

The Supreme Court of South Carolina

Jackie Harris, Appellant,

v.


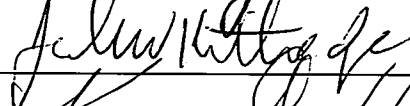
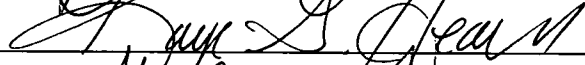


Lancaster County Election Commission, Lancaster
Municipal Election Commission and Linda Blackmon-
Brace, Respondents.

Appellate Case No. 2017-000423

ORDER

Respondent Linda Blackmon-Brace moves to strike the initial brief of respondent Lancaster County Election Commission. The Commission has filed a return in opposition to the motion. The motion is granted. *See Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992)("[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review."). The brief of the Commission does not comply with Rule 208(b)(2), SCACR, because it does not contain a counter-statement of the issues, but an entirely different issue that was not raised by appellant and is not a ground on which this Court could affirm, *see* Rule 208(b)(2)("Respondent's brief may also contain argument asking the court to affirm for any ground appearing on the record."); it does not appear the Commission raised the issue in the lower tribunal/court, therefore, the issue does not appear to be preserved for review, *see S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 641 S.E.2d 903 (2007)(as a general rule, the objection in the trial court must have been made by the party who urges the error in the appellate court); and the Commission may not raise the issue independently because it did not file a cross-appeal and concedes it could not file a cross-appeal because it was not an aggrieved party. If the Commission chooses to serve and file a new initial respondent's brief, the brief must be served and filed within ten days of the date of this order. Appellant shall have ten days from the date of service of any new respondent's initial brief to serve

and file an initial reply brief in response to the new initial respondent's brief.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

June 16, 2017

cc:

Elizabeth Ann Hyatt, Esquire

John L. Weaver, Esquire

Mitchell A. Norrell, Esquire

Robert E. Tyson, Jr., Esquire

Vordman Carlisle Traywick, III, Esquire