrity of the Election Process	✓			
7. A swift sure and true Criminal Justice system	✓			
To Provide for the Common Defense				
1. A commitment to Peace through Strength in foreign policy	✓			
2. A constitutional view of the Right to Bear Arms	✓			
3. United States Sovereignty	✓			
To Promote the General Welfare				
1. A balanced Budget, Deficit reduction and Transparency	✓			
2. Incentives to make the Economy grow	✓			
3. Increased Educational opportunities and academic excellence	✓			
4. An effective and sensible policy on The Environment	✓			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare	☒			
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	☒			
7 An agenda to empower Senior Citizens	☒			
8 Welfare Reform				
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	☒			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature [Signature]
 Date 3/23/12
 Witness [Signature]
 Title [Signature] Date 3/26/2012

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)
only for this seat

Do you have experience or service in government (elected or appointed)?
Dorchester County appointee BODDC & Charleston Regional Sewer Action

Have you worked on a political campaign in any capacity?
Multiple as volunteer

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Member of Republican Party & County Party

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting**

Electronic Filing

Candidate Campaign Disclosure Review

Bennett, Sear
State Senate

Primary

2012, January 10th 2012

Original Filed

This Period

Candidate
 Position Sought
 Election Type
 Election Date
 Filing Type

Demographic Information

1422 Peninsula Pointe
 Summerville, SC 29485
 843 447 3009
 County: Dorchester

Report Type

2012, January 10th

Contributions	This Period	Election Cycle
A. Candidates' Personal Funds	\$0.00	\$0.00
B1. Individual Contributions or other (+)	\$6,200.00	\$7,250.00
B2. Loans (+)	\$0.00	\$0.00
In Kind Contributions (+)	\$0.00	\$408.10
D. Total Contributions (=)	\$6,200.00	\$7,658.10

Expenditures	This Period	Election Cycle
A. In Kind Expenditures	\$0.00	\$408.10
B. Expenditures (+)	\$242.00	\$242.00
C. Total Expenditures (=)	\$242.00	\$650.10

Balance of Contributions

A. Contributions on Hand (Beginning this Period)	\$1,050.00
B. Total Contributions (This Period) (+)	\$6,200.00
C. Total Expenditures (This Period) (-)	\$242.00
D. Contributions On Hand (Period End) (-)	\$7,008.00

Loans

Loan Balance	\$0.00

Contributions

Date	Contributor	Address	Occupation	Amount

11/29/2011	Donald F Nye	704 Simmons Ave Summerville, SC 29183	Bank	\$500.00
11/09/2011	Collin J. Horton	116 Shumway Lane Summerville, SC 29185	Plumbing	\$300.00
11/09/2011	Northstar Pro	9209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Print & Company Inc	9209 University Blvd N Charleston, SC 29406		\$150.00
11/09/2011	PK Properties of Summerville	3209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Waventae A Associates	3209 University Blvd N Charleston, SC 29406		\$200.00
11/02/2011	Jeffrey M. Anderson	106 Barrington Court Summerville, SC 29183	N/A	\$100.00
11/02/2011	Ronnie M Givens	PO Box 1118 Summerville, SC 29183	CPA	\$1,000.00
11/02/2011	Sherrill H. Gussell	125 Will on Drive Summerville, SC 29183	Teacher	\$1,000.00
11/02/2011	Delura & Maucher	PO Box 9 Summerville, SC 29183		\$200.00
11/02/2011	PK Properties of Summerville	3209 University Blvd N Charleston, SC 29406		\$200.00
10/28/2011	Harry Palmer	728 Shamrock Lane Charleston, SC 29412	N/A	\$50.00
10/27/2011	Winn Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/27/2011	Jessica Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/24/2011	William A Russell III	807 Farm Springs Road Summerville, SC 29183	CPA	\$100.00
Total				\$6,200.00

Expenditures

Date	Vendor	Address	Description	Amount
12/13/2011	US Postal Service	301 N Gun St Summerville, SC 29183	Business mail permit	\$190.00

11/29/2011	Donald F Nye	701 Simmons Ave Summerville, SC 29487	Manager	\$500.00
11/09/2011	Colin L. Morton	110 Dundas Lane Summerville, SC 29155	Manager	\$300.00
11/09/2011	Northstar Pro	9209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Proff & Company/ Inc	9209 University Blvd N Charleston, SC 29406		\$150.00
11/09/2011	PR Properties of Saville	9209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Seventeen A Associates	9209 University Blvd N Charleston, SC 29406		\$200.00
11/02/2011	Jeffrey M Arman	106 Barrington Court Summerville, SC 29483	N/A	\$100.00
11/02/2011	Ronnie M Givens	PO Box 1118 Summerville, SC 29183	CPA	\$1,000.00
11/02/2011	Shenell H Cuzzell	125 Wilson Drive Summerville, SC 29483	Firefighter	\$1,000.00
11/02/2011	Deluca & Maucher	PO Box 9 Goose Creek, SC 29445		\$200.00
11/02/2011	PR Properties of Summerville	9209 University Blvd N Charleston, SC 29406		\$200.00
10/28/2011	Harry Palmer	729 Shamrock Lane Charleston, SC 29412	N/A	\$50.00
10/27/2011	Erin Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/27/2011	Jessica Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/24/2011	William A Russell II	607 Farm Springs Road Summerville, SC 29483	CPA	\$100.00
Total				\$6,200.00

Expenditures

Date	Vendor	Address	Description	Amount
12/13/2011	US Postal Service	301 N Guin St Summerville, SC 29483	Bulk mail permit	\$100.00

12/09/2011	US Postal Service	301 N Gunn St Summerville, SC 29483	to Loc	\$52 00
Total				\$242 00

*** No Loan Reported ***

*** No Loan Repayments Reported ***

*** No Disposition of Assets Reported ***

Print

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12/09/2011	US Postal Service	301 N Gum St Summerville, SC 29403	70 Loc	\$52 00
			Total	\$262 00

*** No Loans Reported ***

*** No Loan Repayments Reported ***

*** No Disposition of Assets Reported ***

Print [Go Back](#)

Exh, b + B

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

CERTIFIED COPY

2012 JUN 9 PM 1 56

Names it will appear on the ballot Sean Bennett

Candidate for office of State Senator

CLERK OF COURT
DORCHESTER COUNTY

Paid DCRP Membership ✓ Y N

Filing Fee Amount \$ 466.00 Paid Date / / 2012

Make checks payable to DCRP

- ✓ Statement of Intention of Candidacy (SIC) and Pledge
- ✓ Statement of Economic Interests (SEI) - proof of online filing
- ✓ Candidate Support Committee Declaration statement
- ✓ Affidavit - (Requirements for Coroner and Sheriff)
- ✓ Campaign Disclosure - Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature Sean Bennett Date 5/10 / 2012

Received by Shirley Bennett Date 5/10 / 2012

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DOCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	
Dorchester County Democratic Party,	)	CIVIL ACTION NUMBER 2012 CP-18-1632
	)	
Plaintiff,	)	
	)	
vs	)	MICHAEL T ROSE'S MOTION TO
	)	INTERVENE AS A PLAINTIFF
Dorchester County Republican Party	)	
(Carroll Duncan, as Chairman), South	)	
Carolina Republican Party (Matt Moore as	)	
Executive Director & Chad Connolly as	)	
Chairman), Dorchester County Board of	)	
Elections (Joshua Dickard as Executive	)	
Director), South Carolina State Election	)	
Commission (Marc Andino, as Executive	)	
Director & Chris Whitmire as Director of	)	
Public Information and Training),	)	
	)	
Defendants	)	

CERTIFIED COPY
 2012 JUL 13 PM 12:08
 Clerk of Court
 DOCHESTER COUNTY

YOU WILL PLEASE TAKE NOTICE THAT Michael T Rose, acting pro se and by and through his undersigned counsel, moves for leave to intervene as a plaintiff in the above-captioned action, pursuant to Rule 24(a)(2), or in the alternative Rule 24(b)(2), of the South Carolina Rules of Civil Procedure, and to file the attached complaint, writ of mandamus, and motion for injunctive relief. This motion is based on the following grounds:

1 Michael T Rose has an interest in the subject of this transaction, which is not adequately represented by Plaintiff Dorchester Democratic Party.

2 Plaintiff in this case brought the action to seek enforcement of S.C. Code § 8-13-1356 in accordance with Anderson v. South Carolina Election Commission, Op. No. 27120 (S.C. Sup. Ct. filed May 2, 2012), and Florence County Democratic Party v. Florence County Republican Party, Op. No. 27128 (S.C. Sup. Ct. filed June 5, 2012) (Pl. Compl. ¶ 15). The

gravamen of Plaintiff's Complaint is that the non-incumbent Dorchester County Republican Candidates (1) did not comply with the provisions under § 8-13-1356, (2) were unlawfully certified by the DCRP, SCRP, DEC, and SEC for the primary nomination, (3) were held ineligible to appear on a ballot by the Supreme Court, (4) were to be removed from the certified list subsequently submitted by the SCRP to the SEC, (5) but remained on the Dorchester County ballot for the June 12, 2012 Primary Election, and (6) must not be certified as candidates for the general election and must be removed from the ballot (Id. at ¶ 16)

3 Michael T Rose was an incumbent candidate on the Dorchester County ballot for the June 12, 2012 Republican Primary Election. Michael T Rose complied with § 8-13-1356 and was lawfully included on the aforementioned ballot. Michael T Rose's opponent in the election did not comply with § 8-13-1356 and was not lawfully on the ballot. See (Ex. A, Pleading)

4 Accordingly, Michael T Rose claims an interest relating to the transaction that is the subject of this action.

5 Michael T Rose is so situated that the disposition of this action may as a practical matter impair or impede his ability to protect his interest relating to the transaction that is the subject of this action.

6 This motion is timely as it was filed only two weeks after the initial Complaint, and the litigation has not progressed to an advanced stage.

7 The original parties to this litigation would suffer no prejudice from the granting of the intervention. Moreover, Michael T Rose's intervention in the instant action would serve the purposes of judicial economy as it would avoid subsequent related litigation because the present case is ongoing and the Court has already expended resources in the handling of this matter.

Based on the foregoing reasons, Michael T Rose respectfully requests this Court grant his motion to intervene as a plaintiff in the above-captioned case

Respectfully submitted,

By


MICHAEL T ROSE
409 Central Avenue
Summerville, South Carolina 29483
(843) 871-1821
(843) 478-7595 (cell)
Mrose5@sc.rr.com
PRO SE

By


JOEL W COLLINS, JR
Collins & Lacy, P C
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)

ATTORNEYS FOR MICHAEL T ROSE

Columbia, South Carolina
July 12, 2012

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DOCHESTER	)	FIRST JUDICIAL CIRCUIT
Dorchester County Democratic Party, and	)	CIVIL ACTION NUMBER 2012-CP-18 1632
Michael T Rose,	)	
	)	
Plaintiffs,	)	
	)	
vs	)	PLAINTIFF MICHAEL T ROSE'S
	)	COMPLAINT FOR DECLARATORY
	)	JUDGMENT, WRIT OF MANDAMUS,
	)	AND MOTION FOR INJUNCTIVE
	)	RELIEF
Dorchester County Republican Party	)	
(Carroll Duncan, as Chairman), South	)	
Carolina Republican Party (Matt Moore as	)	
Executive Director & Chad Connolly as	)	
Chairman), Dorchester County Board of	)	
Elections (Joshua Dickard as Executive	)	
Director), South Carolina State Election	)	
Commission (Marcu Andino, as Executive	)	
Director & Chris Whitmire as Director of	)	
Public Information and Training),	)	
	)	
Defendants	)	

CERTIFIED COPY
 2012 JUL 13 PM 12 08
Carol Duncan
 CLERK OF COURT
 DOCHES-TER COUNTY

10 THE DEFENDANTS ABOVE-NAMED

COMES NOW Plaintiff Michael T Rose (hereinafter "Plaintiff"), acting pro se and by and through his undersigned counsel, seeking a Declaratory Judgment under Rule 57 and Injunctive Relief under Rule 65 of the South Carolina Rules of Civil Procedure in connection with a dispute as to whether the Defendants must comply with the South Carolina Supreme Court's Order in Anderson v South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012) (interpreting S C Code Ann § 8-13-1356 and holding that given its plain language, § 8-13-1356 should be applied as written)

STATEMENT OF THE CASE

1 Plaintiff does not come before this Court requesting elucidation or clarification of Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012). The Defendants' violation of the laws of this State and their disregard of the South Carolina Supreme Court's Order in Anderson, with regard to the rights of Plaintiff and his own corresponding obligations, make it necessary to seek relief from this Court to avoid additional damage, wasted resources, and deceit and fraud upon the electoral process. Time is of the essence. The Court should not permit an ineligible candidate to be certified for the general election. The Court should take action to prevent fraudulent ballots from being printed. Plaintiff submits that all the non-incumbent Dorchester County Republican candidates are *void ab initio* inasmuch as the non-incumbent Dorchester County Republican candidates were never eligible candidates for the November 6, 2012 General Election. All non-incumbent Dorchester County Republican candidates must be removed from the ballot in order for the election process to proceed in a lawful manner.

SUPPORT FOR THE GRANT OF INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, AND WRIT OF MANDAMUS

Plaintiff respectfully submits the following:

2 Plaintiff, Michael T. Rose, is a citizen and resident of Dorchester County, South Carolina. Plaintiff was an incumbent candidate on the Dorchester County ballot for the June 12, 2012 Republican Primary Election. Michael T. Rose complied with § 8-13-1356 and was lawfully included on the aforementioned ballot.

3 The Dorchester County Democratic Party ("DCDP") is a county committee of the South Carolina Democratic Party, certified by the South Carolina Election Commission and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices

to be voted on in a general or special election and to nominate candidates of that party on a regular basis by party primary Richard Hayes is the Chairman of DCDP

4 South Carolina State Election Commission ("SCSEC") is a commission organized under the laws of South Carolina with a primary mission to ensure every eligible citizen has the opportunity to register to vote, to participate in fair and impartial elections, and to have the assurance that his or her vote will count The Director of the SSEC is Mary Andino Chris Whitmire is the Director of Public Information and Training for the SSEC

5 South Carolina Republican Party ("SCR") is a political party certified by the SCSEC and operating subject to S C Code Ann § 7 9-10, et seq The Chairman of the South Carolina Republican Party is Chad Connelly Matt Moore is the Executive Director of the South Carolina Republican Party

6 Dorchester County Republican Party ("DCRP") is a county committee of the South Carolina Republican Party, certified by the SCSEC and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in a general or special election and to nominate candidates of that party on a regular basis by party primary Carroll Duncan is the Chairman of the DCRP

7 Dorchester County Voter Registration and Election Commission ("DEC"), a seven member board appointed by the Governor, has been codified by the South Carolina Legislature¹ as a government entity which conducts elections and registers electors in Dorchester County Joshua Dickard is the Director of the DEC

8 This action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S C Code Ann §§ 15-53-10 to -140, for the declaration of rights, status, and other legal relations

¹ S C Code Ann § 7 27 295

9 Incorporated in this action is a Petition for a Writ of Mandamus² to compel officers charged with ministerial duties, which have refused to perform those duties, to immediately comply with the laws of South Carolina and carry out their respective duties

10 Plaintiff seeks a permanent injunction pursuant to Rule 65, SCRPC, and respectfully requests this Court exempt him from submitting a security as contemplated by Rule 65(c), SCRPC

11 A real and substantial controversy exists in this matter, and there is a definite assertion of legal rights and a positive legal duty with respect thereto

12 Plaintiff has a substantial interest in the subject matter of this complaint and will be directly affected by the non-enforcement of the statute and Order³ questioned. That is, Plaintiff is an individual whose civil and political rights are directly affected by the Order⁴ and statutes at issue here

13 A Declaratory Judgment by this Court would terminate the uncertainty and controversy as complained of below

14 A Writ of Mandamus is needed to command those Defendants with ministerial duties, to perform those duties of which Plaintiff (Petitioner) has a specific right therein, and for which Plaintiff (Petitioner) has no other legal remedy

15 If injunctive relief is granted against any or all of Defendants, Plaintiff believes he is entitled to an award of attorney's fees for the costs associated with this action, as this Court

² Writ of Mandamus is a form of relief Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 512 S.E.2d 106 (1999)

³ Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 104 (2012)

⁴ Id.

deems appropriate, based on Defendants' violation of the Order of the South Carolina Supreme Court ⁵

16 In consideration of the above, this Court has proper jurisdiction over this matter and venue is proper

FACTS AND ALLEGATIONS

17 Plaintiff has brought this action to seek enforcement of South Carolina law, S C Code Ann § 8-13-1356, and recent South Carolina Supreme Court decisions. The South Carolina Supreme Court held in Anderson v. South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012), that S C Code Ann § 8-13-1356 requires non-exempt candidates to file a paper copy State of Economic Interest ("SEI") at the same time and with the same official with whom the individuals filed a Statement of Intention of Candidacy ("SIC") as the only method by which a non exempt individual can comply with § 8-13-1356. The South Carolina Supreme Court held in Florence County Democratic Party v. Florence County Republican Party, Op No 27128 (S C June 5, 2012), that candidates who had filed an SIC with the political party did not constitute "public officials" who were exempt from filing a paper copy SEI at the same time and with the same official with whom the individuals filed an SIC unless the candidate already held the office and had an SEI on file with the appropriate supervisory office. See S C Code Ann § 8-13-1356(A). The remedy is removal of the ineligible candidate from the ballot.

18 The gravamen of the request for Injunctive Relief, Declaratory Judgment, and Mandamus is that the non-incumbent Dorchester County Republican Candidates (1) did not comply with the provisions under S C Code Ann § 8-13-1356, (2) were unlawfully certified by the DCRP, SCRP, DEC, and SEC for the primary nomination, (3) were held ineligible to appear on a ballot by the South Carolina Supreme Court, (4) were to be removed from the certified list

⁵ Id.

subsequently submitted by the SCRP to the SEC, (5) but remained on the Dorchester County ballot for the June 12, 2012 Primary Election, and (6) must not be certified as candidates for the general election and must be removed from the ballot. Plaintiff's position is supported by the facts and law stated below.

19 Under S.C. Code Ann. § 8-13-1356(B), non-exempt individuals must file an SEI at the same time and with the same official with whom the individual files an SIC.

20 Under S.C. Code Ann. § 8-13-1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations may not accept an SIC unless it is accompanied by an SEI.

21 It has been widely reported by sources within the Dorchester County Republican Party that none of the non-incumbent candidates provided their SEIs at the same time as they provided their SICs, all failing to comply with §§ 8-13-1356(B) and (E).

22 The DCRP instructed those filing for office to provide a receipt of electronic filing rather than a paper copy SEI, and the non-incumbent candidates and an officer of the DCRP followed those instructions. In some cases, an officer of the DCRP printed a copy of the SEI of non-incumbent candidates after those non-incumbents had filed their SICs instead of those non-incumbent candidates submitting a paper copy of their SEIs to the officer at the same time the non-incumbent candidates filed their SICs.

23 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment that any individual who did not comply with the plain language of the requirements set forth under §§ 8-13-1356(B) and (E) was "improperly placed on the party primary ballots and must be removed" and directed the "appropriate official of the political parties to file with the

State Election Commission by noon on May 4, 2012, a list of only those non-exempt candidates who simultaneously filed an SEI and an SIC as required by § 8-13-1356(B) ”

24 On May 4, 2012, per the Supreme Court’s Order, the SCRP submitted to the SCSEC and DCEC a list of individuals who were qualified to be certified by the SCRP

25 In spite of the Supreme Court’s Order, Defendants did unlawfully certify the candidacies of all the Republican non-incumbent candidates for the June 12, 2012 Republican Primary election

26 All of the non-incumbent Republic candidates in Dorchester County are unlawful and ineligible for the General Election

27 Section 8-13-1356(E) further provides that “[i]f the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election ”

28 Non-incumbent Dorchester County Republicans must not be certified for the General Election ballot

29 Defendants’ actions are in direct conflict with the South Carolina Supreme Court’s decision in Anderson and are in absolute violation of the main premise on which the conflict stemmed

30 Defendants were aware of the significant election issues before the South Carolina Supreme Court and further understood, and yet, willfully disregarded the clear language of the statute and the South Carolina Supreme Court’s Order in Anderson

31 South Carolina Code Ann § 7-11-10 provides “Nominations for candidates for offices to be voted on in a general or special election may be by political party primary, by political party conventions or by petition, *provided*, no person who was defeated as a candidate

for nomination to an office in a party primary or party convention shall have his name placed on the ballot for the ensuing general or special election, except that this proviso shall not prevent a defeated candidate from later becoming his party's nominee for that office in that election if the candidate first selected as the party's nominee dies, resigns, is disqualified, or otherwise ceases to become the party's nominee for such office before the election is held "

32 Plaintiff, an incumbent Dorchester County Republican Primary candidate, who complied with § 8-13-1356, should therefore have his name placed on the ballot for the ensuing general election

WHEREFORE, Plaintiff plays, in the interest of Justice that a Writ of Mandamus be issued against those several Defendants who have failed to carry out their duties under South Carolina law and pursuant to the South Carolina Supreme Court's Order in Anderson. Regardless of where the blame lays, the Plaintiff comes before this Court praying for declaratory and injunctive relief to enforce the South Carolina Supreme Court's clear command under Anderson. Plaintiff specifically requests that this Court order the SCSEC and all other Defendants to

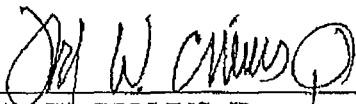
- (1) Comply with the holdings in Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012), and Florence County Democratic Party v. Florence County Republican Party, Op. No. 27128 (S.C. June 5, 2012),
- (2) Not certify the names of all non-incumbent Dorchester County Republicans to the General Election,⁶
- (3) Grant a Writ of Mandamus requiring all Defendants tasked with the necessary ministerial duties to comply with the terms of the declaratory judgment and injunctive relief,

⁶ Anderson is clear – the names must be removed

- (4) Comply with S C Code Ann § 7-11-10, and place Plaintiff's name on the ballot as the Republican candidate for the ensuing general election,
- (5) Award court costs and attorney's fees to Plaintiff pursuant to Rule 65, SCRPC, and
- (6) Due to the egregious nature of Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever relief the Court deems appropriate and as may be requested by Plaintiff

Respectfully submitted,

By


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PRO SE

Columbia, South Carolina
July 12, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012 CP-18 1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

FIRST AMENDED SUMMONS

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY,)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive*)
Director & Chad Connolly, as Chairman),)
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as*)
Executive Director), COLLETON)
COUNTY ELECTION COMMISSION,)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION,)
SOUTH CAROLINA STATE ELECTION)
COMMISSION (*Marci Andino, as*)
Executive Director & Chris Whitmire as)
Director of Public Information and)
Training), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA,)

Defendants)

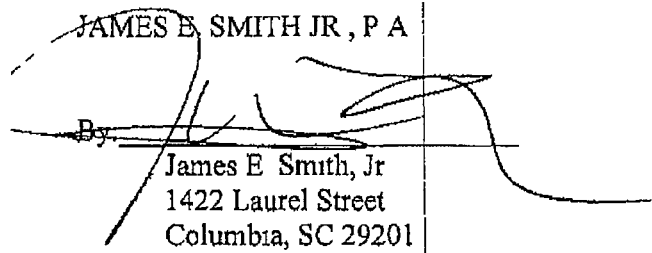
TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the First Amended
Verified Complaint in this action, a copy of which is hereby served upon you, and to
serve a copy of your Answer to said First Amended Verified Complaint upon the
subscribers at their offices, 1422 Laurel Street, Columbia, South Carolina 29201, within

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thirty (30) days after service hereof or at an earlier date as may be set by the Court, exclusive of the day of service, and if you fail to answer the First Amended Verified Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said First Amended Verified Complaint

JAMES E. SMITH JR, P A

By 

James E Smith, Jr
1422 Laurel Street
Columbia, SC 29201
803 933 9800

Attorneys for Plaintiff

Columbia, South Carolina
July 20, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012-CP-18-1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

FIRST AMENDED VERIFIED
COMPLAINT FOR DECLARATORY
JUDGMENT, WRIT OF MANDAMUS,
AND INJUNCTIVE RELIEF

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY,)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive*)
Director & Chad Connolly, as Chairman),)
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as*)
Executive Director), COLLETON)
COUNTY ELECTION COMMISSION,)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION,)
SOUTH CAROLINA STATE ELECTION)
COMMISSION (*Marci Andino, as*)
Executive Director & Chris Whitmire as)
Director of Public Information and)
Training), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA)

Defendants)

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CLERK OF COURT
DORCHESTER COUNTY

Plaintiff, Dorchester County Democratic Party (DCDP), complaining of the
above named Defendants alleges as follows

PRELIMINARY STATEMENT

1 Plaintiff, by and through its undersigned counsel, seeks a Declaratory Judgment under Rule 57, Writ of Mandamus and Injunctive Relief under Rule 65 of the S C Rules of Procedure in connection with a dispute as to whether the Defendants must comply with the S C Supreme Court's Order in *Anderson v S C Election Comm'n*, Op No 27120 (S C Sup Ct filed May 2, 2012) (*interpreting* S C Code Section 8-13-1356 and *holding* that given its plain language, Section 8-13-1356 should be applied as written)

PARTIES, JURISDICTION AND VENUE

2 Plaintiff is a county committee of the South Carolina Democratic Party - certified by the South Carolina Election Commission and the Dorchester County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

3 Defendant, Dorchester County Republican Party (DCRP) is a county committee of the South Carolina Republican Party—certified by the South Carolina Election Commission and the Dorchester County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party on a regular basis by party primary Carroll Duncan is named in her capacity as Chairman of DCRP

4 Defendant, Colleton County Republican Party (CCRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Colleton County Election Commission to nominate

candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

5 Defendant, Berkeley County Republican Party (BCRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Berkeley County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

6 Defendant, Charleston County Republican Party (CRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Charleston County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

7 Defendant, South Carolina Republican Party (SCR), is a political party certified by the South Carolina Election Commission and operating subject to South Carolina Code of Laws §7-9-10, et seq. Chad Connolly is sued in his capacity as Chairman of the SCR. Defendants DCRP, CCRP, BCRP, CRP and SCR are collectively referred to herein as 'Party Defendants'.

8 Defendant, Dorchester County Election Commission (DEC), has been codified by the South Carolina Legislature¹ as a government entity which conducts elections and registers electors in Dorchester County. Joshua Dickard is named in his capacity as the DEC Director.

¹ S.C. Code §7-27-375 7 member board appointed by Governor

9 Defendant, Colleton County Election Commission (CEC) has been codified by the South Carolina Legislature² as a government entity which conducts elections and registers electors in Colleton County CEC is a necessary party to this action to ensure complete relief

10 Defendant, Berkeley County Election Commission (BEC), has been codified by the South Carolina Legislature³ as a government entity which conducts elections and registers electors in Berkeley County BEC is a necessary party to this action to ensure complete relief

11 Defendant, Charleston County Election Commission (CCEC), has been codified by the South Carolina Legislature⁴ as a government entity which conducts elections and registers electors in Charleston County CCEC is a necessary party to this action to ensure complete relief

12 Defendant, South Carolina State Election Commission (SEC), is a commission organized under the laws of South Carolina with a primary mission to ensure every eligible citizen has the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their votes will count SEC is a necessary party to the action to ensure complete relief

13 Defendant Mike Rose is a citizen and resident of Dorchester County, State of South Carolina and currently the Senator from District 38 of the South Carolina Senate

² S C Code §7-27-375 7 member board appointed by Governor

³ S C Code §7-27-375 7 member board appointed by Governor

⁴ S C Code §7-27-375 7 member board appointed by Governor

14 Defendant Sean Bennett is a citizen and resident of Dorchester County running for election to District 38 of the South Carolina Senate

15 All Dorchester County non-incumbent Republican candidates to include Defendant Sean Bennett and candidate for SC House District 97, Ed Catter, are hereinafter referred to as 'Candidates "

16 Defendant Tony Piscatella is a citizen and resident of Dorchester County, and serves as the DCRP Treasurer and candidate filing officer

17 This action is brought pursuant to the S C Uniform Declaratory Judgments Act under S C Code Section 15-53 10 through 15-53-140 for the declaration of rights, status, and other legal relations

18 Incorporated in this action is a Petition for a Writ of Mandamus⁵ to compel officers charged with ministerial duties, which have refused to perform those duties, to immediately comply with the laws of South Carolina and carry out their respective duties

19 Plaintiff seeks a preliminary and permanent injunction pursuant to Rule 65 of the South Carolina and respectfully requests this Court to exempt Plaintiff from submitting a security as contemplated in Rule 65 (c)

20 Plaintiff has substantial interest in the subject matter of this complaint and will be directly affected by the non-enforcement of the statute and Order⁶ questioned

21 A Declaratory Judgment by this Court would terminate the uncertainty and controversy as complained of below

⁵ Writ of Mandamus is a form of relief *Plum Creek Development Co Inc v City of Conway*, 334 S C 30 (1999)

⁶ *Anderson v S C Election Comm'n Op No 27120* (S C Sup Ct filed May 2, 2012)

22 A Writ of Mandamus is needed to command those Defendants with ministerial duties, to perform those duties which Plaintiff (Petitioner) have a specific right therein, and which the Plaintiff (Petitioner) have no other legal remedy

23 If injunctive relief is granted against any or all of the Defendants, Plaintiff believes it is entitled to an award of attorney's fees for the cost associated with bringing this action as this Court deems appropriate, based on Defendants who have violated the Order⁷ of the South Carolina Supreme Court

24 Jurisdiction and venue are proper before this Court

GENERAL ALLEGATIONS

25 Plaintiff seeks to enforce the rule of law and protect the integrity of the election process The General Election is scheduled for November 6, 2012 and certification of candidates for the General Election is to be completed by August 15, 2012 Time is of the essence The Court should not permit an ineligible candidate to be certified for the General Election The Court should immediately take action to prevent fraudulent ballots from being printed Plaintiff submits that the Candidates' candidacies are *void ab initio* inasmuch as they has never been eligible candidates for the November 6, 2012 General Election All Candidates must be removed from the ballot in order for the election process to proceed in a lawful manner

26 The gravamen of the Declaratory Judgment, Writ of Mandamus and Injunctive Relief causes of action is that the Candidates failed to (1) comply with the provisions of Section 8-13-1356, (2) were unlawfully certified by the Party Defendants,

⁷ Id

(3) were held ineligible to appear on a ballot by the Supreme Court, and (4) must not be certified as candidates for the general election and must be removed from the ballot

27 Plaintiff has brought this action to seek enforcement of South Carolina law S C Code Sec 8 13-1356 and recent SC Supreme Court decisions The South Carolina Supreme Court held in *Anderson v S C Election Comm n* Op No 27120 (S C Sup, Ct filed May 2, 2012) that S C Code Section 8-13-1356 requires non exempt candidates to file a paper copy SEI simultaneously with a SIC as the only method by which a non-exempt individual can comply with Sec 8-13-1356 *Id* The remedy is removal of the ineligible candidate from the ballot

28 Under Code Section 8 13-1356(B), non exempt individuals must file a Statement of Economic Interest *at the same time* and with the same official with whom the individual files a Statement of Intention of Candidacy (Emphasis Added)

29 Under Code Section 8-13-1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations *may not* accept a Statement of Intention of Candidacy unless it is accompanied by a Statement of Economic Interest (Emphasis Added)

30 Upon information and belief the Candidates failed to provide their SEI at the same time as their SIC, all failing to comply with Sections 8 13-1356 (B) and 8-13-1356(E)

31 Indeed, the DCRP followed instructions provided by the SCRP that incorrectly directed the DCRP to advise non-incumbent candidates filing for office not to provide a paper copy of the SEI

32 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment holding that any individual who did not comply with the plain language requirements as set forth under 8-13-1356 (B) and (E) was "improperly placed on the party primary ballots and must be removed" and directed the 'appropriate official of the political parties to file with the State Election Commission by noon on May 4, 2012, a list of only those non-exempt candidates who simultaneously filed and SEI and an SIC as required by Section 8-13-1356(B) " *Anderson* at 27

33 On May 4, 2012, per the Supreme Court's Order dated May 2, 2012, the SCRP submitted to the SEC a list of individuals who were qualified to be certified by the SCRP

34 In spite of the Supreme Court's Order⁸, the Party Defendants did unlawfully certify the candidacies of the Candidates for the June 12, 2012 Republican Primary election

35 The Candidates are unlawful and ineligible for the General Election Ballot

36 Section 8-13-1356(E) further provides that, "[i]f the candidate's name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election "

37 The Candidates must not be certified by the Party Defendants for the General Election ballot

⁸ *Anderson v S C Election Comm'n Op No 27120* (S C Sup Ct filed May 2, 2012)

38 The Candidates and Party Defendants actions are in direct conflict with the Court's decision in *Anderson* and are in absolute denial of the main premise on which the conflict stemmed

39 The Candidates and Party Defendants were aware of the significant election issues before our Highest Court And further that they understood and yet willfully disregarded the clear language of the statute and the Supreme Court's Order in *Anderson*

**FOR A FIRST CAUSE OF ACTION AGAINST
THE CANDIDATE AND PARTY DEFENDANTS**
(DECLARATORY JUDGMENT)

40 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

41 The candidacies of each Candidate is *void ab initio* in as much as their failure to comply with SC Code Section 8 13-1356 renders their candidacy ineligible and their name may not be placed on the ballot

42 Pursuant to the S C Uniform Declaratory Judgments Act, Plaintiff is informed and believes it is entitled to an order of this court declaring the Candidates ineligible for the November 6, 2012 General Election ballot and further declaring their candidacies declared *void ab initio*

FOR A SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS
(WRIT OF MANDAMUS)

43 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

44 Having their candidacies been declared *void ab initio* and their names ineligible for the November 6, 2012 General Election ballot, Plaintiff is informed and believes it is entitled to an order directing those Defendants responsible for the ministerial acts of certifying candidates to the ballot and placing the names on the ballots and counting the ballots, not to certify the Candidates and not to count any votes cast for the Candidates

FOR A THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS
(INJUNCTIVE RELIEF)

45 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

46 The integrity of our electoral process is fundamental to our Democracy and conduct which would allow illegal and ineligible candidates on the ballot would cause irreparable harm to the Plaintiff and the electoral process

47 To the extent the Court should determine that injunctive relief is necessary to effectuate the order of this Court enjoining Defendants from certifying Candidates to the ballot and placing their names on the ballots and counting the ballots, Plaintiff is informed and believes it is entitled to such an order

FOR A FOURTH CAUSE OF ACTION AGAINST TONY PISCATELLA
(SPOILIATION)

48 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

49 Upon information and belief Defendant Piscatella has in his possession, custody or control the Dorchester County Republican Party candidate filing documents

which Plaintiff considers to be critical evidence in this matter that has been removed from its proper location

50 Further that Defendant Piscatella has failed to comply with SC Code Section 8-13-1356(C) and has further impeded others from complying with the same section

51 Upon information and belief Defendant Piscatella has been removed by the Dorchester County Republican Party Chair as the records custodian for the DCRP and he is currently concealing the filing documents and denying access by the public and others without the authority to do so

52 Upon information and belief, Defendant Piscatella allowed for the spoliation of some of critical evidence in this matter

53 Plaintiff is informed and believes, Defendant Piscatella should be order by this Court (1) to turn over all original filings and filing related documents to the Court to preserve this evidence and control the chain of custody, and (2) provide a complete and identical copy of the same documents to each party on this lawsuit

WHEREFORE, the Plaintiff prays that this Court expedite and set this matter to be heard as soon as this Court deems appropriate under the circumstances Plaintiff prays, in the interest of Justice, that this Court (1) immediately order Defendant Piscatella to turn over to the Court all candidate filing and related records and further inquire as to whether or not the records are complete, (2) declare the Candidates ineligible for the November 6, 2012 General Election ballot, (3) issue a Writ of Mandamus against those several Defendants to require compliance in their various ministerial duties consistent

with S C Code and *Anderson*, (4) grant injunctive relief to enforce the Supreme Court's clear command under *Anderson*. Further, the Plaintiff specifically requests that this Court ORDER all Defendants to

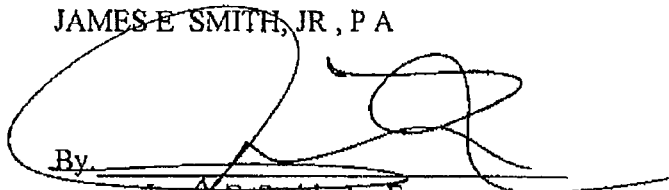
- (1) Comply with the holdings in *Anderson and Florence County Democratic Party v Florence County Republican Party*, Op No 27128 (S C Sup Ct filed June 5, 2012),
- (2) Not certify the names of all Candidates to the General Election. *Anderson* is clear the names "must be removed"⁹,
- (3) Grant a Writ of Mandamus to all Defendants tasked with the necessary ministerial duties to comply with the terms on the declaratory judgment and injunctive relief
- (4) Award court costs and attorney's fees to Plaintiffs pursuant to Rule 65 of S C Rules of Civil Procedure

⁹ Id at 27

(5) Due to the egregious nature of the Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever the Court deems appropriate and as may be requested by the Plaintiff

RESPECTFULLY SUBMITTED

JAMES E SMITH, JR , P A

By. 

James E Smith, Jr , Esquire

1422 Laurel Street

Columbia, S C 29201

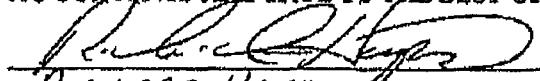
(803) 933 9800

Attorneys for Plaintiff

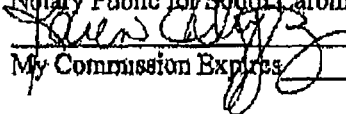
Columbia, South Carolina
July 20, 2012

VERIFICATION

I HAVE READ THE ABOVE COMPLAINT IN ITS ENTIRETY AND VERIFY THAT
ITS CONTENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE


RICHARD HAYES

Sworn before me on July 20 2012
Notary Public for South Carolina


My Commission Expires 10/30/2016

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CLERK, U.S. DISTRICT COURT
DORCHESTER COUNTY, MASSACHUSETTS

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012-CP-18 1632
DEMOCRATIC PARTY)

Plaintiff,)

vs)

**ANSWER OF DEFENDANT SEAN
BENNETT TO THE PLAINTIFF'S
FIRST AMENDED VERIFIED
COMPLAINT**

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY REPUBLICAN)
PARTY, CHARLESTON COUNTY REPUBLICAN)
PARTY SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive Director*)
& *Chad Connolly, as Chairman*), DORCHESTER)
COUNTY ELECTION COMMISSION (*Joshua*)
Dickard as Executive Director) BERKELEY)
COUNTY ELECTION COMMISSION)
CHARLESTON COUNTY ELECTION)
COMMISSION, SOUTH CAROLINA STATE)
ELECTION COMMISSION (*Marci Andino, as*)
Executive Director & Chris Whitmire as Director)
of Public Information and Training),)
SEAN BENNETT, MIKE ROSE, TONY)
PISCATELLA)

Defendants)

FILED - RECORD
2012 JUL 27 PM 1:36
CLERK
DORCHESTER

TO THE PLAINTIFF AND ITS ATTORNEY, JAMES E SMITH, JR , ESQUIRE

The Defendant Sean Michael Bennett (hereinafter referred to as Bennett) does hereby fully answer the allegations of the Plaintiff's Verified Complaint for declaratory judgment writ of mandamus, and injunctive relief and shows this Honorable Court as follows

FOR A FIRST DEFENSE

1 Each and every allegation of the Amended Complaint is denied unless hereinafter admitted qualified or explained

2 The allegations of paragraph 1 are a statement by the Plaintiff which do not require a response by Bennett and are therefore denied

3 Upon information and belief, Bennett admits the allegations of paragraphs 2, 3, 4,
5, 6, 7, 8, 9, 10, and 11

4 As to the allegations of paragraph 12, Bennett admits that the South Carolina
State Election Commission is a Commission organized under the laws of South Carolina and is
a necessary party to the action to ensure complete relief. Bennett would defer to the South
Carolina State Election Commission to state its primary mission. Any allegations inconsistent
with the primary mission of the South Carolina State Election Commission are hereby denied.

5 As to the allegations of paragraph 13, Bennett admits that Defendant Mike Rose
is a citizen and resident of Dorchester County, State of South Carolina, and is serving out his
term as the Senator from District 38 of the South Carolina Senate. Bennett would further allege
that Defendant Rose was defeated by Bennett in the June Senate 38 Primary by a percentage
margin of 60.09%-39.91%.

6 As to the allegations of paragraph 14, Bennett would admit that he is a citizen
and resident of Dorchester County, ran for election to District 38 of the South Carolina Senate,
and won the June Primary by a 60.09%-39.91% margin, making him the Republican nominee
for the District 38 South Carolina Senate Seat.

7 The allegations of paragraph 15 do not require a response.

8 As to the allegations of paragraph 16, upon information and belief, Defendant
Tony Piscatella is a citizen and resident of Dorchester County, serves as the DCRP Treasurer
and was the candidate filing officer for the 2012 Republican Primary in Dorchester County.

9 The allegations of paragraphs 17 and 18 are statements of law, which do not
require a response and are therefore denied. Furthermore, Bennett specifically denies these
paragraphs to the extent they allege any wrongdoing in relation to Bennett's candidacy or that
the laws of South Carolina have not been satisfied in relation to his candidacy.

10 As to the allegations of paragraph 19 Bennett is informed and believes that the issue of injunctive relief was resolved at the status conference on July 23 2012 and is now moot

11 Bennett denies the allegations of paragraph 20 and would further allege that Plaintiff has not fielded a candidate for the office of Senate Seat 38 and has no legal controversy with Bennett

12 Bennett denies the allegations of paragraphs 21 and 22 and demands strict proof thereof

13 As to the allegations of paragraph 23, Bennett is informed and believes that the issue of injunctive relief was resolved in the July 23 status conference and since the issue of injunctive relief is now moot, Plaintiff is not entitled to an award of attorneys' fees and costs

14 Bennett admits the allegations of paragraph 24

15 As to the allegations of paragraph 25 Bennett admits that the General Election is scheduled for November 6 2012 and certification of candidates is to be completed by August 15, 2012 Bennett denies the remaining allegations of paragraph 25 and demands strict proof thereof Bennett further alleges that if any post-primary election candidates are disqualified, the proper remedy is a special primary election

16 Bennett denies the allegations of paragraph 26 and would further allege that Plaintiff has failed to allege any facts that would support the allegations of paragraph 26 Additionally, upon information and belief, the Plaintiff does not have firsthand knowledge of the allegations made in paragraph 26 yet Richard Hayes verified the complaint without qualifying those allegations with the phrase "upon information and belief "

17 As to the allegations of paragraph 27 Bennett would crave reference to South Carolina Code § 8-13-1356 and the Supreme Court decision in Anderson v S.C. Election Commission Any allegations inconsistent with this statute and Supreme Court decision are

hereby denied Bennett further alleges that if any post-primary election candidates are disqualified the proper remedy is a special primary election

18 As to the allegations of paragraph 28, Bennett would crave reference to § 8-13-1356(B) of the South Carolina Code Ann (1976, as amended) Any allegations inconsistent with this statute are hereby denied

19 As to the allegations of paragraph 29 Bennett would crave reference to § 8-13-1356(E) of the South Carolina Code Ann (1976 as amended) Any allegations inconsistent with this statute are hereby denied

20 Bennett denies the allegations of paragraph 30 and would further allege that he filed a hard copy of his Statement of Economic Interest at the same time that he filed his Statement of Intention of Candidacy, all with Tony Piscatella of the Dorchester County Republican Party on March 20, 2012

21 Bennett denies the allegations of paragraph 31 and demands strict proof thereof

22 As to the allegations of paragraph 32 Bennett would crave reference to any Declaratory Judgment issued by the South Carolina Supreme Court on or about May 2, 2012, and any allegations in paragraph 32 inconsistent with the Declaratory Judgment are hereby denied Bennett would further allege upon information and belief, that subsequent to the Anderson decision, Carroll Duncan and Tony Piscatella reviewed all of the candidate filings for the Dorchester County Republican Party and verified that all candidates filed a Statement of Economic Interest with the Statement of Intention of Candidacy except John Mondo

23 Upon information and belief, Bennett admits the SCRP submitted to the SEC a list of individuals who are qualified to be certified by the SCRP Bennett does not have sufficient information to admit or deny that the date was May 4 2012

24 Bennett denies the allegations of paragraphs 34 and 35 and demands strict proof thereof

25 As to the allegations of paragraph 36, Bennett would crave reference to § 8 13
1356(E) of the South Carolina Code Ann (1976 as amended) Any allegations inconsistent
with this statute are hereby denied

26 Bennett denies the allegations of paragraphs 37, 38, and 39 and demands strict
proof thereof

27 The allegations of paragraph 40 do not require a response and are therefore
denied

28 Bennett denies the allegations of paragraphs 41 and 42 and demands strict proof
thereof Bennett would further allege that the post-primary remedy for a disqualified candidate
is a special primary election

29 The allegations of paragraph 43 do not require a response and are therefore
denied

30 Bennett denies the allegations of paragraph 44 and demands strict proof thereof
Bennett further alleges that the post primary remedy for a disqualified candidate is a special
primary election

31 The allegations of paragraph 45 do not require a response and are therefore
denied

32 Bennett denies the allegations of paragraphs 46 and 47 and would further allege
that the issue of injunctive relief is now moot due to the status conference that was held on July
23 2012

33 The allegations of paragraph 48 do not require a response and are therefore
denied

34 As to the allegations of paragraph 49 upon information and belief, Bennett
admits that Defendant Piscatella had custody and control of the Dorchester County Republican

Party candidate filing documents but has now delivered said documents to the Dorchester County Clerk of Court Bennett denies the remaining allegations of paragraph 49

35 As to the allegations of paragraph 50, Bennett would crave reference to § 8-13-1356(C) of the South Carolina Code Ann (1976 as amended) Any allegations inconsistent with this statute are hereby denied Bennett denies the remaining allegations of paragraph 50

36 Bennett denies the allegations of paragraphs 51 and 52 and demands strict proof thereof

37 As to the allegations of paragraph 53, Bennett is informed and believes that this issue is now moot and was addressed by the status conference held on July 23, 2012

FOR A SECOND AND AFFIRMATIVE DEFENSE
(Rule 12(b)(6))

38 Bennett realleges and incorporates each and every allegation of the First Defense as if fully set forth and repeated verbatim herein

39 Bennett moves to dismiss the Complaint of the Plaintiff for failure to state facts sufficient to constitute a cause of action under Rule 12(b)(6) of the SCRPC

FOR A THIRD AND AFFIRMATIVE DEFENSE
(Laches)

40 Bennett realleges and incorporates each and every allegation of the first Two Defenses as if fully set forth and repeated verbatim herein

41 Bennett moves to dismiss the Complaint of the Plaintiff because the Plaintiff is barred by the Doctrine of Laches

FOR A FOURTH AND AFFIRMATIVE DEFENSE
(Administrative Remedies)

42 Bennett realleges and incorporates each and every allegation of the first Three Defenses as if fully set forth and repeated verbatim herein

43 Bennett moves to dismiss the Complaint of the Plaintiff for failure to exhaust administrative remedies prior to filing this legal action in the Dorchester County Court of Common Pleas

FOR A FIFTH AND AFFIRMATIVE DEFENSE
(Motion to Strike)

26 Bennett realleges and incorporates each and every allegation of the first Four Defenses as if fully set forth and repeated verbatim herein

27 Bennett moves to strike the Plaintiff's request for attorneys' fees and costs as the issue of injunctive relief is now moot pursuant to the status conference held July 23, 2012

FOR A SIXTH AND AFFIRMATIVE DEFENSE
(Standing)

28 Bennett realleges and incorporates each and every allegation of the first Five Defenses as if fully set forth and repeated verbatim herein

29 Bennett moves to dismiss the Complaint as Plaintiff has not fielded a candidate for the office of Senate Seat 38 and is an entity with no right to vote in November's election. Having no stake in the outcome of this matter, Plaintiff has no standing to pursue this action.

