

September 14, 2012

**Via Hand Delivery**

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29211

RECEIVED

SEP 14 2012

S.C. Supreme Court

M. Elizabeth Crum

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Re: George Tempel v. South Carolina State Election Commission,  
etc., et al. Appellate Case No. 2012-212729

Dear Mr. Shearouse:

On behalf of Respondent/Appellant South Carolina State Election Commission (SEC), this letter is submitted to correct the erroneous characterization or contention in the Initial Reply Brief of Respondent/Appellant Paul S. Thurmond (Thurmond) that the SEC argued in its Initial Brief that Thurmond was “not a ‘public official’ within the meaning of the exemption set forth in Section 8-13-1356(A).” Thurmond Initial Reply Brief (R. Brf.), p. 1. This characterization is absolutely incorrect.

As a reading of the SEC Initial Brief clearly demonstrates, the SEC did not “argue” that Thurmond was “not a “public official” within the meaning of the exemption set forth in Section 8-13-1356(A). Instead, the SEC accepted the trial court’s conclusion that Thurmond was “not a “public official” within the meaning of the exemption set forth in Section 8-13-1356(A). For example, the SEC’s Initial Brief provides, in pertinent part:

Judge Kinard’s Order found that Thurmond was not entitled to the Section 8-13-1356(A) exemption because he was not a public official within the meaning of the statutory exemption and, based upon that finding, “disqualified” Thurmond as the Republican Party’s nominee for District 41. (SEC Initial Brief 9.)

The Order concluded that ‘Thurmond is not a public official within the meaning of the exemption set forth in S.C. Code Ann. § 8-13-1356(A).’ (SEC Initial Brief 10.)

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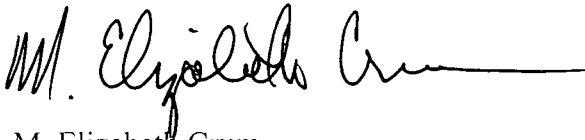
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The Order found that while Thurmond was a “public official” at common law, he was not a “public official” for purposes of Section 8-13-1356(A) and was “disqualified” from being on the Primary ballot. (SEC Initial Brief 11.)

Thank you for your consideration of this matter. With high regards,

Yours very truly,



M. Elizabeth Crum

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