

# The Supreme Court of South Carolina

Eddie Drayton, Appellant,

v.

Sumter County Republican Party, Shery Smith as Chairwoman, Bob Reagan, South Carolina Republican Party, Bruce Chadwick Connelly as Chairman, Sumter County Democratic Party, Allen Bailey as Chairman, South Carolina Democratic Party, Dick Harpootlian as Chairman, Sumter County Board of Elections and Voter Registration, Patricia Jefferson as Director, and Anthony E. Barwick, Respondents.

Appellate Case No. 2012-213113

---

## ORDER

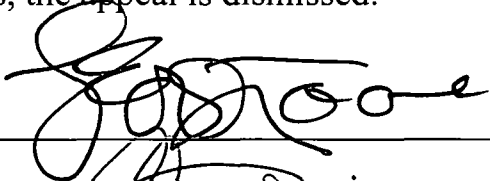
---

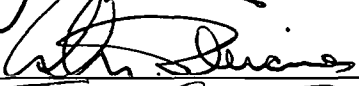
Appellant filed an action in circuit court requesting a declaratory judgment and injunctive relief based on his contention that the political parties improperly certified candidates for the party primary elections for Senate District 35. The circuit court dismissed the action for failure to join an indispensable party as to the complaint concerning the candidacy of Thomas McElveen and denied appellant's request for relief. Appellant has appealed the order of the circuit court and asks this Court to expedite this matter.

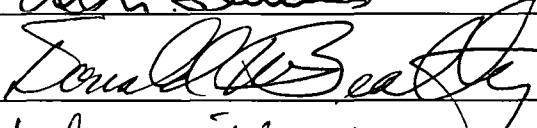
Pursuant to S.C. Code Ann. § 7-17-560 (Supp. 2011), all protests or challenges to primary elections for Senate seats must be filed with the political party's State Executive Committee no later than noon on the Monday following the canvassing of votes.

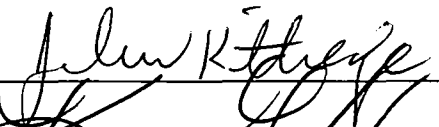
We find this action was improperly commenced in the circuit court since appellant failed to exhaust the remedies set forth by the General Assembly. Where an adequate administrative remedy is available to determine a question of fact, one must pursue the administrative remedy or be precluded from seeking relief in the

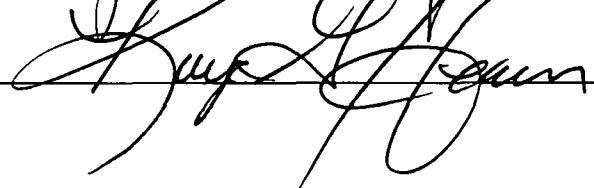
courts. *Hyde v. S.C. Dep't of Mental Health*, 314 S.C. 207, 442 S.E.2d 582 (1994). See also *Brackenbrook N. Charleston, LP v. County of Charleston*, 360 S.C. 390, 602 S.E.2d 39 (2004) (because taxpayers had an administrative refund remedy available to them, the circuit court erred in refusing to dismiss the action filed in circuit court for tax refunds without prejudice). Because this action was initiated in circuit court instead of by way of the procedure set forth by the General Assembly to protest primary elections, the appeal is dismissed.

  
\_\_\_\_\_ C.J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

October 17, 2012

cc:

Melvin Wayne Cockrell, III  
Jason B. Turnblad  
J. Robert Bolchoz  
James Emerson Smith, Jr.  
Graham L. Newman  
Johnathan Werber Bryan  
Joseph Preston Strom  
Shery Smith  
Bob Reagan