FOR A SEVENTH AND AFFIRMATIVE DEFENSE
(Rule 12(b)(5))

30 Bennett realleges and incorporates each and every allegation of the first Six Defenses as if fully set forth and repeated verbatim herein

31 Bennett moves to dismiss the Amended Complaint as Plaintiff has failed to properly serve a copy of the pleadings on Sean Michael Bennett pursuant to the South Carolina Rules of Civil Procedure

WHEREFORE, having fully answered the Complaint of the Plaintiff Defendant, Sean Michael Bennett, prays that the same be dismissed that costs be assessed to the Plaintiff that

Bennett be awarded attorneys' fees and costs, and for such other and further relief that this Honorable Court deems just and proper

Summerville, South Carolina

July 27, 2012

Respectfully submitted



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Robert D. Robbins Attorney at Law, LLC

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-and-

Tanya A. Gee

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ATTORNEYS FOR SEAN MICHAEL BENNETT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DOCHESTER	)	FIRST JUDICIAL CIRCUIT
Dorchester County Democratic Party,	)	CIVIL ACTION NUMBER 2012 CP-18 1632
	)	
Plaintiff,	)	
	)	
vs	)	ANSWER OF MIKE ROSE TO THE
	)	FIRST AMENDED VERIFIED
	)	COMPLAINT
Dorchester County Republican Party	)	
(Carroll Duncan, as Chairman), Colleton	)	
County Republican Party, Berkeley County	)	
Republican Party, Charleston County	)	
Republican Party, South Carolina	)	
Republican Party (Matt Moore as Executive	)	
Director & Chad Connolly as Chairman),	)	
Dorchester County Election Commission	)	
(Joshua Dickard as Executive Director),	)	
Colleton County Election Commission,	)	
Berkeley County Election Commission,	)	
Charleston County Election Commission,	)	
South Carolina State Election Commission	)	
(Maici Andino, as Executive Director &	)	
Chris Whitmire as Director of Public	)	
Information and Training), Mike Rose, and	)	
Tony Piscatella,	)	
	)	
Defendants	)	

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Christine H. H. H.
 CLERK OF COURT
 DOCHESER COUNTY

Defendant Mike Rose, answering the First Amended Verified Complaint of the Dorchester County Democratic Party, would show unto this Court as follows

- 1 Paragraph 1 is a preliminary statement which requires no answer
- 2 Admits the allegations of paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
- 3 The allegations of paragraph 16 are denied Further answering paragraph 16, this Defendant would show that Defendant Tony Piscatella was lawfully and properly relieved of his duties by the Chair of the Dorchester County Republican Party (DCRP), Carroll Duncan,

because of his misconduct in office, his untruthful statements, his failure to comply with statutory requirements, his failure to abide by instructions and his refusal to turn over party records when instructed to do so

4 Admits the allegations of paragraphs 17, 18, 19, 20, 21, 22, 23 and 24 Further answering paragraph 22, Mike Rose would show that the Dorchester County Republican Party has properly performed its duty by decertifying earlier certified candidates, including Defendant Bennett This decertification was warranted by facts gathered by DCRP Chair Carroll Duncan She determined there had been non-compliance with statutory filing requirements She proceeded to certify other candidates, including Defendant Mike Rose, in accordance with the requirements of South Carolina statutory election law Mike Rose would further show that the South Carolina Republican Party, upon receipt of this latest certification from the Dorchester County Republican Party, has not yet certified those same candidates to the State Election Commission because the South Carolina Republican Party claims it is uncertain of its authority and awaits a ruling of this Court Mike Rose would further show the South Carolina Republican Party is authorized, empowered and required in accordance with Section 8-13 1356 of the South Carolina Code of Laws to certify those candidates, including Mike Rose, which are now duly certified by the Dorchester County Republican Party Such certification is also required by the rulings of the South Carolina Supreme Court in the cases of Anderson v SC Election Commission Op No 27120 (SC Sup Ct) filed May 2, 2012 and the case of Florence County Democratic Party v Florence County Republican Party, Op No 27128 (SC Sup Ct) filed June 5, 2012

5 Further answering paragraph 27, Mike Rose would show that Defendant Tony Piscatella was required by Dorchester County Republican Party Bylaws to keep all candidate

files in a locked file cabinet Mike Rose would further show that Defendant Tony Piscatella could not produce a paper copy of candidate Bennett's SEI when requested to do so by Mike Rose and also by DCRP Chair, Carroll Duncan, that on June 13, 2012, no paper copy of a SEI for candidate Bennett existed in the possession of the DCRP, and that the DCRP never received or possessed a paper copy of a SEI for candidate Bennett Further answering paragraph 27, Mike Rose would show the Statement of Economic Interest later claimed to exist in candidate Bennett's file and to have been given by Bennett to the DCRP was a SEI for the year 2010, not for the year 2011

6 Admits the allegations of paragraphs 28 and 29 Further answering paragraph 29, Mike Rose would show that the checklist used by the Dorchester County Republican Party while processing candidate paperwork for the 2012 Dorchester County Republican Primary made reference to an electronically filed SEI which did not meet the requirement for a proper SEI to be filed simultaneously as clearly required by the statute and by the two recent South Carolina Supreme Court decisions referenced in paragraph 4 of this Answer

7 Admits the allegations of paragraphs 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 Further answering paragraph 31, as instructed by the SCRP the DCRP specifically instructed in writing that each non-incumbent candidate filing for office with the DCRP provide the DCRP a receipt of electronic filing of each candidate's SEI instead of giving to the DCRP a paper copy of that SEI

8 Paragraph 40 requires no response

9 Admits the allegations of paragraphs 41 and 42 which make reference to the South Carolina Uniform Declaratory Judgments Act

10 Paragraph 43 requires no response

11 Admits the allegations of paragraph 44
12 Paragraph 45 requires no response
13 Admits the allegations of paragraphs 46 and 47
14 Paragraph 48 requires no response
15 Lacks sufficient knowledge upon which to form a belief about the allegations of
paragraph 49 and therefore denies the same

16 Admits the allegations of paragraph 50
17 Lacks sufficient knowledge upon which to form a belief about the allegations of
paragraph 51 and therefore denies the same

18 Admits the allegations of paragraphs 52 and 53

WHEREFORE, having fully answered Defendant Mike Rose, prays for this Court to
enter its Order declaring

- 1 That candidate Sean Bennett was not and is not a qualified candidate to be the
Republican Party candidate for Senate District 38 in the 2012 General Election,
- 2 That Mike Rose is the qualified candidate for the November 12, 2012 General
Election for Senate District 38,
- 3 That candidate Sean Bennett was correctly found by Dorchester Republican Party
Chair Carroll Duncan to be ineligible for the November 6, 2012 General Election
Primary,
- 4 That the South Carolina Republican Party must certify to the South Carolina State
Election Commission that Mike Rose is the lawfully nominated Republican
candidate for District 38 of the South Carolina Senate,

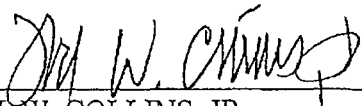
5 Award this Defendant his costs and his attorneys' fees in accordance with Rule 65
(f)(2) of the South Carolina Rules of Civil Procedure, and

6 Such other and further relief as this Honorable Court deems just and proper

Respectfully submitted,

COLLINS & LACY, P C

By

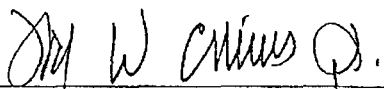

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ATTORNEYS FOR DEFENDANT
MIKE ROSE

Columbia, South Carolina

July 27, 2012

By


MICHAEL T. ROSE
Pro se

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DOCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	
Dorchester County Democratic Party,	)	CIVIL ACTION NUMBER 2012-CP-18-1632
	)	
Plaintiff,	)	
	)	
vs	)	CERTIFICATE OF SERVICE
	)	
Dorchester County Republican Party	)	
(Carroll Duncan, as Chairman), Colleton	)	
County Republican Party, Berkeley County	)	
Republican Party, Charleston County	)	
Republican Party, South Carolina	)	
Republican Party (Matt Moore as Executive	)	
Director & Chad Connolly as Chairman),	)	
Dorchester County Election Commission	)	
(Joshua Dickard as Executive Director),	)	
Colleton County Election Commission,	)	
Berkeley County Election Commission,	)	
Charleston County Election Commission,	)	
South Carolina State Election Commission	)	
(Marc Andino, as Executive Director &	)	
Chris Whitmire as Director of Public	)	
Information and Training), Mike Rose, and	)	
Tony Piscatella,	)	
	)	
Defendants	)	

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Cheryl Kincannon
 CLERK OF COURT
 DOCHESTER COUNTY

The undersigned employee of Collins & Lacy, P C, Attorneys at Law, 1330 Lady Street, Sixth Floor, Post Office Box 12487, Columbia, South Carolina, 29211, does hereby certify that the following named individual(s) were served with a copy of the pleading(s) indicated below by mailing a copy of same to said person(s) in the United States Postal Service, with sufficient postage affixed thereto and return address clearly marked on the date indicated below

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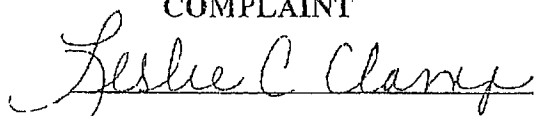
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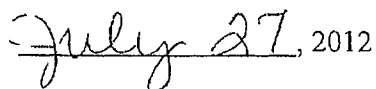
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Moncks Corner, SC 29461

PLEADINGS

- ANSWER OF MIKE ROSE TO THE FIRST AMENDED VERIFIED COMPLAINT



Columbia, South Carolina



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF DORCHESTER) FIRST JUDICIAL CIRCUIT

Dorchester County Democratic Party,) Civil Action No 2012 CP-18-1632

Plaintiff,

vs

Dorchester County Republican Party (Carroll Duncan, as Chairman), Colleton County Republican Party, Berkeley County Republican Party, Charleston County Republican Party, South Carolina Republican Party (Matt Moore as Executive Director & Chad Connelly, as Chairman) Dorchester County Election Commission (Joshua Dickard as Executive Director), Colleton County Election Commission, Berkeley County Election Commission, Charleston County Election Commission, South Carolina State Election Commission (Maici Andino as Executive Director & Chris Whitmire as Director of Public Information and Training), Sean Bennett, Mike Rose, Tony Piscatella,

Defendants

ANSWER

Defendants

Defendants the South Carolina Republican Party, Chad Connelly, in his capacity as Chairman of the South Carolina Republican Party, Matt Moore, in his capacity as Executive Director of the South Carolina Republican Party, and the Dorchester County Republican Party (collectively "Defendants"), reserving all rights and defenses and waiving none of them, answers the Plaintiff's First Amended Verified Complaint as follows

FOR A FIRST DEFENSE

1 Each and every allegation of the First Amended Verified Complaint is denied unless hereinafter expressly admitted

2 The allegations of Paragraph 1 state only a legal conclusion to which no response is necessary. To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof

3 Upon information and belief, Defendants admit the allegations in Paragraph 2

4 Defendants admit the allegations of Paragraphs 3, 4, 5, 6, and 7, except to the extent these paragraphs allege that county election commissions have certified any of the county-level political parties. In this regard, Defendants crave reference to the applicable statutes and to the extent the allegations of these paragraphs are inconsistent therewith, Defendants deny the same and demand strict proof thereof

5 Responding to the allegations of Paragraphs 8, 9, 10, and 11, Defendants admit the allegations contained therein, but deny the allegations that any of these county election commissions are enabled by South Carolina Code § 7-27-375, as that statute applies to only Marlboro County

6 Defendants admit the allegations of Paragraph 12

7 The allegations of Paragraphs 13, 14, and 16 concern different defendants who are represented by different counsel and, therefore, these allegations do not require a response from these Defendants

8 Paragraph 15 does not allege any facts and, therefore, no response is
required

9 The allegations of Paragraphs 17, 18, 19, 20, 21, 22, 23, and 24 state only
legal conclusions to which no response is required To the extent a response is required,
Defendants crave reference to the legal authorities governing these issues and, to the
extent that the allegations are inconsistent therewith, deny the same and demand strict
proof thereof

10 Responding to the allegations of Paragraph 25, Defendants agree with the
dates cited therein, as well as the need to ensure that ballots only contain the names of
eligible candidates Defendants deny the remaining allegations of this paragraph and
demand strict proof thereof To the extent the allegations of this paragraph allege that
Defendants have done anything improper in any way, Defendants deny those allegations
and demand strict proof thereof

11 The allegations of Paragraphs 26, 27, 28, and 29, state only legal
conclusions to which no response is required To the extent a response is required,
Defendants crave reference to the legal authorities governing these issues and, to the
extent that the allegations are inconsistent therewith, deny the same and demand strict
proof thereof

12 The allegations of Paragraph 30 concern different defendants who are
represented by different counsel and, therefore, these allegations do not require a
response from these Defendants

13 Responding to the allegations of Paragraph 31, Defendants state that they
followed the instructions provided by the State Election Commission and the State Ethics

Commission for candidates to declare their candidacy To the extent the allegations of this paragraph are inconsistent with this, Defendants deny the same and demand strict proof thereof

14 The allegations of Paragraphs 32, 33, 34, 35, 36, 37, 38, and 39 state only legal conclusions to which no response is required To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof Additionally, to the extent these paragraphs allege that Defendants have done anything "unlawful" or in "wilful[] disregard[]" of any court order, Defendants deny the same and demand strict proof thereof

15 Responding to the allegations of Paragraph 40, Defendants incorporate herein their responses to the preceding allegations

16 The allegations of Paragraphs 41 and 42 state only legal conclusions to which no response is required To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof

17 Responding to the allegations of Paragraph 43, Defendants incorporate herein their responses to the preceding allegations

18 The allegations of Paragraph 44 state only legal conclusions to which no response is required To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof

19 Responding to the allegations of Paragraph 45, Defendants incorporate herein their responses to the preceding allegations

20 The allegations of Paragraphs 46 and 47 state only legal conclusions to which no response is required To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof

21 Responding to the allegations of Paragraph 48, Defendants incorporate herein their responses to the preceding allegations

22 The allegations of Paragraphs 49, 50, 51, and 52 concern different defendants who are represented by different counsel and, therefore, these allegations do not require a response from these Defendants

23 The allegations of Paragraph 53 states only legal conclusions to which no response is required To the extent a response is required, Defendants crave reference to the legal authorities governing these issues and, to the extent that the allegations are inconsistent therewith, deny the same and demand strict proof thereof

24 Defendants deny the allegations of the paragraph beginning with the word "Wherefore" and demand strict proof thereof

FOR A SECOND DEFENSE

25 To the extent the Plaintiff's claim for spoliation is alleged against Defendants, it should be dismissed pursuant to Rule 12(b)(6), SCRCP, as there is no such cause of action in South Carolina See Cole Vision Corp v Hobbs, 394 S C 144, 151, 714 S E 2d 537, 541 (2011) (holding that "South Carolina does not recognize an independent tort for the negligent spoliation of evidence, third-party or otherwise")

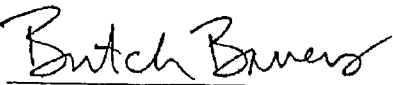
FOR A THIRD DEFENSE

26 The complaint should be dismissed pursuant to Rule 12(b)(1), SCRCP, to extent it involves a non justiciable political question

WHEREFORE, having fully answered the First Amended Verified Complaint, Defendants prays that it be dismissed with prejudice and for such other and further relief as the Court may deem just and proper

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By 
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Karl S Bowers, Jr
S C Bar No 16141
M Todd Carroll
S C Bar No 74000
1727 Hampton Street
Columbia, SC 29201
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Attorneys for the South Carolina Republican Party,
Chad Connelly, in his capacity as Chairman of the
South Carolina Republican Party, Matt Moore, in his
capacity as Executive Director of the South Carolina
Republican Party, and the Dorchester County
Republican Party

July 27, 2012
Columbia, South Carolina

- Bennett printed a copy of his SEI filing confirmation on March 19, 2012 at 2 08 p m
- Bennett made an appointment with the DCRP to file as a candidate for Senate Seat 38 on March 20 at 11 30 a m
- Bennett appeared at the DCRP headquarters on March 20, 2012 for the purpose of filing as a candidate for SC Senate Seat 38
- Bennett filed his Statement of Intention of Candidacy (SIC) and Pledge, Statement of Economic Interest Form (SEI), electronic receipt, Candidate Support Committee Declaration Statement, and Campaign Disclosure Form with the filing official, Tony Piscatella (hereinafter Piscatella) **(Bennett has testified under oath that he filed a paper copy of his SEI, but this fact is in dispute)**
- Bennett received a signed copy of a candidate packet checklist from Piscatella on March 20, 2012 and a complete copy of the documents that he filed with Piscatella
- No Democrat filed for SC Senate Seat 38
- Rose was the only other candidate to file an SIC for SC Senate Seat 38
- DCRP submitted the names of Bennett and Rose to the Dorchester County Election Commission as Republican candidates for the June 12 SC Senate 38 Primary Election
- On May 2, 2012 the SC Supreme Court rendered its decision in Anderson v SC Election Commission
- After Anderson, the DCRP, through Duncan and Piscatella, verified that all candidates had complied with the Anderson decision except John Mondo, who did not file his SEI at the same time as his SIC
- On May 3, 2012 Duncan forwarded an e mail to Matt Moore, Executive Director of the South Carolina Republican Party informing him that John Mondo was the only candidate that did not meet the criteria of the Anderson decision
- On May 4, 2012 Duncan sent an e-mail to all candidates in the Republican Primary advising them that she and Piscatella drove to the Dorchester County Election Commission and delivered the certification letter of all candidates to Joshua Dickard, Director of Elections and Voter Registration In that e-mail, Duncan advises the candidates that 'our team" spent weeks meticulously checking and re-checking what was required of us and we went the extra mile asking for the SEI information, not just the confirmation number On the last day of filing we had multiple sets of eyes going over all of the required information being sent to the state GOP and kept the SEI copies at the office

- On June 5, 2012 the SC Supreme Court issued its opinion in Florence County Democratic Party v Florence County Republican Party
- After the Florence County decision, the DCRP again verified, through Duncan and Piscatella, that all candidates complied with the Florence County decision, except John Mondo
- On June 7 2012 Duncan sent an e-mail to Joshua Dickard informing him that she examined all candidate files at the Dorchester County GOP office with all hard copies of the SEI being provided at the same time that the Candidate Declaration Form was accepted The certified candidates list submitted to you on May 4, 2012 by Tony Piscatella and me, stands as is
- Prior to the June 12, 2012 Primary Election, no citizen, candidate, or political party filed a protest of candidate certifications to the SC Republican Party
- Prior to the June 12, 2012 Primary Election no citizen, candidate, or political party filed any legal proceedings concerning candidate certifications
- The Primary Election was held on June 12, 2012 and Bennett defeated Rose by a percentage of 60 09-39 91%
- No citizen, candidate, or political party filed any challenge or protest to the June 12, 2012 Primary Election
- Bennett was certified as the winner of the June 12, 2012 Republican Primary for SC Senate Seat 38
- On June 28, 2012 the Dorchester County Democratic Party (hereinafter DCDP) obtained an ex parte Temporary Restraining Order from the Dorchester County Court of Common Pleas restraining the non-incumbent candidates in Dorchester County from appearing on the November 2012 General Election ballot
- The DCDP filed suit against the SCRP, SCEC, and DCEC on June 29, 2012 The individual candidates affected, Sean Michael Bennett, Ed Carter and Carroll Duncan, were not named as Defendants
- On July 9, 2012 the DCDP and DCRP attempted to enter into a Consent Order for a Preliminary Injunction decertifying the non-incumbent candidates from appearing as Republican nominees on the November 6, 2012 General Election ballot
- On July 9, 2012 Bennett filed a Motion to Intervene which was granted and the request for the Temporary Injunction was withdrawn by the Plaintiff

Summerville, South Carolina

7-30, 2012

Respectfully submitted,



Robert D. Robbins

Robert D. Robbins Attorney at Law, LLC

110 N. Main Street

Summerville, SC 29483

Phone (843) 285-7100, Fax (843) 285-7199

-and-

Tanya A. Gee

Nexsen Pruet LLC

1230 Main Street

Suite 700

Columbia, South Carolina 29201

Phone (803) 771-8900, Fax (803) 253-8277

ATTORNEYS FOR SEAN MICHAEL BENNETT

STATE OF SOUTH CAROLINA }
 }
COUNTY OF DORCHESTER }

AFFIDAVIT OF SEAN MICHAEL BENNETT

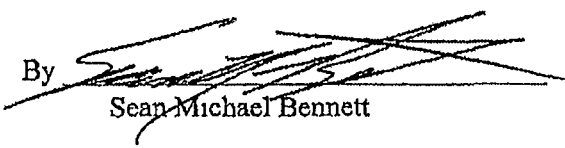
PERSONALLY APPEARED BEFORE ME, SEAN MICHAEL BENNETT, who
after being duly sworn, deposes and says as follows

- 1 On or about March 14, 2012, I contacted DCGOP Chairman Carol Duncan, at her request, to schedule an appointment to file my candidacy for SC Senate District 38 I requested an appointment on March 21, 2012 Chairman Duncan informed me that no appointments on March 21, 2012 were available We then settled on an alternate date of March 20, 2012 and an appointment was reserved for me at 11 30 am in the DCGOP offices on Trolley Road
- 2 Leading up to the appointment date I began to gather and complete the required filing forms as delivered by Carol Duncan via email and as instructed by the DCGOP's Candidate Packet Checklist
- 3 On the morning of March 20,2012, I finalized and assembled the following documents in a file folder
 - Dorchester County Republican Party Candidate Packet Checklist
 - Statement of Intention of Candidacy - Partisan
 - Statement of Economic Interest (Full and complete hardcopy and SC State Ethics Commission electronic filing confirmation #SEI11867 R33162-378da468)
 - Dorchester County Republican Party Candidate Support Declaration Statement
 - Candidate Campaign Disclosure (Hardcopy of most recent filing)
- 4 Since the announcement of my intent to seek this seat, I had not been warmly received by many within the DCGOP With this in mind, I asked my business partner of approximately 16 years, Rebecca Hyer Woods, to review the documents and check list to ensure all required documents were present and in order, per the guidelines provided to me by the DCGOP
- 5 Rebecca Hyer Woods confirmed all documents listed on the Candidate Packet Checklist to be present, in order, complete per the guidelines provided to me by the DCGOP

- 6 I asked Rebecca Hyer Woods to accompany me to the DCGOP offices to witness my filing process
- 7 Ms Woods and I arrived together at the offices of the DCGOP at the appointed time, where we were greeted by Tony Piscatella of the DCGOP
- 8 I handed Mr Piscatella the file folder containing all the documents referenced above Mr Piscatella reviewed the forms and collected my filing fee
- 9 I signed all forms in the presence of Mr Piscatella, who also signed as a witness where applicable Mr Piscatella signed the Candidate Packet Checklist acknowledging the DCGOP's receipt of my documents
- 10 Mr Piscatella then offered to make copies for me I accepted his offer Mr Piscatella copied the entire contents of the file folder, returned copies to me, and stated "You're all set"
- 11 Mr Piscatella was very professional and detailed in the procedural process I thanked Mr Piscatella and exited the office with Rebecca Hyer Woods

FURTHER AFFIANT SAITH NOT!

By


Sean Michael Bennett

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June, 2012



Notary Public State of South Carolina

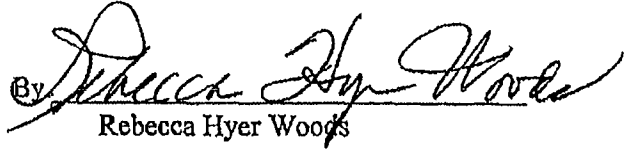
My Commission Expires 6-2-18

STATE OF SOUTH CAROLINA }
 }
COUNTY OF DORCHESTER } **AFFIDAVIT OF REBECCA HYER WOODS**

PERSONALLY APPEARED BEFORE ME, REBECCA HYER WOODS, who after
being duly sworn, deposes and says as follows

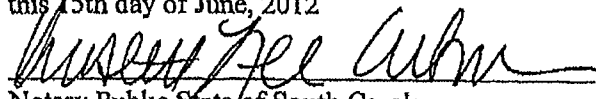
- 1 That I am a citizen and resident of the County of Colleton, State of South Carolina
- 2 On the morning of March 20, 2012 Sean M Bennett asked me to review the original
 paperwork required for him to file as a candidate for SC Senate District 38
- 3 It was Mr Bennett's desire that I double check to ensure that all documents required to
 successfully file for the office were present and completed From my review, all
 documents were in order
- 4 The following documents were present in the file
 - a. Statement of Intention of Candidacy - Partisan
 - b. Statement of Economic Interest - Filing confirmation
 - c. Statement of Economic Interest - Completed form
 - d. Dorchester County Republican Party Candidate Support Declaration Statement
 - e. Candidate Campaign Disclosure - Completed form
 - f. Dorchester County Republican Party Candidate Packet Checklist
- 5 Within an hour of reviewing the documents, I accompanied Sean M Bennett to the
 offices of the Dorchester County Republican Party located at 89 Old Trolley Road,
 Summerville, SC 29485, specifically to witness his filing for the office
- 6 We entered the building together, and made introductions to the staff of the office Mr
 Bennett provided the entire file to Tony Piscatella Mr Piscatella processed the
 paperwork while we waited
- 7 Mr Bennett provided a check for the filing fee
- 8 Mr Piscatella provided copies of all the documents to Mr Bennett This included a copy
 of the Dorchester County Republican Party Candidate Packet Checklist indicating receipt
 of required documents This was signed by both Mr Bennett and Mr Piscatella.
- 9 Mr Piscatella indicated to both myself and Mr Bennett that his filing was complete
- 10 Mr Bennett thanked Mr Piscatella and we exited the building together

FURTHER AFFIANT SAITH NOT!

By 
Rebecca Hyer Woods

SWORN TO AND SUBSCRIBED BEFORE ME

this 15th day of June, 2012



Notary Public State of South Carolina

My Commission Expires  30, 2016

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416.00 made payable to the Dorchester County Republican Party

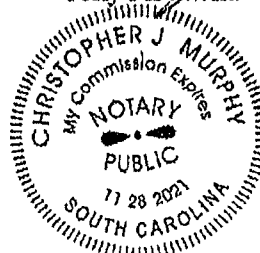
FURTHER AFFIANT SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June, 2012

Notary Public for the State of South Carolina

My Commission expires 11/28/2021

By Tony Piscatella
Tony Piscatella



DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

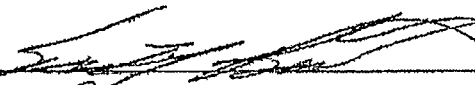
Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ✓ Y NFiling Fee Amount \$ 416⁰⁰ Paid Date 3 / 20 /2012

Make checks payable to DCRP

✓**Statement of Intention of Candidacy (SIC) and Pledge**✓**Statement of Economic Interests (SEI) – proof of online filing**✓**Candidate Support Committee Declaration Statement**✓**Affidavit – (Requirements for Coroner and Sheriff)**✓**Campaign Disclosure – Not required at time of filing**

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature  Date 3 / 20 /2012Received by  Date 3 / 20 /2012

Robby Robbins

Subject FW CANDIDATE FILING 2012
Attachments Qualifications-Sheriff and Coroner docx Candidate packet checklist final docx

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>
Date Mon, Mar 12, 2012 at 11 53 AM
Subject CANDIDATE FILING 2012
To Carroll Sheppard Duncan <Carrollsduncan@gmail.com>

Dear Elected Officials and Candidates,

As we prepare for the filing period, the DCGOP is intent on making the process as efficient as possible. With that in mind, we are asking that you respond by e-mail or phone indicating your preference for an appointment during the specified filing period. We will be taking up to 3 appointments per hour of operations. If for some reason you are unavailable to attend one of the days, call me to arrange a time that works into your schedule. State law dictates the two week filing period so we will strictly adhere to opening, Friday, March 16 at noon and closing promptly Friday, March 30 at noon.

1. For those of you who have already contacted us, we have you on our schedule at the office.

Appointment times (numbers in parentheses are availabilities)

Friday, March 16

Noon (3)

1 pm (1)

2 pm (0)

3 pm (3)

Wednesday, March 28

9am-1pm All slots available

Thursday, March 29

12 noon-4pm All slots available

Tuesday, March 20

9 am (2)

Friday, March 30

10 am (3)

8 am until 12 noon at which time, by law, we must close

11 am (3)

2 There are two (2) forms that **MUST** be completed online, one (1) of which is a requirement to file, therefore, please complete before your appointment and bring a proof of completion of (SEI) as required by the State Ethics Commission.

a **Statement of Economic Interests** (SEI)

<http://ethics.sc.gov/statementofeconomicinterests/pages/index.aspx>

b **Campaign Disclosure** (see specifics below)

<http://ethics.sc.gov>

From the SCGOP

"Please inform your candidates that they must also file a campaign disclosure online at <http://ethics.sc.gov> within ten (10) days of raising or spending \$500 or

more This is not required to file for office, but is required to run for office and must be filed at some point "

3 Bring a check for your filing fees made out to DCRP

4 As there was 2 years ago, we have a Candidate Declaration form pertaining to the State Party Platform and your stand on issues Not to worry, this is not the "purity pledge" you may have read about in another county!

5 In accordance with our Executive Committee Rules, we have formed a Candidate Support Committee for the vetting process about which we will be sending information at a later date This Committee, along with the officers, is available to assist candidates in navigating the process of running for office, especially for those who have not done so before

6 For your convenience, attached is a Candidate Filing Checklist which will be attached to your individual packet when you arrive for your appointment

7 ****Please NOTE. Candidates for Sheriff and Coroner have additional forms to fill out, see attached.

Thank you for supporting our Republican values and Dorchester County GOP

Carroll

Carroll S Duncan

Chairman, Dorchester County Republican Party

843 873 1654 (H)

843 224 3711 (C)

Exhibit A

Statement of Intention of Candidacy - Partisan

CERTIFIED COPY

This form must be completed by a candidate seeking partisan office

A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee

- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office, for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

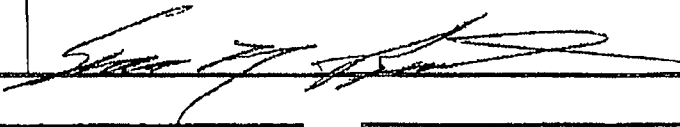
2012 JUL -9 PM 1 50

CLERK OF COURT

ORCHESTER COUNTY

Name	Sean Bennett		Party	Republican	
Office	Senate		District	39	
Primary or Convention	Primary	Election Date	6/12/12		
Address	1422 Peninsula Pointe	City	Summerville	Zip	29485
Email Address	sbennett@assetintegration.com				
Telephone	Cell	842-3009	Home	821-3352	Work 821-3009
Voter Registration Number	5207270				
Guidelines for a Candidate's Name to appear on the ballot A given name or a derivative may be used - The name will not contain quotations, parentheses, or other distinguishing marks - Nicknames are allowed if they are used in good faith for honest purposes and do not - Imply professional or social status - Include an office or military rank - Exceed 15 letters					
Name as you wish it to appear on ballot (please print)	Sean Bennett				
Audio Ballot - Phonetically spell your name, if necessary	Example	Jackson Gervais jur VAY	Shon BEN-et		

CERTIFIED COPY
 2012 JUL 30 PM 4:37
 CLERK OF COURT
 ORCHESTER COUNTY
 (Not Notarized)

Candidate's Oath	
I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office	
Candidate's Signature	

Completed by County Party			
Date Received	3/20/12	Time Received	11:43
Received By			
County Political Party	Orchestrator County		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

SOUTH CAROLINA

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Electronic Filing

Statement of Economic Interests Review

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	
Sean Bennett	1422 Peninsula Pointe Summerville, SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/19/12

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

CERTIFIED COPY
 2012 JUL 30 PM 4:37
 CLERK OF COURT
 DORCHESTER COUNTY
Cheryl H. Hester

*** No Sold, Leased, or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back :

**SC GOV - SC State Ethics Commission, Public Disclosure and Accountability
Reporting**

Electronic Filing

Statement of Economic Interests Filing confirmation

**Your report has been filed successfully on 3/19/2012 2 08 11 PM Your confirmation number is
SEI11867-R33162-378da468**

Your confirmation has been sent to the email address on record. Please print this page for your records. Click 'Continue' to return to your Statement of Economic Interests Filings or logout if you are finished.

Continue

CERTIFIED COPY
2012 JUL 30 PM 4:37
Cheryl Anderson
CLERK OF COURT
DORCHESTER COUNTY

Dorchester County Republican Party Candidate Support Declaration Statement

Name Sean Bennett

Seeking Office for SC Senate Seat/District # 38

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- SB 1 I am a resident of the district for which I am running for office and a registered voter
- SB 2 I am a citizen of the United States and a resident of South Carolina
- SB 3 I will be at least 18 years of age as of the next general election
- SB 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
- SB 5 I have not been convicted of a felony or offense against the election laws
- SB 6 I will accurately state my qualifications and background in connection with my candidacy
- SB 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature [Signature]
Date 3/15/12

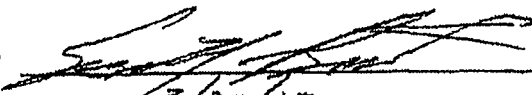
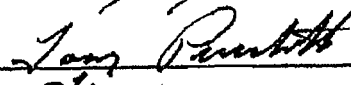
I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1 Continued efficiency in Government Restructuring	✓			
2 Policies which restore public confidence in the Judiciary	✓			
3 Constitutional adherence to States' Rights	✓			
4 A Tax Policy which promotes prosperity	✓			
To Establish Justice				
1 An end to racial and gender Discrimination & Affirmative Action	✓			
2 Strict adherence to Ethics in Government	✓			
3 Governmental protection of Constitutional Property Rights	✓			
5 Freedom in the job market through the Right to Work	✓			
6 Ensure the Integrity of the Election Process	✓			
7 A swift, sure and true Criminal Justice system	✓			
To Provide for the Common Defense				
1 A commitment to Peace through Strength in foreign policy	✓			
2 A constitutional view of the Right to Bear Arms				
3 United States Sovereignty	✓			
To Promote the General Welfare				
1 A balanced Budget, Deficit reduction and Transparency	✓			
2 Incentives to make the Economy grow	✓			
3 Increased Educational opportunities and academic excellent	✓			
4 An effective and sensible policy on The Environment	✓			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare	✓			
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	✓			
7 An agenda to empower Senior Citizens	✓			
8 Welfare Reform				
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature 
 Date 3/20/12
 Witness 
 Title Treasurer Date 3/20/2012

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

only for this seat

Do you have experience or service in government (elected or appointed)?

Dorchester County appointed BUDCOG & Charleston Regional Dev Alliance

Have you worked on a political campaign in any capacity?

Multiple as volunteer

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Member of National Republican Party & County Party

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting**

Electronic Filing

Candidate Campaign Disclosure Review

Bennett, Sean
State Senate

Primary

2012, January 10th Report

Original, Filed

This Period

Candidate
Position Sought
Election Type
Election Date
Filing Type

Demographic Information

1422 Peninsula Pointe
Summerville, SC 29485
843 442 3009
County: Dorchester

Report Type

2012, January 10th

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$0 00	\$0 00
B1 Individual Contributions or other (+)	\$6 200 00	\$7,250 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$408 10
D Total Contributions (=)	\$6,200 00	\$7,658 10

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$408 10
B Expenditures (+)	\$242 00	\$242 00
C Total Expenditures (=)	\$242 00	\$650 10

Balance of Contributions

A Contributions on Hand (Beginning this Period)	\$1,050 00
B Total Contributions (This Period) (+)	\$6,200 00
C Total Expenditures (This Period) ()	\$242 00
D Contributions On Hand (Period End) (=)	\$7,008 00

Loans

Loan Balance	\$0 00

Contributions

Date	Contributor	Address	Occupation	Amount

11/29/2011	Donald F Nye	704 Simmons Ave Summerville, SC 29483	banker	\$500 00
11/09/2011	Colin L Martin	116 Brutus Lane Summerville, SC 29485	Manager	\$300 00
11/09/2011	Northstar Pro	9209 University Blvd N Charleston SC 29406		\$200 00
11/09/2011	Pratt & Company Inc	9209 University Blvd N Charleston, SC 29406		\$150 00
11/09/2011	PR Properties of S'ville	9209 University Blvd N Charleston, SC 29406		\$200 00
11/09/2011	Sevanteen A Associates	9209 University Blvd N Charleston, SC 29406		\$200 00
11/02/2011	Jeffrey M Artman	106 Barrington Court Summerville, SC 29483	N/A	\$100 00
11/02/2011	Ronnie M Givens	PO Box 1118 Summerville, SC 29483	CPA	\$1,000 00
11/02/2011	Sherril H Cuzzell	125 Wilson Drive Summerville, SC 29483	Teacher	\$1,000 00
11/02/2011	Deluca & Maucher	PO Box 9 Goose Creek, SC 29445		\$200 00
11/02/2011	PR Properties of Summerville	9209 University Blvd N Charleston, SC 29406		\$200 00
10/28/2011	Harry Palmer	728 Shamrock Lane Charleston, SC 29412	N/A	\$50 00
10/27/2011	Erin Bennett	1250 43rd Ave San Fransisco, CA 94122	N/A	\$1 000 00
10/27/2011	Jessica Bennett	1250 43rd Ave San Fransisco, CA 94122	N/A	\$1,000 00
10/24/2011	William A Russell III	607 Farm Springs Road Summerville, SC 29483	CPA	\$100 00
Total				\$6,200 00

Expenditures

Date	Vendor	Address	Description	Amount
12/13/2011	US Postal Service	301 N Gum St Summerville SC 29483	Bulk mail permit	\$190 00

12/09/2011	US Postal Service	301 N Gum St Summerville, SC 29483	po box	\$52 00
Total				\$242 00

*** No Loans Reported ***

*** No Loan Repayments Reported ***

*** No Disposition of Assets Reported ***

Print | **Go Back**

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>

Date Thu, May 3, 2012 at 3 02 PM

Subject Candidates- Dorchester County Official Notice

To Matt MooreR <matt@scgop.com>

Cc Carroll Duncan <Carrollsduncan@gmail.com>, Tony Piscatella <tpiscatella@gmail.com>

Dear Matt,

Unfortunately, Mr John J Mondo, Sr , candidate for H 102, does not meet the criteria spelled out in the May 2, 2012 SC Supreme Court ruling He did not turn in a copy of the SEI with his Statement of Intention of Candidacy nor had he filed by March 30 with the Ethics Commission He did file as soon as he was notified of the deficiency by the EC on April 23

I look forward to hearing from you all about the latest appeal Mr Mondo indicated to Tony that he may run as a conservative Independent in the General Election in November

Carroll

Carroll S Duncan, Chairman
Dorchester County Republican Party
Summerville, SC

Robby Robbins

Subject

FW SCGOP Issues Statement on Candidate Certification

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>

Date Fri, May 4, 2012 at 3 28 PM

Subject Fwd SCGOP Issues Statement on Candidate Certification

To Carroll Duncan <Carrollsduncan@gmail.com>

Cc Tony Piscatella <tpiscatella@gmail.com>, Tim Huber <TRH61054@aol.com>, Janette Chipas <jkchipas@sc.rr.com>, Barbara Mojonner <mojonner@earthlink.net>, Ann Shields <anshields@sc.rr.com>, Mikki Hunter <mikki25@sc.rr.com>

Dear Candidates,

Unbelievable, hectic, stressful is all I can say to describe this week. Provided below in the communique from SCGOP is the official list turned into the State Election Commission today of candidates who are certified. I chose to provide you the entire statewide list to peruse so you will see what's happened county by county. Tony Piscatella drove me to the Swamp this morning so that I could hand deliver before noon to Joshua Dickard, Ex Director of Elections and Voter Registration, a certification letter with an attached lists of all candidates who filed in Dorchester County who are to appear on the ballot. I am sorry to say Mr. John J Mondo, Sr could not be certified. Additionally, John Steinberger, who filed in Charleston County was removed from Senate 41 race.

For your information, we were in great shape once the Supreme Court made their decision, especially for all the challengers and "newbies" because our team (listed above) spent weeks meticulously checking and rechecking what was required of us and we went the extra mile asking for the SEI information, not just the confirmation #.

Our home team go to- guy, Tony, was the master at taking over under the circumstances, you will recall I was unable to get up to the office with no elevator, he insisted that the extra step was taken. On the last day of filing we had multiple sets of eyes going over all the required info being sent to the State GOP and kept the SEI copies at the office.

As you all may already know there were two major developments today:

1) Columbia Attorney Todd Kincannon filed a lawsuit in Federal Court this morning asking for an emergency hearing (probably not the legal term, so forgive me) on behalf of the candidates across the state who were taken off the ballot and

2) Senator Larry Martin, Chairman of the Senate Judiciary Committee, called an emergency meeting of said committee Tuesday, May 8, 10 00 am for the purpose of introducing and passing legislation to give those candidates who filed in a timely manner, but got kicked off the ballot for technicalities, time to submit proper documentation to the Parties and have them placed back on the ballot.

ROA 132

Will update you as we receive information and thank each of you for your patience as we have diligently taken received information and applied the ruling passed by the Supreme Court, with many checks and balances The SCGOP rechecked all of the information the county parties sent to them yesterday Our goal as a Party is treat all GOP candidates fairly and equally

Sincerely,

Carroll

----- Forwarded message -----

From **Matt Moore** <matt@scgop.com>

Date Fri, May 4, 2012 at 12 55 PM

Subject SCGOP Issues Statement on Candidate Certification

To Matt Moore <matt@scgop.com>

FOR IMMEDIATE RELEASE

South Carolina Republican Party
Contact Matt Moore, Executive Director
803-988-8440

SCGOP Issues Statement on Candidate Certification

Columbia, SC - The South Carolina Republican Party today issued a statement following the S C Supreme Court's Noon, May 4 filing deadline

"On behalf of all South Carolina Republicans, I am sad about this week's candidate filing rulings, but am committed to following the S C Supreme Court's instructions Our party has meticulously analyzed the filing submissions in compliance with the standards set forth by the Court

We respect the Court's decision and in compliance with the Court's order, we have submitted our list to the Election Commission We are looking forward to moving ahead and anticipate animated and spirited primary contests on June 12th "

Link to filings

<https://docs.google.com/spreadsheets/ccc?key=0AtgtKoNHR5uNdEtoeGRSVUVIUnIybzNCOHk4dkVHSEE>

###

Reception

From Carroll Duncan [carrolsduncan@gmail.com]
Sent Thursday, June 07, 2012 2:06 PM
To Joshua Dickard
Cc Tony Piscatella; Carroll Duncan
Subject Re: Supreme Court Ruling - UPDATE

Josh,

After examining all candidate's files at the Dorchester County GOP office with all hard copies of the SEI being provided at the same time the Candidate Declaration form was submitted, to the best of my knowledge, at this time, no changes are required on the GOP Primary ballot. The certified candidates' list presented to you on May 4, 2012 before 12 noon by Tony Piscatella and me stands as is.

If you need further information, please don't hesitate to call me.

We certainly appreciate everything you, your staff and the Election Commissioners are doing to protect the integrity of the election process on June 12.

Best,

Carroll

Carroll S. Duncan, Chairman
Dorchester County GOP
843 873 1654

On Thu, Jun 7, 2012 at 10:47 AM, Joshua Dickard <JDickard@dorchestercounty.net> wrote:

I just received an update from the State Election Commission regarding any decertification's you may have. Please submit any decertified names to my office by 4:00 p.m. today, June 7, 2012. Thank you again for your help.

