

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Civil Action No.: 2026-CP-40-

DANNY FORD, II,)

Plaintiff,)

vs.)

SUMMONS

SOUTH CAROLINA REPUBLICAN)
PARTY, AND SOUTH CAROLINA)
ELECTION COMMISSION a/k/a STATE)
ELECTION COMMISSION)

Defendants.)

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Amended Complaint on the subscriber at his office as 1281 Russell Street, Post Office Box 1084, Orangeburg, South Carolina, 29115, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

s/ C. Bradley Hutto
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Skyler B. Hutto 102741
WILLIAMS & WILLIAMS
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Date: July 30, 2026

Orangeburg, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	Civil Action No.: 2026-CP-40-
	)	
DANNY FORD, II,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MOTION FOR <i>EX PARTE</i>
	)	TEMPORARY RESTRAINING
SOUTH CAROLINA REPUBLICAN	)	ORDER, MOTION FOR
PARTY, AND SOUTH CAROLINA	)	PRELIMINARY INJUNCTION, AND
ELECTION COMMISSION a/k/a STATE	)	COMPLAINT
ELECTION COMMISSION	)	FOR DECLARATORY AND
	)	INJUNCTIVE RELIEF
Defendants.	)	

PLAINTIFF hereby files his Motion for *Ex Parte* Temporary Restraining Order, Motion for Preliminary Injunction, and Complaint for Declaratory and Injunctive Relief and would respectfully show unto the Court as follows:

1. Plaintiff Danny Ford, II, is a resident of and registered voter in Anderson County, South Carolina; Plaintiff was born on October 17, 1985, and is 40 years of age; Plaintiff has been a U.S. Citizen his entire life.

2. Defendant SOUTH CAROLINA REPUBLICAN PARTY (hereinafter “Republican Party”) is a political party in the State of South Carolina established in 1867 with its principal place of operation in Richland County, State of South Carolina.

3. Defendant SOUTH CAROLINA ELECTION COMMISSION, also known as the STATE ELECTION COMMISSION, (hereinafter “Defendant SCEC”) is an agency of the State of South Carolina, which has the responsibility for administering elections and preparing special primary and general election ballots according to law. As such, the SCEC is joined under Rule 19, SCRCF as a party necessary to grant complete relief.

4. The alleged questions of law are pertinent to candidates filing for election to the U.S. Senate representing the State of South Carolina.

5. Jurisdiction is proper with this Court, the Richland County Court of Common Pleas, pursuant to Article V, Section 11 of the S.C. Constitution and the Uniform Declaratory Judgment Act, S.C. Code Ann. §§ 15-53-10 *et seq.* Venue is proper in Richland County under South Carolina Code § 15-7-30(C), because the acts giving rise to the allegations here occurred in Richland County.

6. On or about July 11, 2026, U.S. Senator Lindsey O. Graham died in office creating a vacancy for the position of U.S. Senator of the State of South Carolina; Senator Graham had been the duly nominated Republican for the Office of U.S. Senator to appear on the ballot for the General Election to be held on November 3, 2026; and that Senator Graham's death created a vacancy to be filled pursuant to South Carolina Law.

7. That candidates seeking the Republican nomination are required to be nominated by a special primary; the special primary is being held pursuant to South Carolina Code § 7-11-55; that Primary filing opened on Tuesday July 21, 2026, and closed on Tuesday July 28, 2026; that because Senator Graham had opposition in the General Election in November 2026, this special filing period was open only to Republican Party candidates.

8. Defendant Republican Party is responsible for certifying candidates eligible to appear on the Special Primary ballot.

9. That Plaintiff filed the necessary documents with Defendant Republican Party to have his name placed on the ballot.

10. That U.S. Constitution Article 1, Section 3, Clause 3 provides "No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of

the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen”; Plaintiff meets the constitutional qualifications to serve as a U.S. Senator in the State of South Carolina.

11. That South Carolina Code § 7-11-15(B) provides that a candidate for U.S. Senate cannot appear on a special primary ballot unless (in relevant part) the candidate is “certified by the appropriate political party as required by Sections 7-13-40 and 7-13-350, as applicable.”

12. That South Carolina Code § 7-13-40 provides (in relevant part):

Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. *The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed.* A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate’s name shall not be placed on a primary ballot.

(Emphasis added); *see also* S.C. Code Ann. § 7-13-350 (same).

13. That South Carolina Code § 7-11-20(A) provides that “party conventions or party primary elections held by political parties certified as such by the State Election Commission pursuant to the provisions of this title to nominate candidates for any of the offices to be filled in a general or special election must be conducted in accordance with the provisions of this title and with party rules *not in conflict with the provisions of this title or of the Constitution and laws of this State or of the United States.*” (Emphasis added).

14. That on information and belief, Defendant Republican Party recently amended its rules to contain Rule 11(a)(6) to state as follows:

a. “A registered Republican elector for at least 90 days, and who has voted in at

least “two of the last three statewide Republican primaries, in this or any previous state of residence, expecting those who were not old enough to have done so, or who were unable due to active-duty military service. Failing that, a waiver may be granted prior to the candidate certification deadline for: county or municipal offices by a simple majority vote of the respective County Executive Committee; or for multi-county offices, State Houses, State Senate, State Constitutional and federal offices by the State Executive Committee. This rule shall take effect on July 1, 2026. (7-9-20).”

- b. “A registered in and a bona fide resident of the State of South Carolina and of the particular election district, if less than statewide, in which he offers as a candidate for office.”

15. That subsequent to Plaintiff filing as a candidate for the special Republican Primary for U.S. Senate, he was notified by Defendant Republican Party that he would not be placed on the ballot because he was in violation of the Party rule cited above.

