

**STATE OF SOUTH CAROLINA
IN THE
SUPREME COURT**

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S.C. SUPREME COURT

Appeal from the Court of Common Pleas
For Horry County
Honorable William H. Seals, Jr. Circuit Judge
Civil Action Nos.: 2024-CP-26-06062
Appellate Case No.: 2024-_____

William Booker, Lynda Booker, Elaine Finney, Sarah
Blair, Linda Cheatham, and Harold Cheatham,

Respondents,

v.

Kenneth McIver, Carolina Gore, and Derrick Stevens
in their official capacities as members of the Town of
Atlantic Beach Municipal Election Commission,

Appellants.

**AMENDED
NOTICE OF APPEAL**

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*Attorneys for the Appellants,
Kenneth McIver, Carolina Gore, and Derrick
Stevens in their official capacities as members
of the Town of Atlantic Beach Municipal Election
Commission*

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF SOUTH CAROLINA:

COMES NOW the Appellants, Kenneth McIver, Carolina Gore, and Derrick Stevens in their official capacities as members of the Town of Atlantic Beach Municipal Election Commission (the “Election Commission” or “MEC”), pursuant to Rules 203(b)(1) and 203(d)(1)(A)(iv) of the South Carolina Appellate Court Rules, in conjunction with S.C. Code Ann. § 15-15-140 (Thomson Reuters West 2023) and S.C. Code Ann. § 14-8-200(b)(5) (Thomson Reuters West 2023), and respectfully serves notice the Election Commission is appealing the following orders and judgments:

- a. Order Granting Petition for Writ of Mandamus issued by the Honorable William H. Seals, Jr., Circuit Judge, dated 4 November 2024, and filed with the Clerk of Court for the Horry County Court of Common Pleas on 5 November 2024, and received by the Election Commission’s legal counsel on 5 November 2024; and
- b. Order issued by the Honorable William H. Seals, Jr., Circuit Judge, dated 4 November 2024, and filed with the Clerk of Court for the Horry County Court of Common Pleas on 5 November 2024, and received by the Election Commission’s legal counsel on 5 November 2024.

Copies of the referenced Circuit Court Order Granting Petition for Writ of Mandamus and Order are attached hereto as **Exhibit “A”** and incorporated herein by reference.

This appeal is based upon the following grounds:

1. The Circuit Court erred in exercising subject matter jurisdiction over the premature appeal by the Respondents, William Booker, Lynda Booker, Elaine Finney, Sarah Blair, Linda Cheatham, and Harold Cheatham (the “Citizen Respondents”), from the Election Commission’s decision rendered on 18 October 2024 prior to the Election Commission’s issuance of a final written decision in contravention of S.C. Code Ann. § 5-15-140 (Thomson Reuters West 2023).

2. The Circuit Court erred in failing to recognize and/or acknowledge the Election Commission's explicit statutory authority under S.C. Code Ann. § 7-13-810 (Thomson Reuters West 2023) to consider after-discovered evidence of voter fraud.
3. The Circuit Court erred in disregarding the Supreme Court's precedent in Gecy v. Bagwell, 372 S.C. 237, 241, 642 S.E.2d 569, 571 (2007), which specifically authorizes consideration of after-discovered evidence of improper voter residency claims.

Respectfully submitted:

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Charleston, South Carolina

7 November 2024

OTHER COUNSEL OF RECORD

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PROOF OF SERVICE

I, Stephen P. Groves, Sr., Esquire do hereby certify that a copy of this Notice of Appeal (together with the referenced orders) was served on this **THURSDAY, the 7th day of NOVEMBER 2024**, (a) upon this South Carolina Supreme Court via electronic means (supctfilings@sccourts.org), (b) upon counsel for the Respondents via e-mail (wmonckton@myrtlebeachlawfirm.net), and upon the Horry County Court of Common Pleas by filing/submission into the South Carolina Courts E-Filing System

Signed: *Stephen P. Groves, Sr.*
Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

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