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S.C. SUPREME COURT

Exhibit A

https://www.myhorrynews.com/news/atlantic-beach-council-candidate-claims-winner-doesnt-meet-residency-requirement-appeal-states/article_702c4a7e-b866-11ed-aad9-b757b55f2198.html

Atlantic Beach council candidate claims winner doesn't meet residency requirement, appeal states

BY BRYN EDDY BRYN.EDDY@MYHORRYNEWS.COM

Mar 2, 2023



The Atlantic Beach Community Center, where town council is held. Photo by Christian Boschult

An Atlantic Beach special election candidate claims his winning opponent did not meet the residency requirement, according to an appeal filed against the town's election commission.

Michael Isom filed an appeal against the Town of Atlantic Beach Municipal Election Commission on Feb. 23.

Isom is asking that the decision be reversed to elect John David to take the seat previously held by James DeWitt II. DeWitt died from gunshot wounds in Richland County on Oct. 9 after holding the seat on town council for about a year.

"The Commission erred in finding that John David was a resident of the Town of Atlantic Beach," the appeal reads.

Chris Whitmire with the South Carolina Election Commission said that David is a registered voter in Atlantic Beach and so he therefore meets the residency requirements to be on council. Whitmire added that if David rented his property out to a tenant, which is what Isom claims David did, David may still serve on council if he can prove he is returning to his Atlantic Beach residence.

"Part of it is having the intention of returning there with your assets," Whitmire said. "You can be temporarily away."

Local election officials declared that David won the election with a majority of the votes. The first round of votes were cast on Jan. 17, and David got the most votes, but not the majority.

Election commissioner chairman Joe Montgomery said that David is the new councilman as far as he is concerned.



John David wins Atlantic Beach special election
By Bryn Eddy bryn.eddy@myhorrynews.com

"We feel confident that we will win. I think the lawsuit is frivolous but [Isom] has the right to do that. I think [the residency requirement] should be as it is," he said.

Isom and David could not be reached for comment.

The court will decide the outcome. A court date has not been set, according to the public index.

Reach Bryn by email or through Twitter with the handle @BrynDEddy.

MORE INFORMATION



Atlantic Beach special election appeal denied. New appeal filed with state supreme court

Bryn Eddy

North Strand Reporter

Exhibit B

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CERTIFICATION OF ELECTION
FEBRUARY 2, 2023
TOWN OF ATLANTIC BEACH

TIME: 9:45 AM

LOCATION: TOWN OF ATLANTIC BEACH
COMMUNITY CENTER
ATLANTIC BEACH, SOUTH CAROLINA

REPORTED BY: RONDA K. BLANTON, RPR
CLARK BOLEN COURT REPORTING
CHARLESTON, SC 29422
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1 P R O C E E D I N G S

2 CHAIRMAN MONTGOMERY: I'm calling
3 this meeting to order. The meeting certification
4 of Atlantic Beach voters, may we stand. First of
5 all, I want to welcome all of you. We appreciate
6 your coming, and we're glad to have you. May we
7 pray.

8 Our Heavenly Father, we ask your
9 blessing on those of us who are assembled here
10 today. We ask you to guide us as we discuss
11 issues that are germane to this town, and we ask
12 that we respect each other's opinion and feeling.
13 These blessings we ask in your name. Amen.

14 Commission members, do we have any
15 old business?

16 MR. MCIVER: I don't have any, no,
17 sir.

18 CHAIRMAN MONTGOMERY: There, we
19 have no old business.

20 The new business, challenge
21 ballots. That's our purpose for being here
22 today, and I'm going to call -- since you have
23 officially one, John Davis, I'm going to call on
24 you first. Will you come up?

