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S.C. SUPREME COURT

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TOWN OF ATLANTIC BEACH

717 30th Avenue South, Atlantic Beach, SC 29582
Phone No. 843-663-2284 Fax No. 843-663-0601

Mayor Jake Evans
Mayor Protem, Josephine Isom
Councilmember, Jacqueline Gore
Councilmember, Edward Campbell

**PUBLIC NOTICE
TOWN OF ATLANTIC BEACH
NON-PARTISAN GENERAL ELECTION
STATE OF SOUTH CAROLINA
COUNTY OF HORRY**

The Municipal Election Commission of the Town of Atlantic Beach announces the General Election for the Town of Atlantic Beach to be held on Tuesday, November 7, 2023

The following offices shall be included in this election.

One Mayor seat, Two (2) Council seats for terms expiring December 31, 2027. The polling place is the Town of Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina 29582.

People desiring to vote in the upcoming election must be registered by October 6, 2023. To register, one can register online at scvotes.org, County Board of Voter Registration, any Library or contact County Office.

Citizens desiring to be candidates for the above listed office may file at the Town of Atlantic Beach Town Hall, 717 30th Avenue South, Atlantic Beach, South Carolina 29582. Books will be open for filing from August 18, 2023 at 12:00 noon and remain open during regular business hours and close on September 1, 2023 at 12:00 noon.

The filing fee for the office of Mayor is \$300.00

The filing fee for the office of Councilmember is \$150.00

This is a Nonpartisan Election and no party affiliation shall be placed on the ballot.

The polls shall open at 7:00 a.m. on Election Day and close at 7:00 p.m.

At 7:00 p.m. on said Election Day, the Election Commissioners will begin examining the absentee ballot return envelopes. This examination will be held at the Town of Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina 29582.

On November 9, 2023 at 10:00 a.m. at the Town of Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina 29582, the Municipal Election Commission will hold a hearing to determine the validity of ballots challenged in this election.

Any run-off will be held two weeks after the Election on Tuesday, November 21, 2023.

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TOWN OF ATLANTIC BEACH
MUNICIPAL ELECTION COMMISSION MEETING

BEFORE: KENNETH McIVER, Chairman
DERRICK STEVENS, Commissioner
CAROLYN GORE, Commissioner

DATE: OCTOBER 17, 2024

TIME: 4:00 p.m.

LOCATION: ATLANTIC BEACH COMMUNITY CENTER
1010 32nd AVENUE SOUTH
ATLANTIC BEACH, SC

REPORTED BY: CAROL T. LUCIC, RPR, RMR

CLARK BOLEN COURT REPORTING & VIDEO CONFERENCING
CHARLESTON, SC 29407
843-762-6294
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A P P E A R A N C E S

ON BEHALF OF THE MUNICIPAL ELECTION COMMISSION:

THE PFLUG LAW FIRM, LLC

BY: DWAYNE M. GREEN, ESQ.

211 Scott Street

Mt. Pleasant, SC 29464

ON BEHALF OF SHAUN SWINSON, SR.:

BOYKIN & DAVIS, LLC

BY: KENNETH A. DAVIS, ESQ.

220 Stoneridge Drive

Columbia, SC 29210

ON BEHALF OF WILLIAM BOOKER, LYNDA BOOKER, ELAINE
FINNEY, TERRY FINNEY, SARAH BLAIR, LINDA CHEATHAM,
and HAROLD CHEATHAM:

MONCKTON, HEMBREE & HUMPHRIES, P.A.

BY: WILLIAM H. MONCKTON, VI, ESQ.

1300 Professional Drive

Suite 102

Myrtle Beach, SC 29577

1 ON BEHALF OF CARLA TAYLOR:

2 ROBINSON GRAY STEPP & LAFITTE

3 BY: ROBERT E. TYSON, JR., ESQ.

4 2151 Pickens Street

5 Suite 500

6 Columbia, SC 29211

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1 CHAIRMAN McIVER: We're going to be
2 getting started just as soon as possible. We're
3 almost ready, I think.

4 MR. DAVIS: Mr. Swinson was given a work
5 assignment that was prescheduled, and so he's about
6 15 minutes out, so I would ask that we hold off
7 until 4:15 if possible if we don't have any
8 objections.

