

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
Case No. 2024-CP-10-03838

Mary Edna Fraser; Glenda L. Miller; )  
and South Carolina Coastal )  
Conservation League, )

Plaintiffs, )

v. )

Charleston County; and )  
Charleston County Council, )

Defendants. )  
\_\_\_\_\_ )

**ORDER DENYING PLAINTIFFS’  
REQUEST FOR INJUNCTIVE RELIEF  
AND GRANTING DEFENDANTS’  
MOTION TO DISMISS**

This matter comes before the Court on Plaintiffs’ request for injunctive relief to enjoin Defendants from placing a proposed transportation sales and use tax referendum on the November 2024 ballot. After considering the arguments presented by both parties, and for the reasons set forth below, the Court DENIES Plaintiffs’ request for injunctive relief and GRANTS Defendants’ Motion to Dismiss.

**FINDINGS OF FACT**

**1) Background:**

- a) Charleston County has a history of utilizing a one-half cent sales and use tax to fund transportation-related projects, with such taxes being approved by voters in 2004 and 2016.
- b) On July 23, 2024, Charleston County Council passed Ordinance #2302, which proposes a new one-half cent transportation sales and use tax, subject to voter approval in the November 2024 referendum. The Ordinance designates the Mark

Clark Extension as a priority project, among other transportation-related improvements and greenbelt projects.

**2) Plaintiffs' Claims:**

- a) Plaintiffs argue that the Ordinance and proposed referendum violate Section 4-37-30 of the South Carolina Code and general principles of state law. Specifically, Plaintiffs contend that the Ordinance fails to list the costs of each individual project separately, conflates the statutory term's "purpose" and "project," and that the referendum ballot is misleading for not specifically identifying the Mark Clark Extension.

**3) Defendants' Position:**

- a) Defendants assert that the Plaintiffs' challenge is premature and does not present a justiciable controversy since the election has not yet occurred. They argue that the Ordinance complies with the statutory requirements by listing the overall costs for the two categories of projects: transportation-related improvements and greenbelts. Defendants maintain that the language of the Ordinance and the ballot question follows the precedent established in prior Charleston County referenda.

**CONCLUSIONS OF LAW**

The Court finds that Plaintiffs' request for injunctive relief is premature and speculative. The issues raised by Plaintiffs are contingent upon the outcome of the referendum, and any potential harm can be addressed through post-election legal remedies. As noted by the Defendants, South Carolina courts have consistently held that injunctive relief to enjoin an election is inappropriate when post-election remedies are available. Therefore, Plaintiffs fail to establish a justiciable controversy at this time.

**ORDER**

Based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that Plaintiffs' request for injunctive relief is DENIED and the Defendants' motion to dismiss is GRANTED. The Court finds that the Ordinance and proposed referendum comply with South Carolina law<sup>1</sup>, and there is no justiciable controversy warranting the extraordinary remedy of an injunction. The November 2024 referendum shall proceed as planned.

**IT IS SO ORDERED!**

**DATED** this \_\_\_ day of \_\_\_\_\_, 2024, in Charleston, South Carolina.

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**Judge of the Court of Common Pleas  
Ninth Judicial Circuit**

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<sup>1</sup> This Court acknowledges the brevity and conclusory nature of this finding (and this order). However, this Court seeks to avoid having any of this order's language from being misconstrued in the debate leading up to the referendum, to the extent this is possible.



Charleston Common Pleas

**Case Caption:** Mary Edna Fraser , plaintiff, et al VS Charleston County , defendant,  
et al  
**Case Number:** 2024CP1003838  
**Type:** Order/Form 4

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134