Joshua A. Dickard
Executive Director
Dorchester County Elections & Voter Registration

2120 East Main Street, Dorchester, SC 29437
[843 832.0071](tel:843.832.0071) (office) | [843 832 0281](tel:843.832.0281) (fax)
<http://www.dorchestervotes.org>



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Dorchester County, SC Board of Elections and Registration
 Dorchester County, SC Board of Elections and Registration

2012 Republican and Democratic Primary

Website last updated 6/18/2012
 4 17 50 PM EDT

Registered Voters 84 098
 Ballots Cast: 10 090
 Voter Turnout 12 00 %

Precincts Completely Reported 74 of 74

OFFICIAL RESULTS

Search Contests
 (5 of 5)

Go To Page 1 ▾ Contests Per Page 5 ▾

State Senate District 38 REP (Vote For 1)

47 of 47 Precincts Reporting

	Percent	Votes
Sean Bennett (REP)	60 09%	4 119
<u>Winner</u>		
Mike Rose (REP)	39 91%	2 736
		6 855

State House of Representatives District 97 REP (Vote For 1)

21 of 21 Precincts Reporting

	Percent	Votes
Jordan Bryngelson (REP)	45 72%	1 298
Ed Carter (REP)	54 28%	1 541
<u>Winner</u>		
		2 839

Sheriff REP (Vote For 1)

74 of 74 Precincts Reporting

	Percent	Votes
LC Knight (REP)	61 67%	6 159
<u>Winner</u>		
Mike Turner (REP)	38 33%	3 835
		10,004

County Council District 4 - REP (Vote For 1)

8 of 8 Precincts Reporting

	Percent	Votes
Larry Hargett (REP)	60 88%	431
<u>Winner</u>		
John Hull (REP)	39 12%	277
		708

County Council District 6 REP (Vote For 1)

13 of 13 Precincts Reporting

	Percent	Votes
Roger W Goodman (REP)	31 31%	635
Bill Hearn (REP)	68 69%	1 393
<u>Winner</u>		
		2 028

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY DEMOCRATIC
PARTY,)

Civil Action No 2012 CP 18 1632

Plaintiff,)

vs)

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY, SOUTH)
CAROLINA REPUBLICAN PARTY (*Matt*)
Moore as Executive Director & Chad)
Cornolly as Chairman) DORCHESTER)
COUNTY ELECTION COMMISSION)
(*Joshua Dickard as Executive Director*),)
COLLETON COUNTY ELECTION)
COMMISSION, BERKELEY COUNTY)
ELECTION COMMISSION,)
CHARLESTON COUNTY ELECTION)
COMMISSION, SOUTH CAROLINA)
STATE ELECTION COMMISSION (*Marc*)
Andino, as Executive Director & Chris)
Whitnire as Director of Public Information)
and Training), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA,)

STIPULATED FACTS

Defendants)

All parties of record hereby submit these agreed upon uncontested facts pursuant to
Paragraph 2(b) of the July 23, 2012 scheduling order in this matter

1 Mike Rose is a resident of Dorchester County, is the current Senator for District
38, and is seeking re election to that office

2 Sean Bennett is a resident of Dorchester County and is seeking election to the
Senate District 38 seat

3 Ed Carter is a resident of Dorchester County and is seeking election to the House
District 97 seat

4 Tony Piscatella is a Dorchester County resident and was the Dorchester County
Republican Party treasurer and records custodian during the 2012 primary election

5 All candidates at issue in this case have filed a statement of intention of
candidacy

6 This Court has jurisdiction over all parties to this case and the subject matter of
this case

7 Venue is proper with this Court

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY DEMOCRATIC)
PARTY,)

Civil Action No 2012 CP-18-1632

Plaintiff,)

vs)

CERTIFICATE OF SERVICE

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive Director*)
& *Chad Connolly, as Chairman*),)
DORCHESTER COUNTY BOARD OF)
ELECTIONS (*Joshua Dickard as Executive*)
Director), SOUTH CAROLINA STATE)
ELECTION COMMISSION (*Marci Andino,*)
as Executive Director & Chris Whitmire as)
Director of Public Information and)
Training),)

Defendants)

I, Deboiah Harris, an employee of the McNair Law Firm, P A , do hereby certify that I have this date served one (1) copy of *Stipulation of Facts of Defendant South Carolina State Election Commission (Marcia Andino, as Executive Director & Chris Whitmire as Director of Public Information and Training)*, upon the following counsel via E-Mail and U S Mail, postage pre-paid as follows

The Honorable Howard P King
Active/Retired Circuit Court Judge
P O Box 189
Sumter, SC 29151-0189
(HKingJ@sccourts.org)

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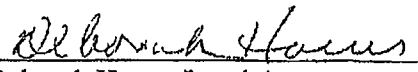
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Deborah Harris, Legal Assistant

July 30, 2012

Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DOCHESTER	)	FIRST JUDICIAL CIRCUIT
Dorchester County Democratic Party,	)	CIVIL ACTION NUMBER 2012-CP-18-1632
	)	
Plaintiff,	)	
	)	
vs	)	STATEMENT OF FACTS OF
	)	DEFENDANT MIKE ROSE
Dorchester County Republican Party	)	
(Carroll Duncan, as Chairman), Colleton	)	
County Republican Party, Berkeley County	)	
Republican Party, Charleston County	)	
Republican Party, South Carolina	)	
Republican Party (Matt Moore as Executive	)	
Director & Chad Connolly as Chairman),	)	
Dorchester County Election Commission	)	
(Joshua Dickard as Executive Director),	)	
Colleton County Election Commission,	)	
Berkeley County Election Commission,	)	
Charleston County Election Commission,	)	
South Carolina State Election Commission	)	
(Marc Andino, as Executive Director &	)	
Chris Whitmire as Director of Public	)	
Information and Training), Mike Rose, and	)	
Tony Piscatella,	)	
	)	
Defendants	)	

This case arises out of the improper certification of non-incumbent Republican candidates, including Sean Bennett (collectively, the "candidates"), for the Dorchester County Republican Party ("DCRP") Primary on June 12, 2012, and for the General Election in November, 2012. Certification of the aforementioned candidates was in violation of Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012), Florence County Democratic Party v. Florence County Republican Party, 727 S.E.2d 418 (S.C. June 5, 2012), and S.C. Code § 8-13 1356, and was based on the representations of Defendant Tony Piscatella, former records custodian of the DCRP, regarding the candidates' filing of a paper Statement of

Economic Interest ("SEI") for the preceding calendar year at the same time and with the same official with whom the candidates filed a Statement of Intention of Candidacy ("SIC") (Ex A, Aff of Carol Duncan) After it was determined that Mr Piscatella had not complied with Anderson, 397 S C 551, 725 S E 2d 704, Florence County Democratic Party, 727 S E 2d 418, and S C Code § 8-13-1356 as he had represented, the candidates were decertified and Mr Piscatella was lawfully and properly relieved of his duties as records custodian of the DCRP (Id) The certification of candidates for the General Election is to be completed by August 15, 2012 The General Election is scheduled for November 6, 2012

Filing for the Dorchester County Republican Primary opened on March 16, 2012, and closed March 30, 2012 Mr Piscatella was the individual in charge of the candidate filing process (Ex A, Aff of Carol Duncan, at ¶3) The South Carolina Republican Party ("SCR") provided candidate filing instructions and a checklist to the County Republican Parties based on information provided to the SCR by the South Carolina State Election Commission and the South Carolina State Ethics Commission (Id at ¶5) The SCR's instructions explained the various documents which needed to be filed by the candidates (Id at ¶6) With respect to the SEI filing requirement, the SCR instructed that candidates bring a proof of online filing showing that the SEI form had been filed with the South Carolina State Ethics Commission rather than a paper copy of the SEI itself (Id) The checklist provided by the SCR also required a "proof of online filing" rather than a paper copy of the SEI itself (Id at ¶8), see also (Ex B, Checklist Example) On March 12, 2012, the DCRP sent an email to all elected officials and announced candidates who it was believed intended to file with the DCRP to run in the June 12, 2012 Primary setting forth the instructions of the SCR (Id at ¶7)

Mr Piscatella apparently avers that, rather than comply with the instructions of the South Carolina State Election Commission, the South Carolina State Ethics Commission, the SCRP, and the checklist provided, he required the candidates to file a paper SEI for the preceding calendar year at the same time and with the same official with whom the candidates filed a SIC, (Ex A, Aff of Carol Duncan, at ¶12), however, the evidence suggests otherwise

By way of example, Roger W Goodman, a non incumbent candidate in the June 12, 2012 Republican Primary for Dorchester County District #6, states that he gave Mr Piscatella his SIC on March 16, 2012, at the DCRP Headquarters, but did not give Mr Piscatella (or any other official) a paper copy of his SEI (Ex C, Aff of Roger Goodman, at ¶¶ 2-4) Instead, Mr Goodman electronically filed his SEI before arriving at the DCRP Headquarters as instructed in the email he received from the DCRP, dated March 12, 2012 (Id at ¶5), see also (Ex A, Aff of Carol Duncan, at ¶7) Mr Goodman did not authorize, request, or see Mr Piscatella or any other person print, file, or have a paper copy of his SEI (Id at ¶4) The checklist provided by the SCRP was used for Mr Goodman's filing (Id at ¶6), see also (Ex D, Aff of Jannette Chipas re Goodman Filing, ¶3) As indicated previously, the checklist did not require a paper copy of the SEI (Id), see also (Ex D, Aff of Jannette Chipas re Goodman Filing, ¶6) Accordingly, Mr Goodman did not file a paper copy SEI, but rather, filed (1) an SIC, (2) a Notice of Candidacy and Pledge, (3) a Proof of SEI filing email, dated March 12, 2012, and (4) a DCRP Candidate Support Declaration Statement (Ex D, Aff of Jannette Chipas re Goodman Filing, ¶¶4-6, 8-9) Mr Goodman did not present a Candidate Campaign Disclosure form ("CDF") as a part of his filing (Id at ¶¶5 6, 8 9), see also (Ex E, Supp Aff of Roger Goodman, ¶5) Indeed, Mr Goodman has neither had nor seen a paper copy of his CDF, nor did he authorize, request, or see Mr Piscatella or any other person to print, file, or have a paper copy of his CDF (Ex E, Supp

Aff of Roger Goodman, ¶5) Nonetheless, the Goodman file filed by Mr Piscatella with the Dorchester County Clerk of Court on July 24, 2012, as ordered by Judge Howard P King, includes a paper copy of Mr Goodman's CDF (Id at ¶6), see also (Ex D, Aff of Jannette Chipas re Goodman Filing, ¶¶8-9) The Goodman file also included a paper SEI, which as previously indicated, was not filed by Mr Goodman (Ex D, Aff of Jannette Chipas re Goodman Filing, ¶¶8-9) See also (Ex F, Aff of Larry Hargett (stating that he did not provide Mr Piscatella or any other official with an SEI, and did not print, or authorize, request, or see the printing of, a paper copy of his SEI, however, two copies of his paper SEI are included in his candidacy filings as produced by Mr Piscatella to the Dorchester County Clerk of Court))

Similarly, John Hull, a non-incumbent candidate for Dorchester County District #4, states that on March 28, 2012, he gave Mr Piscatella his SIC at the DCRP Headquarters, however, he did not give Mr Piscatella a paper copy of his SEI (Ex G, Aff of John Hull, at ¶¶3-4) Rather, Mr Hull electronically filed his SEI while at the DCRP Headquarters (Id at ¶5) Mr Piscatella printed a copy of Mr Hull's SEI, however, he gave the same to Mr Hull, which Mr Hull took home with him (Id at ¶5) Mr Hull did not authorize, request, or see Piscatella or any other person print, file, or have a paper copy of his SEI, except for the one SEI copy Mr Hull took home with him referenced above (Id at ¶4) The checklist provided by the SCRP was also used, and followed exactly, for Mr Hull's filing (Id at ¶6) The checklist did not require a paper copy of the SEI be provided, accordingly, Mr Hull did not file a copy of his paper SEI (Id) See also (Ex H, Mary Pearson File (showing Candidate Packet Checklist and SIC dated 3/16/12 accompanied by an SEI with a note affixed to the front, stating "3/26/12 Per your request Thanks to all at the office for what you do Mary"))

Michael Turner, a non-incumbent candidate in the Republican Primary for Dorchester County Sheriff, and Jordan Bryngelson, a non-incumbent candidate for the Republican nomination for South Carolina State House District 97, also stated that Mr Piscatella indicated he did not need a paper SEI as a part of their filings (Ex I, Aff of Michael Turner, at ¶¶6-7, 10), (Ex J Aff of Jordan Bryngelson, at ¶¶5-7). Instead, Mr Piscatella indicated that if he did need to include a paper SEI, he would simply print one off later (Ex I, Aff of Jordan Bryngelson, at ¶6). Mr Turner and Mr Bryngelson, however, out of an abundance of caution, requested that Mr Piscatella include their paper SEIs as a part of their filings (Ex I, Aff of Michael Turner, at ¶¶7, 10), (Ex J, Aff of Jordan Bryngelson, at ¶7).

Despite the statements of the aforementioned candidates regarding their similar experiences, Mr Piscatella states that, on March 20, 2012, Sean Bennett, non-incumbent candidate for South Carolina Senate District 38, filed in front of a female witness (1) his SIC and pledge, (2) his SEI together with proof of filing, (3) a Candidate Support Committee Declaration Statement, and (4) his CDF (Ex K, Supp Aff of Tony Piscatella). Contrary to Mr Piscatella's averment, Ann Shields and Janette Chipas state that the woman who accompanied Mr Bennett to the DCRP Headquarters was not a witness to Mr Piscatella's filing (Ex L, Aff of Ann Shields), (Ex M, Aff of Janette Chipas re Affidavit of Ann Shields). The SEI Mr Piscatella avers is a part of Mr Bennett's filing is on a form for the year 2011 (reporting period January 1, 2010, to December 31, 2010), not a form for the year 2012 (reporting period January 1, 2011, to December 31, 2011, i.e., the year "preceding" the 2012 elections) (Ex N, Sean Bennett's SEI), (Ex O, Public Reporting Name Results 2011), (Ex P, Public Reporting Name Results 2012), see also (Ex R, Aff of Mike Rose, ¶¶ 35-40).

On May 2, 2012, the South Carolina Supreme Court issued its decision in Anderson, 397 S C 551, 725 S E 2d 704, finding that individuals not exempt who were seeking nomination by political party primary to be a candidate for office had to file a paper copy of a SEI at the same time and with the same official with whom the individual filed a SIC, and further, that the requirement could not be satisfied by filing an SEI electronically with the South Carolina State Ethics Commission. The Court ordered the political parties to remove any non-incumbent candidate who had not legally filed. Thereafter, the SCRP required county party chairmen to put together a certified list of candidates who had lawfully filed under Anderson. (Ex. A, Aff. of Carol Duncan, at ¶11) Carol Duncan, Chairman of the DCRP, asked Mr. Piscatella to review the files and determine who had filed paper SEIs and who had not. (Id. at ¶11) Mr. Piscatella reported that all but one candidate had filed a paper SEI with a paper SIC, indicating he had deviated from the instructions he had been given and had required all candidates to file a paper SEI. (Id. at ¶11) Based on Mr. Piscatella's representations, on May 4, 2012, Ms. Duncan prepared and hand delivered a letter to the Dorchester County Election Commission certifying all Dorchester County Republican candidates but one, and sent the letter to the SCRP via email. (Id. at ¶13)

On June 5, 2012, the Supreme Court issued its decision in Florence County Democratic Party, 727 S E 2d 418, holding that candidates who had filed a SIC were not exempt from filing a SEI. Thereafter, Ms. Duncan asked Mr. Piscatella to again verify whether any candidates needed to be decertified. (Id. at ¶14) Mr. Piscatella again stated that no candidates needed to be decertified. (Id.)

The Primary election occurred on June 12, 2012. Following the election questions again arose regarding the proper certification of candidates, and Ms. Duncan asked Mr. Piscatella again

to check the candidates' filings (Id. at ¶¶15-16), see also (Ex. K, Supp. Aff. of Tony Piscatella, at ¶13) Mr. Piscatella then reported that all paper SEIs except Sean Bennett's were in the candidates' files (Id. at ¶16). On June 13, 2012, after receiving an unexpected and unsolicited telephone call which raised doubts as to Mr. Bennett's filings, Senator Rose asked Mr. Piscatella for a copy of the paperwork filed with the DCRP by all DCRP candidates, especially by Mr. Bennett (Ex. R, Aff. of Mike Rose, ¶¶6-7). Although Mr. Piscatella agreed to give Senator Rose a copy of the requested paperwork that day, he did not do so (Id. at ¶7). Instead, Senator Rose received emails from Mr. Piscatella and Matt Moore, Executive Director of the SCRP, on June 15, 2012, indicating that, at the direction of the SCRP, such information was not going to be provided (Id. at ¶¶9-11). Senator Rose did not learn until July 5, 2012, that Ms. Duncan, Mr. Piscatella, and Mr. Moore knew that Mr. Bennett's SEI was not in the candidates' files (Id. at ¶¶12-13).

Mr. Piscatella has continued to deny requests to provide copies of the candidates' files for verification (Id. at ¶¶16-18), see also (Ex. A, Aff. of Carol Duncan, at ¶22). This lawsuit was commenced on June 29, 2012. On July 11, 2012, Mr. Piscatella was removed as the DCRP candidate filing officer/records custodian and directed to provide the DCRP documents to the newly appointed records custodian, Dr. Tim Huber (Ex. Q, Duncan Letter). Mr. Piscatella still refused to produce the records (Ex. A, Aff. of Carol Duncan, at ¶22). On July 23, 2012, Judge Howard P. King ordered Mr. Piscatella to file by 5 p.m. on July 24, 2012, with the Dorchester County Clerk of Court three affidavits by Mr. Piscatella and the DCRP documents Mr. Piscatella had previously refused to produce. The documents produced to the Court cast doubt on the accuracy of Mr. Piscatella's representations as to the completeness of the candidates' files. An analysis of the inconsistencies and discrepancies revealed by the aforementioned documents is

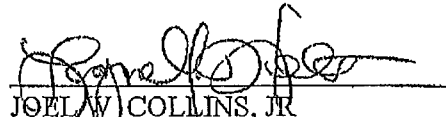
set forth in the Affidavit of Mike Rose, attached hereto as Exhibit R, and encompasses the following categories (1) the intermingling of Mr. Bennett's personal documents ("Bennett Version #2") with the documents in the official DCRP candidate file for Mr. Bennett ("Bennett Version #1") (Id. at ¶27), (2) a comparison of the differences/inconsistencies between the Bennett Version #1 documents and the Bennett Version #2 documents (Id. at ¶28), (3) a comparison of the differences/inconsistencies between the Bennett Version #1 documents and the Bennett Version #2 documents with the campaign documents of the other DCRP candidates (Id. at ¶29), (4) inconsistencies between DCRP candidates' documents produced to the Court by Mr. Piscatella and the Candidate Packet Checklists (Id. at ¶30), and (5) Mr. Piscatella's prior inconsistent representations as to the file of Mr. Mondo (Id. at ¶31).

[Signature Page to Follow]

Respectfully submitted,

COLLINS & LACY, P C

By


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LOGAN M. WELLS
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ATTORNEYS FOR DEFENDANT
MIKE ROSE

By


MICHAEL T. ROSE
Pro se

Columbia, South Carolina

July 31, 2012

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

Civil Action No 2012-CP-18 1632

**AFFIDAVIT OF
CARROLL S DUNCAN,
DORCHESTER COUNTY
REPUBLICAN PARTY
CHAIRMAN**

The undersigned Carroll S Duncan, first being duly sworn, hereby deposes and says

1 My name is Carroll S Duncan, and I am Chairman of the Dorchester County Republican Party. In addition, I filed to run for the Republican nomination for Dorchester County Council District 5 in the June primaries. No other candidate filed for the office with the Republican Party or any other entity.

2 I provide this affidavit to give a factual accounting of what I know regarding candidate filing by the Dorchester County Republican Party, the basis of my prior candidate certifications, and facts that have come to light since the election on June 12, 2012.

3 Tony Piscatella, Dorchester County Republican Party Treasurer, was the individual in charge of the candidate filing process.

4 Outside of submitting my own filing for County Council, my direct involvement
in the candidate filing process was very limited. I suffered a serious ankle injury as a
result of a fall in bad lighting at the Sotille Theater in Charleston on January 14 during an
event for SCGOP Presidential Primary candidates. I could not move around very well and
was still recuperating during the candidate filing period in March.

5 The SCGOP provided candidate filing instructions and a checklist to the County
Republican Parties based on information provided to them by the South Carolina State
Election Commission and South Carolina State Ethics Commission.

6 The SCGOP's instructions explained the various documents which needed to be
filed by candidates. With respect to the Statement of Economic Interest ("SEI") filing
requirement, the SCGOP instructed that candidates bring a proof of online filing showing
that the SEI form had been filed with the South Carolina State Ethics Commission rather
than a paper copy of the SEI form itself.

7 On March 12, 2012, I sent an email to all elected officials and announced
candidates who I believed would be filing with the Dorchester County Republican Party
to run in the June 12 primary elections. This email consisted of filing instructions based
on those given to us by the SCGOP.

8 With regard to the SEI filing requirement, the checklist sent to Dorchester County
Republican candidates required a "proof of online filing" rather than a paper copy of the
SEI itself. This mirrored the filing instructions sent out by the SCGOP.

9 Filing ended on March 30 and was, so far as anyone knew at the time, uneventful.

10 However, just over a month later, the South Carolina Supreme Court issued its
decision in Anderson v. South Carolina Election Commission and found that, for non-

incumbent candidates, a paper copy of the SEI had to be filed at the same time as a paper copy of the SIC. The Supreme Court ordered the political parties to remove any non-incumbent candidate who had not legally filed according to the Anderson case.

11 The SCGOP required county party chairmen to put together a certified list of candidates who had lawfully filed under Anderson. As Tony Piscatella had been the filing official and was the document custodian in charge of the files, I immediately asked him to review the files and determine who had filed paper SEIs and who had not.

12 Tony quickly reported back that all but one candidate had filed a paper SEI along with a paper SIC. I was absolutely shocked and excited, as I had expected that most candidates had not filed a paper SEI given that the instructions did not require a paper SEI. I asked Tony how it was possible that all but one of our candidates had managed to file correctly. Tony responded that he had deviated from the instructions he had been given and required all candidates to file a paper SEI. I had no reason to doubt him because I had filed a paper SEI during my filing.

13 The Supreme Court had ordered that amended candidate certifications be provided by noon on May 4th. The morning of May 4th, I prepared and hand-delivered a letter to the Dorchester County Election Commission certifying all Dorchester County Republican Party candidates except for the one referenced above. I sent the same letter by email to the South Carolina Republican Party.

14 The election proceeded. Then, on June 5th, the South Carolina Supreme Court issued its decision in the Florence County case. Because Tony had represented to me that all remaining certified non-incumbents had filed paper copies of their SEIs, I did not believe the Florence County decision would have any effect on our certifications because

it only applied to situations where a non-incumbent did not file a paper SEI but had an electronic SEI on file with the State Ethics Commission. Nonetheless, I asked Tony to again verify whether any candidates needed to be decertified. Tony responded that no candidates needed to be decertified, so none were.

15 The election occurred on June 12th. After the election, a number of rumors began circulating around the state that various non-incumbent candidates had not lawfully filed according to the Supreme Court's recent decisions. Dorchester County was no exception.

16 Shortly after the election, Sen. Mike Rose asked Tony Piscatella to provide a copy of Sean Bennett's paper SEI on file with the Dorchester County Republican Party. Tony told Sen. Rose that he would provide it, but Piscatella told me that Bennett's paper SEI was not in the file. Piscatella told me that every other paper SEI for the previously-certified candidates was in the file except for Bennett's.

17 I was shocked to hear Bennett's paper SEI was not in the file after Piscatella had repeatedly represented to me that it was in the file. Tony suggested various theories as to how the form had gone missing, but I became concerned that Tony had not been truthful with me about the filing process and that Bennett had not actually filed a paper SEI.

18 I continued to try to learn more about what had actually happened during the Dorchester County Republican Party filing process. John Hull and Roger Goodman have stated under oath that they have not filed paper SEIs. Other candidates have stated under oath that Piscatella did not require paper SEIs but instead was resistant to receiving them because the checklist required a proof of filing and not the actual paper SEI itself.

19 Though I deeply regret coming to this conclusion, I now believe that Tony Piscatella was not truthful with me with regard to his filing practices of the Dorchester

County Republican Party I do not believe I can, in good faith, come to any other conclusion

20 Further, it has been deeply troubling that Mr Piscatella has refused to turn over the Dorchester County Republican Party candidate filing documents

21 When word came that the Dorchester County Democratic Party was planning a lawsuit, Mr Piscatella told news media that any lawsuit would be defeated by the records in his possession He reportedly stated "Once they go through discovery, they will come back to my records and they'll say stop there "

22 After this lawsuit was filed, I repeatedly requested that Mr Piscatella provide the records or copies of them so that I could defend against the lawsuit Mr Piscatella has so far refused to turn them over I removed Mr Piscatella as records custodian pursuant to my authority as Chairman of the Dorchester County Republican Party and appointed Tim Huber as the new records custodian I directed Mr Piscatella to turn the records over to Mr Huber, but he refused I understand Mr Huber also requested the records from Mr Piscatella directly, but he refused

23 The only reasonable conclusion that can be drawn from this is that the records do not support Mr Piscatella's representations about them

24 I regret decertifying any candidates The candidates who filed incorrectly generally did so through no fault of their own They simply relied on erroneous instructions given to them by the political parties which the parties had, in turn, received from government agencies

25 However, my obligation is to follow the law and the Supreme Court has said in no uncertain terms that candidate certifications must be properly made in good faith Given

what I now know about the Dorchester County Republican Party filing process, I do not believe that Mr Piscatella required paper copies of SEIs from candidates. Instead, I believe he followed the checklist he was given and required proofs of filing rather than the paper SEI forms themselves. Because Mr Piscatella did not have a practice of requiring paper SEIs, and because Mr Bennett's paper SEI was not in the file, I am forced to conclude it is more likely than not that Mr Bennett did not file a paper SEI. I believe it is more likely than not that Mr Bennett filed the paperwork on the checklist he was given and, therefore, did not file correctly. I understand Mr Bennett claims to have filed a paper copy of his SEI, but I believe the best evidence of what Mr Bennett filed is what was actually in the file. I must therefore decertify Mr Bennett.

26 With regard to Mr Hull and Mr Goodman, they admit they did not file paper copies of their SEIs. Obviously, I must also decertify them.

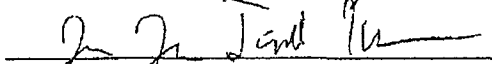
27 Given what I now know, I must decertify every other non-incumbent candidate as well, but I will reconsider that decision if and when I gain access to the files in Mr Piscatella's possession.

28 Further affiant sayeth not.


CARROLL S DUNCAN

Sworn to and subscribed before me this

18th day of July, 2012


Notary Public for South Carolina

My Commission Expires 2-1-2017

Exhibit B

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012-CP-18- 1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3 / 16 /2012

Make checks payable to DCRP

☒

Statement of Intention of Candidacy (SIC) and Pledge

☒

Statement of Economic Interests (SEI) – proof of online filing

☒

Candidate Support Committee Declaration Statement

☐

Affidavit – (Requirements for Coroner and Sheriff)

☐

Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

FILED-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 16 /2012

Received by [Signature] Date 3 / 16 /2012

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Goodman, Roger W
Position Sought County Council
Election Type Primary
Election Date 08/12/2012
Filing Type Original Not Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Goodman, Roger W
 2215 Hummingbird Lane
 Summerville, SC 29483
 843 810 1340
 Dorchester County

Report Type

2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$800 00	\$800 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$900 00	\$900 00

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$900.00
C Total Expenditures (This Period) ()	\$0.00
D Contributions On Hand (Period End) (=)	\$900.00

Loans

Loan Balance	\$0.00

File with the appropriate Ethics Commission

If you are satisfied with the information you have entered, you may file your report by clicking the **File*** button below

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the **Save** button below

Print **Save** **File**

FILED
2012 JUL 24 PM 12:17
CLERK OF COURT
BORCHESTER COUNTY

Exhibit C

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012 CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

**AFFIDAVIT OF
ROGER GOODMAN,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 6**

The undersigned Roger W Goodman, first being duly sworn, hereby deposes and
says

1 My name is Roger W Goodman, and I reside at 2215 Hummingbird Lane,
Summerville, SC 29483

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #6

3 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy-Partisan on March 16, 2012 at
or about 12 13 pm, at the Dorchester County Republican Party Headquarters at 89B Old
Trolley Road, Summerville, SC 29483

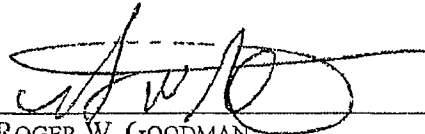
4 At no time did I give or intend to give, Tony Piscatella or any other official of the
DCRP a paper copy of my Statement of Economic Interests ("SEI") I did not bring to

the DCRP Headquarters a paper copy of my SEI. I have never had or seen a paper copy of my SEI. I did not authorize, request, or see Tony Piscatella or any other person print, file, or have a paper copy of my SEI.

5 Instead of giving Tony Piscatella or any other DCRP official a paper copy of my SEI, I electronically filed my SEI before my arriving at DCRP Headquarters on March 16, 2012, as instructed in an e mail I received from the DCRP dated March 12, 2012.

6 No one at the DCRP ever asked for a paper copy of my SEI or instructed me to provide them with a paper copy of my SEI. To the contrary—the DCRP used a filing checklist that did not require a paper copy of the SEI. With regard to my filing, the DCRP followed the checklist exactly, and so I did not file a paper copy of my SEI.

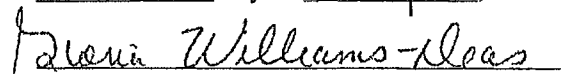
7 Further affiant sayeth not



ROGER W. GOODMAN

Sworn to and subscribed before me this

12 day of July, 2012



Notary Public for South Carolina

My Commission Expires 11-28-2021

Exhibit D

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Exhibit 1

Candidate Packet Checklist

Roger Goodman File

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DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012-CP-18- 1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3 / 16 /2012

Make checks payable to DCRP

FILED-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) -- proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☐ Affidavit -- (Requirements for Coroner and Sheriff)
- ☐ Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 16 /2012

Received by [Signature] Date 3 / 16 /2012

Exhibit 2

Statement of Intention of Candidacy

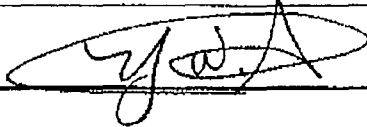
Roger Goodman File

Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence including probation and parole time, unless previously pardoned

Name	ROGER W GOODMAN			Party	Republican		
Office	County Council #6			District	#6		
Primary or Convention	Primary		Election Date	June 12, 2012			
Address	2215 Hummingbird Ln	City	Summerville	Zip	29483		
Email Address	rgoodman5@sc.rr.com						
Telephone	Cell	843-810-1340	Home	843-875-5779	Work	843-871-7549	
Voter Registration Number	5163059						
Guidelines for a Candidate's Name to appear on the ballot ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters							
Name as you wish it to appear on ballot (please print)		ROGER W GOODMAN					
Audio Ballot – Phonetically spell your name, if necessary		Example		Jackson Gervais jur-VAY			

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DORCHESTER COUNTY

Candidate's Oath	
I affirm that I meet, or will meet by the time of the general or special election the qualifications for this office.	
Candidate's Signature	

Completed by County Party			
Date Received	3/14/12	Time Received	12:13 PM
Received By	Tony Pennett		
County Political Party	Dorchester County		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

Exhibit 3

Notice of Candidacy and Pledge

Roger Goodman File

NOTICE OF CANDIDACY AND PLEDGE

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester

I hereby file my notice as a candidate for the nomination as County Council in the primary election to be held on June 12, 2012 affiliate with the Republican Party, and I hereby pledge myself to abide by the results of said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge of offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in said primary election, unless the nominee for any such office has become deceased or otherwise disqualified for election in said ensuing general election

Roger W. Goodman
Print Name

2215 Hummingbird Lane
Address

Summerville SC 29483
City Zip

843-875-5779
Home Telephone

843-871-7549
Office Telephone

[Signature]
Signature

3/16/12
Date

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2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy of any candidate signed by an agent on behalf of a candidate shall not be valid

NOTE The county chairman shall retain the original, a copy shall be given to the candidate and a copy shall be mailed to State Republican Party Headquarters

South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201
Phone (803) 988-8440

Current as of February 17, 2012

Exhibit 4

Proof of SEI Filing

Roger Goodman File

From FilingConfirmation@messaging.sc.gov
Date 3/12/2012 12:19:40 PM
To rgoodman5@gmail.com
Subject Filing Confirmation

State Ethics Commission
Public Disclosure and Accountability Reporting

Filing Year 2012

Statement of Economic Interests Report, Original

You have successfully filed your report as of 3/12/2012 12:18:42 PM. Your confirmation number is
SE112232-R37227-e1a89488

Please print this page for your records

110-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
BERKELEY COUNTY

Exhibit 5

Candidate Support Declaration Statement

Roger Goodman File

Dorchester County Republican Party Candidate Support Declaration Statement

Name Roger Goodman

Seeking Office for County Council Seat/District # 6

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- RG 1 I am a resident of the district for which I am running for office and a registered voter
- RG 2 I am a citizen of the United States and a resident of South Carolina
- RG 3 I will be at least 18 years of age as of the next general election
- RG 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
- RG 5 I have not been convicted of a felony or offense against the election laws
- RG 6 I will accurately state my qualifications and background in connection with my candidacy
- RG 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature [Signature]
Date 7/16/12

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2012 JUL 24 PM 1:11
CHERYL S. HILL
CLERK OF COURT
DORCHESTER COUNTY

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1 Continued efficiency in Government Restructuring	✓			
2 Policies which restore public confidence in the Judiciary	✓✓			
3 Constitutional adherence to States' Rights	✓✓✓			
4 A Tax Policy which promotes prosperity	✓✓			
To Establish Justice				
1 An end to racial and gender Discrimination & Affirmative Action	✓			
2 Strict adherence to Ethics in Government	✓✓			
3 Governmental protection of Constitutional Property Rights	✓✓			
5 Freedom in the job market through the Right to Work	✓✓			
6 Ensure the Integrity of the Election Process	✓✓			
7 A swift sure and true Criminal Justice system	✓✓			
To Provide for the Common Defense				
1 A commitment to Peace through Strength in foreign policy	✓			
2 A constitutional view of the Right to Bear Arms	✓✓			
3 United States Sovereignty	✓✓			
To Promote the General Welfare				
1 A balanced Budget, Deficit reduction and Transparency	✓✓			
2 Incentives to make the Economy grow	✓✓✓			
3 Increased Educational opportunities and academic excellent	✓✓✓			
4 An effective and sensible policy on The Environment	✓			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare				
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	✓			
7 An agenda to empower Senior Citizens	✓			
8 Welfare Reform	✓			
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature

Date

Witness

Title

Date

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

NO

Do you have experience or service in government (elected or appointed)?

Yes

Have you worked on a political campaign in any capacity?

NO

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Clemson President

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DORCHESTER COUNTY

Exhibit 6

SEI

Roger Goodman File

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests
2012

Statement of Economic Interests Report

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DORCHESTER COUNTY

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

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DORCHESTER COUNTY

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

[Print](#) [Go Back](#)

Name
Year
Filing Date

Demographic Information

Name	Address	Phone	County
Roger W Goodman	2215 Hummingbird Lane Summerville, SC 29483	843 810 1340	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Candidate	1/2013 - 12/2017	3/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose. ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

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DORCHESTER COUNTY

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

Exhibit 7

Campaign Disclosure

Roger Goodman File

SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Candidate Campaign Disclosure Review

2012, Initial Report

Candidate Goodman Roger W
Position Sought County Council
Election Type Primary
Election Date 06/12/2012
Filing Type Original Not Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Goodman, Roger W
 2215 Hummingbird Lane
 Summerville, SC 29483
 843 810 1340
 Dorchester County

Report Type2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$800 00	\$800 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$900 00	\$900 00

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$900.00
C Total Expenditures (This Period) ()	\$0.00
D Contributions On Hand (Period End) (=)	\$900.00

Loans

Loan Balance	\$0.00

File with the appropriate Ethics Commission

If you are satisfied with the information you have entered, you may file your report by clicking the **File** button below

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the **Save** button below

Print **Save** **File**

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2012 JUL 24 PM 12:17
CLERK OF COURT
BORCHESTER COUNTY

Exhibit E

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**SUPPLEMENTAL AFFIDAVIT OF
ROGER GOODMAN,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 6**

Defendants

The undersigned Roger W Goodman, first being duly sworn, hereby deposes and
says

1 My name is Roger W Goodman, and I reside at 2215 Hummingbird Lane,
Summerville, SC 29483

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #6

3 I am submitting this affidavit in connection with the lawsuit captioned above

4 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy Partisan on March 16, 2012 at
or about 12 13 pm, at the Dorchester County Republican Party Headquarters at 89B Old
Trolley Road, Summerville, SC 29483

5 At no time did I give, or intend to give, Tony Piscatella or any other official of the

DCRP a candidate Campaign Disclosure form ("CDF") I did not bring to the DCRP Headquarters a paper copy of my CDF I have never had or seen a paper copy of my CDF I did not authorize, request or see Tony Piscatella or any other person print, file or have a paper copy of my CDF On March 16, 2012 Tony Piscatella and I both signed a Candidate Packet Checklist that indicated that I did not file a CDF and that it was not required to do so at the time of the filing

6 Despite the above, I have reviewed a paper copy, attached hereto, of a CDF in my name that is included among my DCRP candidate sign up records filed by Tony Piscatella with the Dorchester County Clerk of Court on July 24, 2012, as ordered by Judge Howard P King The bottom right corner of both pages of that CDF indicate that those pages were printed on 3/16/1012 at 12 24 PM I did not print, or know about or authorize the printing of, that CDF or its inclusion among my candidate sign up records filed with the DCRP That CDF should not be among my candidate sign up records

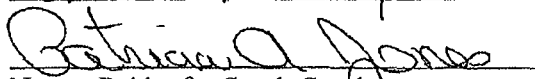
7 Further affiant sayeth not



ROGER W. GOODMAN

Sworn to and subscribed before me this

26th day of July, 2012



Notary Public for South Carolina

My Commission Expires _____ My Commission Expires
August 11 2016

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012-CP-18- 1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3/16 /2012

Make checks payable to DCRP

FILED-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) -- proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☐ Affidavit -- (Requirements for Coroner and Sheriff)
- ☐ Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3/16 /2012

Received by [Signature] Date 3/16 /2012

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting****Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Goodman, Roger W
Position Sought County Council
Election Type Primary
Election Date 06/12/2012
Filing Type Original Not Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Goodman, Roger W
 2215 Hummingbird Lane
 Summerville, SC 29483
 843 810 1340
 Dorchester County

Report Type2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$800 00	\$800 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$900 00	\$900 00

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$900 00
C Total Expenditures (This Period) ()	\$0 00
D Contributions On Hand (Period End) (=)	\$900 00

Loans

Loan Balance	\$0 00

File with the appropriate Ethics Commission

If you are satisfied with the information you have entered, you may file your report by clicking the "File" button below

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the "Save" button below

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2012 JUL 24 PM 12:17
CLERK OF COURT
BORCHESTER COUNTY

Exhibit F

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18 1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**AFFIDAVIT OF
LARRY HARGETT,
INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 4**

Defendants

The undersigned Larry Hargett, first being duly sworn, hereby deposes and says

1 My name is Larry Hargett. I live at 614 Fairington Drive, Summerville, SC
29485

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #4. I won that Primary.

3 I am a member of, and am Chairman of, Dorchester County Council.

4 I am submitting this affidavit in connection with the above-captioned lawsuit.

5 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy-Partisan on March 20, 2012 at
or about 11 am, at the Dorchester County Republican Party Headquarters at 89B Old
Trolley Road, Summerville, SC 29483.

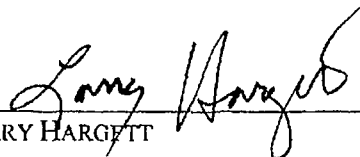
6 At no time did I give, or intend to give, Tony Piscatella or any other official of the

DCRP a paper copy of my Statement of Economic Interests ("SEI") I did not bring to the DCRP Headquarters a paper copy of my SEI I have never had or seen a paper copy of my SEI I did not authorize, request or see Tony Piscatella or any other person print, file or have a paper copy of my SEI

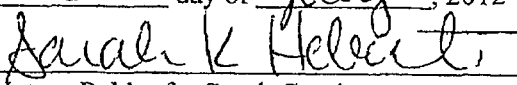
7 Because I was an incumbent I was exempt from filing an SEI along with my candidacy filing That is why I did not provide Tony Piscatella or any other official of the DCRP a paper copy of my SEI

8 Despite the above, I have reviewed two copies, attached hereto, of my SEI that are included among my DCRP candidate sign up records filed by Tony Piscatella with the Dorchester County Clerk of Court on July 24, 2012, as ordered by Judge Howard P King The bottom right corner of both pages of both copies of that SEI indicate that those pages were printed on 3/16/1012 at 11 01 PM I did not print, or know about or authorize the printing of, those SEIs I did not know about, request or authorize the inclusion of those SEIs among my candidate sign up records filed with the DCRP Those SEIs should not be among my candidate sign up records with the DCRP

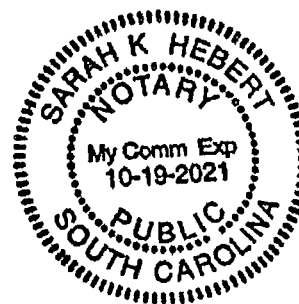
9 Further affiant sayeth not


LARRY HARGETT

Sworn to and subscribed before me this

26 day of July, 2012

Notary Public for South Carolina

My Commission Expires 10-19-2021



SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Larry S Hargett
Year 2012
Filing Date 2/15/2012
Version Original

Demographic Information

Name	Address	Phone	County
Larry S Hargett	615 Fairington Drive Summerville, SC 29485	843 514 7135	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Elected	1/2009 12/2012	2012 JUL 24 PM 12:17

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Dorchester County	Salary	\$20,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

[Print](#) [Go Back](#)

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CLERK OF COURT
DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name Larry S Hargett
Year 2012
Filing Date 2/15/2012
Version Original

Demographic Information

Name	Address	Phone	County
Larry S Hargett	615 Fairington Drive Summerville, SC 29485	843 514 7135	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Elected	1/2009 12/2012	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Dorchester County	Salary	\$20,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose. ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

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CLERK OF COURT
BERKELEY COUNTY

Exhibit G

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

Dorchester County Democratic Party Civil Action No. 2012-CV-P 18-1637

Plaintiff

Dorchester County Republican Party
(Carroll Duncan as chairman, South
Carolina Republican Party) Moore as
Executive Director & chair of all
Chairman, Dorchester County Board
Elections (asua Dikar as Executive
Director) South Carolina State Election
Commission (John A. Moore as
Director & as William M. Moore as
public information officer)

**AFFIDAVIT OF
JOHN R. HILL
NON INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 4**

Defendant

The undersigned John R. Hill is being duly sworn under oath and says

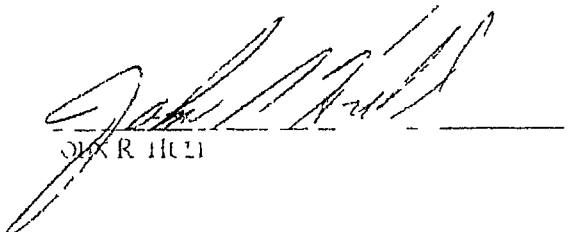
- 1 My name is John R. Hill. I live at 9607 Pecan Creek Road, Summerville SC 29485
- 2 I am a candidate in the June 17, 2012 Republican Primary for Dorchester County Council District 4.
- 3 I gave Tony Piscatella, a representative of the Dorchester County Republican Party (DCRP), my Statement of Intention of Candidacy for District 4 on June 28, 2012 at the Dorchester County Republican Party Headquarters, 1000 S. Highway 170, Summerville SC 29485.
- 4 At no time did I give or intend to give Tony Piscatella or any other official of the DCRP any money or other thing of value to influence his actions or to bring to the DCRP headquarters any other thing of value to the DCRP.

Headquarters on March 28, 2012, never had and had never seen a paper copy of my SEI. I did not authorize request or see Tony Piscatella or any other person print file or have a paper copy of my SEI except as stated below.

5. Prior to my arrival at DCRP Headquarters on March 28, 2012, I did not electronically file my SEI. I did electronically file my SEI on a DCRF computer while I was at DCRP Headquarters. As a courtesy, Tony Piscatella printed a copy of my SEI for me to take home with me. I left DCRP Headquarters with the printed copy of my SEI on which I stated that it was printed on 3/28/2012 at 11:01 AM. I have never seen and do not know of the existence of any other paper copy of my SEI.

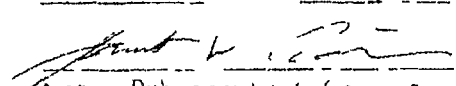
6. No one at the DCRF requested a paper copy of my SEI or instructed me to provide them with a paper copy of my SEI. To the contrary, the DCRF used a filing checklist that did not require a paper copy of my SEI. When going through the DCRF, I followed the checklist and so I did not file a paper copy of my SEI and to this day have not filed a paper copy of my SEI.