9 MR. MONCKTON: I don't have any objection.

10 MR. DAVIS: Thank you for your indulgence.

11 CHAIRMAN McIVER: It's about 4:17. On the
12 recommendation of Mr. Swinson's attorney we're
13 going to go ahead and get started. We're going to
14 introduce ourselves for the reporter here. My name
15 is Kenneth McIver. I'm the chairman of the
16 Atlantic Beach Municipal Election Commission.

17 MR. STEVENS: Derrick Stevens.

18 MS. GORE: Carolyn Gore.

19 MR. GREEN: Dwayne Green, attorney.

20 CHAIRMAN McIVER: At this time if we would
21 please stand for the invocation.

22 (Invocation)

23 MR. MONCKTON: Mr. Chairman, can I mention
24 something before we get started? There have been
25 some emails back and forth between myself and

1 important issue. I'm Kenneth Davis from the law
2 firm of Boykin & Davis. We represent Mr. Shaun
3 Swinson with regard to this protest.

4 We believe the protest to be timely based
5 upon the manner in which the election results were
6 certified; i.e., in November of 2023 there was an
7 interruption in the process based upon some alleged
8 wrongdoing of a prior Commission member. That
9 prior Commission member was removed from the
10 Commission, and then there was a time period the
11 Town Council spent trying to reconstitute a
12 Commission to go forward, and that was no fault of
13 Mr. Shaun Swinson. After various machinations a
14 hearing was ultimately set for April 3 at which
15 time -- completion of the process including a
16 hearing on the protest were all set for April 3,
17 and at said time the results of the election were
18 certified, but also at the same time the Commission
19 determined that 13 voters who participated in the
20 process had their votes thrown out after they had
21 been allegedly commingled with the other ballots.

22 So at that point is when Mr. Swinson
23 understood that there were ineligible voters who
24 had been originally counted in the voting polls.
25 Specifically the facts were raised in the mayoral

1 portion protest; however, it's one election, one
2 ballot. So after-acquired evidence that
3 Mr. Swinson learned about from the mayoral protest
4 hearing justified him making his protest, and I
5 think the case law Gecy vs. Bagwell supports the
6 notion that after-acquired evidence; i.e., evidence
7 which was learned after the election has occurred
8 can be the basis for a protest, and if that
9 evidence is not learned until April because of the
10 process employed by the Commission, Mr. Swinson has
11 to exercise his rights for what was put before him.

12 I think we hear from conversations about
13 statutes and mandatory timelines. Well, in the
14 case of Cole versus Town of Atlantic Beach, a 2011
15 case, our Supreme Court in the State of South
16 Carolina visited this notion of how mandatory
17 timelines can be. In particular, the Court said:
18 "Courts generally consider the provisions of
19 election laws mandatory when the statute expressly
20 declares that a particular act is essential to the
21 validity of an election or when a party seeks
22 enforcement of the law in a direct proceeding
23 before the election takes place. In the interest
24 of avoiding the disenfranchisement of voters after
25 an election has taken place a statute that uses

1 first laid out the framework that says you can set
2 aside mandatory language when there is no fraud.
3 In that case the Court said there was some shady
4 behavior on the part of the election officials,
5 which distinguishes itself from this case.

6 This is a pure application of the statute
7 where the Court said "shall" and "must" can be set
8 aside in these circumstances. Basically this is a
9 unique circumstance where again there is one ballot
10 in Atlantic Beach. There is mayor and council on
11 the same ballot. So in the mayoral race this
12 Commission threw out 13 voters, but the same
13 ineligible voters also participated in the council
14 decision.

15 Mr. Swinson did not have knowledge of that
16 until he did. So again we ask that the Commission
17 look at the Cole decision and look at the words
18 from our State Supreme Court about when you can set
19 aside words such as "shall" and "must." We concede
20 that 5-15-130 says "shall" and "must," but our
21 Supreme Court says "shall" and "must" can be set
22 aside when there is no fraud and in circumstances
23 where the will of the voters is paramount.

