

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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**Aug 21 2023**

**S.C. SUPREME COURT**

APPEAL FROM HORRY COUNTY  
Debra R. McCaslin, Circuit Court Judge

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Appellant Case No.: 2023-000888

Case No.: 2023-CP-26-01112, Circuit Court

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Michael Isom..... Appellant,

v.

Town of Atlantic Beach Municipal Election Commission..... Respondent.

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INITIAL REPLY BRIEF OF APPELLANT

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August 21, 2023

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## INTRODUCTION

Plaintiff and Appellant in this matter, Michael Isom, by and through his undersigned counsel, hereby responds to the Initial Brief of Respondent. Without restating the issues or making redundant arguments, Appellant offers the following points of clarification and rebuttal to the arguments raised by the Respondent in its Initial Brief.

## ARGUMENT

A Statement of Candidacy that is not notarized or otherwise given under oath is not itself evidence of residency. The mere identification of a Voter's Registration Number and address within the Statement does not constitute evidence of residency, but instead simply constitutes evidence of issuance of a Voter's Registration Card and evidence that the address was included in the statement. S.C. Code Ann. § 7-1-25(D) lists the types of documents that satisfy the residency requirement, none of which were entered into evidence in this case. The Statement of Candidacy is not listed. For those reasons, the findings of fact by Respondent are wholly without support in the record. At the least, the case should be remanded to the Respondent for a hearing in which finding of facts to support the conclusion are entered.

In addition, Respondent's argument that Respondent, sitting as the adjudicating body at the protest hearing, is bound by the decision from the canvassing hearing is misplaced as this argument ignores the fact that the protest hearing is a separate evidentiary hearing with live testimony. While the same parties may serve as the decision makers in both instances, the bodies are charged with making different decisions. Further, while the language of S.C. Code Ann. § 8-13-730 states that the decision from the canvassing hearing is "final", this does not mean that the decision is beyond judicial review.


**CONCLUSION**

For the reasons set forth above and those stated in the Initial Brief of Appellants, we respectfully request that this Court reverse the decision of the lower court.

August 21, 2023

Respectfully Submitted,

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