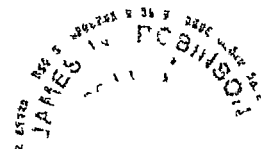
7. Execution of Affidavit


JAMES L. ROBINSON

Sworn to and subscribed before me this

16th day of July, 2012


Notary Public for State of California



At, Commission Expires SEP 3rd 2015

Exhibit H

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012 CP 18-1632

Name as it will appear on the ballot Mary Pearson

Candidate for office of Dorchester County Treasurer

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 2717.40

Paid Date 3 / 16 /2012

Make checks payable to DCRP

☒

Statement of Intention of Candidacy (SIC) and Pledge

☒

Statement of Economic Interests (SEI) -- proof of online filing

☒

Candidate Support Committee Declaration Statement

☒

Affidavit -- (Requirements for Coroner and Sheriff)

☒

Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature Mary L. Pearson Date 3 / 16 /2012

Received by [Signature] Date 3 / 16 /2012

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SHERIFF & CLERK
DORCHESTER COUNTY

Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned

Name	Mary L Pearson			Party	Republican		
Office	Dorchester County Treasurer			District	Dorchester County		
Primary or Convention	Primary		Election Date	6/12/12			
Address	142 Britany Bay Blvd		City	Charleston	Zip	29418	
Email Address	MPearson@SC.rr.com						
Telephone	Cell	843-696-0597	Home	843-767-9777	Work	843-832-4165	
Voter Registration Number	1768804						
Guidelines for a Candidate's Name to appear on the ballot ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters							
Name as you wish it to appear on ballot (please print)		Mary Pearson					
Audio Ballot - Phonetically spell your name, if necessary		Example Jackson Gervais jur-VAY					

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DORCHESTER COUNTY
SOUTH CAROLINA

Candidate's Oath

I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office

Candidate's Signature

Mary L Pearson

Completed by County Party

Date Received	3/16/12	Time Received	1:31 PM
Received By	[Signature]		
County Political Party	Dorchester County		

Completed by State Party

Date Received		Time Received	
Received By			
State Political Party			

SC GOV - SC State Ethics Commission' Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Mary L Pearson
 Year 2012
 Filing Date 2/23/2012
 Version Original



3/26/12

Per your request,
 Thanks to all at the
 office for what you
 KEEP do many
 Mary Pearson Treasurer

Demographic Information

Name	Address	Phone
Mary L Pearson	142 Botany Bay Blvd Charleston, SC 29418	843 696 0597



Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Treasurer	Dorchester	Elected	7/2009 6/2013	

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 DORCHESTER COUNTY

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Dorchester County	Salary	\$47,773 70	Personal Income
SC Comptroller General	Salary	\$18 387 60	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests (I)

*** Filer does not have any sold, leased or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

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DORCHESTER COUNTY

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SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Electronic Filing

Candidate Campaign Disclosure Filing confirmation

Your report has been filed successfully on 3/26/2012 5 06 23 PM Your Confirmation number is CDP9511-R33026

Continue

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BERKELEY COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original,Filed

Directions

To review information you have entered, click each tab below

Summary	Contributions	Expenditures	Loans	Loan Payments	Assets
Date	Contributor	Address	Occupation	Amount	
03/12/2012	Mary L Pearson	142 Botany Bay blvd Charleston, SC 29418	Dorchester County Treasurer	\$3,500 00	
				Total	\$3,500 00

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CLERK OF COURT
DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original Filed

Directions

To review information you have entered, click each tab below

Summary | Contributions | Expenditures | Loans | Loan Payments | Assets

Demographic Information

Pearson, Mary L
 142 Botany Bay Blvd
 Charleston, SC 29418
 843 696 0597
 Dorchester County

Report Type

2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$3,500 00	\$3,500 00
B1 Individual Contributions or other (+)	\$0 00	\$0 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$3,500 00	\$3,500 00

Expenditures	This Period	Election Cycle
A In-Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$2,746 40	\$2,746 40
C Total Expenditures (=)	\$2 746 40	\$2,746 40

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00
B Total Contributions (This Period) (+)	\$3 500 00
C Total Expenditures (This Period) ()	\$2 746 40
D Contributions On Hand (Period End) (=)	\$753 60

Loans

Loan Balance	\$0.00

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SERV. G. AHAM
CLERK OF COURT
DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson, Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original Filed

Directions

To review information you have entered, click each tab below

Summary Contributions **Expenditures** Loans Loan Payments Assets

Date	Vendor	Address	Description	Amount
03/16/2012	Dorchester County Republican Party	89 B Trolley Rd Summerville, SC 29483	Filing Fee	\$2 717 40
03/14/2012	US Post Office	Oakbrook Station Summerville SC 29485	PO Box	\$29 00
Total				\$2,746 40

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DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures **Loans** Loan Payments Assets

*** No Loans Reported ***

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DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson, Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original Filed

Directions

To review information you have entered, click each tab below

[Summary](#) [Contributions](#) [Expenditures](#) [Loans](#) **[Loan Payments](#)** [Assets](#)

*** No Loan Repayments Reported ***

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CLERK OF COURT
BORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Pearson Mary L
Position Sought County Treasurer
Election Type Primary
Election Date 06/12/2012
Filing Type Original, Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments **Assets**

*** No Disposition of Assets Reported ***

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the **Save** button below

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CLERK OF COURT
BORCHESTER COUNTY

Exhibit I

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,
Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**AFFIDAVIT OF
MICHAEL TURNER,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SHERIFF OF
DORCHESTER COUNTY**

Defendants

The undersigned Michael Turner, first being duly sworn, hereby deposes and
says

1 My name is Michael A. Turner. I live at 302 Brick Kiln, Summerville, SC 29483

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Sheriff. I was not an incumbent.

3 On March 28, 2012, shortly after 9:00 a.m., I appeared at the Dorchester County
Republican Party ('DCGOP') office at 89B Old Frolley Road in Summerville to file for
office.

4 When I arrived, I encountered Tony Piscatella, who I understood to be the
DCGOP official in charge of candidate filings. Mr. Piscatella had a checklist of what he
believed I needed to file.

5 I gave Mr. Piscatella a number of documents, including a check for the filing fee,

a party loyalty pledge, an affidavit required for candidates seeking the office of Sheriff, and a Statement of Intention of Candidacy Partisan ("SIC")

6 At the same time, I also handed Mr Piscatella a paper copy of my Statement of Economic Interests ('SEI') which I had previously filed online with the South Carolina Ethics Commission. As I handed the paper copy of my SEI to Mr Piscatella, Mr Piscatella indicated he did not need it, stating "All I need is the confirmation number," or words to that effect. This was in reference to the confirmation number provided by the South Carolina Ethics Commission upon the filing of an SEI with that office. Mr Piscatella was telling me that I was not required to submit to the DCGOP a paper copy of my SEI but that, instead, all I had to submit to the DCGOP was proof that I had filed my SEI electronically.

7 I had concerns about whether a confirmation number would be sufficient, having had bad experiences with them previously relating to travel reservations. I insisted that Mr Piscatella accept the entire printed SEI and he did. I had no idea the paper copies of the SEI would be of such legal importance down the road, I just worried that if I only provided a confirmation number it might be incorrect or might not work properly, so I insisted that the entire paper SEI go in the packet of documents I filed that day.

8 Mr Piscatella did not give me any sort of receipt or copy of the paperwork I had filed, and I left the Dorchester County Republican Party office.

9 I am now aware of the legal importance of filing a paper copy of my SEI at the same time I filed my SIC. I would not have legally filed if I had not done that. I am also now aware that a number of concerns have been raised as to whether other candidates filed properly with the DCGOP.

10 At the time I filed my paperwork, Mr Piscatella clearly did not believe it was necessary for candidates to file a paper SEI with him. In fact, Mr Piscatella did not initially accept my paper SEI, as he indicated—apparently based on his checklist—that I only needed to provide him with a confirmation number to show I had filed with the South Carolina Ethics Commission. Had I not insisted that he accept my paper SEI, it would never have been filed with the DCGOP.

11 If I had precisely followed the filing instructions from the DCGOP and Mr Piscatella's instructions at the DCGOP office, I would never have filed a paper copy of my SEI at all.

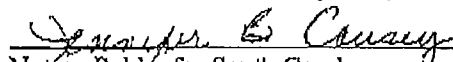
12 I don't wish to create a problem for Mr Piscatella or for anyone in the Dorchester County Republican Party, but I believe a number of false statements have been made in recent days relating to the Dorchester County Republican Party's filing process. Because I am a witness, I have an ethical duty to offer this evidence to the Dorchester County Circuit Court and I do so under oath and without reservation.

13 Further affiant sayeth not.


MICHAEL A. TURNER

Sworn to and subscribed before me this

10th day of July, 2012


Notary Public for South Carolina

My Commission Expires 12/15/19

Exhibit J

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,
Plaintiff,

Civil Action No 2012-CP 18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

**AFFIDAVIT OF
JORDAN BRYNGELSON,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SC STATE
HOUSE DISTRICT 97**

The undersigned Jordan Bryngelson, first being duly sworn, hereby deposes and
says

1 My name is Jordan Bryngelson, and I ran for the Republican nomination for
South Carolina State House District 97 in the June primaries

2 I filed my paperwork for that office on March 28, 2012 at or about 11 27 a m

3 I filed with Tony Piscatella, an officer of the Dorchester County Republican Party
("DCRP") who was in charge of candidate filing

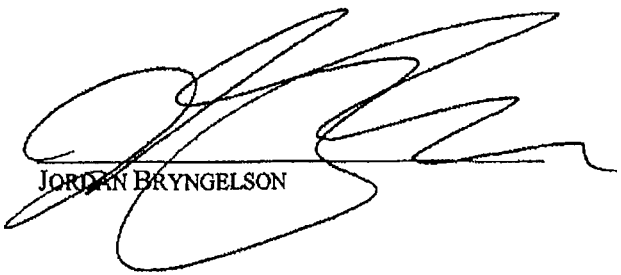
4 I brought in several documents in a folder, including a paper copy of my
Statement of Economic Interest ("SEI") which I had previously filed with the State Ethics
Commission online, a paper copy of the filing confirmation displayed on the screen after
the filing of the SEI, and a paper copy of the email confirmation also sent by the State
Ethics Commission after the filing of the SEI

5 While in the office, I filled out my Statement of Intention of Candidacy and
offered it along with a check for the filing fee, loyalty pledge, and SEI materials to Mr
Piscatella for filing

6 Mr Piscatella responded that he only needed one of the two SEI confirmation
documents and did not need the paper copy of the SEI Mr Piscatella stated that if it
turned out later he needed paper copies of the SEI forms, he could print them out and add
them to the file because they were filed online

7 Just to be on the safe side, I told Mr Piscatella that I preferred to just leave all the
SEI materials with him, left the folder with him, and left the office

8 Further affiant sayeth not


JORDAN BRYNGELSON

Sworn to and subscribed before me this

16th day of July, 2012


Notary Public for South Carolina

My Commission Expires Feb. 8, 2022
(16)

MARCIA WASDEN FRANK
Notary Public, State of South Carolina
My Commission Expires Feb 8, 2022

Exhibit K

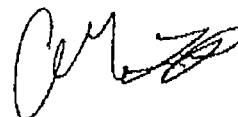
STATE OF SOUTH CAROLINA }
 }
 COUNTY OF DORCHESTER }

SUPPLEMENTAL
 AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416.00 made payable to the Dorchester County Republican Party
- 8 I asked Mr Bennett if he would like a copy of his filing documents and he stated he did A copy was made of his entire packet for him
- 9 On May 4th, 2012, after the SC Supreme Court decision in Anderson, I was directed by Carroll Duncan to go to Party HQ and verify which non exempt candidates filed paper copies of their SEI at the time of their filing I proceeded to Party HQ and pulled the candidate files and matched up the candidate files with the paper SEI that we had

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 CLERK OF COURT
 DORCHESTER COUNTY



received Only one non exempt candidate, John Mondo, did not simultaneously file a paper SEI at the time he filed for office

- 10 After matching the SEIs with each candidate's file, the files were placed back into the filing cabinet drawer located in the back room I then left
- 11 When I left party HQ that morning, Sean Bennett's file contained his SEI along with all of his other documents
- 12 On Thursday, June 7, 2012 after the court decision was handed down regarding Florence County, I was directed again by Carroll Duncan to re-verify the files again because the candidates had to be re certified At that time, all files were intact with complete documentation to include SEIs for those non-exempt candidates
- 13 On June 13, 2012, I was asked by Carroll Duncan to again check the files because there was talk in the community regarding the ineligibility of candidates I went to party HQ and discovered that the files were intact with the exception of Sean Bennett's file which was missing his SEI and initial campaign disclosure forms but not the confirmations
- 14 On June 21, 2012, I requested attorney Chris Murphy to obtain a copy of Mr Bennett's candidate documents that I knew he received from me on March 20, 2012 I have supplemented Mr Bennett's candidate file with those documents These documents are true and accurate copies of the original documents that Mr Bennett filed with me on March 20, 2012

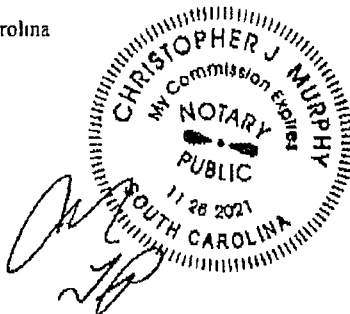
FURTHER AFFIANT SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 22nd day of June, 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By Tony Piscatella
Tony Piscatella



FILED-RECORDED
2012 JUL 24 PM 12 29
CLERK OF COURT
BORCHESTER COUNTY

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ☒ Y ☐ NFiling Fee Amount \$ 416 Paid Date 3/20/2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☒ Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

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2012 JUL 24 PM 12:28
CLERK OF COURT
DORCHESTER COUNTY

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3/20/2012Received by [Signature] Date 3/20/2012

2012 JUL 24 PM 12:20
CLERK OF COURT
BERKELEY COUNTY
RECORDED

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR DL# 002168484
203 HUNT CLUB DR Expires 01 22 2017
SUMMERVILLE SC 294854803

Class D Hgt 5-08 Wgt 210
Sex M DOB 01 22 1942
Issued 01 18-2007 18081 R 1

C. J. R...  

Real ID A

Exhibit L

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

Civil Action No 2012-CP-18-1632

**AFFIDAVIT OF ANN SHIELDS,
VOLUNTEER FOR THE
DORCHESTER COUNTY
REPUBLICAN PARTY RE
CANDIDATE FILING**

The undersigned Ann Shields, first being duly sworn, hereby deposes and says

1 My name is Ann Shields I am a volunteer for the Dorchester County Republican
Party ("DCRP ") I am also the Precinct President of the Coastal 2 precinct

2 My duties are to work in the DCRP office performing administrative tasks such as
database management, handling walk-ins, answering the phone, and collecting the mail

3 I was at the DCRP office when Sean Bennett filed

4 I was in the small reception area where the outside door is located The filing took
place in another room, a conference room in the rear of the office I could not see what
was taking place in the conference room

5 When Bennett filed, the only individuals associated with the DCRP who were
present were myself, Janette Chipas, and Tony Piscatella Janette and Tony were in the
back room handling the filing

6 When Bennett arrived, he walked in the front door of the reception area. He was accompanied by a lady who I later learned worked for him in some capacity.

7 I announced he had arrived and John Mondo, who had just completed his filing, left the back room and exited the office. Tony Piscatella walked out of the back room and invited Bennett back to file. Bennett and Piscatella walked to the back room. The employee who accompanied Bennett remained in the reception area and did not accompany Bennett back to the filing room.

8 Bennett's employee and I struck up a pleasant conversation while Bennett was filing. We discussed the Tea Room at St. Paul's Episcopal Church in Summerville, a fundraiser event the church puts on. She described the Tea Room at Bethany, which I believe is a Methodist Church, and I gathered—though I am not certain—that she is a member at Bethany.

9 The conversation then moved to what her relationship was with Sean Bennett. She indicated that she worked for Mr. Bennett and believed in him as a candidate. We had a little bit more small talk and then Bennett emerged from the back room. Bennett and his employee then left the office.

10 At no point in time did Bennett's employee go to the filing room to observe or witness Mr. Bennett's filing. The entire time Mr. Bennett was filing, she and I were having a conversation as described above.

11 Further affiant sayeth not.

Ann Shields
ANN SHIELDS

Sworn to and subscribed before me this

26th day of July, 2012

Jacob Thomason *Jacob Thomason*
Notary Public for South Carolina

My Commission Expires 05/19/22

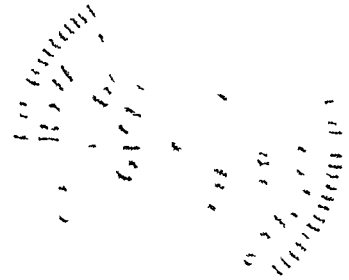


Exhibit M

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Exhibit 1

Candidate Packet Checklist

Roger Goodman File

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012-CP-18- 1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3 / 16 /2012

Make checks payable to DCRP

FILED-RECORDED
2012 JUL 24 PM 12:17
CHERYL C. LAM
CLERK OF COURT
DORCHESTER COUNTY

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) -- proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☐ Affidavit -- (Requirements for Coroner and Sheriff)
- ☐ Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 16 /2012

Received by [Signature] Date 3 / 16 /2012

Exhibit 2

Statement of Intention of Candidacy

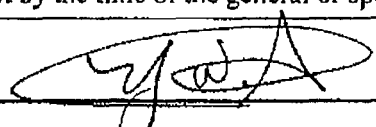
Roger Goodman File

Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence including probation and parole time, unless previously pardoned

Name	Roger W Goodman			Party	Republican		
Office	County Council #6			District	#6		
Primary or Convention	Primary		Election Date	June 12, 2012			
Address	2215 Hummingbird Ln	City	Summerville	Zip	29483		
Email Address	r.goodman5@sc.rr.com						
Telephone	Cell	843-810-1340	Home	843-875-5779	Work	843-871-2549	
Voter Registration Number	5163059						
Guidelines for a Candidate's Name to appear on the ballot ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters							
Name as you wish it to appear on ballot (please print)		Roger W Goodman					
Audio Ballot – Phonetically spell your name, if necessary		Example		Jackson Gervais jur-VAY			

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 2012 JUL 24 PM 12 17
 CLERK OF COURT
 BORCHESTER COUNTY

Candidate's Oath	
I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office	
Candidate's Signature	

Completed by County Party			
Date Received	3/16/12	Time Received	12:13 PM
Received By			
County Political Party	Borchester County		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

Exhibit 3

Notice of Candidacy and Pledge

Roger Goodman File

NOTICE OF CANDIDACY AND PLEDGE

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester

I hereby file my notice as a candidate for the nomination as County Council in the primary election to be held on June 12, 2012 affiliate with the Republican Party, and I hereby pledge myself to abide by the results of said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge of offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in said primary election, unless the nominee for any such office has become deceased or otherwise disqualified for election in said ensuing general election

Roger W. Goodman
Print Name

2215 Hummingbird Lane
Address

Summerville SC 29483
City Zip

843-875-5779
Home Telephone

843-871-7549
Office Telephone

[Signature]
Signature

3/16/12
Date

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2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy of any candidate signed by an agent on behalf of a candidate shall not be valid

NOTE The county chairman shall retain the original, a copy shall be given to the candidate and a copy shall be mailed to State Republican Party Headquarters

South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201
Phone (803) 988-8440

Current as of February 17, 2012

Exhibit 4

Proof of SEI Filing

Roger Goodman File

From FilingConfirmation@messaging.sc.gov

Date 3/12/2012 12:19:40 PM

To rgoodman5@gmail.com

Subject Filing Confirmation

State Ethics Commission

Public Disclosure and Accountability Reporting

Filing Year 2012

Statement of Economic Interests Report, Original

You have successfully filed your report as of 3/12/2012 12:18:42 PM. Your confirmation number is SE112232-R37227-e1a89488.

Please print this page for your records.

10-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
BORCHESTER COUNTY

Exhibit 5

Candidate Support Declaration Statement

Roger Goodman File

Dorchester County Republican Party Candidate Support Declaration Statement

Name Roger Goodman

Seeking Office for County Council Seat/District # 6

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- RG 1 I am a resident of the district for which I am running for office and a registered voter
RG 2 I am a citizen of the United States and a resident of South Carolina
RG 3 I will be at least 18 years of age as of the next general election
RG 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
RG 5 I have not been convicted of a felony or offense against the election laws
RG 6 I will accurately state my qualifications and background in connection with my candidacy
RG 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature [Signature]
 Date 3/16/12

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 2012 JUL 24 PM 1:11
 CLERK OF COURT
 DORCHESTER COUNTY

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1 Continued efficiency in Government Restructuring	/			
2 Policies which restore public confidence in the Judiciary	/			
3 Constitutional adherence to States' Rights	/			
4 A Tax Policy which promotes prosperity	/			
To Establish Justice				
1 An end to racial and gender Discrimination & Affirmative Action	/			
2 Strict adherence to Ethics in Government	/			
3 Governmental protection of Constitutional Property Rights	/			
5 Freedom in the job market through the Right to Work	/			
6 Ensure the Integrity of the Election Process	/			
7 A swift, sure and true Criminal Justice system	/			
To Provide for the Common Defense				
1 A commitment to Peace through Strength in foreign policy	/			
2 A constitutional view of the Right to Bear Arms	/			
3 United States Sovereignty	/			
To Promote the General Welfare				
1 A balanced Budget, Deficit reduction and Transparency	/			
2 Incentives to make the Economy grow	/			
3 Increased Educational opportunities and academic excellent	/			
4 An effective and sensible policy on The Environment	/			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare				
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	✓			
7 An agenda to empower Senior Citizens	✓			
8 Welfare Reform	✓			
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature

Date

Witness

Title

Date

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

NO

Do you have experience or service in government (elected or appointed)?

Yes

Have you worked on a political campaign in any capacity?

NO

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Clemson President

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2012 JUL 24 PM 12 17
CLERK OF COURT
DORCHESTER COUNTY

Exhibit 6

SEI

Roger Goodman File

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests
2012

Statement of Economic Interests Report

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2012 JUL 24 PM 12:17
CLERK OF COURT
BORCHESTER COUNTY

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

[Print](#) [Go Back](#)

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CLERK OF COURT
DORCHESTER COUNTY

Name
Year
Filing Date

Demographic Information

Name	Address	Phone	County
Roger W Goodman	2215 Hummingbird Lane Summerville, SC 29483	843 810 1340	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Candidate	1/2013 12/2017	3/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

- 1 F9-RECORDED
 2012 JUL 24 PM 12:17
 COUNTY CLERK OF COURT
 DORCHESTER COUNTY

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests II

Exhibit 7

Campaign Disclosure

Roger Goodman File

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Electronic Filing****Candidate Campaign Disclosure Review****2012, Initial Report**

Candidate Goodman Roger W
Position Sought County Council
Election Type Primary
Election Date 06/12/2012
Filing Type Original Not Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Goodman, Roger W
 2215 Hummingbird Lane
 Summerville, SC 29483
 843 810 1340
 Dorchester County

Report Type2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$800 00	\$800 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$900 00	\$900 00

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$900.00
C Total Expenditures (This Period) ()	\$0.00
D Contributions On Hand (Period End) (=)	\$900.00

Loans

Loan Balance	\$0.00

File with the appropriate Ethics Commission

If you are satisfied with the information you have entered, you may file your report by clicking the 'File' button below

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the 'Save' button below

[Print](#) [Save](#) [File](#)

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2012 JUL 24 PM 12:17
CLERK OF COURT
BERKELEY COUNTY

Exhibit N

SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Filing confirmation

Your report has been filed successfully on 3/19/2012 2 08 11 PM Your confirmation number is
SEI11867 R33162 378da468

Your confirmation has been sent to the email address on record. Please print this page for your records. Click Continue to return to your Statement of Economic Interests Filings or logout if you are finished.

Continue

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2012 JUL 24 PM 12 12
CLERK OF COURT
BORCHESTER COUNTY

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Review**

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

CLERK OF COURT
DORCHESTER COUNTY

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2012 JUL 24 PM 12 12

*** No Sold Leased or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back

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2012 JUL 24 PM 12
CLERK OF COURT
BORCHESTER COUNTY

Exhibit O

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year 2011

Click on name to review the report

Search Results

Name	Office	Type	Entry	Date Filed	Version
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/21/2011 3 07 00 PM	Original
<u>Bennett, Brenda P</u>	Probate Judge	Elected	Allendale	4/27/2011 2 06 00 PM	Original
<u>Bennett II, Charles S</u>	Chief Administrative Official	Employee	North Augusta	4/12/2011 4 18 00 PM	Original
<u>Bennett, Earle M</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Wil Lou Gray Opportunity School	3/3/2011 10 33 00 AM	Original
<u>Bennett, Frankie</u>	City Council	Elected	Estill	1/24/2011 5 59 00 PM	Original
<u>Bennett, Linda</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Patriots Point Dev Authority	9/22/2011 3 05 00 PM	Original
<u>Bennett, Sean</u>	Senator	Candidate	Senate	3/19/2012 2 08 00 PM	Original
<u>Bennett, Timothy R</u>	Chief Administrative Official	Employee	Allendale	4/4/2011 4 30 00 PM	Original

[← Back](#) [Start Over](#)

Exhibit P

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year 2012

Click on name to review the report

Search Results

Name	Office	Type	Entity	Date Filed	Version
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/26/2012 3 06 00 PM	Original
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/26/2012 3 07 00 PM	Amendment 1
<u>Bennett, Earle M</u>	Public Member, Trustee, Commission Member or Board Member	Appointed	Wil Lou Gray Opportunity School	3/13/2012 3 45 00 PM	Original
<u>Bennett, Franke</u>	City Council	Elected	Estill	2/20/2012 8 00 00 PM	Original
<u>Bennett, Jeffrey</u>	City Council	Candidate	Clemson	4/19/2012 10 47 00 AM	Original
<u>Bennett, Linda</u>	Public Member, Trustee, Commission Member or Board Member	Appointed	Patriots Point Dev Authority	1/26/2012 9 10 00 AM	Original
<u>Bennett, Timothy R</u>	Chief Administrative Official	Employee	Allendale	1/24/2012 4 13 00 PM	Original

◀ **Back** **Start Over**

Dorchester County Republican Party

89 B Old Trolley Road | Suite 203A | Summerville, South Carolina 29485

July 11, 2012

Tony Piscatella, Candidate Filing Officer/Records Custodian
Dorchester County Republican Party
89-B Old Trolley Road, Suite 203A
Summerville, South Carolina 29485

Dear Mr. Piscatella,

You are hereby removed as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP"). DCRP First Vice Chairman Tim Huber is hereby appointed as the new DCRP candidate filing officer/records custodian. You are directed to immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

I take this action pursuant to my authority under Article VIII Section 1 of the DCRP Bylaws, which vests appointment—and therefore removal—authority in the Chairman. While I have the unilateral authority to remove for any reason or no reason, I believe the DCRP should know why I have taken this action.

On July 9, 2012, I requested in writing that you provide copies of all candidate filing documents to me. Through your attorney, you refused to provide the documents to me despite the fact that I have a right to these documents as a member of the DCRP under Article VIII Section 2 of the DCRP Bylaws.

I have no alternative but to take this step given your refusal to provide the documents. Again, please immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

Sincerely,
Carroll S. Duncan
Carroll S. Duncan
Chairman
Dorchester County Republican Party

cc: Tim Huber, DCRP First Vice Chairman

Exhibit R

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012 CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), Colleton
County Republican Party, Berkeley
County Republican Party, Charleston
County Republican Party, South Carolina
Republican Party (Matt Mooie as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), Colleton County Election
Commission, Berkeley County Election
Commission, Charleston County Election
Commission, South Carolina State
Election Commission (Marcu Andino as
Executive Director & Chris Whitmire as
Director of Public Information and
Training), Sean Bennett, Mike Rose, and
Tony Piscatella

Defendants

**AFFIDAVIT OF
MIKE ROSE,
INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SENATE
DISTRICT 38**

The undersigned Michael T Rose a/k/a Mike Rose, first being duly sworn, hereby
deposes and says

1 My name is Mike Rose I live at 409 Central Ave , Summerville, SC
29483

2 I was a candidate in the June 12, 2012 Republican Primary for Senate
District #38

3 I am a member of the South Carolina Senate representing Senate District
#38

4 I am submitting this affidavit in connection with the above-captioned lawsuit

5 I gave Tony Piscatella ("Piscatella"), in his then capacity as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP"), my Statement of Intention of Candidacy-Partisan on March 16, 2012 at or about 12 36 pm, at the Dorchester County Republican Party Headquarters at 89B Old Trolley Road, Summerville, SC 29483

6 On June 13, 2012 I received an unexpected and unsolicited telephone call during which I was told that Sean Bennett ("Bennett"), my opponent in the June 12, 2012 Republican Primary for Senate District #38, may not have been a legitimate candidate in that Primary because Bennett may not have filed his required SEI with the DCRP properly. I replied to the caller that Piscatella and Carroll Duncan ("Chairman Duncan"), Chairman of the DCRP, had assured me before the Primary that all individuals certified by the DCRP as candidates for that Primary had filed their paperwork properly. The caller replied by expressing doubt that the paperwork had been filed properly and by urging me to look at the paperwork myself to determine if it had been filed properly.

7 Upon ending that call I promptly called Piscatella, told him what had been said to me during the telephone call as described above and asked him to let me see a copy of the paperwork filed with the DCRP by all DCRP candidates, especially by Bennett. Piscatella told me he would get and let me see that paperwork. He called me a few hours later and told me he had located all DCRP candidates' paperwork at DCRP headquarters, including that of Bennett. I asked him to give me a copy of Bennett's

paperwork because I wanted to see it myself, and he agreed to give me a copy of that paperwork that day. I told him that he could scan and e-mail the paperwork to me, fax it to me, or let me come pick it up from him. He stated that he would get Bennett's paperwork to me that day, but did not tell me how he would do so. Piscatella did not provide me any of Bennett's candidate paperwork that day and has not done so on any other day. Piscatella did not inform me that any of Bennett's paperwork was missing but led me to believe, incorrectly, that all of Bennett's candidate paperwork, including Bennett's SEI, was in the official DCRP candidate file for Bennett. I later learned that in truth Piscatella could not find a SEI in Bennett's DCRP file because no SEI was in Bennett's file.

8 On June 14, 2012, I unexpectedly was informed by telephone by a Republican that the Dorchester County Democratic Party ("DCDP") was about to publish, or had just published, that day a press release demanding that the DCRP make public its candidate paperwork filed with the DCRP by House District #97 GOP candidate Ed Carter ("Carter"), because the DCDP believed that Carter had been improperly certified as a candidate in the June 12, 2012, Republican Primary because Carter had not filed properly his SEI with the DCRP. That person also informed me during that telephone conversation that the DCDP believed that Bennett and other Republican candidates had not submitted SEIs to the DCRP as required by law, that, therefore, those individuals had been improperly certified as Republican Primary candidates by the DCRP, and that, as a result, the DCDP was going to file a lawsuit against the DCRP challenging the certification of all non-incumbent DCRP candidates. That DCDP press release was published that day in the *Summerville Patch*. Prior to that

telephone call to me I had no knowledge of any of these past or anticipated future actions by the DCDP

9 By nearly the end of Thursday, June 14, 2012, Piscatella had not given me a copy of Bennett's paperwork, despite his representations on June 13 that he would do so, had not informed me that he was not going to provide me that paperwork, and had given me no explanation as to why he had not provided me that paperwork. Further, based on Piscatella's representations to me on June 13, I believed that Piscatella had possession of all of Bennett's paperwork filed with the DCRP, including a SEI for Bennett, and would give me a copy of all of that paperwork. Therefore, on June 14 at 11:24 pm I sent Piscatella an e-mail, attached hereto as Exhibit #1, stating the following:

"Tony, As we discussed yesterday, please give a copy of all the paperwork regarding Sean Bennett's paperwork [sic] that you filed on behalf of the DCRP. I want to review it.

Please confirm where you filed that paperwork, and when. Thank you.

Mike Rose"¹

10 On June 15, 2012, at 9:42 am I received an e-mail, attached hereto as Exhibit #2, from Piscatella stating as follows:

"Mike The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going to go away any time soon. I'm sorry for the inconvenience this may have caused you."² (Emphasis added.)

11 On June 15, 2012, at 9:47 am, I received an e-mail, attached hereto also as Exhibit #3, from Matt Moore ("SCRIP ED Moore"), Executive Director of the South

¹ E-mail dated June 14, 2012 from Mike Rose to Tony Piscatella attached as Exhibit #1

² E-mail dated June 15, 2012 from Tony Piscatella to Mike Rose attached as Exhibit #2

Carolina Republican Party ("SCRP"), stating the following

"Senator – please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging. Matt Moore, Executive Director, South Carolina Republican Party"³

Below that e-mail from Matt Moore is the e-mail to me from Piscatella referenced in Paragraph 10 above and below that is my e-mail to Piscatella referenced in Paragraph 9 above. Until I received that e-mail from Matt Moore I had no idea that Piscatella had been communicating with the SCGOP about my request to see Bennett's paperwork.

12 As shown in paragraph 13 below, on July 5, 2012 I learned, for the first time, that when SCRPE Moore sent me the e-mail dated June 15, 2012 described in paragraph 11 above, SCRPE Moore, DCRP Chairman Duncan and Piscatella all knew that there was no SEI in Bennett's DCRP candidate file on June 13, 2012. Piscatella and SCRPE Moore have never revealed to me the fact that there was no SEI in Bennett's DCRP candidate file on June 13. Instead, on July 5, 2012, Chairman Duncan informed me of that fact, through her attorney. On June 18, 2012 the DCDP issued another press release, published in the *Summerville Patch*, demanding the public release by the DCRP of candidate documents of all candidates certified by the DCRP and threatening that the DCDP would sue the DCRP to get those documents if the DCRP did not promptly publicly release those documents.

13 On June 19, 2012, I communicated to Chairman Duncan and DCRP Vice Chairman Dr. Tim Huber ("Vice Chairman Huber") by e-mail (a true copy of which is attached as Exhibit #4) that, given the circumstances, I wanted to appeal Bennett's victory in the June 12, 2012 Republican Primary for Senate District #38, and asked how

³ E-mail dated June 15, 2012 from Matt Moore to Mike Rose attached as Exhibit #3

to do so⁴ On June 20, 2012 I sent Tim Huber, Vice Chairman of the DCRP, and Chairman Duncan an e-mail stating the following

"A lawyer told me this afternoon that Tony Piscatella needs to be told that there are computerized records of all computer transactions regarding the paperwork in question, that those records will reveal the truth, and that Tony better not alter in any way the records because if he does he could be indicted"⁵

In response to that e mail from me, Chairman Duncan responded not directly to me but by sending SCRP ED Moore an e-mail dated June 20, 2012, stating in its entirety as follows

"Answer him or not?"

For you, Tony has not and will not alter any records He's added a copy of the SEI to the file but with note that it's a copy and what day he added and why"⁶
(Emphasis added)

I received a copy of that e mail above, attached hereto as Exhibit 6, from Chairman Duncan to SCRP ED Moore via her attorney on July 5, 2012 That e-mail and subsequent conversations and documents evidence to me that Piscatella had added a SEI to Bennett's DCRP candidate file, that Chairman Duncan and SCRP ED Moore had been aware that Piscatella had added an SEI to Bennett's DCRP candidate file, that Chairman Duncan, Piscatella and SCRP ED Moore had been aware that no SEI had been in Bennett's DCRP candidate file on June 13, 2012, that Chairman Duncan and SCRP ED Moore had been discussing what to do about my requests to see the DCRP candidate documents, and that all of those facts had been withheld and concealed from me by them

14 I had not protested that election and had not inquired previously about

⁴ See E mail dated June 19 2012 from Mike Rose to Dr Tim Huber and DCRP Chairman Duncan attached as Exhibit #4

⁵ E mail dated June 20 2012, from Mike Rose to Dr Tim Huber and Carroll S Duncan attached as Exhibit 5

⁶ E mail dated June 20 2012 from Carroll S Duncan to SCRP ED Matt Moore attached as Exhibit 6

filing a protest of that election because (1) the DCRP had lured and caused me to believe, incorrectly, that Bennett had filed his candidate paperwork properly and, until June 15, 2012, that Piscatella would give me a copy of Bennett's paperwork so I could see myself whether Bennett had filed his paperwork properly, and (2) because the DCRP and the SCGOP had failed to disclose to me that Bennett's SEI in fact was missing, even when they knew there was no SEI in Bennett's DCRP candidate file and that I was asking the DCRP to show me Bennett's SEI in his DCRP candidate file. Without seeing Bennett's paperwork myself, and without knowing that Bennett's SEI was missing from his DCRP file, I could not reasonably determine whether or not I had a valid ground for protesting the Primary election. Ultimately I learned that the cutoff date for my filing a protest of the Primary election with the SCRP was June 18, 2012, which already had passed by the time I asked for an election protest on June 19 as stated above. I do not believe that I should be in any way prejudiced in the above captioned lawsuit by my not having filed an election protest with the SCGOP by June 18, 2012, for the following reasons: (1) due to the doctrine of equitable tolling, because the DCRP and the SCGOP wrongfully concealed and prevented me from obtaining sufficient facts to enable me reasonably to know I had a reasonable grounds for a protest and misled and lured me into believing, and caused me to believe, that I did not have a reasonable grounds for a protest, and (2) because the basis for this lawsuit is different than, and totally independent of, the statutory procedure for a candidate to file a protest of an election.

15 On June 29, 2012 the DCDP filed the above captioned lawsuit with the Dorchester County Clerk of Court. On July 9, 2012 Bennett filed a Motion to Intervene in that lawsuit. On July 12, 2012 I also filed a Motion to Intervene. On July 23, 2012,

these Motions to Intervene were granted by the Court

16 Chairman Duncan sent a letter, attached hereto as Exhibit #7, dated July 9, 2012 to Piscatella directing that Piscatella provide her a copy of all DCRP candidate filings in his possession, and announcing that she was going to make those documents public. That same information was provided, along with a copy of that letter from Chairman Duncan, by Chairman Duncan's attorney, Todd Kincannon, to Piscatella's attorney, Chris Murphy, by an e mail dated July 9, 2012. A copy of that e mail is attached as Exhibit #8. Murphy replied with an e mail dated July 10, 2012, a copy of which is attached hereto as Exhibit #9, to Kincannon which said that Piscatella, his client, refused, as advised by Murphy, to provide Chairman Duncan or any other person a copy of any of the paperwork of DCRP candidates, and that Piscatella was going to retain personal possession of those documents until ordered by a Court to cease doing so. That e mail from Murphy to Kincannon states in part as follows

"On Thursday, June 21, 2012, I was retained by Tony Piscatella to represent him with regards [sic] to his potential testimony as it relates to the pending lawsuit filed by the Dorchester County Democratic Party whereby they have challenged all non incumbent Republican candidates. As Mr. Piscatella's attorney, I have advised him to safeguard the filing documents of all the 2012 Republican candidates in Dorchester County. Absent a Court Order directing Mr. Piscatella or my office to turn over the files, they will remain in his custody. This will help to ensure the chain of custody and the integrity of any potential evidence as the case makes its way through the judicial process."⁷ (Emphasis added)

17 Chairman Duncan sent a letter, attached hereto as Exhibit #10, dated July 11, 2012, to Piscatella stating as follows

"Dear Mr. Piscatella

You are hereby removed as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP") DCRP First Vice Chairman Tim

⁷ E mail dated July 10, 2012 from Chris Murphy to Todd Kincannon attached as Exhibit #9

Huber is hereby appointed as the new DCRP candidate filing officer/records custodian. You are directed to immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings

I take this action pursuant to my authority under Article VII Section 1 of the DCRP Bylaws, which vests appointment – and therefore removal – authority in the Chairman. While I have the unilateral authority to remove for any reason or no reason, I believe the DCRP should know why I have taken this action.

On July 9, 2012 I requested in writing that you provide copies of all candidate filing documents to me. Through your attorney, you refused to provide the documents to me despite the fact that I have a right to these documents as a member of the DCRP under Article VII Section 2 of the DCRP Bylaws

I have no alternative but to take this step given your refusal to provide the documents. Again, please immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings. Sincerely, Carroll S. Duncan, Chairman, Dorchester County Republican Party”⁸ (Emphasis added.)

18 Piscatella has failed to provide me a copy of Bennett’s candidate paperwork, including any SEI for Bennett, at any time, and has refused to give either the original or a copy of any DCRP candidate’s paperwork to Chairman Duncan or to Dr. Tim Huber, the new DCRP candidate filing officer/records custodian appointed by Chairman Duncan.⁹ Further, Piscatella removed all the DCRP candidate records from the DCRP headquarters and unlawfully retained them in his personal possession at Piscatella’s home.¹⁰ As a result, I was not able to see the paperwork of Bennett and the other DCRP candidates until Piscatella filed the original of all those documents with the Clerk of the Dorchester County District Court on July 24, 2012, as ordered by Judge Howard P. King verbally on July 23, 2012. Further, until my Motion to Intervene was

⁸ Letter dated July 11, 2012 from DCRP Chairman Carroll S. Duncan to Tony Piscatella attached as Exhibit #10.

⁹ See paragraphs 16-17 *supra*.

¹⁰ See paragraphs 16-17 *supra*. Exhibits 5, 6, 7 and 8. Murphy volunteered during a telephone conference with attorneys and Judge Howard P. King on July 23, 2012 that Piscatella was advised by Murphy that he removed the DCRP candidate documents from DCRP headquarters and taken those documents to Piscatella’s home.

granted on July 24, 2012, joining me as a party defendant in the lawsuit as referenced in Paragraph 14 above, I could not use a legal process to compel production of those documents as discovery

19 As a result of the above, three and a half weeks passed after the filing of the lawsuit referenced in Paragraph 15 above, and six weeks passed after I first asked Piscatella to let me see the DCRP candidate records, including the SEIs of Bennett and others, during which time I could not gain access to those DCRP candidate records to enable me to analyze the facts regarding those documents, to determine whether I had grounds to file an election protest and to prepare my position in this lawsuit. In contrast, during most of that period – since June 21, 2012¹¹ -- Chris Murphy has had access to view the documents via his client, Piscatella, thereby giving information to Murphy that could help the non incumbent candidates, including Bennett, whom Murphy supported politically for the Primary¹² and has been supporting politically since the Primary¹³. As one example of Murphy's and Piscatella's attempts to help Bennett, Murphy acquired from Bennett and gave Piscatella a copy of documents, including an SEI for Bennett, in Bennett's personal possession and thereafter commingled¹⁴ those personal documents of Bennett with the official documents in the official DCRP candidate file for Bennett¹⁵. As another example, Murphy advised Piscatella to remove the official DCRP candidate

¹¹ Murphy began representing Piscatella on June 21, 2012. See paragraph 16 supra.

¹² Murphy gave money and a public endorsement to Carter. Murphy encouraged voters to support Bennett.

¹³ Murphy obtained documents from Bennett which in turn Murphy had Piscatella add to Bennett's official DCRP candidate file, without authority and in violation of law. In addition, upon information and belief, Murphy has conferred and met with, and has been working for the benefit of Bennett since the June 12 Primary. Instead of providing advice solely for the benefit of Murphy's client Piscatella, Murphy has been, upon information and belief, providing Piscatella advice for the benefit of Carter and Bennett. To accomplish that, Murphy arranged, upon information and belief, that Murphy represent Piscatella as an attorney regarding, as stated by Murphy, Piscatella's potential testimony in the above captioned lawsuit. See paragraph 16 supra.

¹⁴ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14 ("I have supplemented Mr. Bennett's candidate file with those documents") attached as Exhibit #13.

¹⁵ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14.

filing documents, including those of Bennett, from the DCRP headquarters, to not allow Chairman Duncan, myself and the public to see or have a copy of them, and to keep the DCRP candidates files at Piscatella's home instead of at DCRP headquarters¹⁶ Piscatella's hoarding of those DCRP official documents in Piscatella's home not only kept the documents from me, Chairman Duncan, Vice Chairman Huber and other members of the public, but also gave Piscatella, and perhaps others, ample opportunity to alter the documents. The fact that those documents could have been altered by Piscatella or other persons very easily is particularly significant given that, as verified by a qualified digital and computer forensics expert who also is an attorney licensed in South Carolina, alteration of the printed date on SEIs printed from the State Ethics Commission website was so easy that the printed date on any candidate's SEI is not reliable evidence of when the form was actually printed. As attested to by attorney and digital/computer expert Steven Marc Abiams

" [I]t is my conclusion to a scientific certainty that the printed date shown on the lower right hand corner of any candidate's Statement of Economic Interests that was printed from the SC gov website is not reliable evidence of when the form was actually printed. It is my opinion therefore that the date appearing on the lower right hand corner of the Statement of Economic Interests reports that are proposed as evidence in this matter is not reliable evidence as to when the reports were printed."¹⁷

20 I believe it is outrageous that Bennett, Piscatella and Murphy unlawfully added and conspired to add – to "supplement"¹⁸ – personal documents obtained from Bennett to Bennett's official DCRP candidate file when they had no authority to do so. I

¹⁶ See paragraphs 16-17 supra Exhibits 5, 6, 7 and 8. Murphy volunteered during a telephone conference with attorneys and Judge Howard P. King on July 23, 2012, that Piscatella, as advised by Murphy, had taken the DCRP candidate documents to his home and refused to return them to the DCRP when requested to do so by Chairman Duncan.

¹⁷ Affidavit dated July 30, 2012, from Steven Marc Abiams, J.D., M.S., attached as Exhibit #11.

¹⁸ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14 (I have supplemented Mr. Bennett's candidate file with those documents), para 16-17 supra Exhibits 5, 6, 7 and 8.

believe it is outrageous that Piscatella, upon the advice of Murphy, took and retained personal possession of those official DCRP documents, as least some of which were public documents by law,¹⁹ hoarded and secreted them, covered up the fact that Bennett's SEI was missing from his official DCRP file, and led me to believe, falsely, that Bennett's DCRP file contained a proper SEI. That tampering with and hoarding of evidence is an obstruction of justice having the effect and apparent purpose of preventing the public and even the Chairman of the DCRP from learning and proving whether candidates had been certified illegally. All of this spoliation of evidence should require construing as evidence against Bennett and Piscatella any of the supplemental documents from Bennett added to the DCRP file for Bennett. Bennett should not be able to participate in supplementing and mixing the official DCRP file with his own inaccurate,²⁰ different²¹ and self-serving personal version of the documents and reap the benefit of a SEI form he inserted into that file.

21. Piscatella claims in an affidavit that the documents with which Piscatella "supplemented Mr. Bennett's candidate file"²² "are true and accurate copies of the original documents that Mr. Bennett filed with [Piscatella] on March 20, 2012."²³ Evidence shows that claim by Piscatella is false. The personal Bennett documents obtained by Murphy from Bennett that Piscatella, as advised by Murphy, used to "supplement", commingle and pollute Bennett's official DCRP candidate file were not identical to the documents that Bennett filed with the DCRP on March 20, 2012. One reason that is true is that the official DCRP file for Bennett contains a NOTICE OF

¹⁹ See paragraph 22-23 *infra*.

²⁰ See paragraphs 25-32 *infra*.

²¹ See paragraphs 25-32 *infra*.

²² Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14, paras 16-17 *supra*, Exhibits 5, 6, 7, 8.

²³ Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14, paras 16-17 *supra*, Exhibits 5, 6, 7, 8.

CANDIDACY AND PLEDGE form signed by Bennett that does NOT appear among the documents Bennett gave Murphy which Murphy gave Piscatella which Piscatella added to the official DCRP file for Bennett. Further, the CANDIDATE PACKET CHECKLIST in the file Bennett gave Murphy which Murphy gave Piscatella which Piscatella added to the official DCRP file for Bennett is not identical to the CANDIDATE PACKET CHECKLIST already in the official DCRP file for Bennett before Piscatella added documents to the official DCRP file for Bennett²⁴

22 I believe Murphy's and Piscatella's withholding of the DCRP candidate documents was an illegal conversion of DCRP property, in addition to being harmful to me, the DCDP, the DCRP and the public. Neither Murphy nor Piscatella had legal authority to withhold any of the DCRP candidate filing documents from Chairman Duncan. That is true because of the clear language in Article VII Section 1 of the DCRP Bylaws giving the DCRP's Chairman, Chairman Duncan, the authority to appoint, and therefore to remove and to replace, the DCRP's candidate filing officer/records custodian. In addition, neither Murphy nor Piscatella had legal authority to withhold the SEI of Bennett or of any other DCRP candidate from Chairman Duncan, Vice Chairman Huber, me or any other member of the public, because all SEIs of candidates are public documents according to Section 8-13-1356(C) of the Code of Laws of South Carolina. Piscatella's illegal actions did not become legal because Murphy gave Piscatella legal advice to obstruct justice and engage in these unlawful concealment actions that benefitted Bennett.

