

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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JUL 13 2017

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Brian Gibbons, Circuit Court Judge

Case No. 2016-CP-29-1418

Jackie Harris. Appellant,

v.

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

**LANCASTER COUNTY ELECTION COMMISSION'S
RETURN TO MOTION TO STRIKE**

Pursuant to Rule 240(e), Lancaster County Election Commission submits this Return in response to Respondent Blackmon-Brace's Motion to Strike. For the following reasons, this Respondent seeks the Court's order denying the Motion in its entirety; or, alternatively, permit this Respondent's Final Brief, previously filed, to stand with the modification noted herein.

Respondent Blackmon-Brace continues to attempt to suggest that the Lancaster County Elections Commission has filed an appeal or a cross-appeal to the lower court's order. Such an argument is without merit. This Respondent acknowledges that it has filed no documentation with the court that would entitle it to have its Brief be considered as an independent appeal and the Brief of this Respondent is not to be construed as an independent appeal. Only Jackie Harris, Appellant, has met the procedural requirements that bring this case before the court as a bona fide Appellant.

Nevertheless, this Respondent presents to the court for its consideration a Final Brief that, in effect, concurs, in part, with certain aspects of the Appellant's argument with supporting facts noted in the Transcript of Record and case law that reaches a similar conclusion as one argument of the Appellant for differing reasons. Certainly the court may disregard the arguments cited in this Respondent's Brief in its entirety or give it such weight as the court deems appropriate.

As an alternative to Blackmon-Brace's Motion to Strike and this Respondent's Return to the Motion that the Motion should be denied, this Respondent offers these alternatives, both of which fall within the court's discretion when deciding this case:

- a. The Final Brief of the Lancaster County Elections Commission should be considered only as a “concurring:” conclusion with no standing for its Final Brief to support an independent basis for the court’s reversal of the lower court’s decision. In other words, unless the Appellant’s argument supports the court’s reversal of Judge Gibbon’s decision, this Respondent’s Brief cannot separately support a reversal.
- b. The Final Brief of the Lancaster County Elections Commission should be allowed to stand by the removal of the CONCLUSION noted on page 12 of the Brief and the court’s disregard thereto.

Respectfully submitted,



John L. Weaver
Lancaster County Attorney
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Lancaster, South Carolina 29721
(803) 416-9426

July 10, 2017

Attorney for Respondent,
Lancaster County Elections Commission

PROOF OF SERVICE

I certify that I have served a copy of the Lancaster County Elections Commission's Return to the Blackmon-Brace's Motion to Strike by depositing a copy of it in the U.S. mail, postage prepaid, and addressed to:

Elizabeth A. Hyatt, Esq.
Post Office Box 2252
Lancaster, SC 29721

Robert E. Tyson, Jr., Esq.
Post Office Box 11449
Columbia, SC 29211

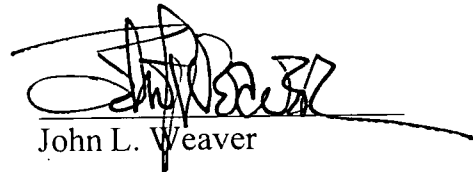
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John L. Weaver