24 This is that same case when 13 votes in
25 the mayoral race were thrown out, but for some

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**TOWN OF ATLANTIC BEACH, SOUTH CAROLINA
MUNICIPAL ELECTION COMMISSION**

STATE OF SOUTH CAROLINA

TOWN OF ATLANTIC BEACH

**IN RE: JOSEPHINE ISOM CONTEST OF
NOVEMBER 7, 2023, MUNICIPAL
MAYORAL ELECTION**

Case No: 2024-CP-26-02

DECISION

RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

2024 MAY 16 P 1:15

FILED
HORRY COUNTY

INTRODUCTION AND PROCEDURAL HISTORY

In accordance with S.C. Code Ann. § 5-15-130, on November 9, 2023, at 4:43 p.m. Mayoral Candidate Josephine Isom (“Isom”) filed a notice of a protest with the Municipal Election Commission for the Town of Atlantic Beach, South Carolina (“MEC”) contesting the results of the November 7, 2023, municipal election for the Mayoral Candidacy (“Election”). Specifically, Isom protested the Election on the grounds that nineteen (19) individuals, who were not residents of the Town, fraudulently casted votes, thus improperly preventing Isom from being named the winner of the Election. Initial results of the November 7, 2023, Mayoral Election were Josephine Isom with 62 votes and John David with 49 out of 111 total votes cast. After the November 9, 2023¹ Provisional Ballot hearing, the MEC performed a recount using the accepted provisional ballots giving Isom a total of 64 votes and David a total of 65 votes out of 129 votes casted at the time.

On November 10, 2023, the MEC convened to recount the votes cast in the Election after provisional ballots were accepted and to certify the election. Prior to certification, Mayor Jake Evans objected to the MEC continuing with the proceedings since the MEC had failed to retain a

¹ Based on the November 9, 2023 Provisional Ballot Hearing Transcript, the following individuals’ ballots were challenged: Marvirstine Y. Briggs-Fisher, Nadiyah Vaughan, Erika Vaughan, Diane Hill, Naim Vaughan, Knowledge Divine, Jean Anne Rhymer, Traci Cooper, Carlisle Cooper, Noble Cooper, III, Noble Cooper, Jr., Derrick Mayes, Juliana Hines, Elaine Finney, Jerry Finney, Sr., Jerry Finney, Jr., Colleen Finney, Terrance Graves, and Glynes Cheatham.

court reporter to transcribe the proceedings as required under state law. The MEC recessed to presumably obtain a court reporter in order to preserve a complete record of the proceedings in accordance with state law. Later, the Town of Atlantic Beach Town Council (“Town Council”) held an emergency meeting where Town Council decided by a majority vote to remove individual members from the MEC. In response, Mayoral Candidate John David (“David”) filed a petition to the South Carolina Supreme Court to address Town Council’s actions along with a motion for emergency relief. Both actions were dismissed by the South Carolina Supreme Court along with a motion to intervene filed by former MEC Chairman Joe Montgomery (“Montgomery”).

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Horry County
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CLERK OF COURT
Horry County SC

On December 11, 2023, Town Council met and reconstituted the MEC. As a part of reconstituting the MEC, Town Council voted to remove Montgomery from the MEC for violating S.C. Code Ann. § 7-13-75. The MEC’s decision to remove Montgomery was based on the fact that Montgomery attended campaign events and openly supported David in the Election. On December 11, 2023, Town Council met and appointed commissioner Derrick Stevens to replace Montgomery as a member of the MEC.

After reconstituting a full MEC, Town Council was again delayed in holding a protest hearing due to constant and repeated threats of litigation from David and his attorney. Eventually, David agreed to allow the South Carolina State Election Commission (“State Commission”) to administer the protest hearing and to close out the Election. At that time, Town Council requested the State Commission’s involvement through correspondence with the Governor’s office. The Governor’s office declined to direct the State Commission to assist in resolving the contest. In doing so, the Governor’s office suggested that Town Council turn over its municipal elections to Horry County, South Carolina (“Horry County”). Town Council and David agreed to do so, but Horry County declined to exercise jurisdiction over matters pertaining to the November 2023 municipal elections.