23 Section 8-13-1356 is titled "Filing of statement of economic interests by candidates for public office" (Emphasis added). Subsection (C) states that "[t]he official

²⁴ See Paragraphs 27-29 infra

with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after the candidacy books close, must file a copy of the statement with the appropriate supervisory office” (Emphasis added) Thus, Piscatella, the DCRP official with whom Bennett and all other DCRP candidates filed a declaration of candidacy, was required, within five business days of the closing of the candidacy books on March 30, 2012, to file a copy of their statement of economic interests, or SEI, with the appropriate supervisory office for their respective statements of economic interest. The appropriate supervisory office where the SEI of Senate candidate Bennett was required to be filed was the Senate Ethics Committee. Leonard Odom, Research Director for the Senate Ethics Committee, has confirmed in an affidavit, attached hereto as Exhibit #10, dated June 11, 2012, filed with the Charleston County Clerk of Court that as of June-11,-2012, that no Statement of Economic Interests had been filed with the Senate Ethics Committee regarding a candidate for the SC Senate.²⁵ If Piscatella had filed a SEI for Bennett with the Senate Ethics Committee as he was required to do by Section 8-13-1356(C), Piscatella would not have been able to prevent, as he did, Bennett’s two²⁶ purported SEIs from being seen by me, the DCDP and other members of the public during the six week period of June 13-July 24, 2012. Further, Piscatella and Murphy should not have prevented the public, including me, from viewing and obtaining a copy of Bennett’s two purported SEIs since they are public records according to Section 8-13-1356(C).

24 In addition to Piscatella’s unlawful withholding of DCRP paperwork as

²⁵ See Affidavit dated June 11, 2012 by Leonard Odom attached hereto as Exhibit #12

²⁶ Bennett had no SEI in his DCRP file on June 13, 2012. Subsequently Piscatella, in concert with Bennett and Murphy with regard to at least one of the SEIs put two different substitute SEIs in Bennett’s DCRP file to make up for the absence of any SEI in Bennett’s file. See paragraphs 16, 17, 20, 21 supra and paragraphs 27-29 infra.

described above, for the more than three week period June 13 July 5, 2012 the DCRP and the SCRП both misled me, as did Piscatella, into believing that there was a valid SEI in Bennett's DCRP candidate file when in fact they knew there was no SEI in that file on June 13, 2012, and withheld from me – concealed and “covered up” - the fact known to them that an SEI for Bennett had been found by Piscatella to be missing on June 13, 2012 from the DCRP Bennett file

25 On July 23, 2012 Judge Howard P King ordered, on a telephone conference with me and other attorneys in this lawsuit, Chris Murphy and Piscatella to file by 5 pm on July 24, 2012, with the Dorchester County Clerk of Court three affidavits by Piscatella and the original of all DCRP documents Murphy and Piscatella had been secreting/withholding at Piscatella's house On July 24, 2012 the Dorchester County Clerk of Court e-mailed me those three affidavits by Piscatella and the respective documents (collectively “Candidate Documents”) for each of the nineteen DCRP candidates that Piscatella had filed that day with the Court as had been ordered by Judge Howard P King on July 23, 2012 A copy of those three affidavits are attached as Exhibits 13, 14 and 15

26 My review and inspection of those Candidate Documents reveal numerous inconsistencies and discrepancies that lead me to disbelieve and doubt the legality, accuracy, integrity, credibility, reliability and completeness of those Candidate Documents and statements made about those Candidate Documents, including the following

27 Two Sets of Intermingled Bennett Candidate Documents Created by Bennett, Murphy and Piscatella Shockingly, the DCRP documents filed with the Court

by Piscatella regarding Bennett contain in reality not one but two different sets of documents that Piscatella intermingled, as advised by Murphy, and with the cooperation and assistance of Murphy and Bennett Piscatella attests in one²⁷ of his affidavits the following

- A Paragraph 8 On March 20, 2012 Piscatella asked Bennett if Bennett wanted a copy of all of the paperwork that Bennett had filed that day with Piscatella at DCRP Headquarters. Bennett said he did want a copy, so Piscatella made a copy and gave it to Bennett, who left DCRP headquarters with that copy.²⁸
- B Paragraph 13 On June 13, 2012 Piscatella discovered that Bennett's official DCRP file did not contain a SEI or a Campaign Disclosure form.²⁹
- C Paragraph 14 Murphy obtained from Bennett personal documents in the possession of Bennett and gave those personal documents to Piscatella. In turn, Piscatella added those personal Bennett documents to, and intermingled those personal Bennett documents with, the official DCRP candidate file for Bennett.³⁰ Piscatella says those personal Bennett documents added and intermingled by Piscatella to the DCRP's official candidate file for Bennett "are true and accurate copies of the original documents that Mr. Bennett filed with me on March 20, 2012."³¹

Thus, as shown above, Bennett, Murphy and Piscatella conspired, cooperated and acted, unlawfully and without authority, to add Bennett's personal documents (hereinafter sometimes "Bennett Version #2 documents") to, and to intermingle Bennett's personal documents with, the documents already in the official DCRP candidate file for Bennett (hereinafter sometimes "Bennett Version #1 documents"). Thus, Bennett, Murphy and Piscatella added Bennett Version #2 documents to, and intermingled Bennett Version #2 documents with, the official DCRP Bennett Version #1 documents, to come up with a completely new version of Bennett DCRP candidate filing documents.

²⁷ Supplemental Affidavit of Tony Piscatella, June 22, 2012, attached as Exhibit #15

²⁸ Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 8, attached as Exhibit #15

²⁹ Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 13, attached as Exhibit #15

³⁰ Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14, attached as Exhibit #15

³¹ Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14, attached as Exhibit #15

28 A comparison of Bennett Version #2 documents with Bennett Version #1 documents shows that the representation attested to by Piscatella that the Bennett Version #2 documents are “true and accurate copies of original documents Mr Bennett filed with [Piscatella] on March 20, 2012”,³² is not accurate. Specifically, the Bennett Version #2 documents added by Bennett, Murphy and Piscatella to Bennett Version #1 documents differ from the Bennett Version #1 documents in at least the following important respects

- A Bennett Version #1 documents contains a Notice of Candidacy and Pledge form signed by Bennett. However, Bennett Version #2 documents do not contain a Notice of Candidacy and Pledge form. That difference alone proves that Bennett Version #2 documents are not a complete copy of Bennett Version #1 documents.
- B Bennett Version #1 documents contain a Candidate Packet Checklist that has near the top (1) the handwritten words “District 38” next to the typewritten words “State Senator” on one line and (2) the handwritten term “3/20” next to the typewritten words “Paid Date” on another line. Bennett Version #2 documents do not contain a Candidate Packet Checklist with either the words “District 38” or the term “3/20” referenced above. Those differences alone prove that Bennett Version #2 documents are not a complete copy of Bennett Version #1 documents.
- C Bennett Version #2 documents contain a “Campaign Disclosure” form for Bennett. Bennett Version #1 documents do not contain a “Campaign Disclosure” form for Bennett. That difference alone proves that the Bennett Version #2 documents are not the same as the Bennett Version #1 documents.
- D Bennett Version #2 documents contain a different SEI for Bennett than the SEI contained in the Bennett Version #1 documents. Specifically, the SEI in the Bennett Version #2 documents contains “3/19/2012 2 07 pm” at the bottom right of each of the three pages of the SEI as the only date and time on each page of that SEI. However, the SEI in the Bennett Version #2 documents do not contain that date or time and, instead, contain the date “6/13/12” at the upper left of each page as the only date on each of three pages of that SEI. Further, a handwritten note attached to the first page of the SEI in the Bennett Version #1 documents states that it was “downloaded 6/13/12”, which means it was not provided by Bennett to the DCRP or Piscatella when Bennett submitted his SIC to Piscatella and the DCRP on March 20, 2012 but, instead, was added by Piscatella to the Bennett Version #1 documents on June 13, 2012.

³² Supplemental Affidavit of Tony Piscatella June 22, 2012 para 14 attached as Exhibit #13

29 In addition to the differences between the Bennett Version #1 documents and the Bennett Version #2 documents, there are differences between both the Bennett Version #1 documents and the Bennett Version #2 documents, on the one hand, and similar campaign documents submitted by each of the eighteen other DCRP candidates, on the other hand, including the following

- A A NOTICE OF CANDIDACY AND PLEDGE form, along with a packet of other forms, was given by DCRP candidate filing officials Piscatella or Janette Chipas at DCRP Headquarters to every person signing up to become a DCRP candidate. Those forms were filled out by each candidate applicant in his or her own handwriting at the time of filing with the DCRP to become a candidate. The NOTICE OF CANDIDACY AND PLEDGE of each of the eighteen DCRP candidates other than Bennett was filled out in his or her own handwriting, not typewritten, at no less the five locations on that form. However, the NOTICE OF CANDIDACY AND PLEDGE signed by Bennett was typewritten, not handwriting. The fact that Bennett, alone, has a typewritten form while eighteen other candidates have a handwritten form, when all nineteen candidates followed the same DCRP procedure to become a candidate, itself evidences the unreliability of the DCRP documents for Bennett.
- B The DCRP candidate file for each of the nineteen DCRP candidates for the June 12, 2012 Republican Primary contains a "CANDIDATE PACKET CHECKLIST" ("Checklist"). The first question at the top of each of those nineteen Checklists is worded as follows: "Name as it will appear on the ballot." The name "Sean Bennett" is typewritten as Bennett's answer to that question at the top of the Checklist in both the Bennett Version #1 documents and the Bennett Version #2 documents. However, the name of all of the other eighteen candidates stated to answer that question is handwritten, not typed.
- C The second question at the top of each of those nineteen Checklists is worded as follows: "Candidate for office of." The name "State Senator" is typewritten as Bennett's answer to that question at the top of the Checklist in both the Bennett Version #1 documents and the Bennett Version #2 documents. However, the name of all of the other eighteen candidates as their answer to that question is handwritten, not typed.

The fact that Bennett's DCRP paperwork differs from the paperwork of all eighteen other DCRP candidates in the respects stated above evidences the unreliability of, and some kind of tampering with, the DCRP documents for Bennett.

30 In addition to all of the differences and discrepancies regarding the DCRP documents regarding Bennett described above, numerous additional discrepancies regarding the DCRP candidate paperwork for DCRP candidates also evidence the lack of, and cast doubt on the, truthfulness and reliability of those other DCRP candidate documents

For example, all nineteen candidates signed a CANDIDATE PACKET CHECKLIST (“Checklist”) with either Piscatella or Janette Chipas, Assistant Filing Officer for the DCRP, showing which of five specific documents on the Checklist the parties agreed were in the candidate’s DCRP file at the time they signed the Checklist. Inexplicably, for twelve of those candidates the DCRP documents provided by Piscatella to the Court on July 24, 2012 are not the same as and are not consistent with what is listed on the CANDIDATE PACKET CHECKLIST signed by the DCRP and each of those twelve respective candidates. Those discrepancies/ inconsistencies include the following

- A. Bennett Bennett Version #1 documents did not include a Campaign Disclosure Form among the documents submitted to the Court on July 23, 2012, even though the Checklists for both the Bennett Version #1 documents and the Bennett Version #2 documents state that a “Campaign Disclosure Form” was among the Bennett Version #1 documents on March 20, 2012.
- B. Bennett The Checklists for both the Bennett Version #1 documents and the Bennett Version #2 documents stated at one time that an “Affidavit” was among the Bennett Version #1 documents and Bennett Version #2 documents. However, no affidavit appears in either version of those documents submitted to the Court on June 23, 2012, and the word “Affidavit” has been crossed out on both versions’ Checklists.
- C. Byngelson His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012.

- D Duncan Her Checklist says a Campaign Disclosure form was in her file on March 28, 2012, but no Campaign Disclosure form was in her file submitted to the Court on July 23, 2012
- E Goodman His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- F Hargett His Checklist says a Campaign Disclosure form and an affidavit were in his file on March 20, 2012, but no Campaign Disclosure form or affidavit was in his file submitted to the Court on July 23, 2012
Inexplicably, there are two paper SEIs in his file
- G Hearn His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- H Hull His Checklist says a Campaign Disclosure form and an affidavit were in his file on March 20, 2012, but no Campaign Disclosure form or affidavit was in his file submitted to the Court on July 23, 2012
- I Knight His Checklist says a Campaign Disclosure form was in his file on March 16, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- J Mondo His Checklist shows that at one time a "Statement of Economic Interests (SEI) – proof of online filing" was in his file, but no SEI was among his documents submitted to the Court on July 23, 2012
- K Nisbet His Checklist says a Campaign Disclosure form was in his file on March 16, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- L Pearson Her Checklist says a Campaign Disclosure form was not in her file on March 16, 2012, but a Campaign Disclosure form was in her file submitted to the Court on July 23, 2012. In addition, the following note appeared attached at the upper right corner of her SEI in her file on July 23, 2012 "3/26/12 Per your request Thanks to all at the office for what you do Mary"
- M Turner The Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012

31 Based on a representation by Piscatella that John Mondo ("Mondo") had filed properly as a candidate, the DCRP certified Mondo in April, 2012, as a properly qualified DCRP candidate for the June 12 Primary. However, the DCRP later decertified Mondo, in May, 2012, as a Primary candidate after Piscatella determined Mondo had not submitted his SEI as required after the SC Supreme Court decision on May 2, 2012, in Anderson v. South Carolina Election Commission, 397 S.C. 551, 725

S E 2d 704 (May 2, 2012) The fact that Piscatella caused the certification of Mondo who later was decertified as unqualified for failure to have submitted a proper SEI evidences that Piscatella did not understand or require compliance with the SEI requirements for becoming a candidate when Bennett signed up with the DCRP to become a candidate on March 20, 2012

32 The above stated facts make me doubt and disbelieve the legality, accuracy, integrity, credibility, reliability and completeness of all the DCRP candidate documents for Bennett I believe that all documents in the DCRP candidate file for Bennett should be construed against both Bennett and Piscatella due to spoliation of evidence because of (a) the illegal, surreptitious and unreliable manner in which the DCRP documents regarding Bennett were commingled and wrongfully maintained outside the control of the DCRP, with the active cooperation and participation of Bennett, and (b) the confusion, inaccuracies, uncertainty and unreliability of those documents resulting from the wrongful manner in which those documents have been intermingled and maintained It is outrageous that Piscatella, Murphy and Bennett surreptitiously conspired to add to – to “supplement”³³ – the official DCRP file for Bennett with personal documents maintained by Bennett when they had no authority to do so It is outrageous that Piscatella, at the direction of Murphy, wrongfully was secreting and possessing those documents and withholding even a copy of those documents from me, the DCRP Chairman and members of the public as we all were trying, as they all well knew, to determine whether the non-incumbent DCRP candidates’ paperwork had been submitted to the DCRP properly as the August 15, 2012 deadline for finally certifying

³³ See Supplemental Affidavit of Tony Piscatella June 22 2012 para 14 (I have supplemented Mr Bennett s candidate file with those documents)

candidates was approaching. The secreation and withholding of these public documents by Piscatella and Murphy from the DCRP Chairman, me and other members of the public whom they knew wanted a copy of them was done, I believe, for the purpose of helping Bennett, Carter and possibly other candidates Piscatella and Murphy supported, instead of Piscatella fulfilling his duties as a DCRP appointed custodian of records and instead of their neutrally allowing the truth to be ascertained by releasing a copy of the documents. I believe that that Bennett, Murphy, Piscatella and the SCGOP were trying to "run out the clock" by withholding even a copy of those documents from me, the DCRP Chairman and the public until it would be too late to litigate the validity of those documents before the August 15, 2012 certification deadline. It was only the demand of Chairman Duncan on July 9, 2012³⁴ followed by the order by Judge King on July 23, 2012, that finally got these wrongfully withheld public documents released to DCRP Chairman Duncan, me and the public. I believe that Bennett and Piscatella should not reap any benefit from any DCRP document about Bennett as evidence in this litigation given that they have participated in a scheme to supplement the official DCRP file about Bennett with their own inaccurate, different personal documents of Bennett and have helped withhold/secrete those documents.

33 The paper SEI Bennett claims to have filed with Piscatella is attached to Bennett's motion to intervene and is a printed copy of a South Carolina State Ethics Commission SEI that was filed online on March 19, 2012 at 2:08 p.m. A copy of that SEI is attached as Exhibit #14.

34 Section 8-13-1356(B) of the Code of Laws of South Carolina states that

"A candidate must file a statement of economic interests for the preceding

³⁴ See paragraphs 16-17 supra.

calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy ” (Emphasis added)

I believe that, by a preponderance of the evidence, Bennett did not file a paper copy of his SEI “at the same time and with the same official with whom” Bennett filed his “declaration of candidacy”, as required by Section 8-13-1356(B) and the Anderson and Florence County cases. I believe that the best evidence of whether Bennett filed an SEI as required by Section 8-13-1356(B) is the fact that there was no SEI in Bennett’s DCRP candidate file on June 13, 2012, even though the DCRP had a routine business practice of maintaining a copy of all documents submitted by a candidate to the DCRP.

35 Even if Sean Bennett did file a SEI with Piscatella properly, Bennett must be decertified. Section 8-13-1356(B) requires that the SEI filed with the party official be “for the preceding calendar year” and Bennett has failed to do so.

36 Stated another way, even if Bennett did file a paper copy of his SEI “at the same time and with the same official with whom” he filed his “declaration of candidacy”, Bennett did not file a statement of economic interests “for the preceding year”, as required by Section 8-13-1356(B). That is shown conclusively by the following facts:

- A Both of the SEIs contained in the Bennett Version #1 documents and the Bennett Version #2 documents filed with the Court on July 23, 2012, show “2011”, not “2012”, as the “Year” of his “Statement of Economic Interests Report”³⁵
- B The SEI Bennett attached to his Motion to Intervene and claimed to have filed properly was for the 2011, not the 2012, report year³⁶
- C Go to the State Ethics Commission website at <http://ethics.sc.gov/Pages/default.aspx>. Click in sequence “Public Reporting”,

³⁵ See Exhibits #17 and #18 attached

³⁶ See Exhibit #16 attached

"Individual Financial Reports", "Statement of Economic Interests Reports", Filing Year 2012, Search by Last Name, and Next, Enter "Bennett", Click Next You will NOT see "Sean Bennett" listed with the seven other persons there having the last name of "Bennett"

- D Go to the State Ethics Commission website at <http://ethics.sc.gov/Pages/default.aspx> Click in sequence "Public Reporting", "Individual Financial Reports", "Statement of Economic Interests Reports", Filing Year 2011, Search by Last Name, and Next, Enter "Bennett", Click Next You will see "Sean Bennett" listed with seven other persons having the last name of "Bennett" You will see there that "Sean Bennett" filed on March 19, 2012 at 2 08 00 pm" as a "Candidate Senate" As shown by the attached copy of Bennett's SEI printed at that website, the year of Bennett's "Statement of Economic Interests Report" is "2011", not "2012"
- E In order to file a Statement of Economic Interests Report for the year of 2011, Bennett was required to file his SEI in the 2012 Report Year, not in the 2011 Report Year
- F Because Bennett filed his SEI in the 2011 Report Year, Bennett in fact filed his SEI for the year 2010, which is not the year preceding the year (2012) he became a DCRP candidate
- G Thus, because Bennett filed his SEI "for" the year 2010 and not "for the preceding year", which was 2011, Bennett did not comply with Section 8-13-1356(B)

37 The fact that Bennett had to have filed his SEI on the Report form for 2012 instead of on the Report form for 2011 in order to have filed his SEI "for the preceding year" 2011 is shown by the following

- A Instructions on how to "start a new filing" of a SEI appear on Page 7 of the user guide of the State Ethics Commission at the following website <http://ethics.sc.gov/PDFs/Statement%20of%20Economic%20Interest%20User%20Guide%20V1%200.pdf> That page at that website states that to do a new SEI filing, "Please select the filing year for this report" (Emphasis added)³⁷ It indicates that the year of the form is the filing year As a result, in 2012 one is supposed to file a 2012 SEI to report for the year 2011
- B The only way to file a SEI for the first time, as Bennett did on March 19,

³⁷ See South Carolina State Ethics Commission Public Disclosure and Accountability Reporting System Electronic Filing Statement of Economic Interest User Guide at 7 (Version 1 01 01)

2012, is to click "Start a New Filing", which Bennett did on March 19, 2012. Upon clicking "Start a New Filing" Bennett saw, and one would see now, the following message

"Electronic Filing

Statement of Economic Interests

Please select the filing year for this report The information in this report is for the previous calendar year

Note

April 15, 2011 deadline is the 2011 report for information from 1/1/10 to 12/31/2010
April 15, 2012 deadline is the 2012 report for information from 1/1/11 to 12/31/2011" (Emphasis added)

38 Bennett's SEI he claims to have given the DCRP covers the year 2010, not 2011. Bennett did not file a SEI for the year 2011. Therefore, Bennett did not comply with Section 8-13-1356(B)'s requirement that to become a candidate Bennett must have filed a SEI "for the preceding year", which is 2011.

39 Every non incumbent DCRP candidate (i.e., Bryngelson, Carter, Duncan, Goodman, Hull, Turner) except Bennett filed his or her SEI on the 2012 Report form, and thereby filed a SEI "for the preceding year", which was 2011. Further, every person with the last name of "Bennett" other than Sean Bennett filed properly on a 2012 or a 2011 report as was required.³⁸ By looking at Exhibit #17 one can see that everyone on the 2011 Bennett list filed a SEI on a 2011 form in 2011 for the year 2010. Similarly, Exhibit #18 shows that everyone on the 2012 Bennett list filed a 2012 form in 2012 for the year 2011. Only Sean Bennett filed his SEI incorrectly, by filing in 2012 on a 2011 form for the year 2010, instead of in 2012 on a 2012 form for the year 2011.

40 The Candidate Campaign Disclosure forms candidates, including Bennett,

³⁸ See attached Exhibits 19 and 20

were required to complete and did complete work the same way as SEIs. Specifically, the “2012 January 10th” filing for the Campaign Disclosure form that Bennett and other candidates filed electronically with the State Election Commission covers the preceding quarter from October 1 to December 31 of 2011. Bennett completed correctly his “2012, January 10th” “Candidate Campaign Disclosure form” covering the period from October 1 to December 31 of 2011. That exact form completed by Bennett was contained among his Bennett Version #2 documents. Bennett had no trouble figuring out the Ethics Commission form dating system for Candidate Campaign Disclosures. The same form dating system is used for SEIs, i.e., the “filing date” of the SEI form is the date the form is filed, but the SEI form covers activity from a prior time period.

40 Regulations of the State Ethics Commission can be found at

<http://www.sctatehouse.gov/coderegs/c052.php>

According to S.C. Code Regs. 52-204, the State Ethics Commission approves its official forms,³⁹ including the Statement of Economic Interests form,⁴⁰ pursuant to properly promulgated Ethics Commission regulations. The Statement of Economic Interests form has been officially adopted by the State Ethics Commission as part of its regulatory authority. The State Ethics Commission deliberately considers the “filing year” for a Statement of Economic Interests to be the year in which one files a SEI, not the year for which one files a SEI.

³⁹ See S.C. Code Regs. 52-204A.

⁴⁰ S.C. Code Regs. 52-204E(13).

Michael T. Rose
MICHAEL T ROSE

Sworn to and subscribed before me this

30th day of July, 2012

Suren O Rose
Notary Public for South Carolina

My Commission Expires 8-23-21

EXHIBITS

AFFIDAVIT of MICHAEL T ROSE

- 1 E-mail dated June 14, 2012, from Mike Rose to Tony Piscatella
- 2 E-mail dated June 15, 2012, from Tony Piscatella to Mike Rose
- 3 E-mail dated June 15, 2012, from Matt Moore to Mike Rose
- 4 E-mail dated June 19, 2012, from Mike Rose to Dr Tim Huber and DCRP Chairman
Carroll S Duncan
- 5 E-mail dated June 20, 2012, from Mike Rose to Dr Tim Humber and DCRP Chairman
Carroll S Duncan
- 6 E-mail dated June 20, 2012, from DCRP Chairman Carroll S Duncan to SCGOP ED
Matt Moore
- 7 Letter dated July 9, 2012, from DCRP Chairman Carroll S Duncan to Tony Piscatella
- 8 E-mail dated July 9, 2012, from Todd Kincannon to Chris Murphy
- 9 E-mail dated July 10, 2012, from Chris Murphy to Todd Kincannon
- 10 Letter dated July 11, 2012, from DCRP Chairman Carroll S Duncan to Tony Piscatella
- 11 Affidavit dated July 30, 2012, of Steven Marc Abrams, J D , M S
- 12 Affidavit dated June 11, 2012, of Leonard Patrick Odom
- 13 Affidavit of Tony Piscatella, dated June 21, 2012
- 14 Affidavit of Tony Piscatella, dated June 21, 2012
- 15 Supplemental Affidavit of Tony Piscatella, dated June 22, 2012
- 16 Statement of Economic Interest of Sean Bennett, filed with State Ethics Commission
March 29, 2012, attached to Motion to Intervene of Sean Bennett
- 17 Statement of Economic Interest of Sean Bennett in Bennett Version #1 Documents
- 18 State of Economic Interest of Sean Bennett in Bennett Version #2 Documents
- 19 Persons having last name "Bennett" who filed on 2011 Report Form on State Ethics
Commission website

20 Persons having last name “Bennett” who filed on 2012 Report Form on State Ethics
Commission website

Exhibit 1-10

From Michael Rose [mailto:mrose5@sc.rr.com]
Sent Thursday, June 14, 2012 11:24 PM
To 'Me', tpiscatella@gmail.net
Cc 'mrose5@sc.rr.com'
Subject Tony Piscatella Bennett paperwork

Tony,

As we discussed yesterday, please give me a copy of all of the paperwork regarding Sean Bennett's paperwork that you filed on behalf of the DCRP. I want to review it.

Please confirm where you filed that paperwork, and when.

Thank you.

Mike Rose

Michael Rose

From Matt Moore <matt@scgop.com>
Sent Friday, June 15, 2012 9:47 AM
To Tony Piscatella
Cc mrose5@sc.rr.com
Subject Re: Tony Piscatella Bennett paperwork

Senator - please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging.

Matt Moore
Executive Director
South Carolina Republican Party
email matt@scgop.com
twitter @MattMooreSC
phone 803 988 8440

On Jun 15, 2012, at 9:42 AM, Tony Piscatella wrote

Mike

The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going away any time soon.

I'm sorry for the inconvenience this may have caused you.

Tony Piscatella

Treasurer
<image002.jpg>Dorchester County Republican Party
P O Box 2625
Summerville SC 29484
Phone 843 871 7311
Fax 843 821 2405
Cell 843 670 7537
E-Mail tpiscatella@sc.rr.com
E-Mail2 dcrrptony@gmail.com
Delivery Address for UPS & FedEx
203 Hunt Club Drive
Summerville SC 29485

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient of this e-mail and the information it contains or if you are not the employee or agent responsible for delivering this e-mail and the information it contains to the intended recipient, be advised that you have received this e-mail in error and that any use

On Jun 19, 2012, at 1 16 PM, "Michael Rose" <mrose5@sc rr com> wrote

Carroll and Tim,

Given the present circumstances, I want to appeal the certification of Shaun Bennett as
The Republican Party's candidate in the upcoming General Election for Senate District #38

Please tell me what I need to do to process this appeal

Thank you

Mike Rose

- - - Forwarded message - - -

From Carroll S Duncan <carrollsduncan@gmail.com>
Date Wed, Jun 20, 2012 at 5 06 PM
Subject Fwd Appeal Rose vs Bennett Senate District 38
To Matt Moore <matt@scgop.com>

Answer him or not?

For you, Tony has not and will not alter any records. He's added a copy of the SEI to the file but with note that it's a copy and what day he added and why.

Sent from my iPad

Begin forwarded message

From "Mike Rose" <mrose5@sc.rr.com>
Date June 20, 2012 4 48 21 PM EDT
To "Tim Huber" <trh61054@aol.com>

Cc "'Carroll Duncan'" <carrollsduncan@gmail.com>, <mrose5@sc.rr.com>

Subject RE: Appeal Rose vs Bennett Senate District 38

Tim and Carroll,

A lawyer told me this afternoon that Tony Piscatella needs to be told that there are computerized records of all computer transactions regarding the paperwork in question, that those records will reveal the truth, and that Tony better not alter in any way the records because if he does he could be indicted.

Mike Rose

Dorchester County Republican Party

89-B Old Trolley Road | Suite 203A | Summerville, South Carolina 29485

July 9, 2012

Tony Piscatella, Candidate Filing Officer
Dorchester County Republican Party
89 B Old Trolley Road, Suite 203A
Summerville, South Carolina 29485

Dear Mr Piscatella

Under direction from the South Carolina Republican Party the decision was made to keep confidential all Dorchester County Republican Party documents related to candidate filing for the June Primary Elections. I believe this decision was made in error and in my authority as Chairman of the Dorchester County Republican Party I am reversing it. Accordingly, you are hereby requested to take the following steps:

Please scan as individual PDFs all documents filed with the Dorchester County Republican Party by candidates for the June Primary Elections including but not necessarily limited to statements of intention of candidacy, statements of economic interest, filing receipts for statements of economic interest, pledges, etc. Please email these PDFs to me in a series of emails not exceeding 5 MB in total attachment size. Please verify that no scans cut off any information whatsoever from the header or footer of the documents.

I will provide these documents to anyone who requests them as I believe the public has a right to see them. Further, it is necessary that I obtain them in connection with the litigation we are now facing as well. I am in the process of choosing a member of the South Carolina Bar who is not a resident of Dorchester County to safeguard the documents for the remainder of this election cycle. As soon as they are scanned, please let me know and I will advise you to deliver all such documents to the Bar member who will serve as the document custodian.

Please see to this as soon as possible.

Sincerely,



Carroll S. Duncan

Chairman

Dorchester County Republican Party

From Chris Murphy [mailto:chris@MURPHYLAWFIRMLLC.COM]
Sent Tuesday, July 10, 2012 3 31 PM
To Todd Kincannon
Subject RE: DCGOP Filing Documents

Todd

Thank you for your email and I apologize for not getting back to you earlier but I have been running around catching up

First I would like to know under what authority you believe you have the capacity to represent the Dorchester County Republican Party (DCRP) or demand the return of any documents maintained by the custodian appointed by the Chairman. I am not aware of any action by the DCRP Executive Committee in which you were retained to represent the interest of the DCRP. I believe it is a conflict of interest for you (under any authority) to represent Candidate Carroll Duncan and the DCRP. Additionally, your attempt to enter into a Consent Order with the Democratic party to decertify Republican Candidates without the knowledge and agreement of those candidates directly affected was in my view improper to say the least.

Tony Piscatella, was appointed by Carroll Duncan to oversee the 2012 candidate filing process and as such he is entrusted with maintaining and safeguarding the files. I have taken the liberty of cutting and pasting Article VIII of the DCRP by laws for your review.

ARTICLE VIII

Records

Section 1 All records shall be kept in written or printed hard copy as well as on computer discs. These records shall be maintained and controlled by a **custodian appointed by the County Chairman**. They shall be filed in accordance with the approved filing system and stored in locked file cabinets before the close of business on any day the office has been opened.

Section 2 Party records shall be made available only to party members. No copies of party records, in any form, may be distributed without established fees being paid in cash or by check at the time of distribution. Fees will be set by the Executive Committee.

Section 3 Party computer records shall be stored on two separate storage devices. All storage devices, floppy discs or other, are to be kept in locked cabinets when not in use.

Section 4 **Party records shall be kept from scrutiny by the public or the news media.**

Section 5 The County Chairman shall be responsible to ensure that all records, including lists of any kind, minutes of meetings, correspondence sent and received, etc., shall be kept as permanent party records, and shall be formally turned over to the succeeding County Chairman immediately upon his taking office.

On Thursday, June 21, 2012, I was retained by Tony Piscatella to represent him with regards to his potential testimony as it relates to the pending lawsuit filed by the Dorchester County Democratic Party whereby they have challenged all non-incumbent Republican candidates. As Mr. Piscatella's attorney, I have advised him to safeguard the filing documents of all the 2012 Republican candidates in Dorchester.

County Absent a Court Order directing Mr Piscatella or my office to turn over the files they will remain in his custody This will help to ensure the chain of custody and the integrity of any potential evidence as the case makes its way through the judicial process

Sincerely,

Christopher J Murphy, Esq
Murphy Law Firm, L L C
136 West Richardson Avenue
Summerville, SC 29483
Phone: (843) 832-1120
Fax (843) 832-5969
www.murphyllawfirmllc.com



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From: Todd Kincannon [<mailto:todd@thekincannonfirm.com>]
Sent: Monday, July 09, 2012 5:11 PM
To: Chris Murphy
Subject: DCGOP Filing Documents

Rep: Murphy

Tony Piscatella has directed that all communication relating to the Dorchester County Republican Party go through you as his attorney. I have not heard back from you regarding my email of last week seeking a convenient time to matters relating to the Dorchester County Democratic Party's lawsuit against the DCGOP. Accordingly, please see the attached letter to your client, Tony Piscatella, from my client, Chairman Carroll Duncan.

The letter requests that Mr. Piscatella scan and email all Dorchester County Republican Party filing documents to Chairman Duncan, though you can send them directly to me as well. Upon receiving them, Chairman Duncan will make them available for public inspection. Given the persistent questions about

these documents and the Dorchester County Republican Party filing process, there is no question but that Dorchester County Republican Party members and the general public should be able to see the contents of the documents

The originals should be maintained in a manner that will prevent tampering, and as explained in the letter, I am looking for a member of the South Carolina Bar not from Dorchester County to perform that service. It will also be important to establish a complete chain of custody of these documents for this litigation.

Chairman Duncan and I wish none of this was necessary, but given the Supreme Court's recent rulings, the pending litigation against the Dorchester County Republican Party and Chairman Duncan, and the public perception surrounding this matter, I simply see no other way to handle this. Please let me know if you have any questions.

Todd Kincannon

NOTE NEW ADDRESS BELOW

****PLEASE UPDATE RECORDS****



THE KINCANNON FIRM
P O Box 7901
COLUMBIA, SC 29202
THEKINCANNONFIRM.COM
OFFICE 877 99 COURT
FAX 888 704 2010

Dorchester County Republican Party

89 B Old Trolley Road | Suite 203A | Summerville South Carolina 29485

July 11, 2012

Tony Piscatella, Candidate Filing Officer/Records Custodian
Dorchester County Republican Party
89-B Old Trolley Road, Suite 203A
Summerville, South Carolina 29485

Dear Mr. Piscatella

You are hereby removed as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP"). DCRP First Vice Chairman Tim Huber is hereby appointed as the new DCRP candidate filing officer/records custodian. You are directed to immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

I take this action pursuant to my authority under Article VIII Section 1 of the DCRP Bylaws, which vests appointment—and therefore removal—authority in the Chairman. While I have the unilateral authority to remove for any reason or no reason, I believe the DCRP should know why I have taken this action.

On July 9, 2012, I requested in writing that you provide copies of all candidate filing documents to me. Through your attorney, you refused to provide the documents to me despite the fact that I have a right to these documents as a member of the DCRP under Article VIII Section 2 of the DCRP Bylaws.

I have no alternative but to take this step given your refusal to provide the documents. Again, please immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

Sincerely,
Carroll S. Duncan
Carroll S. Duncan
Chairman
Dorchester County Republican Party

cc Tim Huber, DCRP First Vice Chairman

Exhibit 11

digital forensics My office address is 1558 Ben Sawyer Blvd , Suite D , Mount Pleasant, SC 29464 My business phone number is (843) 216-1100 I am a member of the South Carolina Electronic Crime Task Force and a contractor to the United States government to provide digital forensics services to the Department of Justice and Department of Defense I have been qualified numerous times in state and federal court as an expert on digital and computer forensics at trial I have been qualified as an expert by the court on every occasion in which I have been offered as such My CV is attached to this affidavit as Appendix A

II Materials Reviewed as Basis of My Opinion

- 2 I was retained in this matter to examine a series of computer generated documents that are to be offered as evidence in this above captioned matter, and to opine on the evidentiary value of those documents
- 3 I have reviewed the following documents in connection with this matter
 - a) Attachments Affidavit Larry Hargett pdf
 - b) Attachments to Supplemental Affidavit R Goodman pdf
 - c) Bryngelson Affidavit pdf
 - d) Chipas Affidavit Exhibits pdf
 - e) Chipas Affidavits - signed - two 208230812698 pdf
 - f) Duncan Affidavit pdf
 - g) Goodman Affidavit pdf
 - h) Goodman Supplemental affidavit pdf
 - i) Hargett Affidavit signed pdf
 - j) Hull Affidavit pdf

k) Shields GOP Affidavit pdf

l) Turner Affidavit pdf

m) Sean Bennett SEI Backdating Experiment pdf

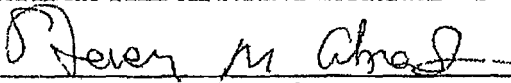
- 4 In the affidavits listed above there are repeated references to a date which appears in the lower right hand corner of the reports of the candidate's Statement of Economic Interests that were printed from the SC Ethics Commission's Public Disclosure and Accountability Reporting system on the SC gov website
- 5 The aforementioned affidavits rely on the date printed in the lower right hand corner of the reports as the actual date on which the reports were printed
- 6 For reasons shown below I disagree that this printed date is reliable evidence of when the report was actually printed

III Experimental evidence and conclusions

- 7 On July 28, 2012, I performed an experiment that involved printing the Statement of Economic Interests Report for a randomly selected candidate in the 2012 election cycle from the SC Gov – SC State Ethics Commission Public Disclosure and Accountability Reporting system. I performed this experiment using two different Internet browsers, Microsoft Internet Explorer, and Google Chrome. I printed the economic interest report with the computer's system date set correctly at 7/28/2012, and again after resetting the system date to 6/16/2012. The date shown in the lower right hand side of the printed page each time reflected the system date that was currently set in the machine at the time of the printing. Thus I easily produced a copy of the economic interest form on July 28, 2012, that showed the printed date (in the lower right hand corner of the page) as June 16, 2012. (See Appendix B.)

- 8 Tests on both browsers showed the same results, that the printed date on the form was not the actual date the form was printed, but in reality was only the system date set in the computer at the time of printing
- 9 The only reliable forensic evidence that can be used to determine to a scientific certainty when these reports were printed is located on the hard drive of the computer(s) that printed the forms in question That digital evidence is fragile, and once it is overwritten there is no means of accurately determining the date and time that the forms were printed
- 10 Thus it is my conclusion to a scientific certainty that the printed date shown on lower right hand corner of any candidate's Statement of Economic Interests that was printed from the SC gov website is not reliable evidence of when the form was actually printed
- 11 It is my opinion therefore that the date appearing on the lower right hand corner of the Statement of Economic Interests reports that are proposed as evidence in this matter is not reliable evidence as to when the reports were printed

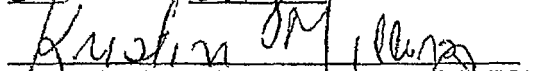
FURTHER THE AFFIANT SAYETH NOT'



Steven Marc Abrams, J D , M S

SWORN TO AND SUBSCRIBED BEFORE ME THIS

30, DAY OF July, 2012



NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES **12/31/2017**

APPENDIX A

**Steven M Abrams, J D , M S
Curriculum Vitae**

Steven M. Abrams, J D., M S.
Attorney, Digital Forensics Examiner and Instructor
1558 Ben Sawyer Blvd , Suite D
Mount Pleasant, SC 29464
843-216-1100
Steve@AbramsForensics.com

Curriculum Vitae

My key practice areas are Computer Forensics, e-Discovery, and Computer Law

Education

- 2012 -Techno Security 2012, Computer Forensics Training Seminar, Myrtle Beach, SC,
June 3 6, 2012
- 2011 -November 9-12 EnCase 7 Certification Training, Salt Lake City, UT
-November 6 – 9 Paraben Forensics Innovations Conference, Park City, UT
- April 7, 2011 SC Electronic Crime Task Force Quarterly Meeting and Training
- 2010 -Techno Security 2010, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- SCALI Annual Training Seminar, May 2010
- 2009 - Celebrite Mobile Device Forensics Certification (CCMDE), SEMAR, Mexico City,
Mexico
-SCALI Annual Training Seminar, May 2009
- 2008 - South Carolina Basic Constable Training, Tri-County Technical College / SC Criminal
Justice Academy, October – November 2008
- Commissioned as a South Carolina State Constable (LEO) on November 20, 2008
- Techno Security 2008, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- 2007 - Charleston School of Law, Charleston, SC, Juris Doctor (J D Magna Cum Laude)

- GMU2007 Computer Forensics Symposium, Regional Computer Forensic Group
of the High Technology Crime Investigation Association, Fairfax VA, Aug 2007 (40
CEU HTCIA)
- Techno Security 2007, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- 2006 - University of Aberdeen, School of Law, Kings College, Old Aberdeen, Scotland
in collaboration with the University of Baltimore Law School
Summer Law Program in Comparative Criminal Procedure and UK Business Entities &
Taxation
- Techno Security 2006, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- SCALI Annual Training Seminar, May 2006
- 2005 - SCALI Annual Training Seminar, May 2005
- SCALI Fall Training Seminar, October 2005

- 2004 Access Data Advanced Windows Forensics, June 23-25, 2004, New York City (24 Credit Hours)
 - SCALI Annual Training Seminar, May 2004 (10 CEU)
- 2003 - GMU2003 Computer Forensics Symposium, Regional Computer Forensic Group of the High Technology Crime Investigation Association, George Mason University, Fairfax, VA Aug 2003, (40 CEU HTCIA)
 - Techno Security 2003, Computer Forensics and Security Conference (24 CEU)
 - SCALI Annual Training Seminar & PI Training Seminar (16 CEU SLED)
- 2002 SCALI Annual & Fall Training Seminars (16 CEU SLED)
 GMU2002 Computer Forensics Symposium, Regional Computer Forensic Group of the High Technology Crime Investigation Association, Fairfax VA, Aug 2002, (40 CEU HTCIA)
 - Access Data Computer Forensic Boot Camp, North Carolina Justice Academy, Edneyville, NC (24 CEU)
- 1992-1994 Microsoft Internet Developer Workshops NY, NY
- 1992-1993 Novell NetWare CNE Training, IBM Skills Discovery, Jericho NY
- 1984-1985 Microcomputer and Electronics Engineering, Hofstra University, Hempstead NY
- 1982-1983 Ph D Studies, Faculty Fellowship, Columbia University, Graduate School of Arts & Sciences
- 1981-1982 Columbia University, College of Physicians & Surgeons, Master of Science (M S)
- 1977-1981 Allegheny College, Meadville PA, Bachelor of Arts (B A) (Psychology - Computer Science)

Professional Licenses

Current

Licensed Attorney in South Carolina
 Licensed Attorney in District of Columbia

Previous

Licensed as a Private Investigator in South Carolina and New York (2002-2008)

Experience (Selected)

- 2011 - Digital Forensics Instructor / Investigator, H-11 Digital Forensics / United States Embassy, Tirane, Albania
- 2010 – Facilitator, Instructor, Annual In-Service Legals and CDV Training (SLED), Lowcountry Constable Association
- 2009 – Speaker, South Carolina Association for Justice, Hilton Head, SC (August 6, 2009) Topic Civil Discovery of E-mails after *O Grady*
- 2009 – Digital Forensics Instructor/Investigator, H-11 Digital Forensics / United States Embassy, Mexico City, Mexico

2008 – Digital Forensics Instructor/Investigator, H-11 Digital Forensics / United States Embassy, Mexico City, Mexico

2008 – Faculty, SC Bar Convention – Family Law Section CLE

2008 Shareholder, Abrams Millonzi Law Firm, P C , Mount Pleasant, SC 29464

2007 - Presenter, “E Discovery Definition, FRCP Changes and Application CLE”, NBI, Charlotte, NC, December 19, 2007

2007 - Digital Forensics Instructor/Investigator, H-11 Digital Forensics, United States Embassy, Mexico City, Mexico

2007 - Presenter, “Civil to Criminal Collaborative Computer Forensics Investigations between PIs and Law Enforcement”, GMU2007, August 9th & 10th, 2007

2007 - Presenter – “A South Carolina Lawyer’s Roadmap to Navigating the New Federal E-Discovery Rules ” The South Carolina Bar (CLE Division), April 13, 2007

2006 - Presenter – “Typical Internet Sexual Activity and its Detection”, Family Law CLE, The South Carolina Bar (CLE Division), November 2006

2006 - Instructor, “3-day Hands-on Computer Forensics Workshop”, Trident Technical College, N Charleston, SC, CLE accredited by The South Carolina Bar, January 2006

2006 – Present International Journal of Cyber Criminology, Editorial Advisory Board

2005 - Lecturer, “Computer Forensic Introduction”, Trident Technical College, CLE accredited by South Carolina Bar and CEU / In Service hours for PIs / LE by SLED

2001 - Present Steve Abrams & Company, Ltd (dba Abrams Computer Forensics)
Licensed Private Investigator, Computer Forensics Examiner

1998 2001 Steve Abrams & Company, Ltd Mt Pleasant, SC, President

1996 - Democratic National Committee, Instructor - Southeast and Northeast Regional Schools for Congressional Campaign Managers

1995 – 1999 Direct Marketers of Charleston Mt Pleasant, SC, Partner
Co owner of Political Database Marketing Company and full service political print shop

1994 1995 The Software Studio Mt Pleasant, SC, Owner
Owner of software development company that developed database applications for the Newspaper publishing industry

1992-1993 Town of North Hempstead, Manhasset, NY, Deputy Commissioner of Finance

1986 - 1992 Digition Telecommunications, Inc , Huntington, NY, Director of R&D

1984 - 1986 Computer Associates International, Islandia, NY, Senior Systems Programmer

1983 Contel Information Systems Division Great Neck NY, Software Engineer
(Developed the first Network Forensics Applications for the DoD)

Recent Publications

Steven M Abrams, Knowledge of Computer Forensics Is Becoming Essential for Attorneys in the Information Age, 75 N Y St B Assn J 8, 15 (Feb 2003)

Steven M Abrams, Knowledge of Computer Forensics, Essential for 21st Century Private Investigators, 16 PI Mag, 46, 59 (October 2003)

Professional Awards & Honors

2008 - Member, SLED Ad Hoc Committee on Computer Forensics

2007 - CALI Excellence for the Future Award, Aviation Law, Charleston School of Law, Fall 2006

- CALI Excellence for the Future Award, Interviewing, Counseling & Negotiation, Charleston School of Law, Fall 2006
- CALI Excellence for the Future Award, Insurance Law, Charleston School of Law, Fall 2006