25 MR. DAVIS: Yes, sir.

1 CHAIRMAN MONTGOMERY: Can all of
2 us -- everybody hear me? Okay. We don't need
3 that. Raise your hand.

4 MS. BAILEY: The Challenger goes
5 first. So if his vote's being challenged, then
6 the person challenging goes first.

7 CHAIRMAN MONTGOMERY: Well, I read
8 where the board came from; but that's all right.

9 MS. BAILEY: Challenger comes
10 first.

11 CHAIRMAN MONTGOMERY: The
12 challenger, Miss Josephine Isom. You can come
13 forward. Sorry about that. Come here. I have
14 to swear you in.

15 JOSEPHINE ISOM,
16 having been first duly sworn, made the following
17 statements:

18 CHAIRMAN MONTGOMERY: Okay. She
19 can proceed.

20 MS. BAILEY: She can give her
21 testimony.

22 CHAIRMAN MONTGOMERY: You may
23 proceed.

24 MS. ISOM: Good morning. I'm
25 Josephine Isom at [REDACTED] Atlantic

1 Beach. I've been here since 1962.

2 And I did challenge three ballots
3 in our Tuesday election. First one I will go
4 through is Brother John W. Davis, Jr. In your
5 package, on page No. 1, you will see that he had
6 a legal residence in Maryland.

7 Page 2, he has a Silverado truck
8 that carries Maryland tags that he has not gone
9 through the voter registration to switch to South
10 Carolina as a legal resident.

11 And, No. 3, the property tax
12 information for 2023 on his home, which it says
13 that is his legal residence at Maryland.

14 And go to Atlantic Beach paperwork,
15 his house were issued a CO on 7/22/2022; but the
16 county will not pick him up that -- that house,
17 that land was vacant. And it will pick it up for
18 2023. So January 1 of 2023 is when he will go on
19 the record as a homeowner here.

20 Red Pearl is located on [REDACTED]
21 [REDACTED], says North Myrtle Beach, then he
22 put Atlantic Beach. It's located on the third
23 row in the back in Atlantic Beach.

24 You have in your paperwork he has
25 eight bedrooms, five baths; and he has a 11 TB

1 and it is rental property. He may live there at
2 some times or once a week or something like that.
3 He may live there, but he's not been registered
4 as a legal resident of the Town of Atlantic Beach
5 to be eligible to run for the council.

6 And on page 2 of that paperwork,
7 you read that paragraph that came from the
8 vacation rental property, and give you a few
9 minutes to read that.

10 I've had it highlighted for you.

11 CHAIRMAN MONTGOMERY: Yeah, right.

12 I've seen it. I've seen it.

13 MS. ISOM: Okay. And the next page
14 in your package is where he blocked out August
15 the 8th, 2022, to December. That was saying that
16 he did not rent that building or his -- that
17 house those months, but that paragraph back on
18 that letter will give you that true statement of
19 those months. 'Cause he collected the rent
20 himself. So the building was rented.

21 CHAIRMAN MONTGOMERY: Okay.

22 Miss Isom, you have quite a bit of information.

23 We have to discuss the information, but I don't

24 think a lot of it -- it doesn't prove that he --

25 he is not a permanent resident of the Town of

1 Atlantic Beach.

2 I know he has been here for 30
3 days, and the law requires that he be here for 30
4 days; and you can vote, and you can run. That I
5 know. He's been here for 30 days. What he does
6 in the future, that's a different story. You
7 have to address that question later.

8 MS. ISOM: Okay.

9 MS. BAILEY: Mr. Chairman, you want
10 to make these an exhibit? We want to make these
11 an exhibit for the transcript?

12 CHAIRMAN MONTGOMERY: Okay.

13 MS. BAILEY: Do you want to?

14 CHAIRMAN MONTGOMERY: Okay. I'm
15 going to entertain a motion that we go in
16 executive session.

17 MR. MCIVER: I make a motion,
18 Mr. Chairman, that we go in executive session.

19 CHAIRMAN MONTGOMERY: Miss Gore.

20 MS. GORE: I second that motion.

21 CHAIRMAN MONTGOMERY: We'll go into
22 executive session.

23 MR. DAVIS: I question the motion.
24 Will I -- before you determine or decide it,
25 then, do I present information --