On February 28, 2024, the MEC met and authorized its legal counsel to issue subpoenas to challenged voters, Richland County, and Horry County to obtain information that would assist in reaching a determination during the forthcoming protest hearing. In addition, the MEC authorized its legal counsel to compile public information that would assist the MEC in making a determination at the forthcoming hearing.

After Horry County declined jurisdiction, the MEC scheduled the protest hearing for March 20, 2024. However, commissioner Derrick Stevens and commissioner Carolyn Gore, notified acting MEC Chair Kenneth McIver ("McIver") that they had a family emergency in the hours leading up to the hearing, preventing them from attending. Consequently, on March 20, 2024, McIver –on behalf of the MEC– made a brief statement notifying the public that the MEC could not move forward in hearing the election contest due to lack of a quorum. McIver also publicly received information submitted by Isom and David in support of their respective positions as well as public information received by the MEC in response to subpoenas issued, as authorized by the MEC, to assist them in administering the protest hearing.

Thereafter, McIver unilaterally rescheduled the protest hearing to be held on March 27, 2024, and a certification hearing to be held the day prior on March 26, 2024. The MEC met on March 26, 2024, for the purported certification. All members of the MEC were present for this public meeting. During this meeting, the MEC voted to not hold the certification of the municipal election and instead, voted to publicly receive legal advice for a matter of public concern regarding the integrity of the Election. In doing so, the MEC was apprised that confidential attorney-client privileged information and documents only shared and provided during the MEC's executive session had been provided to David in breach of privilege and in violation of statute § 30-4-70.²

² On March 5, 2024, David emailed the Town of Atlantic Beach Town Manager, Benjamin Quattlebaum, objecting to the proceedings and actions of the MEC and providing a copy of confidential attorney-client privileged information

The MEC then voted to publicly be polled as to whether any member disclosed the privileged information. All commissioners, after being duly sworn, affirmed that they had not broken privileged or otherwise violated the ethics code regarding MEC executive session. The MEC voted to schedule the election protest hearing on April 3, 2024, at the Atlantic Beach Community Center, to hear and decide upon Isom's Election protest.

The MEC held the election protest hearing on April 3, 2024, at the Atlantic Beach Community Center. All members of the MEC were present for this public meeting. The MEC received evidence and heard testimony from Isom and Irene Armstrong, an Election poll watcher ("Armstrong"). The MEC admitted into evidence Agency Exhibit A, Isom Exhibit B, and David Exhibit C. The MEC also admitted additional exhibits submitted by David, which included the November 9, 2023, Provisional Ballot Challenge Hearing Transcript and executed affidavits and other accompanying residency-related exhibits from Traci Cooper; Noble P. Cooper, Jr.; Noble P. Cooper, III; Carlisle C. Cooper; Jamar McLaurin; Julianna Hines; Marvirstine Briggs-Fisher; Erika Vaughan; K.G. Divine; Glynes Cheatham; and Diane Hill. These same individuals were subpoenaed by the MEC but failed to comply with the subpoenas and instead provided David's counsel affidavits to submit to the MEC.

The MEC retired to executive session at the conclusion of the parties' presentations to receive legal advice. Upon returning to public session, the MEC moved and by majority vote found that, upon review of the evidence considered, the voters challenged by Isom were not residents of the Town of Atlantic Beach, South Carolina and had, in fact, fraudulently voted in the Election.

FINDINGS OF FACT

1. Town Council held an election on November 7, 2023, for the Mayoral Candidacy. The polls for the Election closed at 7:00 p.m. on November 7, 2023.

and documents of the MEC, which attorney-client privileged information and documents should not have been in David's possession.

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CLERK OF COURT
HONORARY CLERK, SC

2. On the day of the Election, eighteen (18) ballots were challenged and one mail-in vote was reviewed, which were accordingly deemed provisional ballots. Eric Lewis challenged two votes, and Armstrong challenged sixteen votes. By way of background, Armstrong was a poll watcher at the Election for Town Council candidate, Jacqueline Gore. Prior to the Election, Armstrong took it upon herself to request the voter registration list for the Town of Atlantic Beach from the election commission in Columbia, South Carolina. After reviewing the list, Armstrong believed that several individuals who casted votes were not residents of the Town of Atlantic Beach. Armstrong then challenged the individuals' votes she believed were cast fraudulently.