- Dean's List, Charleston School of Law, Fall 2006, Spring 2007

2006 - Editorial Advisory Board, International Journal of Cyber Criminology

2004 - "2004 SCALI Investigator of the Year"

2003 - Member, SLED Private Investigations Business Advisory Committee

Professional Associations

Member, Institute of Electrical and Electronics Engineers - IEEE

Member, South Carolina Association of Legal Investigators - SCALI

Member, Lowcountry Constables Association - LCA

Bar Association Memberships

Admitted to practice in South Carolina
and the District of Columbia

Compensation

I receive \$250 per hour, plus mileage, travel and lodging expenses, for all Computer Forensics services and for depositions and trial testimony

Previous Expert Testimony

I have completed over 800 computer forensics investigations, the overwhelming majority of cases were settled and did not require me to testify

South Carolina cases in which I was qualified in court as an expert are

Hillburn v Hillburn, (2001-DR-08-2354),
Smith v Smith, (2001-DR-22-212),
Natale v Natale, (2003-DR-10-775)
Berda v Berda, (2003-DR-10-1899),
Murphy v Murphy (2004-DR-10-1510) and
Overstolz v Fountain of Youth Wellness Centers LLC (2003-CP-10-000761)
Gitter v Gitter (2008-DR-10-2865)
Ricigliano v Ricigliano, (2009-DR-18-0102)
Edwards v Junevicius, (2010-DR-10-4736)

I was qualified as a testifying expert on digital forensics in federal court in

UHLIG, LLC V JOHN ADAM SHIRLEY (CIVIL ACTION No 6 08-1208 HFF)

I have also prepared expert's reports under Federal Rule 26(a)(2)(B) for the following federal civil suits filed in the United States District Court for the District of South Carolina

Lumpkin v Bennani, (Civil Action No 2 03-2904-23), and
Muller v American LaFrance Corp (Civil Action No 2 04-1668-23)
Microsoft v BWC Products Inc (Civil Action No 2 06-CV-2023-CWH)
Quala Systems, Inc, et al , v Bulkhaul USA, Inc , et al (Civil Action No 2 07-CV-00673-PMD)
Mainfreight v John Marco, et al , (Civil Action No 9 cv00563 JFA)

I was appointed the Court's Expert in US District Court, District of South Carolina, Rock Hill Division

The Travelers Home and Marine Ins Co v Pope, C/A No 0 10-cv-1688-JFA

I was qualified as a computer forensics expert in North Carolina courts in
Hollins v Lightfoot

In addition I have been deposed in the following matters over the past five years

Calandra v Calandra (2004-DR-10-2675)

McLernon v McLernon (DR10 2003 003090)

White v Cassidy (2004-DR-08-256)

Khoury v Noce (2006-CP-10-001830)

Quala Systems, Inc, et al , v Bulkhaul USA, Inc , et al (Civil Action No 2 07-CV-00673-PMD)

Mainfreight v John Marco, et al , (Civil Action No 9 cv00563 JFA)

Beard v Dunn & Dixon-Hughes et al, (Case No 2010-CP-08-0776)

UHLIG, LLC, V JOHN ADAMSHIRLEY, (CIVIL ACTION No 6 08-1208-HFF)

(Revised July 28, 2012)

Appendix B – Experimental evidence that date in lower right corner of Statement of Economic Interests (“SEI”) Reports from SC GOV is not reliable evidence as to when the SEI report was printed

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Jeffrey Bennett
Year 2012
Filing Date 4/19/2012
Version Original

Demographic Information

Name	Address	Phone	County
Jeffrey Bennett	105 Ashley Road Clemson SC 29631	864 654 8436	Pickens

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
City Council	Clemson	Candidate	6/2012 11/2012	4/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***



SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Jeffrey Bennett
Year, 2012
Filing Date 4/19/2012
Version Original

Demographic Information

Name	Address	Phone	County
Jeffrey Bennett	105 Ashley Road Clemson, SC 29631	864 654 8436	Pickens

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
City Council	Clemson	Candidate	6/2012 11/2012	4/2012

Income and Benefits

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Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

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Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

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Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***



Exhibit 12-15

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STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday March 20, 2012, Sean Bennett, a person known to me, appeared announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416 00 made payable to the Dorchester County Republican Party

FURTHER AFFIANT SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By Tony Piscatella
Tony Piscatella

CHRISTOPHER J. MURPHY
My Commission Expires
NOTARY
PUBLIC
11 28 2021
SOUTH CAROLINA

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ☒ Y ☐ NFiling Fee Amount \$ 416⁰⁰ Paid Date 3 / 20 / 20

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☒ Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 20 / 2012Received by [Signature] Date 3 / 20 / 2012

FILED-RECORDED
2012 JUL 24 PM 12:29
CLERK OF COURT
DORCHESTER COUNTY

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR
203 HUNT CLUB DR
SUMMERVILLE SC 294854803

DL# 002168484
Expires 01-22-2017

Class D Hgt 5-08 Wgt 210
Sex M DOB 01-22-1942
Issued 01-18-2007 18081 R 1

C. J. Randle



Restrictions A

John C. ...
Governor



LED-RECORDED
2012 JUL 24 PM 12-28
CLERK OF COURT
WINCHESTER COUNTY

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

2012-CP 18 4632

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Friday, March 16 2012, Ed Carter, a person known to me, appeared and announced that he was going to file as a candidate for House District 97
- 5 Mr Carter who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Receipt attached hereto as Exhibit A
- 7 Mr Carter also paid his filing fee in the amount of \$208.00 made payable to the Dorchester County Republican Party

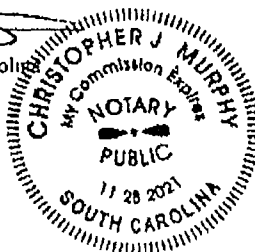
FILED-RECORDED
2012 JUL 24 PM 12:28
CLERK OF COURT
DORCHESTER COUNTY

FURTHER AFFIANI SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11/28/2021



By Tony Piscatella
Tony Piscatella

EXHIBIT A
DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Ed Carter
Candidate for office of SC House of Representatives, District 97
Paid DCRP Membership ☒ Y ☐ N
Filing Fee Amount \$ 208 Paid Date 3 / 16 /2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- N/A Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

2012 JUL 24 PM 12:20
-LEG-RECORDED
THOMAS G. (JAN) B.
CLERK OF COURT
DORCHESTER COUNTY

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature Ed Carter Date 3 / 16 /2012
Received by Jerry Bennett Date 3 / 16 /2012

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR
203 HUNT CLUB DR
SUMMERVILLE SC 294854803

DL# 002168484
Expires 01 22 2017

Class D Hgt 5-08 Wgt 210
Sex M DOB 01 22 1942
Issued 01 18-2007 18081 R 1

Anthony L. Piscatella



Restrictions: A

Patricia A. ...
Governor



CLERK OF COURT
BORCHESSTER COUNTY

2012 JUL 24 PM 12:20

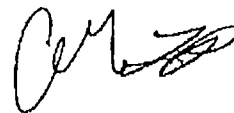
RECORDED

STATE OF SOUTH CAROLINA }
 } SUPPLEMENTAL
 } AFFIDAVIT OF TONY PISCATELLA
 COUNTY OF DORCHESTER }

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416.00 made payable to the Dorchester County Republican Party
- 8 I asked Mr Bennett if he would like a copy of his filing documents and he stated he did A copy was made of his entire packet for him
- 9 On May 4th, 2012, after the SC Supreme Court decision in Anderson, I was directed by Carroll Duncan to go to Party HQ and verify which non-exempt candidates filed paper copies of their SEI at the time of their filing I proceeded to Party HQ and pulled the candidate files and matched up the candidate files with the paper SEI that we had

FILED-RECORDED
 2012 JUL 24 PM 12 28
 CLERK OF COURT
 DORCHESTER COUNTY



- received Only one non exempt candidate, John Mondo, did not simultaneously file a paper SEI at the time he filed for office
- 10 After matching the SEIs with each candidate's file, the files were placed back into the filing cabinet drawer located in the back room I then left
 - 11 When I left party HQ that morning, Sean Bennett's file contained his SEI along with all of his other documents
 - 12 On Thursday, June 7, 2012 after the court decision was handed down regarding Florence County, I was directed again by Carroll Duncan to re-verify the files again because the candidates had to be re certified At that time, all files were intact with complete documentation to include SEIs for those non-exempt candidates
 - 13 On June 13, 2012, I was asked by Carroll Duncan to again check the files because there was talk in the community regarding the ineligibility of candidates I went to party HQ and discovered that the files were intact with the exception of Sean Bennett's file which was missing his SEI and initial campaign disclosure forms but not the confirmations
 - 14 On June 21, 2012 I requested attorney Chris Murphy to obtain a copy of Mr Bennett's candidate documents that I knew he received from me on March 20, 2012 I have supplemented Mr Bennett's candidate file with those documents These documents are true and accurate copies of the original documents that Mr Bennett filed with me on March 20, 2012

FURTHER AFFIANT SAITH NOT!

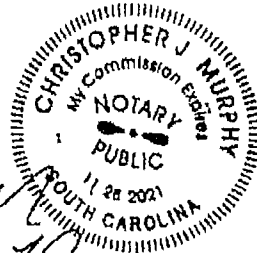
SWORN TO AND SUBSCRIBED BEFORE ME
this 22nd day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By

Tony Piscatella



FILED-RECORDED
2012 JUL 24 PM 12:28
CLERK OF COURT
BORCHESER COUNTY

EXHIBIT A

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean Bennett

Candidate for office of State Senator District 38

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 416⁰⁰ Paid Date 3 / 20 /2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☒ Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 5 / 20 /2012

Received by [Signature] Date 3 / 29 /2012

FILED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
DORCHESTER COUNTY

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR
203 HUNT CLUB DR
SUMMERVILLE SC 294854803

DL# 002168484
Expires 01 22 2017

Class D Hgt. 5-08 Wgt. 210
Sex M DOB 01 22 1942
Issued 01 18 2007 18081 R 1

Anthony L Piscatella



Real ID star A

Do or do

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2012 JUL 24 PM 12:20
CLERK OF COURT
BORCHESTER COUNTY

Exhibit 16

SC GOV - SC State Ethics Commission. Public Disclosure and Accountability Reporting**Electronic Filing****Statement of Economic Interests Review****Filing Report Review**

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville, SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

*** No Sold, Leased, or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back

Exhibit 17

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Sean Bennett
Year 2011
Filing Date 03/19/2012

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
DORCHESTER COUNTY

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville, SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

Downloaded
6/13/12

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

General Assembly

*** Filer does not have any general assembly items to disclose ***

FILED-RECORDED
2012 JUL 24 PM 12:12
CLERK OF COURT
BERKELEY COUNTY

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

Print

Go Back

FILED-RECORDED
2012 JUL 24 PM 12:12
CLERK OF COURT
ROCHESTER COUNTY

Exhibit 18

SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Filing confirmation

Your report has been filed successfully on 3/19/2012 2 08 11 PM Your confirmation number is
SEI11867 R33162 378da468

Your confirmation has been sent to the email address on record. Please print this page for your records. Click Continue to return to your Statement of Economic Interests Filings or logout if you are finished.

Continue

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
DORCHESTER COUNTY

SC GOV SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Review

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

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DORCHESTER COUNTY

*** No Sold Leased, or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

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Exhibit 19-20

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year 2011

Click on name to review the report

Search Results

Name	Office	Type	Entity	Date Filed	Version
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/21/2011 3 07 00 PM	Original
<u>Bennett, Brenda P</u>	Probate Judge	Elected	Allendale	4/27/2011 2 06 00 PM	Original
<u>Bennett II, Charles S</u>	Chief Administrative Official	Employee	North Augusta	4/12/2011 4 18 00 PM	Original
<u>Bennett, Earle M</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Will Lou Gray Opportunity School	3/3/2011 10 33 00 AM	Original
<u>Bennett, Frankie</u>	City Council	Elected	Estill	1/24/2011 5 59 00 PM	Original
<u>Bennett, Linda</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Patriots Point Dev Authority	9/22/2011 3 05 00 PM	Original
<u>Bennett, Sean</u>	Senator	Candidate	Senate	3/19/2012 2 08 00 PM	Original
<u>Bennett, Timothy R</u>	Chief Administrative Official	Employee	Allendale	4/4/2011 4 30 00 PM	Original

⏮ **Back** **Start Over** ⏭

7/25/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year: 2012

Click on name to review the report

Search Results

Name	Office	Type	Entity	Date Filed	Version
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/26/2012 3 06 00 PM	Original
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/26/2012 3 07 00 PM	Amendment 1
<u>Bennett, Earle M</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Wil Lou Gray Opportunity School	3/13/2012 3 45 00 PM	Original
<u>Bennett, Frankie</u>	City Council	Elected	Estill	2/20/2012 8 00 00 PM	Original
<u>Bennett, Jeffrey</u>	City Council	Candidate	Clemson	4/19/2012 10 47 00 AM	Original
<u>Bennett, Linda</u>	Public Member, Trustee Commission Member, or Board Member	Appointed	Patriots Point Dev Authority	1/26/2012 9 10 00 AM	Original
<u>Bennett, Timothy R</u>	Chief Administrative Official	Employee	Allendale	1/24/2012 4 13 00 PM	Original

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STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY)
DEMOCRATIC PARTY,)

Plaintiff,)

VS)

DORCHESTER COUNTY)
REPUBLICAN PARTY (*Carroll*)
Duncan, as Chairman), COLLETON)
COUNTY REPUBLICAN PARTY,)
BERKELEY COUNTY REPUBLICAN)
PARTY, CHARLESTON COUNTY)
REPUBLICAN PARTY, SOUTH)
CAROLINA REPUBLICAN PARTY)
(*Matt Moore as Executive Director &*)
Chad Connolly, as Chairman))
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as*)
Executive Director), COLLETON)
COUNTY ELECTION COMMISSION,)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION,)
SOUTH CAROLINA STATE)
ELECTION COMMISSION (*Marc*)
Andino, as Executive Director & Chris)
Whitmire as Director of Public)
Information and Training), SEAN)
BENNETT, MIKE ROSE, TONY)
PISCATELLA,)

Defendants

Civil Action No 2012-CP-18-1632

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DORCHESTER COUNTY

**DEFENDANT SEAN BENNETT'S MOTION
TO DISMISS, OR ALTERNATIVELY, FOR
SUMMARY JUDGMENT**

Defendant Sean Michael Bennett (hereinafter "Bennett") moves this Court, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an Order dismissing with prejudice the Amended Complaint of the Dorchester County Democratic Party. Bennett urges this Court to find that the Dorchester County Democratic Party lacks standing to bring this

declaratory judgment action because no Democratic candidate is running for Senate Seat 38, so no matter this Court's declaration, an unopposed Republican will remain on the ticket in November. Furthermore, the Dorchester County Democratic Party is an entity, not an individual with voting rights.

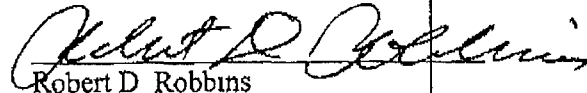
In addition to the Plaintiff's lack of standing, the Amended Complaint should be dismissed because the Dorchester County Democratic Party failed to avail itself of the opportunity before and after the primary to protest the election and in so failing, its Amended Complaint should be dismissed for failure to exhaust administrative remedies, or in the alternative, based on the doctrine of *laches*.

In the event this Court does not dismiss the Amended Complaint based on the Dorchester County Democratic Party's lack of standing, its failure to exhaust administrative remedies, or its inequitable delay in bringing this action, Bennett alternatively moves for summary judgment. This motion is based on the affidavits from Bennett, Tony Piscatella, the official who received the paper copy of Bennett's Statement of Economic Interests (SEI), and Rebecca Hyer Woods, who was a witness to the fact that Bennett filed his SEI at the same time he filed his Statement of Intention of Candidacy. Because the Dorchester County Democratic Party has offered no affidavits or statement of facts to the contrary and instead rely only on unsupported allegations in their Amended Complaint, summary judgment in favor of Bennett is appropriate.

This motion is based on the Amended Complaint, the affidavits and evidence submitted by Bennett, the applicable law, and the memorandum of law filed contemporaneously herewith.

[Signature block on following page]

Respectfully submitted



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**ATTORNEYS FOR SEAN MICHAEL
BENNETT**

August 1, 2012

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY DEMOCRATIC
PARTY,)

Civil Action No 2012-CP-18-1632

Plaintiff,)

vs)

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY, SOUTH)
CAROLINA REPUBLICAN PARTY (*Matt)
Moore as Executive Director & Chad)
Connolly, as Chairman*) DORCHESTER)
COUNTY ELECTION COMMISSION)
(*Joshua Dickard as Executive Director*))
COLLETON COUNTY ELECTION)
COMMISSION, BERKELEY COUNTY)
ELECTION COMMISSION,)
CHARLESTON COUNTY ELECTION)
COMMISSION, SOUTH CAROLINA)
STATE ELECTION COMMISSION (*Marcel)
Andino as Executive Director & Chris)
Whitmire as Director of Public Information)
and Training*), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA,)

Defendants)

**MEMORANDUM IN SUPPORT OF
DEFENDANT SEAN BENNETT'S MOTION TO
DISMISS, OR ALTERNATIVELY, FOR
SUMMARY JUDGMENT**

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DORCHESTER COUNTY

Pursuant to a phone conference between this Court and the parties on July 23, 2012, the only cause of action before this Court is one for declaratory judgment the Dorchester County Democratic Party seeks an order of this Court to "declare the [non-incumbent] Candidates ineligible for the November 6, 2012 General Election ballot" (See Plaintiff's First Amended Complaint at 11 (**attached as Exhibit A**)) As explained in more detail below, Sean Bennett, the non-incumbent victor of the Senate District 38 Republican Primary, argues the matter should be dismissed based on the Plaintiff's lack of standing, its failure to exhaust administrative remedies,

and its inequitable delay. Alternatively, Bennett moves for summary judgment because no material issue of fact exists which would entitle the Plaintiff to the relief it requests: the decertification of the Senate District 38 Republican Primary winner, Sean Bennett.

PROCEDURAL HISTORY

Though only four months have elapsed since Bennett filed his paperwork for candidacy with the Dorchester County Republican Party, this case has an unusual procedural history, filled with intrigue and unlikely bedfellows.

On March 12, 2012, Carroll Duncan, as Chairperson of the Dorchester County Republican Party, sent an e-mail to all candidates, advising them of the procedure for filing in the June primary election. (See 3/12/12 e-mail from Duncan (**attached as Exhibit B**)). In that e-mail, she informed the candidates that they must bring proof of completion of the Statement of Economic Interest (SEI) form as required by the State Ethics Commission.

A week after receiving this e-mail from Duncan, Bennett filed an electronic SEI form with the Ethics Commission on March 19, 2012. At 2:07 p.m. that same day, he printed a copy of his SEI to bring with him to the Dorchester County Republican Headquarters, where he was to file his Statement of Intention of Candidacy (SIC). (See Bennett's 3/20/12 Submissions to the DCRP (**attached as Exhibit C**)). At 2:08 p.m., Bennett also printed a copy of his SEI filing confirmation. Bennett also printed a copy of his most recent Candidate Campaign Disclosure form at 2:10 p.m. on the same day. (See *id.* at 5).

The following day, Bennett had an 11:30 a.m. appointment with the Dorchester County Republican Party to file as a candidate for Senate Seat 38. (See Bennett Affidavit (**attached as Exhibit D**)). He went to his appointment with his business partner, Rebecca Hyer Woods. (See *id.* and Woods Affidavit (**attached as Exhibit E**)). Woods assisted Bennett in compiling the

candidate filing documents and placing them into a folder to take to his appointment. Thereafter, Woods and Bennett traveled to the Dorchester County Republican Party Headquarters office and Woods was a witness to Bennett simultaneously filing his SIC and Pledge, a paper copy of his SEI, his electronic receipt, a Candidate Support Committee Declaration Statement, and his Campaign Disclosure Form with the filing official, Tony Piscatella (See Bennett Affidavit (attached as Exhibit D), Woods Affidavit (attached as Exhibit E), and Piscatella Affidavit (attached as Exhibit F)). In return, Bennett received a signed copy of a candidate packet checklist from Piscatella and copies of the documents, which included his SEI (See Bennett Affidavit (attached as Exhibit D)).

The incumbent, Republican Senator Michael Rose, was the only other candidate to file an SIC for Senate Seat 38 (See South Carolina Election Commission 2012 Candidate Information (attached as Exhibit G)). No Democrat filed for the seat (See *id.* at 4). Bennett's and Rose's names were submitted to the Dorchester County Election Commission as the Republican candidates for the Senate District 38 Republican Primary Election.

On May 2, 2012, the South Carolina Supreme Court rendered its decision in *Anderson v. South Carolina State Election Commission*, Op. No. 27120 (S.C. Sup. Ct. filed May 2, 2012) (rehearing denied by way of clarification on May 3, 2012). In that decision, the Supreme Court held that candidates who were not exempt (by virtue of being a public official in compliance with subsection (a) of § 8-13-1356) were required to file a paper copy of their SEI simultaneous with their SIC in order to comply with S.C. Code Ann. § 8-13-1356(b).

On May 3, 2012, the day after the *Anderson* opinion was issued, the Dorchester County Republican Chairperson, Duncan, forwarded an e-mail to Matt Moore, Executive Director of the South Carolina Republican Party, informing him that John Mondo was the only candidate in

Dorchester County that did not meet the criteria of the *Anderson* decision (See 5/3/12 e-mail from Duncan (**attached as Exhibit H**)) Thereafter, on May 4, 2012, Duncan sent an e-mail to all candidates in the Republican Primary (which Bennett received) advising them that she and Piscatella drove to the Dorchester County Election Commission and delivered the certification letter of all candidates to Joshua Dickard, Director of Elections and Voter Registration. In that e-mail, Duncan advised the candidates that "our team spent weeks meticulously checking and re-checking" what was required of them and went "the extra mile asking for the SEI information, not just the confirmation [number]" On the last day of filing they had "multiple sets of eyes" going over all of the required information being sent to the state Republican Party Bennett is informed and believes that one of those "sets of eyes" belong to Carroll Duncan (See 5/4/12 e-mail from Duncan (**attached as Exhibit I**))

Approximately one month later, on June 5, 2012, the South Carolina Supreme Court issued its opinion in *Florence County Democratic Party v Florence County Republican Party*, Op No 27128 (S C Sup Ct filed June 5, 2012) (rehearing denied on June 6, 2012) In that opinion, the Supreme Court clarified that the exemption in § 8-13 1356(a) did not apply to persons who deemed themselves public officials by virtue of being candidates for office

After the *Florence County* decision, the Dorchester County Republican Party again verified, through Duncan and Piscatella, that all candidates complied with the Florence County decision, except John Mondo On June 7, 2012, Duncan sent an e-mail to Joshua Dickard informing him that she examined all candidate files at the Dorchester County Republican Party Headquarters and all filings were accompanied with hard copies of the SEI (See 6/7/12 e-mail from Duncan (**attached as Exhibit J**)) She confirmed that the certified candidates list submitted to Dickard on May 4, 2012 stood as is

The primary election took place as scheduled on June 12, 2012. The election resulted in Bennett soundly defeating Rose by a margin of 60.09-39.91% (*See Election Results (attached as Exhibit K)*). Bennett was certified as the winner of the Republican Primary for Seat 38. He faces no Democratic challenger in the November general election.

Prior to the election, no lawsuit was initiated regarding the certification of Bennett's name as a candidate. Likewise, no citizen, candidate, or political party filed a protest of candidate certifications to the South Carolina Republican Party prior to, during, or after the June 12, 2012 primary election.

However, on June 28, 2012, the Dorchester County Democratic Party obtained an *ex parte* Temporary Restraining Order from The Honorable DeAndrea Benjamin, restraining the non-incumbent candidates in Dorchester County from appearing on the November 2012 General Election ballot (*See TRO signed 6/28/12 (attached as Exhibit L)*). This Order was signed prior to a lawsuit being filed, contained none of the requisite findings of Rule 65, SCRPC, was not based on any evidence as no affidavits were presented to the Court, and required no bond be paid by the Dorchester County Democratic Party (*See id*).

The following day, on June 29, 2012, the Dorchester County Democratic Party filed suit against the Dorchester County Republican Party, the South Carolina Election Commission, and the Dorchester County Election Commission. The individual candidates affected, Sean Michael Bennett, Ed Carter, and Carroll Duncan, were not named as Defendants, though Carroll Duncan was named in the suit as the Chair of the Dorchester County Republican Party (*See Summons and Complaint filed 6/29/12 (attached as Exhibit M)*).

On July 7, 2012, Carroll Duncan, acting in her capacity as Chair of the Dorchester County Republican Party, sent a letter to the Executive Director of the South Carolina Election

Commission reporting to decertify all non incumbent candidates in the Dorchester County primary elections based on the aforementioned Temporary Restraining Order (See Attachment To the 7/9/12 E-mail Exchange between Todd Kincannon, Liz Crum, and James Smith (attached as Exhibit N)) On July 9, 2012 the Dorchester County Democratic Party and Dorchester County Republican Party, which at that time was represented by Todd Kincannon (who was also representing Carroll Duncan in her capacity as Chair of the Republican Party), attempted to enter into a Consent Order for a Preliminary Injunction decertifying the non-incumbent candidates from appearing as Republican nominees on the November 6, 2012 General Election ballot (See Consent Order signed by James Smith and Todd Kincannon 7/9/12 (attached as Exhibit O)) That sentence bears repeating the Dorchester County Republican Party voluntarily consented to an order that would remove the candidate who had received over 60% of the votes in the Republican primary and who it had confirmed had filed his SEI in compliance with section 8-13 1356 and the Supreme Court's recent opinions

On July 9, 2012, before the consent order was signed by a judge, Bennett filed a Motion to Intervene as a Defendant (See Bennett's Motion to Intervene (attached as Exhibit P)) This motion was granted, and for reasons unknown to Bennett, the Dorchester County Democratic Party ultimately withdrew its motion for the Preliminary Injunction The unseated senator, Mike Rose, also moved to intervene, but he sought to intervene as a Plaintiff and filed his own Summons and Complaint (See Rose's withdrawn Complaint (attached as Exhibit Q)) During the July 23, 2012 conference call, however, he asked to be named as a Defendant rather than a Plaintiff No one objected to this request, and he is now a Defendant to this action

A hearing on the merits of the Dorchester County Democratic Party's declaratory judgment action is set for Monday August 6, 2012 Sean Bennett respectfully requests this

matter be dismissed, or in the alternative, that summary judgment be granted in his favor for the reasons detailed below

ARGUMENTS

I The Plaintiff Lacks Standing

A plaintiff's standing is a fundamental pre-requisite to all actions, including actions for declaratory judgment. See *Sloan v School Dist of Greenville County*, 342 S C 515, 518, 537 S E 2d 299, 301 (Ct App 2000). When a complaint seeks a declaratory judgment, the "test of sufficiency is not whether the complaint shows that the plaintiff is entitled to a declaration of rights according to his theory, but whether he is entitled to a declaration of rights at all." *Dismukes v Carletta*, 269 S C 110, 236 S E 2d 421 (1977). To have standing, a party must have "a personal stake in the subject matter of a lawsuit." *Sloan* at 518, 537 S E 2d at 301 (internal quotations omitted).

Here the Dorchester County Democratic Party seeks to determine which Republican candidate for Senate District 38 will appear on the ballot in the November general election, for which *there is no Democratic challenger*. As an entity that is not entitled to vote, and in light of the inevitability of a Republican appearing on the ballot no matter what this Court declares, the Dorchester County Democratic Party does not have a personal stake in this matter and has no standing to bring this action.

Bennett acknowledges that the issue of standing can be overcome, but this extraordinary exception applies only if the issue before the Court "is of such public importance as to require its resolution for future guidance." *Baird v Charleston County*, 333 S C 519, 531, 511 S E 2d 69, 75 (1991). Here, although the broad issue encompassing the requirements of S C Code Ann §8-13-1356 has proven to be an enormously important issue during this election cycle, the very narrow issue that this particular declaratory judgment action presents – whether this Court should

determine Bennett's candidacy void *ab initio* based on an unsubstantiated allegation that Bennett failed to submit a paper copy of his SEI – is more akin to a public nuisance than an issue of public importance

As the Supreme Court in our sister jurisdiction of Florida has aptly stated

[The Declaratory Judgment Act] should not be permitted to foster frivolous or useless litigation to answer abstract questions, to satisfy idle curiosity, go on a fishing expedition or to give judgments that serve no useful purpose. It should be construed to aid those who have a meritorious cause rather than to provide a way of escape for those who would be adversely affected

Ready v Safeway Rock Co, 24 So 2d 808, 809-10 (1946) See also S C Code Ann § 15-53-140 (making clear our Legislature's intent to harmonize the South Carolina Declaratory Judgment Act with declaratory judgment acts in other states)

In sum, the Declaratory Judgment Act is not intended to provide a means for adverse parties to harass each other with wild accusations. Other than making a conclusory statement that Bennett failed to provide his SEI at the same time as his SIC, the Dorchester County Democratic Party has offered no explanation for why it has this belief. Nor has the Dorchester County Democratic Party explained how an Order from this Court is meaningful to the Democratic Party other than allowing it to breed dissention among the two Republican candidates between whom this election will be won. If such unsubstantiated allegations and impersonal interests were deemed sufficient to state a viable controversy for a declaratory judgment action, then no candidate in the future – save for an incumbent – is insulated from a pre election or post-election attack based on § 8 13-1356. To allow the Declaratory Judgment Act to be used for this purpose was not envisioned by the Legislature, would wreak havoc on candidates' ability to campaign, will disenfranchise voters, and should not be tolerated by this Court.

II The Plaintiff Failed to Exhaust Its Administrative Remedies

The issue before this Court is factual, not legal. The Dorchester County Democratic Party does not seek an interpretation of any of the provisions set forth in § 8-13-1356, that endeavor has already been undertaken by our Supreme Court twice in the last several months. Instead, the Dorchester County Democratic Party seeks this Court's assistance in determining the facts of this case: whether Bennett filed a paper copy of his SEI simultaneously with his SIC. Such a determination should be handled administratively, not by invoking the powers of the circuit court.

"Where an adequate administrative remedy is available to determine a question of fact, one must pursue the administrative remedy or be precluded from seeking relief in the courts." *Hyde v. S.C. Dep't of Mental Health*, 314 S.C. 207, 208, 442 S.E.2d 582, 583 (1994). The right to contest an election did not exist under the common law; instead, the right to contest an election "exists only under the [state] constitutional and statutory provisions, and the procedure proscribed by statute must be strictly followed." *Taylor v. Town of Atlantic Beach Elec. Comm'n*, 363 S.C. 8, 14, 609 S.E.2d 500, 503 (2005). Accordingly, although the doctrine of exhaustion of administrative remedies can be excused in some instances, the determination of a question of fact that arises after a primary election is not subject to being excused from this requirement.

After the primary election for a State Senate seat has taken place, the procedure to contest that election is set forth in Article 5 of Title 7 of the South Carolina Code. Pursuant to that Article, any protest must be filed with the chairman of the state executive committee of the Republican Party by noon on the Monday following the canvassing of votes for the office. S.C. Code Ann. § 7-17-560. The Legislature was purposeful in setting forth this expedited procedure for adjudicating factual disputes after a primary election because such a procedure prevents

uncertainty from lingering after elections. As our Supreme Court has recognized, “[i]t is self evident that protracted election disputes produce an instability in government inimical to the public welfare.” *Smith v Hendrix*, 265 S C 417, 421-22, 219 S E 2d 312, 314 (1975).

Here, over sixty percent of those who voted in the Senate District 38 Republican primary are uncertain whether their candidate will appear on the November ballot. Indeed, with no Democratic challenger, the June 12 primary election decided not only the Republican nominee, but the Senator who would ultimately take office. To allow the Dorchester County Democratic Party to bypass the swift and decisive administrative remedies provided for in § 7-17-560 by filing an action with the circuit court nearly three weeks after the primary would produce exactly the instability and inimical result the administrative remedies were enacted to avoid. Moreover, it would be unjust to Senator Elect Bennett and to the voters of Senate District 38 for the Dorchester County Democratic Party to bring a lawsuit alleging noncompliance with a code section when the Democratic Party did not follow the proper statutory procedure for challenging the results of an election.

III Plaintiff's Action Should Be Barred by the Doctrine of *Laches*

Even if the General Assembly had not legislated an expedited administrative procedure for contesting a primary election after the-fact, which it has, equity demands the Dorchester County Democratic Party's Amended Complaint be dismissed based on the doctrine of *laches*.

“Under the doctrine of *laches*, if a party, knowing his rights, does not seasonably assert them, but by unreasonable delay causes his adversary to incur expenses or to enter into obligations or otherwise detrimentally change his position, then equity will ordinarily refuse to enforce those rights.” *Mazloom v Mazloom*, 382 S C 307, 319, 675 S E 2d 746, 753 (Ct App 2009). Here, as explained above, the Dorchester County Democratic Party's Amended Complaint is based on a conclusory and unsubstantiated allegation that Bennett failed to simultaneously file his SEI at

the same time as his SIC. No explanation is given as to why this allegation was made after the primary election rather than prior to it, when numerous other pre-primary election challenges had been filed around the state. By waiting until after the primary, the Dorchester County Democratic Party has prejudiced Bennett by allowing him to continue to spend time and money campaigning leading into the primary and by making him spend even more time and money now to defend against his big primary win. Furthermore, the delay in filing this action infringed upon the time in which Bennett could have gathered signatures to run as a petition candidate in order to insulate himself from not appearing on the November ballot.

While the prejudice suffered by Bennett is great, his hardship is eclipsed by the prejudice endured by the voters of Senate District 38, who were given the opportunity to choose between two candidates during the primary and now face the possibility of having a clear expression of their will denied. The delay by the Dorchester County Democratic Party is both unexplained and inexcusable, and to allow the Party to assert this cause of action after the primary election would be unjust to both Bennett and the voters of Senate District 38. *See, e.g., Timms v Timms*, 290 S.C. 133, 139, 348 S.E.2d 386, 390 (Ct. App. 1986) (explaining that a party's delay in bringing an action must be both unexplained and inexcusable for it to be barred by the doctrine of laches). Accordingly, the equitable doctrine of *laches* should be invoked by this Court to dismiss the Amended Complaint.

IV In the Alternative, Summary Judgment Should Be Granted in Favor of Bennett

The Dorchester County Democratic Party has failed to submit a Statement of Facts with supporting affidavits outlining those facts it believes it can prove at Monday's trial. As a result, the Party appears to be resting its arguments entirely on the unsubstantiated allegation that "upon information and belief" Bennett filed to file a paper copy of his SEI at the same time he filed his

SIC To rebut this allegation, Bennett has submitted an affidavit on his own behalf, testifying under oath that he filed his SEI and SIC simultaneously He also submitted an affidavit from Tony Piscatella, the Treasurer and Records-Keeper for the Dorchester County Republican Party who received Bennett's SEI, and an affidavit from Rebecca Hyer Woods, who accompanied Bennett when he filed his paperwork and was a witness to the filing of the paper copy SEI

Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party is entitled to prevail as a matter of law Rule 56(c), SCRPC When faced with a motion for summary judgment, the trial court "must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party " *David v McLeod Reg'l Med Ctr* , 367 S C 242, 247, 626 S E 2d 1, 3 (2006)

With no supporting affidavits or statement of facts it will prove at trial, this Court is left with Bennett's three affidavits, which unequivocally state that the filing requirements of 8-13-1356(b) had been satisfied Accordingly, as to the action filed against Bennett by the Dorchester County Democratic Party, no material issue of fact exists, and summary judgment should be granted in Bennett's favor

[Signature block on following page]

Respectfully submitted,



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**ATTORNEYS FOR SEAN MICHAEL
BENNETT**

August 1, 2012

U.S. DISTRICT COURT
CLERK OF COURT
WORCESTER COUNTY
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Exhibit A

Plaintiff's First Amended Complaint

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012 CP-18-1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

FIRST AMENDED SUMMONS

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive)
Director & Chad Connolly, as Chairman*))
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as)
Executive Director*), COLLETON)
COUNTY ELECTION COMMISSION,)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION,)
SOUTH CAROLINA STATE ELECTION)
COMMISSION (*Marci Andino, as)
Executive Director & Chris Whitmire as)
Director of Public Information and)
Training*), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA,)

Defendants)

TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the First Amended
Verified Complaint in this action, a copy of which is hereby served upon you, and to
serve a copy of your Answer to said First Amended Verified Complaint upon the
subscribers at their offices, 1422 Laurel Street, Columbia, South Carolina 29201, within

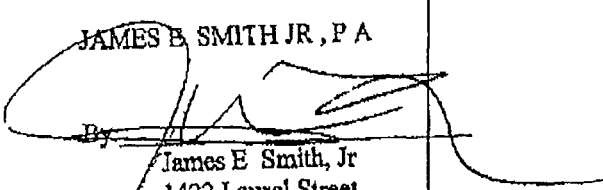
CLERK OF COURT
DORCHESTER COUNTY

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thirty (30) days after service hereof or at an earlier date as may be set by the Court, exclusive of the day of service and if you fail to answer the First Amended Verified Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said First Amended Verified Complaint.

JAMES B. SMITH JR., P.A.

By 

James E. Smith, Jr.
1422 Laurel Street
Columbia, SC 29201
803 933 9800
Attorneys for Plaintiff

Columbia, South Carolina
July 20, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY
DEMOCRATIC PARTY,

Plaintiff,

vs

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan, as Chairman*),
COLLETON COUNTY REPUBLICAN
PARTY, BERKELEY COUNTY
REPUBLICAN PARTY, CHARLESTON
COUNTY REPUBLICAN PARTY,
SOUTH CAROLINA REPUBLICAN
PARTY (*Matt Moore as Executive
Director & Chad Connolly as Chairman*),
DORCHESTER COUNTY ELECTION
COMMISSION (*Joshua Dickard as
Executive Director*), COLLETON
COUNTY ELECTION COMMISSION,
BERKELEY COUNTY ELECTION
COMMISSION, CHARLESTON
COUNTY ELECTION COMMISSION,
SOUTH CAROLINA STATE ELECTION
COMMISSION (*Marci Andino, as
Executive Director & Chris Whitmire as
Director of Public Information and
Training*), SEAN BENNETT, MIKL
ROSE, TONY PISCATELLA

Defendants

Civil Action No 2012-CP-18-1632

**FIRST AMENDED VERIFIED
COMPLAINT FOR DECLARATORY
JUDGMENT, WRIT OF MANDAMUS,
AND INJUNCTIVE RELIEF**

CLERK OF COURT
DORCHESTER COUNTY

2012 AUG -1 PM 5 05

FILED-RECORDED

Plaintiff, Dorchester County Democratic Party (DCDP) complaining of the
above-named Defendants alleges as follows

PRELIMINARY STATEMENT

1 Plaintiff, by and through its undersigned counsel, seeks a Declaratory Judgment under Rule 57, Writ of Mandamus and Injunctive Relief under Rule 65 of the S C Rules of Procedure in connection with a dispute as to whether the Defendants must comply with the S C Supreme Court's Order in *Anderson v S C Election Comm'n*, Op No 27120 (S C Sup Ct filed May 2, 2012) (*interpreting* S C Code Section 8-13-1356 and *holding* that given its plain language, Section 8 13-1356 should be applied as written)

PARTIES, JURISDICTION AND VENUE

2 Plaintiff is a county committee of the South Carolina Democratic Party - certified by the South Carolina Election Commission and the Dorchester County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

3 Defendant, Dorchester County Republican Party (DCRP), is a county committee of the South Carolina Republican Party—certified by the South Carolina Election Commission and the Dorchester County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party on a regular basis by party primary Carroll Duncan is named in her capacity as Chairman of DCRP

4 Defendant, Colleton County Republican Party (CCRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Colleton County Election Commission to nominate

DCRP v DCRP ET AL.
FIRST AMENDED VERIFIED COMPLAINT
DECLARATORY JUDGMENT WRIT OF MANDAMUS
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PAGE 2

1

candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

5 Defendant, Berkeley County Republican Party (BCRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Berkeley County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

6 Defendant, Charleston County Republican Party (CRP), is a county committee of the South Carolina Republican Party - certified by the South Carolina Election Commission and the Charleston County Election Commission to nominate candidates for offices to be voted on in a general or special election and nominates candidates of that party by party primary

7 Defendant, South Carolina Republican Party (SCR), is a political party certified by the South Carolina Election Commission and operating subject to South Carolina Code of Laws §7-9-10, et seq. Chad Connolly is sued in his capacity as Chairman of the SCR. Defendants DCRP, CCRP, BCRP, CRP and SCR are collectively referred to herein as "Party Defendants."

8 Defendant, Dorchester County Election Commission (DEC), has been codified by the South Carolina Legislature¹ as a government entity which conducts elections and registers electors in Dorchester County. Joshua Dickard is named in his capacity as the DEC Director.

¹ S.C. Code §7-27-375 7 member board appointed by Governor

9 Defendant, Colleton County Election Commission (CEC), has been codified by the South Carolina Legislature² as a government entity which conducts elections and registers electors in Colleton County CEC is a necessary party to this action to ensure complete relief

10 Defendant, Berkeley County Election Commission (BEC), has been codified by the South Carolina Legislature³ as a government entity which conducts elections and registers electors in Berkeley County BEC is a necessary party to this action to ensure complete relief

11 Defendant, Charleston County Election Commission (CCEC), has been codified by the South Carolina Legislature⁴ as a government entity which conducts elections and registers electors in Charleston County CCEC is a necessary party to this action to ensure complete relief

12 Defendant, South Carolina State Election Commission (SEC), is a commission organized under the laws of South Carolina with a primary mission to ensure every eligible citizen has the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their votes will count SEC is a necessary party to the action to ensure complete relief

13 Defendant Mike Rose is a citizen and resident of Dorchester County, State of South Carolina and currently the Senator from District 38 of the South Carolina Senate

² S C Code §7-27-375 7 member board appointed by Governor

³ S C Code §7 27-375 7 member board appointed by Governor

⁴ S C Code §7 27 375 7 member board appointed by Governor

14 Defendant Sean Bennett is a citizen and resident of Dorchester County running for election to District 38 of the South Carolina Senate

15 All Dorchester County non incumbent Republican candidates to include Defendant Sean Bennett and candidate for SC House District 97, Ed Carter, are hereinafter referred to as "Candidates "

16 Defendant Tony Piscatella is a citizen and resident of Dorchester County, and serves as the DCRP Treasurer and candidate filing officer

17 This action is brought pursuant to the S C Uniform Declaratory Judgments Act under S C Code Section 15-53-10 through 15-53-140 for the declaration of rights, status, and other legal relations

18 Incorporated in this action is a Petition for a Writ of Mandamus⁵ to compel officers charged with ministerial duties, which have refused to perform those duties, to immediately comply with the laws of South Carolina and carry out their respective duties

19 Plaintiff seeks a preliminary and permanent injunction pursuant to Rule 65 of the South Carolina and respectfully requests this Court to exempt Plaintiff from submitting a security as contemplated in Rule 65 (c)

20 Plaintiff has substantial interest in the subject matter of this complaint and will be directly affected by the non-enforcement of the statute and Order⁶ questioned

21 A Declaratory Judgment by this Court would terminate the uncertainty and controversy as complained of below

⁵ Writ of Mandamus is a form of relief *Plum Creek Development Co Inc v City of Conway*, 334 S C 30 (1999)

⁶ *Anderson v S C Election Comm'n, Op No 27120* (S C Sup Ct filed May 2, 2012)

22 A Writ of Mandamus is needed to command those Defendants with ministerial duties to perform those duties which Plaintiff (Petitioner) have a specific right therein, and which the Plaintiff (Petitioner) have no other legal remedy

23 If injunctive relief is granted against any or all of the Defendants Plaintiff believes it is entitled to an award of attorney's fees for the cost associated with bringing this action as this Court deems appropriate, based on Defendants who have violated the Order⁷ of the South Carolina Supreme Court

24 Jurisdiction and venue are proper before this Court

GENERAL ALLEGATIONS

25 Plaintiff seeks to enforce the rule of law and protect the integrity of the election process The General Election is scheduled for November 6, 2012 and certification of candidates for the General Election is to be completed by August 15, 2012 Time is of the essence The Court should not permit an ineligible candidate to be certified for the General Election The Court should immediately take action to prevent fraudulent ballots from being printed Plaintiff submits that the Candidates' candidacies are *void ab initio* inasmuch as they has never been eligible candidates for the November 6, 2012 General Election All Candidates must be removed from the ballot in order for the election process to proceed in a lawful manner

26 The gravamen of the Declaratory Judgment, Writ of Mandamus and Injunctive Relief causes of action is that the Candidates failed to (1) comply with the provisions of Section 8 13 1356, (2) were unlawfully certified by the Party Defendants,

⁷ Id

(3) were held ineligible to appear on a ballot by the Supreme Court, and (4) must not be certified as candidates for the general election and must be removed from the ballot

27 Plaintiff has brought this action to seek enforcement of South Carolina law S C Code Sec 8 13-1356 and recent SC Supreme Court decisions The South Carolina Supreme Court held in *Anderson v SC Election Comm'n*, Op No 27120 (S C Sup Ct filed May 2, 2012) that S C Code Section 8 13-1356 requires non exempt candidates to file a paper copy SEI simultaneously with a SIC as the only method by which a non exempt individual can comply with Sec 8-13-1356 *Id* The remedy is removal of the ineligible candidate from the ballot

28 Under Code Section 8 13-1356(B), non-exempt individuals must file a Statement of Economic Interest *at the same time* and with the same official with whom the individual files a Statement of Intention of Candidacy (Emphasis Added)

29 Under Code Section 8 13-1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations *may not* accept a Statement of Intention of Candidacy unless it is accompanied by a Statement of Economic Interest (Emphasis Added)

30 Upon information and belief the Candidates failed to provide their SEI at the same time as their SIC, all failing to comply with Sections 8 13 1356 (B) and 8-13 1356(E)

31 Indeed, the DCRP followed instructions provided by the SCRP that incorrectly directed the DCRP to advise non incumbent candidates filing for office not to provide a paper copy of the SEI

32 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment holding that any individual who did not comply with the plain language requirements as set forth under 8 13-1356 (B) and (E) was "improperly placed on the party primary ballots and must be removed" and directed the "appropriate official of the political parties to file with the State Election Commission by noon on May 4, 2012, a list of only those non-exempt candidates who simultaneously filed and SEC and an SIC as required by Section 8-13-1356(B)" *Anderson* at 27

33. On May 4, 2012, per the Supreme Court's Order dated May 2, 2012, the SCRP submitted to the SEC a list of individuals who were qualified to be certified by the SCRP

34 In spite of the Supreme Court's Order⁸, the Party Defendants did unlawfully certify the candidacies of the Candidates for the June 12, 2012 Republican Primary election

35 The Candidates are unlawful and ineligible for the General Election Ballot

36 Section 8 13-1356(E) further provides that, "[i]f the candidate's name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election"

37 The Candidates must not be certified by the Party Defendants for the General Election ballot

⁸ *Anderson v S C Election Comm n Op No 27120* (S C Sup Ct filed May 2, 2012)

38 The Candidates and Party Defendants actions are in direct conflict with the Court's decision in *Anderson* and are in absolute denial of the main premise on which the conflict stemmed

39. The Candidates and Party Defendants were aware of the significant election issues before our Highest Court And further that they understood and yet willfully disregarded the clear language of the statute and the Supreme Court's Order in *Anderson*

**FOR A FIRST CAUSE OF ACTION AGAINST
THE CANDIDATE AND PARTY DEFENDANTS
(DECLARATORY JUDGMENT)**

40 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

41 The candidacies of each Candidate is *void ab initio* in as much as their failure to comply with SC Code Section 8-13-1356 renders their candidacy ineligible and their name may not be placed on the ballot

42 Pursuant to the SC Uniform Declaratory Judgments Act, Plaintiff is informed and believes it is entitled to an order of this court declaring the Candidates ineligible for the November 6, 2012 General Election ballot and further declaring their candidacies declared *void ab initio*

**FOR A SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS
(WRIT OF MANDAMUS)**

43 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim.

