

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

South Carolina Republican Party,

Plaintiff,

v.

Charleston County Board of Voter  
Registration & Elections,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2016-CP-10-\_\_\_\_\_

**TEMPORARY  
RESTRAINING ORDER**

Before the Court is the Plaintiff, South Carolina Republican Party, moving for an *ex parte* Temporary Restraining Order (“TRO”) pursuant to Rule 65(b), SCRCF. The Republican Party is requesting an Order from this court enjoining the Charleston County Board of Voter Registration & Elections (hereafter, “County Board”) from hearing a residency protest filed on June 3, 2016, by Margaret D. Fabri and from allowing the County Board to move forward with a hearing on this residency protest set for Thursday, June 9, 2016. The Republican Party has stated in its Motion that the County Board does not have statutory authority to hear a residency qualification challenge for a candidate for state senate or a candidate running for an office involving more than one county pursuant to S.C. Code Ann. § 7-17-560. The Republican Party has asserted that allowing the hearing to move forward would result in immediate and irreparable harm as it would allow the County Board to make a determination outside its statutory authority, would allow a bipartisan board to consider disqualifying a candidate that the Republican Party has already determined is qualified to be on a primary ballot, and would lead to potential conflicting outcomes.

After considering the Motion, this Court agrees that allowing the County Board to hold the June 9, 2016, hearing would lead to immediate and irreparable harm if a TRO is not issued in this case. The harm in this matter would be allowing a local election board to hold a hearing and make determinations outside of its statutory authority. Further, the County Board could reach a conclusion that a Republican candidate who has already been qualified by the South Carolina Republican Party is not qualified. This conclusion would not only be outside of the County Board's statutory authority, but would also lead to potential conflicting outcomes. This TRO is issued without notice and without hearing due to the urgent nature of this matter, which includes the fact that the residency protest was filed just eleven days before the primary election and the fact that the hearing on this matter has been set only five days prior to the primary election.

**THEREFORE, IT IS ORDERED** that a Temporary Restraining Order is issued enjoining the Charleston County Board of Voter Registration & Elections from hearing the residency protest filed by Ms. Fabri. This Court further orders that the hearing set by the County Board for Thursday, June 9, 2016, shall be postponed until a Court can hear arguments regarding

a Temporary Injunction. *This hearing is scheduled for Monday June 20, at 2:00pm before the Hon. Doyet A. Early, III AT*

**AND IT IS SO ORDERED.**

*the Charleston County Courthouse. 2016*

*BOND OR undertaking shall be posted in the amount of \$100.00 2016*

*David S. Goodstein*

South Carolina Circuit Court Judge

*signed this 8th day of June, 2016 at 10:52pm. 2016*