16. That Defendant Republican Party Rule 11(a)(6) violates the statutes and laws and Constitution of the United States and the State of South Carolina.

17. That, in the alternative, Plaintiff had been a candidate for the Republican nomination for Secretary of Agriculture whose name appeared on the ballot on June 9, 2026, and June 23, 2026; that these were the last two statewide Republican primary elections conducted in this State and Plaintiff voted in each of them.

18. That, on information and belief, other candidates who were not removed by Defendant Republican Party from the ballot for the Special Republican Primary for the United States Senate have the same or similar voting history as Plaintiff.

**MOTION FOR A *EX PARTE*
TEMPORARY RESTRAINING ORDER
(Rule 65(b), SCRCP)**

19. Each of the paragraphs above is incorporated here verbatim.

20. An *ex parte* temporary restraining order (TRO) may not issue “unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had thereon.” Rule 65(b), SCRCP.

21. A TRO should issue here to prevent Defendant Republican Party from removing Plaintiff from the Special Primary ballot and to affirmatively require Defendant Republican Party to certify Plaintiff to the SCEC as eligible to appear on the Special Primary ballot.

**MOTION FOR A
PRELIMINARY INJUNCTION
(Rule 65(b), SCRCP)**

22. Each of the paragraphs above is incorporated here verbatim.

23. An injunction is a drastic remedy that is appropriate when demonstrated as necessary to protect the legal rights of a party in the action. AJG Holdings, LLC v. Dunn, 382 S.C. 43, 50–51, 674 S.E.2d 505, 508 (Ct. App. 2009).

24. “Generally, for a preliminary injunction to be granted, the plaintiff must establish that: (1) he would suffer irreparable harm if the injunction is not granted; (2) he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law.” Id. at 51, 674 S.E.2d at 508. This Court has explained that a court’s obligation to balance the equities “is subsumed by the irreparable harm and inadequate remedy at law components of the three-part test.” Poynter Invs., Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 587, 694 S.E.2d 15, 17 (2010).

25. Plaintiff will be harmed and the citizens of South Carolina will be deprived of an open primary process unless a preliminary injunction issues to maintain the status quo pending a final resolution of this dispute.

**FOR A FIRST CAUSE OF ACTION
Declaratory Relief: Free and Open Elections Clause Violation;**

26. Each of the paragraphs above is incorporated here verbatim.

27. “All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in th[e] Constitution shall have an equal right to elect officers and be elected to fill public office.” S.C. CONST. art. I, § 5.

28. “The General Assembly shall provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the administration of elections and for absentee voting, ensure secrecy of voting, establish procedures for contested elections, and in act are other provisions necessary to the fulfillment and integrity of the election process.”

29. The Constitution tasks the General Assembly with regulating the time, place, and manner of elections and enacting other provisions necessary to the fulfillment and integrity of the election process. S.C. CONST. art. II, § 10.; that on information and belief, Rule of Defendant Republican Party cited above attempted usurp the Constitutional delegation to the General Assembly contained S.C. CONST. art. II, § 10.

30. South Carolina Code §§ 7-11-15(B), 7-11-20(A), 7-13-40, and 7-13-350 require a political party to verify and certify the qualifications of a candidate to serve in the office for which he has filed, nothing less and nothing more.

31. Pursuant to South Carolina Code § 15-53-20, the Court should declare that actions of Defendant Republican Party:

- a. Violate the provisions of the U.S. Constitution;

- b. Violate provisions of the S.C. Constitution;
- c. Violate South Carolina Code §§ 7-11-15(B), 7-11-20(A), 7-13-40, and 7-13-350;
- d. Denies candidates, including Plaintiff, who lawfully filed to run for U.S. Senate, complied with other campaign laws, and who are actively campaigning for public office the equal right to be elected to fill public office; and
- e. Implements an unlawful partisan requirement in violation of the S.C. Constitution and the U.S. Constitution.

32. The Court should enter a final judgment declaring these rights in favor of Plaintiff and against Defendants.

**FOR A SECOND CAUSE OF ACTION
(Permanent Injunctive Relief)**

33. Each of the paragraphs above is incorporated here verbatim.

34. This Court is a co-equal branch of the South Carolina government charged with protecting the individual rights of the People.

35. The right of suffrage is paramount and because “[a]ll political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.” S.C. CONST. art. I, § 1.

36. Accordingly, the Court should exercise its power under South Carolina Code § 15-53-120, and enter a permanent injunction barring Defendant Republican Party from implementing its attempt to bar Plaintiff from having his name placed on the Republican Special Primary ballot for one or more of the reasons set forth above and require the SCEC to include Plaintiff’s name on

the Republican Special Primary ballot, along with such further relief as is necessary and proper to safeguard the integrity of this State's elections.

PRAYER

37. Wherefore, after entering a TRO, the Court should order such further briefing and argument as necessary, then grant a preliminary injunction, followed by any discovery or further proceedings as is necessary before granting final declaratory and injunctive relief as set forth above along with such further relief as the Court deems just and proper.

Respectfully submitted,

Date: July 30, 2026

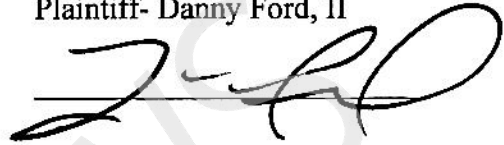
Orangeburg, South Carolina

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VERIFICATION:

I have read the Motion for *Ex Parte* Temporary Restraining Order, Motion for Preliminary Injunction, and Complaint for Declaratory and Injunctive Relief and verify that its contents are true and correct to the best of my knowledge.

Plaintiff- Danny Ford, II



Sworn before me on 07.30.2026
Kaitlyn Wood (Sealed)
Notary Public for South Carolina
My Commission expires 8.15.2035