44 Having their candidacies been declared *void ab initio* and their names ineligible for the November 6, 2012 General Election ballot, Plaintiff is informed and believes it is entitled to an order directing those Defendants responsible for the ministerial acts of certifying candidates to the ballot and placing the names on the ballots and counting the ballots, not to certify the Candidates and not to count any votes cast for the Candidates

FOR A THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS
(INJUNCTIVE RELIEF)

45 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

46 The integrity of our electoral process is fundamental to our Democracy and conduct which would allow illegal and ineligible candidates on the ballot would cause irreparable harm to the Plaintiff and the electoral process

47 To the extent the Court should determine that injunctive relief is necessary to effectuate the order of this Court enjoining Defendants from certifying Candidates to the ballot and placing their names on the ballots and counting the ballots, Plaintiff is informed and believes it is entitled to such an order

FOR A FOURTH CAUSE OF ACTION AGAINST TONY PISCATELLA
(SPOILIATION)

48 The foregoing paragraphs as referred to and incorporated as if set forth herein verbatim

49 Upon information and belief Defendant Piscatella has in his possession, custody or control the Dorchester County Republican Party candidate filing documents

which Plaintiff considers to be critical evidence in this matter that has been removed from its proper location

50 Further that Defendant Piscatella has failed to comply with SC Code Section 8-13-1356(C) and has further impeded others from complying with the same section

51 Upon information and belief Defendant Piscatella has been removed by the Dorchester County Republican Party Chair as the records custodian for the DCRP and he is currently concealing the filing documents and denying access by the public and others without the authority to do so

52 Upon information and belief, Defendant Piscatella allowed for the spoliation of some of critical evidence in this matter

53 Plaintiff is informed and believes, Defendant Piscatella should be order by this Court (1) to turn over all original filings and filing related documents to the Court to preserve this evidence and control the chain of custody, and (2) provide a complete and identical copy of the same documents to each party on this lawsuit

WHEREFORE, the Plaintiff prays that this Court expedite and set this matter to be heard as soon as this Court deems appropriate under the circumstances Plaintiff prays, in the interest of Justice, that this Court (1) immediately order Defendant Piscatella to turn over to the Court all candidate filing and related records and further inquire as to whether or not the records are complete, (2) declare the Candidates ineligible for the November 6, 2012 General Election ballot, (3) issue a Writ of Mandamus against those several Defendants to require compliance in their various ministerial duties consistent

with S C Code and *Anderson*, (4) grant injunctive relief to enforce the Supreme Court's clear command under *Anderson*. Further, the Plaintiff specifically requests that this Court ORDER all Defendants to

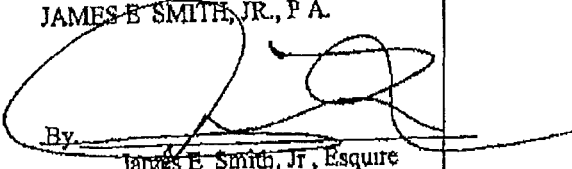
- (1) Comply with the holdings in *Anderson and Florence County Democratic Party v Florence County Republican Party*, Op No 27128 (S C Sup Ct. filed June 5, 2012),
- (2) Not certify the names of all Candidates to the General Election *Anderson* is clear the names "must be removed"⁹,
- (3) Grant a Writ of Mandamus to all Defendants tasked with the necessary ministerial duties to comply with the terms on the declaratory judgment and injunctive relief
- (4) Award court costs and attorney's fees to Plaintiffs pursuant to Rule 65 of S C Rules of Civil Procedure

⁹ Id at 27

(5) Due to the egregious nature of the Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever the Court deems appropriate and as may be requested by the Plaintiff

RESPECTFULLY SUBMITTED

JAMES E SMITH, JR., P A.

By. 

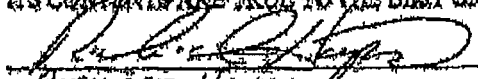
James E. Smith, Jr, Esquire
1422 Laurel Street
Columbia, S C 29201
(803) 933-9800
Attorneys for Plaintiff

Columbia, South Carolina
July 20, 2012

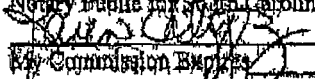
DCDF V DORP ET AL.
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VERIFICATION

I HAVE READ THE ABOVE COMPLAINT IN ITS ENTIRETY AND VERIFY THAT
ITS CONTENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE


RICHARD L. HAYES

Sworn before me on this July 20 2012,
Notary Public for South Carolina


My Commission Expires 10/30/2016

DOUGLAS ROSE ET AL.
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AND INJUNCTIVE RELIEF
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Exhibit B

3/12/12

E-mail from Duncan

FILED-RECORD
2012 AUG -1 PM 5:05
CLERK OF COURT
BERKELEY COUNTY

Robby Robbins

Subject FW CANDIDATE FILING 2012
Attachments Qualifications-Sheriff and Coroner docx Candidate packet checklist final docx

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>
Date Mon, Mar 12, 2012 at 11:53 AM
Subject CANDIDATE FILING 2012
To Carroll Sheppard Duncan <Carrollsduncan@gmail.com>

Dear Elected Officials and Candidates,

As we prepare for the filing period, the DCGOP is intent on making the process as efficient as possible. With that in mind, we are asking that you respond by e-mail or phone indicating your preference for an appointment during the specified filing period. We will be taking up to 3 appointments per hour of operations. If for some reason you are unavailable to attend one of the days, call me to arrange a time that works into your schedule. State law dictates the two week filing period so we will strictly adhere to opening, Friday, March 16 at noon and closing promptly Friday, March 30 at noon.

1. For those of you who have already contacted us, we have you on our schedule at the office.

Appointment times numbers in parentheses are availabilities

Friday, March 16

Noon (3)

1 pm (1)

2 pm (0)

3 pm (3)

Wednesday, March 28

9am-1pm All slots available

Thursday, March 29

12 noon-4pm All slots available

FILED-RECORDED
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CLERK OF COURT
BORCHESTER COUNTY

Tuesday, March 20

9 am (2)

Friday, March 30

10 am (3)

8 am until 12 noon at which time, by law, we must close

11 am (3)

2 There are two (2) forms that **MUST** be completed online, one (1) of which is a requirement to file; therefore, please complete before your appointment and bring a proof of completion of (SEI) as required by the State Ethics Commission

a **Statement of Economic Interests** (SEI)

<http://ethics.sc.gov/statementofeconomicinterests/pages/index.aspx>

b **Campaign Disclosure** (see specifics below)

<http://ethics.sc.gov>

From the SCGOP

"Please inform your candidates that they must also file a campaign disclosure online at <http://ethics.sc.gov> within ten (10) days of raising or spending \$500 or

more. This is not required to file for office, but is required to run for office and must be filed at some point "

3 Bring a check for your filing fees made out to DCRP

4 As there was 2 years ago, we have a Candidate Declaration form pertaining to the State Party Platform and your stand on issues Not to worry, this is not the "purity pledge" you may have read about in another county!

5 In accordance with our Executive Committee Rules, we have formed a Candidate Support Committee for the vetting process about which we will be sending information at a later date This Committee, along with the officers, is available to assist candidates in navigating the process of running for office, especially for those who have not done so before

6 For your convenience, attached is a Candidate Filing Checklist which will be attached to your individual packet when you arrive for your appointment

7 ****Please NOTE Candidates for Sheriff and Coroner have additional forms to fill out, see attached

Thank you for supporting our Republican values and Dorchester County GOP

Carroll

Carroll S Duncan

Chairman, Dorchester County Republican Party

843 873 1654 (H)

843 224 3711 (C)

Exhibit C

Bennett's 3/20/12 Submissions to the DCRP

FILED-RECORDED
2012 AUG -1 PM 5:03
CLERK OF COURT
BORCHESTER COUNTY

Exhibit A

Statement of Intention of Candidacy - Partisan

CERTIFIED COPY

This form must be completed by a candidate seeking partisan office

2012 JUL -9 PM 1 50

A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee

- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence including probation and parole time, unless previously pardoned

CLERK OF COURT

Name	Sean Bennett		Party	Republican	
Office	Senate		District	39	
Primary or Convention	Primary	Election Date	5/12/12		
Address	1422 Peninsula Park	City	Summerville	Zip	29485
Email Address	sbennett@scsenintegration.com				
Telephone	Cell	442-3009	Home	821-3352	Work 821-3009
Voter Registration Number	5207270				
Guidelines for a Candidate's Name to appear on the ballot A given name or a derivative may be used - The name will not contain quotations, parentheses, or other distinguishing marks - Nicknames are allowed if they are used in good faith for honest purposes and do not - imply professional or social status - include an office or military rank - exceed 15 letters					
Name as you wish it to appear on ballot (please print)	Sean Bennett				
Audio Ballot - Phonetically spell your name, if necessary	Example Jackson Gervais jur-VAY	Sean BEN-et			

Candidate's Oath

I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office

Candidate's Signature

[Handwritten Signature]

Completed by County Party

Date Received	3/20/12	Time Received	11:47
Received By	<i>[Handwritten Signature]</i>		
County Political Party	Dorchester County		

Completed by State Party

Date Received		Time Received	
Received By			
State Political Party			

SOUTH CAROLINA

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Electronic Filing

Statement of Economic Interests Review

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/12/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

2012 AUG -1 PM 5 06
CLERK OF COURT
DORCHESTER COUNTY

2012 JUL 30 PM 4 37
CLERK OF COURT
DORCHESTER COUNTY

*** No Sold, Leased or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back

OV - SC State Ethics Commission Public Disclosure and Accou

<https://sa1.sc.gov/Ethics/CandidateFiling/SEL/ReviewPrintReport.aspx>

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Filing confirmation**

Your report has been filed successfully on 3/19/2012 2 08 11 PM Your confirmation number is
SA111967-R33162 378da468

Your confirmation has been sent to the email address on record. Please print this page for your records. Click Continue to return
to your Statement of Economic Interests Filings or logout if you are finished

Continue

Cheryl A. Evans
CLERK OF COURT
BONHOMME COUNTY

CERTIFIED CO
2012 JUL 30 PM 4:37

Dorchester County Republican Party Candidate Support Declaration Statement

Name Sara Bennett

Seeking Office for SC Senate

Seat/District # 38

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- SB 1 I am a resident of the district for which I am running for office and a registered voter
- SB 2 I am a citizen of the United States and a resident of South Carolina
- SB 3 I will be at least 18 years of age as of the next general election
- SB 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
- SB 5 I have not been convicted of a felony or offense against the election laws
- SB 6 I will accurately state my qualifications and background in connection with my candidacy
- SB 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature

Date

Sara Bennett
7/29/12

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1 Continued efficiency in Government Restructuring	✓			
2 Policies which restore public confidence in the Judiciary	✓			
3 Constitutional adherence to States' Rights	✓			
4 A Tax Policy which promotes prosperity	✓			
To Establish Justice				
1 An end to racial and gender Discrimination & Affirmative Action	✓			
2 Strict adherence to Ethics in Government	✓			
3 Governmental protection of Constitutional Property Rights	✓			
5 Freedom in the job market through the Right to Work	✓			
6 Ensure the Integrity of the Election Process	✓			
7 A swift, sure and true Criminal Justice system	✓			
To Provide for the Common Defense				
1 A commitment to Peace through Strength in foreign policy	✓			
2 A constitutional view of the Right to Bear Arms				
3 United States Sovereignty	✓			
To Promote the General Welfare				
1 A balanced Budget, Deficit reduction and Transparency	✓			
2 Incentives to make the Economy grow	✓			
3 Increased Educational opportunities and academic excellent	✓			
4 An effective and sensible policy on The Environment	✓			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare	✓			
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	✓			
7 An agenda to empower Senior Citizens	✓			
8 Welfare Reform				
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature

Date

Witness

Title

Date

Please indicate your answers to the following questions. The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

only for this seat

Do you have experience or service in government (elected or appointed)?

Dorchester County appointee BDCOG & Charleston Regional Dev Alliance

Have you worked on a political campaign in any capacity?

Multiple as volunteer

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Member of National Republican Party & County Party

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting**

Electronic Filing

Candidate Campaign Disclosure Review

Bennett, Sean
State Senate

Primary

2012, January 10th Review

Original, Filed

This Period

Candidate,
Position Sought
Election Type
Election Date
Filing Type

Demographic Information

1422 Peninsula Pointe
Summerville, SC 29485
843 442 3009
County: Dorchester

Report Type

2012 January 10th

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$0 00	\$0 00
B1 Individual Contributions or other (+)	\$6,200 00	\$7,250 00
B2 Loans (+)	\$0 00	\$0 00
C In-Kind Contributions (+)	\$0 00	\$408 10
D Total Contributions (=)	\$6,200 00	\$7,658 10

Expenditures	This Period	Election Cycle
A In-Kind Expenditures	\$0 00	\$408 10
B Expenditures (+)	\$242 00	\$242 00
C Total Expenditures (=)	\$242 00	\$650 10

Balance of Contributions

A Contributions on Hand (Beginning this Period)	\$1,050 00
B Total Contributions (This Period) (+)	\$6,200 00
C Total Expenditures (This Period) (-)	\$242 00
D Contributions On Hand (Period End) (=)	\$7,008 00

Loans

Loan Balance	\$0 00

Contributions

Date	Contributor	Address	Occupation	Amount

11/29/2011	Donald F Nye	704 Simmons Ave Summerville, SC 29483	banker	\$300 00
11/09/2011	Collin L Martin	116 Brutus Lane Summerville, SC 29485	Manager	\$300 00
11/09/2011	Northstar Pro	9209 University Blvd N Charleston, SC 29406		\$200 00
11/09/2011	Pratt & Company Inc	9209 University Blvd N Charleston, SC 29406		\$150 00
11/09/2011	PR Properties of Sville	9209 University Blvd N Charleston, SC 29406		\$200 00
11/09/2011	Seventeen A Associates	9209 University Blvd N Charleston, SC 29406		\$200 00
11/02/2011	Jeffrey M Artman	106 Barrington Court Summerville, SC 29483	N/A	\$100 00
11/02/2011	Ronnie M Givens	PO Box 1118 Summerville, SC 29483	CPA	\$1 000 00
11/02/2011	Sherril H Cuzzell	125 Wilson Drive Summerville, SC 29483	Teacher	\$1 000 00
11/02/2011	Deluca & Maucher	PO Box 9 Goose Creek, SC 29445		\$200 00
11/02/2011	PR Properties of Summerville	9209 University Blvd N Charleston, SC 29406		\$200 00
10/28/2011	Harry Palmer	728 Shamrock Lane Charleston SC 29412	N/A	\$50 00
10/27/2011	Erin Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1 000 00
10/27/2011	Jessica Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000 00
10/24/2011	William A Russell III	607 Farm Springs Road Summerville, SC 29483	CPA	\$100 00
Total				\$6,200 00

Expenditures

Date	Vendor	Address	Description	Amount
12/13/2011	US Postal Service	301 N Gum St Summerville SC 29483	Bulk mail permit	\$190 00

12/09/2011	US Postal Service	301 N Gum St Summerville, SC 29483	po box	\$52 00
Total				\$242 00

*** No Loans Reported ***

*** No Loan Repayments Reported ***

*** No Disposition of Assets Reported ***

Print **Go Back**

Exhibit D

Bennett Affidavit

FILED-RECORDED
2012 AUG -1 PM 5:06
JENNY L. WATSON
CLERK OF COURT
ORCHESTER COUNTY

AFFIDAVIT OF SEAN MICHAEL BENNETT

after being duly sworn, deposes and says as follows

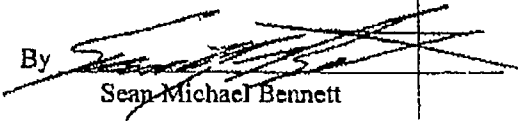
- 1 On or about March 14, 2012, I contacted DCGOP Chairman Carol Duncan, at her request, to schedule an appointment to file my candidacy for SC Senate District 38. I requested an appointment on March 21, 2012. Chairman Duncan informed me that no appointments on March 21, 2012 were available. We then settled on an alternate date of March 20, 2012 and an appointment was reserved for me at 11:30 am in the DCGOP offices on Trolley Road.
2. Leading up to the appointment date I began to gather and complete the required filing forms as delivered by Carol Duncan via email and as instructed by the DCGOP's Candidate Packet Checklist.
3. On the morning of March 20, 2012, I finalized and assembled the following documents in a file folder:
- Dorchester County Republican Party Candidate Packet Checklist
 - Statement of Intention of Candidacy - Partisan
 - Statement of Economic Interest (Full and complete hardcopy and SC State Ethics Commission electronic filing confirmation #SEI11867-R33162-378da468)
 - Dorchester County Republican Party Candidate Support Declaration Statement
 - Candidate Campaign Disclosure (Hardcopy of most recent filing)
4. Since the announcement of my intent to seek this seat, I had not been warmly received by many within the DCGOP. With this in mind, I asked my business partner of approximately 16 years, Rebecca Hyer Woods, to review the documents and check list to ensure all required documents were present and in order, per the guidelines provided to me by the DCGOP.
5. Rebecca Hyer Woods confirmed all documents listed on the Candidate Packet Checklist to be present, in order, complete per the guidelines provided to me by the DCGOP.

FILED-RECORDED
2012 AUG -1 PM 5:06
CLERK OF COURT
DOUGHERTY COUNTY
at her
District 3

- 6 I asked Rebecca Hyer Woods to accompany me to the DCGOP offices to witness my filing process
- 7 Ms Woods and I arrived together at the offices of the DCGOP at the appointed time, where we were greeted by Tony Piscatella of the DCGOP
- 8 I handed Mr Piscatella the file folder containing all the documents referenced above Mr Piscatella reviewed the forms and collected my filing fee
- 9 I signed all forms in the presence of Mr Piscatella, who also signed as a witness where applicable Mr Piscatella signed the Candidate Packet Checklist acknowledging the DCGOP's receipt of my documents
- 10 Mr Piscatella then offered to make copies for me I accepted his offer Mr Piscatella copied the entire contents of the file folder, returned copies to me, and stated "You're all set"
- 11 Mr Piscatella was very professional and detailed in the procedural process I thanked Mr Piscatella and exited the office with Rebecca Hyer Woods

FURTHER AFFIANT SAITH NOT!

By


Sean Michael Bennett

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June, 2012

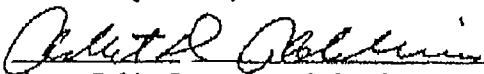

Notary Public State of South Carolina
My Commission Expires 6-2-18

Exhibit E

Woods Affidavit

FILED-RECORDED
2012 AUG -1 PM 5 06
CLERK OF COURT
BERKELEY COUNTY

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF REBECCA HYER WOODS

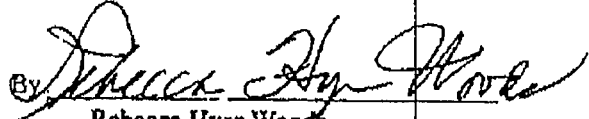
PERSONALLY APPEARED BEFORE ME, REBECCA HYER WOODS, who after being duly sworn, deposes and says as follows

- 1 That I am a citizen and resident of the County of Colleton, State of South Carolina
- 2 On the morning of March 20, 2012 Sean M. Bennett asked me to review the original paperwork required for him to file as a candidate for SC Senate District 38
- 3 It was Mr. Bennett's desire that I double check to ensure that all documents required to successfully file for the office were present and completed. From my review documents were in order
- 4 The following documents were present in the file
 - a. Statement of Intention of Candidacy - Partisan
 - b. Statement of Economic Interest - Filing confirmation
 - c. Statement of Economic Interest - Completed form
 - d. Dorchester County Republican Party Candidate Support Declaration Statement
 - e. Candidate Campaign Disclosure - Completed form
 - f. Dorchester County Republican Party Candidate Packet Checklist
- 5 Within an hour of reviewing the documents, I accompanied Sean M. Bennett to the offices of the Dorchester County Republican Party located at 89 Old Trolley Road, Summerville, SC 29485, specifically to witness his filing for the office
- 6 We entered the building together, and made introductions to the staff of the office. Mr. Bennett provided the entire file to Tony Piscatella. Mr. Piscatella processed the paperwork while we waited
- 7 Mr. Bennett provided a check for the filing fee
- 8 Mr. Piscatella provided copies of all the documents to Mr. Bennett. This included a copy of the Dorchester County Republican Party Candidate Packet Checklist indicating receipt of required documents. This was signed by both Mr. Bennett and Mr. Piscatella
- 9 Mr. Piscatella indicated to both myself and Mr. Bennett that his filing was complete
- 10 Mr. Bennett thanked Mr. Piscatella and we exited the building together

REBECCA HYER WOODS
CLERK OF COURT
DORCHESTER COUNTY

2012 AUG - 1 PM 5 06
-HFD-RECORDED

FURTHER AFFIANT SAITH NOT!

By 
Rebecca Hyer Woods

SWORN TO AND SUBSCRIBED BEFORE ME
this 15th day of June, 2012

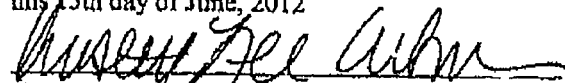

Notary Public State of South Carolina
My Commission Expires Jan 30, 2016

Exhibit F

Piscatella Affidavit

FILED-RECORDED
2012 AUG -1 PM 5:07
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

AFFIDAVIT OF TONY PISCATELLA

2012 AUG -1 PM 5:01
-LED-RECORDED
CLERK OF COURT
DORCHESTER COUNTY

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after
duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a. Statement of Intention of Candidacy (SIC) and Pledge,
 - b. Statement of Economic Interest (SEI) and Proof of filing,
 - c. Candidate Support Committee Declaration Statement
 - d. a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416.00 made payable to the Dorchester County Republican Party

FURTHER AFFIANT SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11/28/2021

By Tony Piscatella
Tony Piscatella

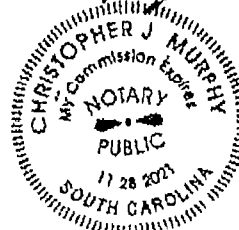


EXHIBIT A

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean Bennett

Candidate for office of State Senator District 38

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 416⁰⁰ Paid Date 3 / 20 /2012

Make checks payable to DCRP

☒ Statement of Intention of Candidacy (SIC) and Pledge

☒ Statement of Economic Interests (SEI) -- proof of online filing

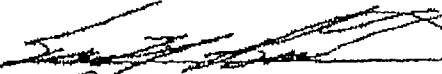
☒ Candidate Support Committee Declaration Statement

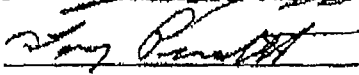
☒ Affidavit -- (Requirements for Coroner and Sheriff)

☒ Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature  Date 3 / 20 /2012

Received by  Date 3 / 20 /2012

FILED-RECORDED
2012 AUG -1 PM 5:08
CLERK OF COURT
DORCHESTER COUNTY

Exhibit G

South Carolina Election Commission 2012 Candidate Information

EVERY VOTE MATTERS.
VOTECOUNTS.

South Carolina State Ele

South Carolina 2012 June Primary Candidate Information

DORCHESTER County

Office	Candidate Name
Republican Party Candidates	
State Senate District 38	Sean Bennett
State Senate District 38	Mike Rose
State House of Representatives District 97	Jordan Bryngelson
State House of Representatives District 97	Ed Carter
Sheriff	LC Knight
Sheriff	Mike Turner
County Council District 4	Larry Hargett
County Council District 4	John Hull
County Council District 6	Roger W Goodman
County Council District 6	Bill Heam
Democratic Party Candidates	
No Opposed Candidates	

[Return to SC Votes or Main Page](#)

2012 Democratic Party Candidates

County	Name	Position
Abbeville	Billy Norris	County Council #4
Abbeville	Charles H. Goodwin	Sheriff
Abbeville	Claude Thomas	County Council #3
Abbeville	Emily R. McMahan	Clerk of Court
Abbeville	Lee Garrett	State Representative #11
Abbeville	Ronnie Ashley	Coroner
Abbeville	Marvin Ray Watson II	Sheriff
Abbeville	Oscar A. Klugh	County Council #5
Abbeville	Sue Simpson	Auditor
Aiken	LaWana R. McKenzie	County Council #3
Aiken	Liz Godard	Clerk of Court
Aiken	Sue Roe	Probate Judge
Aiken	Willard I. Hightower, Jr	County Council #8
Aiken	William "Bill" Clyburn	State Representative #82
Allendale	J. W. Wall, Jr	County Council #4
Allendale	Theresa H. Taylor	County Council #1
Anderson	Gracie S. Floyd	County Council #2
Bamberg	Bakari Sellers	State Representative #90
Bamberg	Isalah Odom	County Council - District 5
Bamberg	J. Edward Darnell	Sheriff
Bamberg	James B. Hiers	Clerk of Court
Bamberg	Willard H. Duncan	Coroner
Bamberg	Gregory P. Clark, Sr	County Council District 1
Bamberg	Joe Guess, Jr	County Council District 4
Bamberg	Sarah Guess Noel	Probate Judge
Bamberg	Trent Kinard	County Council #1
Bamberg	Clinton Murdock Carter	County Council #7
Barnwell	Branna Woodward Williams	County Council District 5
Barnwell	Freddie L. Houston	County Council - District 1
Barnwell	Lonnle Hosey	State Representative #91
Barnwell	Rhonda D. McElveen	Clerk of Court
Beaufort	Gerald Dawson	County Council - District 1
Beaufort	Herbert N. Glaze	County Council - District 1
Beaufort	William L. McBride	County Council - District 3
Berkeley	Joe Jefferson	State Representative #102
Berkeley	Tonia Aiken Taylor	State Representative #100
Calhoun	Harry Ott	State Representative #93
Calhoun	Pamela Claxton	County Council - District 2
Calhoun	Fredrick W. Robinson	Probate Judge
Calhoun	Kenneth Hasty	Clerk of Court
Calhoun	Rebecca Furtick	Treasurer
Calhoun	Thomas Summers	Sheriff
Calhoun	James Kenneth Westbury, Jr	County Council District 2
Calhoun	April Wise	Auditor
Charleston	Paul Tinkler	State Senate #41
Charleston	Colleen Condon	County Council District 2

Charleston	David Mack III	State Representative #109
Charleston	Henry E. Darby	County Council - District 4
Charleston	J. Seth Whipper	State Representative #113
Charleston	Leon Stavrinakis	State Representative #119
Charleston	Peter J. Tecklenburg	Auditor
Charleston	Robert Brown	State Representative #116
Charleston	Robert Ford	Senate Senate #42
Charleston	Vic Raul	County Council - District 6
Charleston	Wendell Gillard	State Representative #111
Charleston	Carol Tumpel	State Representative #115
Cherokee	L. Hoke Parris	County Council - District 6
Cherokee	Rufus H. Foster, Jr.	County Council - District 1
Chester	Alex Olphant	County Council #6
Chester	Donald A. Wade	Auditor
Chester	Joe Branham	County Council #3
Chester	John Wayne Holcombe	County Council #4
Chester	Richard L. Smith	Sheriff
Chester	Sue K. Carpenter	Clerk of Court
Chester	Terry D. Tinker	Coroner
Chester	Thomas E. Darby	Treasurer
Chesterfield	Ted Vick	State Representative #53
Chesterfield	Kathy B. Sheeler	Treasurer
Chesterfield	Robert Cole	County Council #9
Chesterfield	Lenora Powe	County Council #5
Chesterfield	Matt Rivers	County Council #7
Chesterfield	Eddie Rivers	County Council #1
Chesterfield	Frank Plyler	County Council #5
Chesterfield	Jack Rivers	Auditor
Chesterfield	Faye L. Sellers	Clerk of Court
Chesterfield	Kip Kiser	Coroner
Clarendon	Andrew C. English	County Council District 2
Clarendon	Beulah Roberts	Clerk of Court
Clarendon	Dwight Stewart	Chairman County Council
Clarendon	Hayes Samuels Jr.	Coroner
Clarendon	Kathy Gedding	Probate Judge
Clarendon	Kevin Johnson	State Senate #36
Clarendon	Randy Garrett	Sheriff
Colleton	John Washington	Sheriff
Colleton	Kenneth F. Hodges	State Representative #121
Colleton	Patricia C. Grant	Clerk of Court
Colleton	Phillip M. Taylor, Sr.	County Council District 23
Colleton	Richard M. Harvey	Coroner
Colleton	Andy Strickland	Sheriff
Darlington	Charles D. Woodle	Sheriff
Darlington	Denny W. Neilson	State Representative #62
Darlington	J. Todd Hardee	Coroner
Darlington	J. Wayne Byrd	Sheriff
Darlington	Robert Williams	State Representative #62
Darlington	Rosa D. Hudson	Auditor
Darlington	Scott B. Suggs	Clerk of Court
Darlington	Wilhelmina P. Johnson	County Council - District 3
Darlington	Belinda D. Copeland	Treasurer

Darlington	Gerald Malloy	State Senate #29
Dillon	Gwen T. Hyatt	Clerk of Court
Dillon	T F Buzzy Finklea	County Council #4
Dillon	Jackie Hayes	State Representative #55
Dorchester	Patsy G. Knight	State Representative #97
Dorchester	Miriam Birdsong	County Council #6
Edgefield	Adell Dobey	Sheriff
Edgefield	Norman Dorn	County Council #1
Edgefield	R. Tracy Freeman	County Council #4
Edgefield	Shirley F. Newby	Clerk of Court
Edgefield	George W. Attaway	County Council #3
Fairfield	Dorothy Boyd Belton	Clerk of Court
Fairfield	Will Montgomery	Sheriff
Fairfield	Annie E. McDaniel	State Representative #41
Fairfield	Barkley Ramsey	Coroner
Fairfield	Betty Jo Beckham	Clerk of Court
Fairfield	Creighton Coleman	Senate District #17
Fairfield	Herman W. Young	Sheriff
Fairfield	Mary Gail Douglas	State Representative #41
Fairfield	Eddie L. White	Sheriff
Fairfield	Eugene Sutton	State Representative #41
Fairfield	Paul Dove	State Representative #41
Fairfield	Palmer Nicholson	State Representative #41
Florence	Austin Smith	State Representative #63
Florence	Lester Branham	State Representative #61
Florence	Mitchell Kirby	County Council District 4
Florence	Connie Reel Shearin	Clerk of Court
Florence	Terry Alexander	State Representative #59
Georgetown	Jarrod Ownbey	State Representative #108
Georgetown	Alma White	Clerk of Court
Georgetown	Carl L. Anderson	State Representative #103
Georgetown	Lillie Jean Johnson	County Council District 4
Georgetown	Loretta D. Washington-Cooper	Treasurer
Georgetown	Ben Dunn	County Council - District 5
Georgetown	Darryel C. Carr	Sheriff
Georgetown	Jacqueline Williams	State Representative #103
Georgetown	Leona "Tiger" Miller	County Council - District 3
Greenville	Karl B. Allen	State Senate #7
Greenville	Chandra Dillard	State Representative #23
Greenville	Leola Robinson Simpson	State Representative #25
Greenville	Ullian Brock Flemming	State Senate #7
Greenville	Lottie Beal Gibson	County Council District 25
Greenwood	Anne Parks	State Representative #12
Greenwood	Floyd Nicholson	State Senate #10
Greenwood	Felicia K. Moton	Clerk of Court
Greenwood	Marci Kelley-Clark	Coroner
Greenwood	Robert Merritt	State Representative #13
Hampton	Bill Bowers	State Rep #127
Hampton	Christopher Haulsee	County Council
Hampton	James W. Fennell	County Council
Hampton	Myilinda D. Nettles	Clerk of Court

Hampton	Teresa H. Williams	Auditor
Hampton	Wilson P. Tuten, Jr	Treasurer
Hampton	Roy Hollingsworth, Jr	County Council
Horry	Butch Johnson	State Senate #28
Horry	Cedric D. Spain	State Representative #58
Horry	Charles Randall	State Representative #104
Horry	Kenneth Robinson	County Council #10
Horry	Marlon Foxworth	County Council #3
Horry	Ronald Bessant	School Board #9
Horry	Keisha Kirkland	School Board #8
Jasper	Clementa Pinckney	State Senate #45
Jasper	Barbara Clark	County Council - At Large
Jasper	Garry W. Hodges	County Council - At Large
Jasper	Gregory B. Jenkins	Sheriff
Jasper	Henry C. Etheridge	County Council - At Large
Jasper	Linious Martin Sauls	Coroner
Jasper	Margaret Bostick	Clerk of Court
Jasper	Samuel Gregory	County Council At Large
Jasper	Curtis Brantley	State Representative #122
Jasper	Sam C. Woodward	Sheriff
Jasper	Reginald Bush Jr	County Council - At Large
Jasper	Andrea W. Smallwood	County Council At Large
Jasper	Charles Maestro Mitchell, Sr	Sheriff
Jasper	Darrell Thomas Johnson, Jr	County Council - At Large
Jasper	James Chilsom	County Council - At Large
Jasper	Raymond J. Hamilton	Clerk of Court
Jasper	Stephen J. Reaves	County Council At Large
Jasper	Albert L. Kleckley Jr	Probate Judge
Kershaw	Laurie Slade Funderburk	State Representative #52
Kershaw	Robert "Bobby" Gary	County Council - District 1
Kershaw	Sammie Tucker, Jr	County Council District 2
Kershaw	Vincent Sheheen	State Senate #27
Lancaster	Barry Falle	Sheriff
Lancaster	Cheryl H. Morgan	Auditor
Lancaster	Jeff L. Hammond	Clerk of Court
Lancaster	Kathy G. Sistare	County Council - District 5
Lancaster	Mike Torris	Coroner
Lancaster	Mandy Powers Norrell	State Representative #44
Laurens	Diane B. Anderson	County Council District 6
Laurens	Edgar Taylor	State Representative #14
Laurens	David A. Pitts	County Council District 7
Laurens	Edward A. McDaniel	County Council - District 3
Laurens	F. G. "Nick" Nichols	Coroner
Lee	Jessie Belvin	School Board #2
Lee	Catherine Harris	Probate Judge
Lee	Daniel Simon	Sheriff
Lee	Grady Brown	State Representative #50
Lee	Graham Drayton	School Board #1
Lee	Jackie Josey	County Council #5
Lee	James Davis	Clerk of Court

Lee	Larry Logan	Coroner
Lee	Queenie Boyd	School Board #3
Lee	Ronald Fountain	County Council #2
Lee	Sanya Moses	School Board #7
Lee	Mattie Westry	County Council #1
Lee	John Dellinger	Coroner
Lee	Windi King	Clerk of Court
Lee	Travis Windham	County Council #1
Lexington	Nikki Srtzier	State Senate #26
Lexington	Joan Waggoner Guy	Clerk of Court
Lexington	Robert "Bob" Vanlue	State Representative #69
Marion	Allen W Floyd	County Council District 4
Marion	J Wayne George	State Representative #57
Marion	Jerry M Richardson	Coroner
Marion	John Q Atkinson, Jr	County Council - District 1
Marion	Kent Williams	State Senate #30
Marion	Mark Richardson	Sheriff
Marion	Sherry R Rhodes	Clerk of Court
Marion	Simon M Jenkins	County Council District 2
Marion	Tory Carroll Atkinson III	Probate Judge
Marion	Buddy Collins	County Council - District 6
Marion	Patrick Richardson	State Senate #30
Marion	Kevin L Grant	County Council - District 2
Marion	Levone Graves	Probate Judge
Marlboro	Carolyn A Prince	County Council - District 5
Marlboro	Delorice B Barrington	Treasurer
Marlboro	Elizabeth R Munnerlyn	State Representative #54
Marlboro	Fred Knight	Sheriff
Marlboro	Ken Allen	County Council District 6
Marlboro	Ron Munnerlyn	County Council District 3
Marlboro	Timothy E Brown	Coroner
Marlboro	William B Funderburk	Clerk of Court
Marlboro	Willie Gladden	County Council - District 2
McCormick	Byron Thompson	County Council - District 3
McCormick	Charles Jennings	County Council District 4
McCormick	Faye L Puckett	Coroner
McCormick	George Reid	Sheriff
McCormick	Gwendolyn Chiles	Clerk of Court
McCormick	Henry Banks	County Council District 1
Newberry	Craig Newton	Coroner
Newberry	Donna W Lominack	Auditor
Newberry	Jackie S Bowers	Clerk of Court
Newberry	Karen D Lindler	Treasurer
Newberry	Kirksey David Koon	County Council #4
Newberry	Lee Foster	Sheriff
Newberry	Timothy L Carroll	County Council #1
Newberry	Walt McLeod	State Representative #40
Oconee	John W Hester	State Representative #1
Oconee	Jack T Collins	County Council #4
Orangeburg	Brad Hutto	State Senate #40
Orangeburg	Jerry N Govan, Jr	State Representative #95
Orangeburg	John W Matthews, Jr	State Senate #39

Orangeburg	Delano Scott	County Council - District 5
Orangeburg	Gilda Coob Hunter	State Representative #66
Orangeburg	Harry F. Wimberly	County Council - District 3
Orangeburg	Leroy Ravnell	Sheriff
Orangeburg	Roger Heaton	Sheriff
Orangeburg	Samuella Marshall	Coroner
Orangeburg	Winnifa B. Clark	Clerk of Court
Orangeburg	Johnny Ravenel	County Council - District 2
Orangeburg	Heyward Livingston	County Council - District 4
Orangeburg	Janie Cooper	County Council - District 5
Orangeburg	Zachariah E. Johnson	Clerk of Court
Orangeburg	Joseph Garvin	County Council #4
Richland	Christopher Hart	State Representative #73
Richland	Darrell Jackson	State Senate #21
Richland	James E. Smith, Jr.	State Representative #72
Richland	Joe McEachern	State Representative #77
Richland	Joel Lourie	State Senate #22
Richland	Joyce Dickerson	County Council - District 2
Richland	Mia Butler Garrick	State Representative #79
Richland	Gwendolyn Kennedy	County Council - District 7
Richland	J. Todd Rutherford	State Representative #74
Richland	Jimmy Bales	State Representative #80
Richland	Julie Ann Dixon	County Council - District 9
Richland	Leon Howard	State Representative #76
Richland	Robert Rikard	State Senate #20
Richland	Torrey Rush	County Council - District 7
Richland	Beth Bernstein	State Representative #78
Richland	Joe McCulloch	State Representative #75
Richland	Damon Jeter	County Council - District 3
Richland	Gary Watts	Coroner
Richland	Jim Manning	County Council - District 8
Richland	John L. Scott, Jr.	State Senate #19
Richland	Norman Jackson	State Senate #20
Richland	Jeanette W. McBride	Clerk of Court
Richland	Joseph Neal	State Representative #70
Richland	Kelvin E. Washington	County Council - District 10
Richland	Leon Lott	Sheriff
Richland	Chris Sullivan	State Representative #77
Saluda	Bettis Jeffrey Herlong	Sheriff
Saluda	John C. Perry	Sheriff
Saluda	Brian Keith Turner	Coroner
Saluda	Doris B. Holmes	Clerk of Court
Saluda	William Pugh	County Council
Spartanburg	Glenn Reese	State Senate #11
Spartanburg	Henri Thompson	State Senate #12
Spartanburg	Harold Mitchell	State Representative #31
Spartanburg	Michael Brown	County Council - District 1
Sumter	Aaron Vaughn	Sheriff
Sumter	Alexander Dukes	Sheriff
Sumter	Alphonso Johnson	County Council - District 1
Sumter	E. B. MacLeod	State Senate #35
Sumter	Robert A. Gallano III	Coroner

Sumter	Shawn Ragin	Coroner
Sumter	Thomas H. Bultman	Auditor
Sumter	Anthony Dennis	Sheriff
Sumter	Carolina B. Richardson	Treasurer
Sumter	Eugene R. Baten	County Council - District 7
Sumter	Isaac Johnson	Coroner
Sumter	J. David Weeks	State Representative #51
Sumter	James C. Campbell	Clerk of Court
Sumter	Lauretha A. McCants	Auditor
Sumter	Lucius Harvin Bullock	Coroner
Sumter	Naomi D. Sanders	County Council - District 1
Sumter	Vivian Fleming McGhaney	County Council - District 5
Sumter	Benny L. Webb	Sheriff
Sumter	J. Thomas McElveen III	State Senate #35
Union	David Taylor	Sheriff
Union	John W. Rampey	County Council - District 5
Union	Kacie McCall Petrie	County Council - District 6
Union	Michael Anthony	State Representative #42
Union	Randall W. Hanvey	County Council - District 5
Union	Tommy Eugene Ford	County Council - District 3
	Sharon Washington	
Williamsburg	Staggers	Clerk of Court
Williamsburg	Andy McKnight	County Council - District 5
Williamsburg	Eddie A. Woods, Jr.	County Council - District 4
Williamsburg	Harrison McKnight Jr.	Coroner
Williamsburg	Harry Lee Darby	County Council - District 3
Williamsburg	John Yancey McGill	State Senate #32
Williamsburg	Michael L. Johnson	Sheriff
Williamsburg	Ronnie A. Sabb	State Representative #101
Williamsburg	William C. Henryhand	Coroner
Williamsburg	Cezar E. McKnight	State Senate #32
Williamsburg	William Morris	County Council #3
York	Charles Williams	County Council - District 7
York	John R. King	State Representative #49
York	William Roddey	County Council - District 4
State	Benjamin Shealy	Solicitor Circuit 8
State	David Pascoe	Solicitor Circuit 1
State	Will Rogers	Solicitor Circuit 4
State	Bobbie Rose	Congress 1st
State	Brian Ryan Doyle	Congress-3rd
State	Cason Galther	Congress-3rd
State	Jimmy Tobias	Congress 4th
State	Deb Morrow	Congress-4th
State	Joyce Knott	Congress-5th
State	James E. Jim Clyburn	Congress 6th
State	Harry Pavilack	Congress 7th
State	Parnell Diggs	Congress 7th
State	Preston Brittain	Congress 7th
State	Fee Vlek	Congress 7th
State	Gloria Bromell Tinubu	Congress 7th

Withdrew 5/25/12

Exhibit H

5/3/12

E-mail from Duncan

FILED-RECORDED
2012 AUG -1 PM 5 08
CLERK OF COURT
ORCHESTER COUNTY

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>

Date Thu, May 3, 2012 at 3 02 PM

Subject Candidates- Dorchester County Official Notice

To Matt MooreR <matt@scgop.com>

Cc Carroll Duncan <Carrollsduncan@gmail.com>, Tony Piscatella <tpiscatella@gmail.com>

Dear Matt,

Unfortunately, Mr John J Mondo, Sr , candidate for H 102, does not meet the criteria spelled out in the May 2, 2012 SC Supreme Court ruling He did not turn in a copy of the SEI with his Statement of Intention of Candidacy nor had he filed by March 30 with the Ethics Commission He did file as soon as he was notified of the deficiency by the EC on April 23

I look forward to hearing from you all about the latest appeal Mr Mondo indicated to Tony that he may run as a conservative Independent in the General Election in November

Carroll

Carroll S Duncan, Chairman
Dorchester County Republican Party
Summerville, SC

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2012 AUG -1 PM 5 12
CLERK OF COURT
DORCHESTER COUNTY

FILED-RECORDED
2012 AUG -1 PM 5:08
CLERK OF COURT
BORCHESTER COUNTY

Exhibit I

5/4/12

E-mail from Duncan

Robby Robbins

Subject

FW SCGOP Issues Statement on Candidate Certification

2012 AUG - 1 PM 5 12
- 11 FD-RECORDED
CLERK OF COURT
DORCHESTER COUNTY

----- Forwarded message -----

From **Carroll Duncan** <carrollduncan@gmail.com>

Date Fri, May 4, 2012 at 3 28 PM

Subject Fwd SCGOP Issues Statement on Candidate Certification

To Carroll Duncan <Carrollduncan@gmail.com>

Cc Tony Piscatella <tpiscatella@gmail.com>, Tim Huber <TRH61054@aol.com>, Janette Chipas <jkcchipas@scrr.com>, Barbara Mojonner <mojonner@earthlink.net>, Ann Shields <anshields@scrr.com>, Mikki Hunter <mikki25@scrr.com>

Dear Candidates,

Unbelievable, hectic, stressful is all I can say to describe this week. Provided below in the communique from SCGOP is the official list turned into the State Election Commission today of candidates who are certified. I chose to provide you the entire statewide list to peruse so you will see what happened county by county. Tony Piscatella drove me to the Swamp this morning so that I could hand deliver before noon to Joshua Dickard, Ex Director of Elections and Voter Registration, a certification letter with an attached lists of all candidates who filed in Dorchester County who are to appear on the ballot. I am sorry to say Mr John J Mondo, Sr could not be certified. Additionally, John Steinberger, who filed in Charleston County was removed from Senate 41 race.

For your information, we were in great shape once the Supreme Court made their decision, especially for all the challengers and "newbies" because our team (listed above) spent weeks meticulously checking and rechecking what was required of us and we went the extra mile asking for the SEI information, not just the confirmation #.