3. The poll managers initially determined that, excluding the provisional ballots, Isom received sixty-two (62) votes and David received forty-nine (49) votes.

4. On November 9, 2023, the MEC held a hearing to address the provisional ballot challenges. After reviewing the evidence, the MEC denied each challenge to the provisional ballots. The MEC then accepted the nineteen (19) provisional ballots and commingled the challenged provisional ballots with the remaining ballots to determine the final Election count. Town Council determined that David received sixty-five (65) votes and Isom received sixty-four (64) votes.

5. S.C. Code Ann. § 5-15-130 provides that "within forty-eight [48] hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission." Isom timely filed a notice of election contest on November 9, 2023, at 4:43 p.m., providing a concise statement of the grounds for her contest.

6. Specifically, Isom alleged that nineteen (19) individuals fraudulently casted votes in the Election.³ The 19 individuals alleged as fraudulent voters by Isom are distinguishable, in part, from the eighteen (18) individuals challenged by Armstrong and Lewis. For instance, Isom challenged the votes of Timaj G. Divine and Jamar McLaurin, but neither Isom nor Lewis challenged those votes. Conversely, Lewis challenged the votes of Jean Anne Rhymer and Derrick Mayes, but Isom did not challenge those voters. In any event, all ballots cast by the nineteen (19) individuals alleged as fraudulent voters by Isom were comingled with all Election ballots prior to the filing of Isom's Election protest.

7. Pursuant to S.C. Code Ann. § 5-15-130 and the South Carolina Freedom of Information Act, the MEC, Isom, David, and the public were provided due notice of the April 3, 2024 Election contest hearing.

8. Pursuant to S.C. Code Ann. § 7-5-610, eligible citizens of South Carolina are only entitled to vote in municipal elections if they resided within the municipality's corporate limits for 30 days prior to the municipal election and who are registered to vote in that respective county.

³ At the start of the Election contest hearing, Isom informed the MEC that she was no longer challenging the following individuals' votes: James J. Chapel; Colleen T. Finney; Elaine G. Finny; Jerry L. Finney; and Jerry L. Finney, Jr., leaving 14 challenged votes before the MEC as part of the grounds for the Election contest.

9. S.C. Code Ann. § 7-1-25 establishes that “[a] person’s residence is his domicile” and defines as “a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.” For voting purposes, the following factors are considered in determining a person’s domicile: (1) a voter’s address reported on income tax returns; (2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12-43-220(c); (3) a voter’s physical mailing address; (4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles; (5) a voter’s address on legal and financial documents; (6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education; (7) a voter’s address on an automobile registration; (8) a voter’s address utilized for membership in clubs and organizations; (9) the location of a voter’s personal property; (10) residence of a voter’s parents, spouse, and children; and (11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.

10. Isom presented testimony regarding the residency status of Carlisle Cooper; Noble Cooper, Jr.; Noble Cooper III; and Traci Cooper at the time of the Election. Isom’s testimony was based on public property tax records and business records she collected. In addition, Isom submitted Isom Exhibit B to the MEC, which included Horry County property tax records for the property that the Coopers claimed as their residence at the time of the Election. In addition, Agency Exhibit A included additional Horry County and Richland County property tax records. In 2022 and 2023, the Horry County tax records show that the property in the Town of Atlantic that the Coopers claim as their address was taxed at 6% rather than at the 4% ratio given to those claiming legal resident status. Additionally, a certificate of occupancy for the property was not issued until after the Election on January 11, 2024. Traci Cooper’s vehicle was also registered with Richland County for the 2019 to 2023 tax years.

11. On the other hand, David submitted affidavits on behalf of Noble P. Cooper, Jr.; Noble P. Cooper, III; Traci Cooper; and Carlisle C. Cooper.⁴ The Affidavit of Noble P. Cooper, Jr. attested that he was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023. Attached to the affidavit was a vehicle registration dated March 14, 2024, and a driver’s license with an Atlantic Beach address. The Affidavit of Noble P. Cooper, III attested that he was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023. The Affidavit of Traci Cooper attested that she was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023. But attached to the affidavit was a vehicle registration dated March 14, 2024, a driver’s license with an Atlantic Beach address, and a letter dated March 12, 2024, removing the 4% legal resident ratio from their property located in Richland County, South Carolina.