Our home team go to guy, Tony, was the master at taking over under the circumstances, you will recall I was unable to get up to the office with no elevator, he insisted that the extra step was taken. On the last day of filing we had multiple sets of eyes going over all the required info being sent to the State GOP and kept the SEI copies at the office.

As you all may already know there were two major developments today.

1) Columbia Attorney Todd Kincannon filed a lawsuit in Federal Court this morning asking for an emergency hearing (probably not the legal term, so forgive me) on behalf of the candidates across the state who were taken off the ballot and

2) Senator Larry Martin, Chairman of the Senate Judiciary Committee, called an emergency meeting of said committee Tuesday, May 8, 10 00 am for the purpose of introducing and passing legislation to give those candidates who filed in a timely manner, but got kicked off the ballot for technicalities, time to submit proper documentation to the Parties and have them placed back on the ballot.

Will update you as we receive information and thank each of you for your patience as we have diligently taken received information and applied the ruling passed by the Supreme Court, with many checks and balances. The SCGOP rechecked all of the information the county parties sent to them yesterday. Our goal as a Party is treat all GOP candidates fairly and equally.
Sincerely,

Carroll

----- Forwarded message -----

From **Matt Moore** <matt@scgop.com>

Date: Fri, May 4, 2012 at 12:55 PM

Subject: SCGOP Issues Statement on Candidate Certification

To: Matt Moore <matt@scgop.com>

FOR IMMEDIATE RELEASE

South Carolina Republican Party
Contact: Matt Moore, Executive Director
803-988-8440

SCGOP Issues Statement on Candidate Certification

Columbia, SC - The South Carolina Republican Party today issued a statement following the S.C. Supreme Court's Noon, May 4 filing deadline.

"On behalf of all South Carolina Republicans, I am sad about this week's candidate filing rulings, but am committed to following the S.C. Supreme Court's instructions. Our party has meticulously analyzed the filing submissions in compliance with the standards set forth by the Court.

We respect the Court's decision and in compliance with the Court's order, we have submitted our list to the Election Commission. We are looking forward to moving ahead and anticipate animated and spirited primary contests on June 12th."

Link to filings

<https://docs.google.com/spreadsheets/ccc?key=0AsgtKoNHR5uNdEtoeGRSVUViUnIybzNCOHk4dkVHSEE>

###

Exhibit J

6/7/12

E-mail from Duncan

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2012 AUG -1 PM 5 08
CLERK OF COURT
DORCHESTER COUNTY

Reception

From: Carroll Duncan [carrolsduncan@gmail.com]
Sent: Thursday, June 07, 2012 2:06 PM
To: Joshua Dickard
Cc: Tony Piscatella, Carroll Duncan
Subject: Re: Supreme Court Ruling UPDATE

Josh,

After examining all candidate's files at the Dorchester County GOP office, with all hard copies of the SFR being provided at the same time the Candidate Declaration form was submitted, to the best of my knowledge, at this time, no changes are required on the GOP Primary ballot. The certified candidates' list presented to you on May 4, 2012 before 12 noon by Tony Piscatella and me stands as is.

If you need further information, please don't hesitate to call me.

We certainly appreciate everything you, your staff and the Election Commissioners are doing to protect the integrity of the election process on June 12.

Best,

Carroll

Carroll S. Duncan, Chairman
Dorchester County GOP
843 873 1654

On Thu, Jun 7, 2012 at 10:47 AM, Joshua Dickard <JDickard@dorchestercounty.net> wrote:

I just received an update from the State Election Commission regarding any decertifications you may have. Please submit any decertified names to my office by 4:00 p.m. today, June 7, 2012. Thank you again for your help.

Joshua A. Dickard
Executive Director
Dorchester County Elections & Voter Registration

2120 East Main Street, Dorchester, SC 29437
843.832.0071 (office) | 843.832.0281 (fax)
<http://www.dorchestervotes.org>

 Please consider the environment before printing this e-mail

2012 AUG - 1 PM 5:08
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CLERK OF COURT
DORCHESTER COUNTY

Exhibit K

Election Results

Dorchester Election Results

Page 1 of 1

Dorchester County SC Board of Elections and Registration
Dorchester County SC Board of Elections and Registration
2012 Republican and Democratic Primary

Website last updated 6/18/2012
4 17 50 PM EDT

Registered Voters: 84,096
Ballots Cast: 10,090
Voter Turnout: 12.00 %

Precincts Completely Reported: 74 of 74

OFFICIAL RESULTS

Search Contests
(5 of 5)

Go To Page 1 Contests Per Page

State Senate District 38 - REP (Vote For 1)

47 of 47 Precincts Reporting

	Percent	Votes
Sean Bennett (REP)	60.09%	4,178
Mike Ross (REP)	39.91%	2,736
Winner		6,855

State House of Representatives District 97 - REP (Vote For 1)

21 of 21 Precincts Reporting

	Percent	Votes
Jordan Bryngelson (REP)	45.72%	1,298
Ed Carter (REP)	54.28%	1,541
Winner		2,839

Sheriff - REP (Vote For 1)

74 of 74 Precincts Reporting

	Percent	Votes
LC Knight (REP)	61.67%	5,189
Mike Turner (REP)	38.33%	3,835
Winner		10,004

County Council District 4 - REP (Vote For 1)

8 of 8 Precincts Reporting

	Percent	Votes
Larry Hargrett (REP)	60.88%	431
John Hull (REP)	39.12%	277
Winner		708

County Council District 6 - REP (Vote For 1)

13 of 13 Precincts Reporting

	Percent	Votes
Roger W Goodman (REP)	31.31%	635
Bill Heam (REP)	68.69%	1,393
Winner		2,028

Powered by SOE Software

Exhibit L

TRO signed 6/28/12

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2012 AUG -1 PM 5 08
CLERK OF COURT
DORCHESTER COUNTY

A hearing for Plaintiff's Motion for Injunctive Relief has been scheduled before the Court of Common Pleas for Dorchester County at the Dorchester County Courthouse, for ___ o'clock __.m _____, 2012

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that you are hereby, ENJOINED, RESTRAINED, and PROHIBITED from certifying any non-incumbent candidates as the Republican Nominee for the November 6, 2012 General Election, further to the extent that certification has already taken place, you are required to decertify the names of any non-incumbent candidates as the Republican Nominee for the November 6, 2012 General Election

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order will expire on the tenth day after the date hereof, at the same hour as the signing hereof or at the time set for the hearing of the Plaintiff's Motion for Injunction Relief, whichever occurs first

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff is directed to serve this Order on the Defendants at the first possible moment

AND IT IS SO ORDERED


Presiding Judge
First Circuit Court

10:51 o'clock A M
Columbia, South Carolina
June 28, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)

DORCHESTER COUNTY
DEMOCRATIC PARTY,

Civil Action No 2012-CP-48-1632

Plaintiff,

vs

SUMMONS

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan, as Chairman*)
SOUTH CAROLINA REPUBLICAN
PARTY (*Matt Moore as Executive
Director & Chad Connolly, as Chairman*),
DORCHESTER COUNTY BOARD OF
ELECTIONS (*Joshua Dickard as
Executive Director*), SOUTH CAROLINA
STATE ELECTION COMMISSION
(*Marci Ardino, as Executive Director &
Chris Whitmire as Director of Public
Information and Training*),

Defendants

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2012 AUG -1 PM 5 09
CERTIFIED COPY
JUN 29 AM 11 46
CLERK OF COURT
DORCHESTER COUNTY
SOUTH CAROLINA

TO THE ABOVE-NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the Verified Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Verified Complaint upon the subscribers at their offices, 1422 Laurel Street, Columbia, South Carolina 29201, within thirty (30) days after service hereof or at an earlier date as may be set by the Court, exclusive of the day of service, and if you fail to answer the Verified Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said Verified Complaint.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY
DEMOCRATIC PARTY,

Civil Action No 2012 CPJX-163

Plaintiff,

vs

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan, as Chairman*),
SOUTH CAROLINA REPUBLICAN
PARTY (*Matt Moore as Executive
Director & Chad Connolly, as Chairman*),
DORCHESTER COUNTY BOARD OF
ELECTIONS (*Joshua Dickard as
Executive Director*), SOUTH CAROLINA
STATE ELECTION COMMISSION
(*Marci Andino, as Executive Director &
Chris Whitmire as Director of Public
Information and Training*),

Defendants

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT, WRIT
OF MANDAMUS, APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND MOTION FOR
INJUNCTIVE RELIEF**

Livingston
CLERK OF COURT
DORCHESTER COUNTY

2012 JUN 29 AM 11 46

CERTIFIED COPY

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TO THE DEFENDANTS ABOVE NAMED

COMES NOW the Plaintiff, by and through its undersigned counsel, before this Court seeking a Declaratory Judgment under Rule 57 and a Temporary Restraining Order and Injunctive Relief under Rule 65 of the S C Rules of Procedure in connection with a dispute as to whether the Defendants must comply with the S C Supreme Court's Order in *Anderson v S C Election Comm'n*, Op No 27120 (S C Sup Ct filed May 2, 2012) (interpreting S C Code Section 8-13-1356 and holding that given its plain language, Section 8 13-1356 should be applied as written)

5 Indeed, the DCRP party instructed those filing for office not to provide a paper copy of the SEI and most of the candidate did not even complete the SEI until days after they filed their SIC

6 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment holding that any individual who did not comply with the plain language requirements as set forth under 8 13 1356 (B) and (E) was "improperly placed on the party primary ballots and must be removed" and directed the 'appropriate official of the political parties to file with the State Election Commission by noon on May 4, 2012, a list of only those non exempt candidates who simultaneously filed and SEI and an SIC as required by Section 8 13-1356(B)" *Anderson* at 27

7 On May 4, 2012, per the Supreme Court's Order dated May 2, 2012, the South Carolina Republican Party submitted to the State Election Commission and Pickens County Election Commission a list of individuals who were qualified to be certified by the South Carolina Republican Party

8 In spite of the Supreme Court's Order⁶, the Defendants did unlawfully certify the candidacies of all the Republican non-incumbent candidates for the June 12, 2012 Republican Primary election

9 All of the non incumbent Republican candidates in Dorchester County are unlawful and ineligible for the General Election.

10 Section 8-13 1356(E) further provides that, "[i]f the candidate's name inadvertently appears on the ballot, the officer authorized to receive declarations of

⁶ *Anderson v S C Election Comm'n, Op No 27120* (S C Sup Ct filed May 2, 2012)

candidacy or petitions for nomination must not certify the candidate subsequent to the election."

11 Non-incumbent Dorchester County Republicans must not be certified for the General Election ballot.

12 The Defendants actions are in direct conflict with the Court's decision in *Anderson* and are in absolute denial of the main premise on which the conflict stemmed

13 The Defendants were aware of the significant election issues before our Highest Court And further that they understood and yet willfully disregarded the clear language of the statute and the Supreme Court's Order in *Anderson*

WHEREFORE, the Plaintiff prays that this Court issues the Ex Parte relief of a temporary restraining order then set this matter to be heard as soon as this Court deems appropriate under the circumstances

Plaintiff prays, in the interest of Justice, that a Writ of Mandamus be issued against those several Defendants who have failed to carry out their duties under S C Code and *Anderson Id.* Regardless of where the blame lays the Plaintiff comes before this Court praying for declaratory and injunctive relief to enforce the Supreme Court's clear command under *Anderson* The Plaintiff specifically requests that this Court ORDER the State Election Commission and all other Defendants to

(1) Comply with the holdings in *Anderson and Florence County Democratic Party v Florence County Republican Party*, Op No 27128 (S C Sup Ct filed June 5, 2012),

(2) Not certify the names of all non incumbent Dorchester County Republicans to the General Election *Anderson* is clear the names "must be removed."⁷,

(3) Grant a Writ of Mandamus to all Defendants tasked with the necessary ministerial duties to comply with the terms on the declaratory judgment and injunctive relief

(4) Award court costs and attorney's fees to Plaintiffs pursuant to Rule 65 of S C Rules of Civil Procedure

⁷ Id at 27

(5) Due to the egregious nature of the Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever the Court deems appropriate and as may be requested by the Plaintiff.

RESPECTFULLY SUBMITTED

JAMES E SMITH JR P A

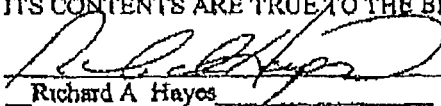
By

James E Smith, Jr., Esquire
1422 Laurel Street
Columbia, S C 29201
(803) 933-9800
Attorneys for Plaintiff

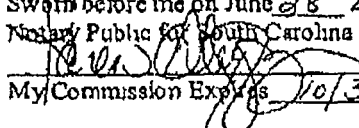
Columbia, South Carolina
June 28, 2012

VERIFICATION

I HAVE READ THE ABOVE COMPLAINT IN ITS ENTIRETY AND VERIFY THAT ITS CONTENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE


Richard A. Hayes

Sworn before me on June 28 2012
Notary Public for South Carolina


My Commission Expires 10/30/2016

DCBP V DCRP ET AL
COMPLAINT DECLARATORY JUDGMENT WRIT OF HABEAS CORPUS
APPLICATION FOR A TEMPORARY RESTRAINING ORDER
AND MOTION FOR INJUNCTIVE RELIEF
PAGE 10

Exhibit N

7/9/12

**E-mail Exchange
between Todd
Kincannon, Liz Crum,
and James Smith**

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2012 AUG - 1 PM 5 09
CLERK OF COURT
BERKSHIRE COUNTY

Gee, Tanya A

From Todd Kincannon <todd@thekincannonfirm.com>
Sent Monday, July 09 2012 9 25 AM
To Crum Liz James@jamesmithpa.com
Cc Laura@jamesmithpa.com Kitty@jamesmithpa.com
Subject RE 12 0059 Consent Preliminary Injunction Order
Attachments 208226903914.pdf

Liz,

Please see the attached letter from Dorchester County Republican Party Chairman Carroll Duncan to Marci Andino and the Dorchester County Election Commission complying with the court's temporary restraining order issued last week

Todd Kincannon

NOTE NEW ADDRESS BELOW

****PLEASE UPDATE RECORDS****



THE KINCANNON FIRM
P O Box 7901
COLUMBIA, SC 29202
THEKINCANNONFIRM.COM
OFFICE 877 99 COURT
FAX 888 704 2010

From Crum, Liz [mailto:LizCrum@MCNAIR.NET]
Sent Monday, July 09, 2012 8 58 AM
To 'James@JamesSmithPA.com', 'todd@thekincannonfirm.com'
Cc 'Laura@JamesSmithPA.com', 'Kitty@JamesSmithPA.com'
Subject Re 12-0059 Consent Preliminary Injunction Order

James what parties are being enjoined? Liz
M Elizabeth Crum
Shareholder
ljcrum@mcnair.net
803 753 3240 Direct

McNair Law Firm, P A

2012 AUG -1 PM 5 13
- 1 FN-RECORDED
CLERK OF COURT
DORCHESTER COUNTY

<http://www.mcrair.net>
1221 Main Street Suite 1800
Columbia, SC 29201
803 799 9800 Main
803 933 1484 Fax

Mailing Post Office Box 11390
Columbia, SC 29211

From James Smith [<mailto:James@JamesSmithPA.com>]

Sent Monday, July 09, 2012 06:36 AM

To Crum, Liz, Todd Kincannon <todd@thekincannonfirm.com>

Cc Todd Kincannon <todd@thekincannonfirm.com>, Laura Diaz <Laura@JamesSmithPA.com>, Kitty <Kitty@JamesSmithPA.com>

Subject 12-0059 Consent Preliminary Injunction Order

Liz

Todd Kincannon represents the Dorchester County Republican Party. Given the plan to have this matter resolved on an expedited schedule, his client has agreed to stipulate to the injunction and enter into a consent order.

This would obviate the need for a hearing and a trip to Orangeburg today.

Is there anyone else that should be made aware of this? I don't want to make the same mistake I did in Richland.

Thanks, James

James E. Smith, Jr.

James E. Smith, Jr., P.A.

1422 Laurel Street
Columbia, South Carolina 29201
Telephone (803) 933-9800
Facsimile (803) 933-9801
Email James@JamesSmithPA.com



www.JamesSmithPA.com



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DORCHESTER COUNTY
FILED

Attachment to Todd Kincannon's 7/9/12 e-mail

Dorchester County Republican Party

89-B Old Trolley Road | Suite 203A | Summerville South Carolina 29485

July 7, 2012

Marci Andino
South Carolina State Election Commission
P O Box 5987
Columbia, SC 29250

Joshua Dickard
Dorchester County Election Commission
201 Johnston Street
St George, SC 29477

Dear Ms Andino and Mr Dickard

The Dorchester County Circuit Court has entered an order requiring the Dorchester County Republican Party to decertify all non-incumbent candidates previously filing in the June 2012 Primary Elections. The order is enclosed. In compliance with the court's order, this letter constitutes an amended certification of Republican nominees for districts and offices within Dorchester County reflecting the court ordered removal of candidates.

<u>Office</u>	<u>Republican Nominee</u>	<u>Office</u>	<u>Republican Nominee</u>
Auditor	JJ Messervy	County Council 4	Larry Hargett
Coroner	Christopher D Nisbet	County Council 5	No Nominee
Clerk of Court	Cheryl Graham	County Council 6	Bill Hearn
Probate Judge	Mary Blunt	State House 94	Jenny Horne
Register of Deeds	Margaret L Bailey	State House 97	No Nominee
Sheriff	L C Knight	State House 98	Chris Murphy
Treasurer	Mary Pearson	State Senate 38	Mike Rose

As you know, the litigation in this matter is ongoing. Should there be any further changes to this certification, I will immediately advise.

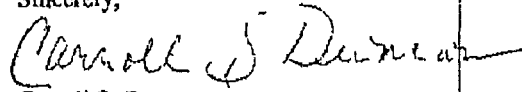
Jul 07 12 09 16p

JT Duncan

8438731654

p 2

Sincerely,



Carroll S. Duncan

Chairman

Dorchester County Republican Party

Enc Order of June 29, 2012 in Dorchester County Democratic Party v. Dorchester County
Republican Party, 2012-CP-18 1632

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2012 AUG -1 PM 5:09
CLERK OF COURT
DORCHESTER COUNTY

Exhibit O

Consent Order
signed by
James Smith and
Todd Kincannon
7/9/12

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)

DORCHESTER COUNTY) Civil Action No 2012 CP 18-1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

CONSENT ORDER
PRELIMINARY INJUNCTION

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive*))
Director & Chad Connolly, as Chairman,)
DORCHESTER COUNTY BOARD OF)
ELECTIONS (*Joshua Dickard as*))
Executive Director), SOUTH CAROLINA)
STATE ELECTION COMMISSION)
(*Maret Andino, as Executive Director &*))
Chris Whitmire as Director of Public))
Information and Training,)
Defendants)

TO THE ABOVE NAMED DEFENDANTS

The Plaintiff Dorchester County Democratic Party and the Defendant Carroll Duncan, Chairman of the Dorchester County Republican Party, do hereby stipulate and consent as follows

The Temporary Restraining Order issued by the Dorchester County Circuit Court shall remain in place as a preliminary injunction pending a final order in this matter. Pursuant to the terms of the Temporary Restraining Order, Defendant Duncan has transmitted the attached letter to the South Carolina State Election Commission and the Dorchester County Election Commission (Exhibit A)

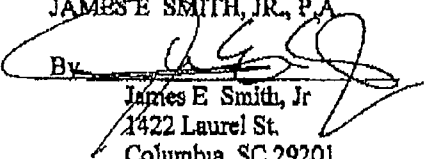
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
Dorchester County Republican Party is hereby, ENJOINED, RESTRAINED, and
PROHIBITED from certifying any Dorchester County non-incumbent candidates as the
Republican Nominee for the November 6, 2012 General Election during the pendency of
this action until a final order in this matter consistent with Exhibit A attached hereto and
incorporated herein.

AND IT IS SO ORDERED

Orangeburg, South Carolina
_____, 2012

I SO CONSENT

JAMES E. SMITH, JR., P.A.

By 

James E. Smith, Jr.
1422 Laurel St.
Columbia, SC 29201
(803) 933 9800

Attorney, s for Plaintiff

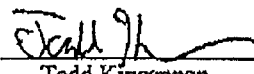
Columbia, South Carolina

July 9, 2012

Judge Diane Schafer Goodstein
First Circuit Court

I SO CONSENT

THE KINCANNON FIRM

By 

Todd Kincannon
PO Box 7901
Columbia, SC 29202
(877) 99-COURT

Attorneys for Carroll Duncan, Chair
Dorchester County Republican Party

Columbia, South Carolina

July 9, 2012

Exhibit P

Bennett's

Motion To Intervene

FILED-RECORDED
2012 AUG -1 PM 5 09
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY
DEMOCRATIC PARTY,
Plaintiff

Civil Action No 2012-CP-18 1632

vs

NOTICE OF MOTION AND
MOTION TO INTERVENE

DORCHESTER COUNTY REPUBLICAN
PARTY (*Carroll Duncan as Chairman*),
SOUTH CAROLINA REPUBLICAN PARTY
(*Matt Moore as Executive Director & Chad*
Connolly as Chairman) DORCHESTER
COUNTY BOARD OF ELECTIONS (*Joshua*
Dickard as Executive Director), SOUTH
CAROLINA STATE ELECTION COMMISSION
(*Marci Andino, as Executive Director & Chris*
Whitmire as Director of Public Information and
Training),
Defendants

FILED
JUL 9 2012
COURT

12 JUL -9 PM 1-50

TO THE PLAINTIFF

PLEASE TAKE NOTICE that as soon as counsel can be heard he shall move on behalf of Sean Michael Bennett to intervene in the above lawsuit as a Defendant and to protect the interests of Sean Michael Bennett as the winner of the Republican Party Primary Election for Senate District 38. This Motion is based on Rule 24(a) of the SCRPC, §15-53 80 of the South Carolina Code of Laws (1976 as amended) on any evidence and law presented at the Intervention Hearing, and on the following grounds

1 On March 20 2012 at approximately 11 30 a m Sean Bennett traveled to the Dorchester County Republican Party on Trolley Road in Summer Hill South Carolina for the purpose of filing as a candidate for South Carolina Senate District 38

2 Mr Bennett was accompanied by Rebecca Woods who assisted in him assembling the documents necessary for filing

3 Mr Bennett properly filed all forms simultaneously with the Dorchester County Republican Party necessary to become a candidate for South Carolina Senate District 38, including his Statement of Intention of Candidacy, a hard copy of his Statement of Economic Interest Form, and confirmation of his electronic filing of his Statement of Economic Interest Form with the South Carolina Ethics Commission. A copy of Mr Bennett's submissions to the Dorchester County Republican Party are attached hereto as Exhibit A.

4 Mr Bennett's candidate packet was received by Tony Piscatella, the Officer of the Dorchester County Republican Party vested with the power to receive the candidate filings. Mr Piscatella verified that Mr Bennett filed all of the forms and information needed for the office of South Carolina Senate District 38. This action was witnessed by Ms Woods and both men signed an acknowledgement statement to that effect dated March 20, 2012. A copy of the statement with their signatures is attached hereto as Exhibit B.

5 At the close of the filing period, the only other candidate for South Carolina Senate District 38 was the incumbent Mike Rose. No Democratic candidate filed for South Carolina Senate District 38 and no independent candidates filed for this seat.

6 On May 2, 2012, the South Carolina Supreme Court issued its opinion in Anderson et al. v. the South Carolina Election Commission, et al. in which it held that a hard copy of the Statement of Economic Interest Form had to be filed simultaneously with the Statement of Intention of Candidacy. The Supreme Court instructed the State Democratic and Republican Parties and the County Democratic and Republican Parties to certify that the non-incumbent candidates that had previously filed had complied with this decision.

7 After receiving the Anderson decision, the Dorchester County Republican Party certified that Sean Bennett had complied with the Supreme Court ruling by simultaneously filing a hard copy of the Statement of Economic Interest Form with his

Statement of Intention of Candidacy. No challenge to the certification was made between May 2, 2012 and June 12, 2012 (the date of the Republican Primary) by either Senator Mike Rose, any individual citizen of Senate District 38, any member of the Dorchester County Democratic Party or the Dorchester County Democratic Party itself.

8 The primary election for South Carolina Senate District 38 was held on June 12, 2012 and Sean Bennett received 4,119 votes which represented 60.9% of the votes cast in the Senate primary. Mr. Bennett was certified as the winner of the Senate District 38 primary by the Dorchester County Election Commission.

9 Subsequent to Sean Bennett's victory, neither Senator Mike Rose, any individual citizen of Senate District 38, any member of the Dorchester County Democratic Party, nor the Dorchester County Democratic Party itself filed a protest concerning the primary election. Mr. Bennett is informed and believes that the deadline for such a protest expired prior to the filing of the present litigation.

10 After Mr. Bennett had won with over 60% of the vote in the primary election, the Dorchester County Democratic Party filed litigation on June 29, 2012 in an effort to decertify him from the ballot. The Dorchester County Democratic Party obtained an *ex parte* Temporary Restraining Order from Circuit Court Judge DeAndrea Benjamin dated June 28, 2012 which purports to decertify any non-incumbent candidates for the November 6, 2012 General Election. Mr. Bennett is a non-incumbent candidate for the November 6, 2012 General Election.

11 The Dorchester County Democratic Party did not name Sean Bennett as a Defendant despite the fact that it seeks to decertify him as a candidate for South Carolina Senate District 38. Mr. Bennett contends pursuant to Rule 24 of the SCRPC and South Carolina Code §15-53-80 that he is an indispensable party to this litigation. The Plaintiff is seeking declaratory relief in its pleadings and §15-53-80 clearly states that all parties that

have or claim an interest which would be affected by the declaration, shall be made parties to the proceeding Rule 24 allows for intervention of right when a statute confers an unconditional right or when the applicant claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter, impair or impede his ability to protect that interest unless the applicant's interest is adequately represented by existing parties

12 Mr Bennett respectfully requests that this Court allow him to intervene pursuant to the forementioned Rule and Statute as it is necessary for him to be a part of this litigation in order to adequately protect his interest, as he cannot rely on the parties presently named in this litigation to adequately represent his interests

WHEREFORE Sean Michael Bennett respectfully prays to this Honorable Court that he be allowed to intervene in the above litigation in order to adequately protect his interest as the Republican nominee for South Carolina Senate District 38 in the November 6 2012 general election

Summerville South Carolina

7-6 2012

Respectfully submitted



Robert D Robbins

Robert D Robbins Attorney at Law LLC

110 N Main Street

Summerville SC 29483

Phone (843) 285-7100

Facsimile (843) 285-7199

ATTORNEY FOR SEAN MICHAEL BENNETT

ATTORNEY VERIFICATION

Pursuant to Rule 11 of the SCRCP, I affirm that prior to the filing of this Motion I attempted to contact the attorney for the Plaintiff in a good faith effort to resolve the matter contained in the Motion


Robert D Robbins

Exhibit A

Statement of Intention of Candidacy - Partisan

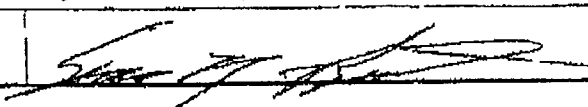
CERTIFIED COPY

- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time unless previously pardoned

2012 JUL -9 PM 1 50

Name	Sean Bennett		Party	Republican	
Office	Senate		District	39	
Primary or Convention	Primary	Election Date	6/12/12		
Address	1422 Peninsula Park	City	Summerville	Zip	29485
Email Address	sbennett@scstatelegislature.com				
Telephone	Cell	442-5009	Home	821-3352	Work
Voter Registration Number	5207270				
Guidelines for a Candidate's Name to appear on the ballot - A given name or a derivative may be used - The name will not contain quotations, parentheses, or other distinguishing marks - Nicknames are allowed if they are used in good faith for honest purposes and do not - imply professional or social status - include an office or military rank - exceed 15 letters					
Name as you wish it to appear on ballot (please print)	Sean Bennett				
Audio Ballot - Phonetically spell your name, if necessary	Example	Jackson Gervais jur VAY	Shan BEN-ET		

FILED-RECORDED
2012 AUG -1 PM 5 14
CLERK OF COURT
DORCHESTER COUNTY

Candidate's Oath	
I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office	
Candidate's Signature	

Completed by County Party			
Date Received	3/20/12	Time Received	11:43
Received By	Tony Proctor		
County Political Party	Dorchester County		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Filing confirmation**

**Your report has been filed successfully on 3/19/2012 2 08 11 PM Your confirmation number is
SEI11867-R33162-378da468.**

Your confirmation has been sent to the email address on record. Please print this page for your records. Click [Continue](#) to return
to your Statement of Economic Interests Filings or logout if you are finished.

[Continue](#)

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Review**

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

*** No Sold, Leased or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

[Print](#) [Go Back](#)

GOV SC State Ethics Commission Public Disclosure and Accou

<https://ssl.sc.gov/EthicsCandidateFiling/SBL/ReviewPrintReport.aspx>

3/19/2012 2:07 PM

ROA 453

Dorchester County Republican Party Candidate Support Declaration Statement

Name Sean Bennett

Seeking Office for SC Senate Seat/District # 38

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please Initial your agreement)

- SB 1 I am a resident of the district for which I am running for office and a registered voter
SB 2 I am a citizen of the United States and a resident of South Carolina
SB 3 I will be at least 18 years of age as of the next general election
SB 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
SB 5 I have not been convicted of a felony or offense against the election laws
SB 6 I will accurately state my qualifications and background in connection with my candidacy
SB 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature Sean Bennett

Date 3/26/12

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union				
1 Continued efficiency in Government Restructuring	✓			
2 Policies which restore public confidence in the Judiciary	✓			
3 Constitutional adherence to States' Rights	✓			
4 A Tax Policy which promotes prosperity	✓			
To Establish Justice				
1 An end to racial and gender Discrimination & Affirmative Action	✓			
2 Strict adherence to Ethics in Government	✓			
3 Governmental protection of Constitutional Property Rights	✓			
5 Freedom in the job market through the Right to Work	✓			
6 Ensure the Integrity of the Election Process	✓			
7 A swift, sure and true Criminal Justice system	✓			
To Provide for the Common Defense				
1 A commitment to Peace through Strength in foreign policy	✓			
2 A constitutional view of the Right to Bear Arms	✓			
3 United States Sovereignty	✓			
To Promote the General Welfare				
1 A balanced Budget, Deficit reduction and Transparency	✓			
2 Incentives to make the Economy grow	✓			
3 Increased Educational opportunities and academic excellent	✓			
4 An effective and sensible policy on The Environment	✓			

Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare	✓				
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree	
6 Highway Transportation and Safety finance and reform	✓				
7 An agenda to empower Senior Citizens	✓				
8 Welfare Reform					
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓				

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature

Date

Witness

Title

Date

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

only for this seat

Do you have experience or service in government (elected or appointed)?

Dorchester County appointed BEDEOG & Charleston Regional Dev Action

Have you worked on a political campaign in any capacity?

multiple as volunteer

What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

Member of Republican Party & County Party

**SC GOV SC State Ethics Commission Public Disclosure and Accountability
Reporting**

Electronic Filing

Candidate Campaign Disclosure Review

Bennett, Sean
State Senate

Primary

2012, January 10th to 2012, February 10th

Original Filed

This Period

Candidate
Position Sought
Election Type
Election Date
Filing Type

Demographic Information

1422 Peninsula Pointe
 Summerville, SC 29485
 843 442 3009
 County: Dorchester

Report Type

2012, January 10th

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$0 00	\$0 00
B1 Individual Contributions or other (+)	\$6,200 00	\$7,250 00
B2 Loans (+)	\$0 00	\$0 00
C In-Kind Contributions (+)	\$0 00	\$408 10
D Total Contributions (=)	\$6,200 00	\$7,658 10

Expenditures	This Period	Election Cycle
A In-Kind Expenditures	\$0 00	\$408 10
B Expenditures (+)	\$242 00	\$242 00
C Total Expenditures (=)	\$242 00	\$650 10

Balance of Contributions

A Contributions on Hand (Beginning this Period)	\$1,050 00
B Total Contributions (This Period) (+)	\$6,200 00
C Total Expenditures (This Period) ()	\$242 00
D Contributions On Hand (Period End) (=)	\$7,008 00

Loans

Loan Balance	\$0 00

Contributions

Date	Contributor	Address	Occupation	Amount

11/29/2011	Donald F Nye	704 Simmons Ave Summerville, SC 29483	banker	\$500.00
11/09/2011	Colin L Martin	116 Brutus Lane Summerville, SC 29485	Manager	\$300.00
11/09/2011	Northstar Pro	9209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Prett & Company Inc	9209 University Blvd N Charleston, SC 29406		\$150.00
11/09/2011	PR Properties of S'ville	9209 University Blvd N Charleston, SC 29406		\$200.00
11/09/2011	Seventeen A Associates	9209 University Blvd N Charleston, SC 29406		\$200.00
11/02/2011	Jeffrey M Artman	105 Barrington Court Summerville, SC 29483	N/A	\$100.00
11/02/2011	Tonnie M Givens	PO Box 1118 Summerville, SC 29483	CPA	\$1,000.00
11/02/2011	Sherrill H Cuzzell	125 Wilson Drive Summerville, SC 29483	Teacher	\$1,000.00
11/02/2011	DeLuca & Maucher	PO Box 9 Goose Creek, SC 29445		\$200.00
11/02/2011	PR Properties of Summerville	9209 University Blvd N Charleston, SC 29406		\$200.00
10/26/2011	Harry Palmer	728 Shamrock Lane Charleston, SC 29412	N/A	\$50.00
10/27/2011	Erin Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/27/2011	Jessica Bennett	1250 43rd Ave San Francisco, CA 94122	N/A	\$1,000.00
10/24/2011	William A Russell III	607 Farm Springs Road Summerville, SC 29483	CPA	\$100.00
Total				\$6,200.00

Expenditures

Date	Vendor	Address	Description	Amount
12/13/2011	US Postal Service	301 N Gum St Summerville, SC 29483	Bulk mail permit	\$190.00

12/09/2011	US Postal Service	301 N Gum St Summerville, SC 29483	po box	\$52.00
Total				\$242.00

*** No Loans Reported ***

*** No Loan Repayments Reported ***

*** No Disposition of Assets Reported ***

Print : Go Back

Exhibit B

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

CERTIFIED COPY

2012 JUL -9 PM 1:50

Name as it will appear on the ballot Sean Bennett

Candidate for office of State Senator

CLERK OF COURT
DORCHESTER COUNTY

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 416 Paid Date / / 2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
 - ☒ Statement of Economic Interests (SEI) – proof of online filing
 - ☒ Candidate Support Committee Declaration Statement
 - ☒ Affidavit – (Requirements for Coroner and Sheriff)
 - ☒ Campaign Disclosure – Not required at time of filing
- file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature *Sean Bennett* Date 7/10 / 2012

Received by *Sean Bennett* Date 7/10 / 2012

Exhibit Q

Rose's withdrawn Complaint

FILED-RECORDED
2012 AUG -1 PM 5 10
CLERK OF COURT
PORCHESTER COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF DOCHESTER

Dorchester County Democratic Party, and
Michael T Rose,

Plaintiffs,

vs

Dorchester County Republican Party
(Carroll Duncan, as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connolly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marci Andino, as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

CIVIL ACTION NUMBER 2012-CP 18 1632

**PLAINTIFF MICHAEL T ROSE'S
COMPLAINT FOR DECLARATORY
JUDGMENT, WRIT OF MANDAMUS,
AND MOTION FOR INJUNCTIVE
RELIEF**

TO THE DEFENDANTS ABOVE-NAMED

COMES NOW Plaintiff Michael T Rose (hereinafter "Plaintiff"), acting pro se and by and through his undersigned counsel, seeking a Declaratory Judgment under Rule 57 and Injunctive Relief under Rule 65 of the South Carolina Rules of Civil Procedure in connection with a dispute as to whether the Defendants must comply with the South Carolina Supreme Court's Order in Anderson v South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012) (interpreting S C Code Ann § 8-13-1356 and holding that given its plain language, § 8 13-1356 should be applied as written)

STATEMENT OF THE CASE

1 Plaintiff does not come before this Court requesting elucidation or clarification of Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012). The Defendants' violation of the laws of this State and their disregard of the South Carolina Supreme Court's Order in Anderson, with regard to the rights of Plaintiff and his own corresponding obligations, make it necessary to seek relief from this Court to avoid additional damage, wasted resources, and deceit and fraud upon the electoral process. Time is of the essence. The Court should not permit an ineligible candidate to be certified for the general election. The Court should take action to prevent fraudulent ballots from being printed. Plaintiff submits that all the non-incumbent Dorchester County Republican candidates are *void ab initio* inasmuch as the non-incumbent Dorchester County Republican candidates were never eligible candidates for the November 6, 2012 General Election. All non-incumbent Dorchester County Republican candidates must be removed from the ballot in order for the election process to proceed in a lawful manner.

SUPPORT FOR THE GRANT OF INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, AND WRIT OF MANDAMUS

Plaintiff respectfully submits the following:

2 Plaintiff, Michael T. Rose, is a citizen and resident of Dorchester County, South Carolina. Plaintiff was an incumbent candidate on the Dorchester County ballot for the June 12, 2012 Republican Primary Election. Michael T. Rose complied with § 8-13-1356 and was lawfully included on the aforementioned ballot.

3 The Dorchester County Democratic Party ("DCDP") is a county committee of the South Carolina Democratic Party, certified by the South Carolina Election Commission and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices

to be voted on in a general or special election and to nominate candidates of that party on a regular basis by party primary Richard Hayes is the Chairman of DCDP

4 South Carolina State Election Commission ("SCSEC") is a commission organized under the laws of South Carolina with a primary mission to ensure every eligible citizen has the opportunity to register to vote, to participate in fair and impartial elections, and to have the assurance that his or her vote will count The Director of the SSFC is Mary Andino Chris Whitmire is the Director of Public Information and Training for the SSEC

5 South Carolina Republican Party ("SCR") is a political party certified by the SCSEC and operating subject to S C Code Ann § 7-9 10, et seq The Chairman of the South Carolina Republican Party is Chad Connelly Matt Moore is the Executive Director of the South Carolina Republican Party

6 Dorchester County Republican Party ("DCRP") is a county committee of the South Carolina Republican Party, certified by the SCSEC and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in a general or special election and to nominate candidates of that party on a regular basis by party primary Carroll Duncan is the Chairman of the DCRP

7 Dorchester County Voter Registration and Election Commission ("DEC"), a seven member board appointed by the Governor, has been codified by the South Carolina Legislature¹ as a government entity which conducts elections and registers electors in Dorchester County Joshua Dickard is the Director of the DEC

8 This action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S C Code Ann §§ 15-53 10 to -140, for the declaration of rights status, and other legal relations

¹ S C Code Ann § 7-27-295

9 Incorporated in this action is a Petition for a Writ of Mandamus² to compel officers charged with ministerial duties, which have refused to perform those duties, to immediately comply with the laws of South Carolina and carry out their respective duties.

10 Plaintiff seeks a permanent injunction pursuant to Rule 65, SCRPC, and respectfully requests this Court exempt him from submitting a security as contemplated by Rule 65(c), SCRPC

11 A real and substantial controversy exists in this matter and there is a definite assertion of legal rights and a positive legal duty with respect thereto

12 Plaintiff has a substantial interest in the subject matter of this complaint and will be directly affected by the non-enforcement of the statute and Order³ questioned. That is, Plaintiff is an individual whose civil and political rights are directly affected by the Order⁴ and statutes at issue here.

13 A Declaratory Judgment by this Court would terminate the uncertainty and controversy as complained of below.

14 A Writ of Mandamus is needed to command those Defendants with ministerial duties, to perform those duties of which Plaintiff (Petitioner) has a specific right therein, and for which Plaintiff (Petitioner) has no other legal remedy.

15 If injunctive relief is granted against any or all of Defendants, Plaintiff believes he is entitled to an award of attorney's fees for the costs associated with this action, as this Court

² Writ of Mandamus is a form of relief. Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 512 S.E.2d 106 (1999).

³ Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012).

⁴ Id.

deems appropriate, based on Defendants' violation of the Order of the South Carolina Supreme Court.⁵

16 In consideration of the above, this Court has proper jurisdiction over this matter and venue is proper.

FACTS AND ALLEGATIONS

17 Plaintiff has brought this action to seek enforcement of South Carolina law, S C Code Ann. § 8-13-1356, and recent South Carolina Supreme Court decisions. The South Carolina Supreme Court held in Anderson v. South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012), that S C Code Ann. § 8-13-1356 requires non-exempt candidates to file a paper copy State of Economic Interest ("SEI") at the same time and with the same official with whom the individuals filed a Statement of Intention of Candidacy ("SIC") as the only method by which a non-exempt individual can comply with § 8-13-1356. The South Carolina Supreme Court held in Florence County Democratic Party v. Florence County Republican Party, Op. No. 27128 (S C June 5, 2012), that candidates who had filed an SIC with the political party did not constitute "public officials" who were exempt from filing a paper copy SEI at the same time and with the same official with whom the individuals filed an SIC unless the candidate already held the office and had an SEI on file with the appropriate supervisory office. See S C Code Ann. § 8-13-1356(A). The remedy is removal of the ineligible candidate from the ballot.

18 The gravamen of the request for Injunctive Relief, Declaratory Judgment, and Mandamus is that the non-incumbent Dorchester County Republican Candidates (1) did not comply with the provisions under S C Code Ann. § 8-13-1356, (2) were unlawfully certified by the DCRP, SCRIP, DEC, and SEC for the primary nomination, (3) were held ineligible to appear on a ballot by the South Carolina Supreme Court, (4) were to be removed from the certified list

⁵ Id.

subsequently submitted by the SCRP to the SEC, (5) but remained on the Dorchester County ballot for the June 12, 2012 Primary Election, and (6) must not be certified as candidates for the general election and must be removed from the ballot. Plaintiff's position is supported by the facts and law stated below.

19 Under S.C. Code Ann. § 8-13-1356(B), non-exempt individuals must file an SEI at the same time and with the same official with whom the individual files an SIC.

20 Under S.C. Code Ann. § 8-13-1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations may not accept an SIC unless it is accompanied by an SEI.

21 It has been widely reported by sources within the Dorchester County Republican Party that none of the non-incumbent candidates provided their SEIs at the same time as they provided their SICs, all failing to comply with §§ 8-13-1356(B) and (E).

22 The DCRP instructed those filing for office to provide a receipt of electronic filing rather than a paper copy SEI, and the non-incumbent candidates and an officer of the DCRP followed those instructions. In some cases, an officer of the DCRP printed a copy of the SEI of non-incumbent candidates after those non-incumbents had filed their SICs instead of those non-incumbent candidates submitting a paper copy of their SEIs to the officer at the same time the non-incumbent candidates filed their SICs.

23 On May 2, 2012, the South Carolina Supreme Court issued a Declaratory Judgment that any individual who did not comply with the plain language of the requirements set forth under §§ 8-13-1356(B) and (E) was "improperly placed on the party primary ballots and must be removed" and directed the "appropriate official of the political parties to file with the

State Election Commission by noon on May 4, 2012, a list of only those non-exempt candidates who simultaneously filed an SEI and an SIC as required by § 8-13 1356(B) "

24 On May 4, 2012, per the Supreme Court's Order, the SCRP submitted to the SCSEC and DCEC a list of individuals who were qualified to be certified by the SCRP

25 In spite of the Supreme Court's Order, Defendants did unlawfully certify the candidacies of all the Republican non incumbent candidates for the June 12, 2012 Republican Primary election

26 All of the non-incumbent Republican candidates in Dorchester County are unlawful and ineligible for the General Election

27 Section 8 13-1356(E) further provides that "[i]f the candidate's name inadvertently appears on the ballot the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election "

28 Non incumbent Dorchester County Republicans must not be certified for the General Election ballot

29 Defendants' actions are in direct conflict with the South Carolina Supreme Court's decision in Anderson and are in absolute violation of the main premise on which the conflict stemmed

30 Defendants were aware of the significant election issues before the South Carolina Supreme Court and further understood, and yet, willfully disregarded the clear language of the statute and the South Carolina Supreme Court's Order in Anderson

31 South Carolina Code Ann § 7 11 10 provides "Nominations for candidates for offices to be voted on in a general or special election may be by political party primary, by political party conventions or by petition, *provided*, no person who was defeated as a candidate

for nomination to an office in a party primary or party convention shall have his name placed on the ballot for the ensuing general or special election, except that this proviso shall not prevent a defeated candidate from later becoming his party's nominee for that office in that election if the candidate first selected as the party's nominee dies, resigns, is disqualified, or otherwise ceases to become the party's nominee for such office before the election is held '.

32 Plaintiff, an incumbent Dorchester County Republican Primary candidate, who complied with § 8-13 1356, should therefore have his name placed on the ballot for the ensuing general election.

WHEREFORE, Plaintiff prays, in the interest of Justice that a Writ of Mandamus be issued against those several Defendants who have failed to carry out their duties under South Carolina law and pursuant to the South Carolina Supreme Court's Order in Anderson. Regardless of where the blame lays, the Plaintiff comes before this Court praying for declaratory and injunctive relief to enforce the South Carolina Supreme Court's clear command under Anderson. Plaintiff specifically requests that this Court order the SCSEC and all other Defendants to:

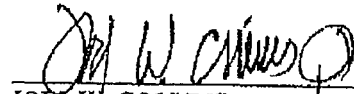
- (1) Comply with the holdings in Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012), and Florence County Democratic Party v. Florence County Republican Party, Op. No. 27128 (S.C. June 5, 2012),
- (2) Not certify the names of all non-incumbent Dorchester County Republicans to the General Election,⁶
- (3) Grant a Writ of Mandamus requiring all Defendants tasked with the necessary ministerial duties to comply with the terms of the declaratory judgment and injunctive relief,

⁶ Anderson is clear – the names “must be removed.”

- (4) Comply with S C Code Ann § 7-11-10, and place Plaintiff's name on the ballot as the Republican candidate for the ensuing general election,
- (5) Award court costs and attorney's fees to Plaintiff pursuant to Rule 6S, SCRCF, and
- (6) Due to the egregious nature of Defendants' actions, if this Court so finds contempt or other such conduct deserving sanctions, to grant whatever relief the Court deems appropriate and as may be requested by Plaintiff

Respectfully submitted,

By



JOEL W. COLLINS, JR.
Collins & Lacy, P C
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)
ATTORNEYS FOR MICHAEL T ROSE

MICHAEL T ROSE
409 Central Avenue
Summerville, South Carolina 29483
(843) 871-1821
mrose5@scrr.com

PRO SE

Columbia, South Carolina
July 12, 2012