12. Isom called Armstrong as an additional witness, and Armstrong presented testimony regarding the residency status of Glynes Cheatham, K.G. Divine, Timaj G. Divine, Jamar McLaurin, Julianna Hines, Nadiyah Vaughan, Erika Vaughan, Naim Vaughan, Diane Hill, and Marvirstine Briggs-Fisher. Armstrong based her testimony on public property tax records, voter registration records, and business records at the time of the Election. Armstrong testified that

⁴ Both Noble P. Cooper, Jr. and Traci Cooper were subpoenaed by the MEC to appear at the protest hearing, but neither attended.

these individuals were not qualified as residents of the Town of Atlantic Beach, South Carolina for the Election.

13. For Glynnes Cheatham, in 2022 and 2023, the Horry County tax records indicate that the property in the Town of Atlantic Beach that Cheatham claims as her address was taxed at 6% rather than at the 4% ratio given to those claiming legal resident status. The address listed on the tax information is an address located in Virginia. The property was also issued a business license by the Town of Atlantic Beach to operate a for profit business, which is apparently for a vacation rental business. David also submitted information on behalf of Glynnes Cheatham, which included a driver's license with an Atlantic Beach address, voter registration, and receipts for electricity and cable.⁵

14. For K.G. Divine, in 2022 and 2023, the Horry County tax records indicate that the property in the Town of Atlantic Beach received a 4% legal residence ratio. However, the property in the Town of Atlantic Beach that K.G. Divine claims as his legal residence was issued a business license to operate a short term property rental company. The tax assessor records in Philadelphia from 1999 until 2023 show that K.G. Divine and his wife live in an owner-occupied home in Philadelphia. David also submitted an affidavit on behalf of K.G. Divine,⁶ which attested that he was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023. K.G. Divine further attested that he has resided in the Town of Atlantic Beach, South Carolina since July 2, 2019. Attached to the affidavit was a driver's license with an Atlantic Beach address as well as cable, water, and electric bills for the Atlantic Beach property.

15. Timaj G. Divine registered to vote in Horry County on October 4, 2023, for the first time. However, the subpoena requests issued by the MEC with the Richland County and Horry County treasurer's offices and assessor's offices did not yield any results. No information was submitted by David on behalf of Timaj G. Divine.⁷

16. Jamar McLaurin registered to vote in Horry County on October 24, 2023, for the first time. However, the subpoena requests issued by the MEC with the Richland County and Horry County treasurer's offices and assessor's offices did not yield any results. David submitted an affidavit on behalf of Jamar McLaurin, which attested that he was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023. K.G. Jamar McLaurin further attested that he has resided in the Town of Atlantic Beach, South Carolina since October 6, 2023.

17. Juliana Beck-Hines registered to vote in Horry County on September 29, 2023, listing her address as an Atlantic Beach address but included a mailing address for property located in Pawley's Island, Georgetown County, South Carolina. Agency Exhibit A and Isom Exhibit B also indicate that for the tax years from 2021 to 2022, Juliana Beck-Hines received a 4% legal resident ratio on her property located in Georgetown County, South Carolina. In addition, from 2021 to 2023, her vehicle was registered in Georgetown County, South Carolina. On the other hand, David submitted an affidavit on behalf of Julianna Beck-Hines.⁸ The affidavit attested she

⁵ Glynnes Cheatham was subpoenaed by the MEC to appear at the protest hearing, but did not attend.

⁶ K.G. Divins was subpoenaed by the MEC to appear at the protest hearing, but did not attend.

⁷ Timaj Divine was subpoenaed by the MEC to appear at the protest hearing, but did not attend.

⁸ Julianna Hines-Beck was subpoenaed by the MEC to appear at the protest hearing, but did not attend.

was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023, and that she has resided in the Town of Atlantic Beach, South Carolina since August 4, 2023. Attached to the affidavit was a driver's license with an Atlantic Beach address and her voter registration for Horry County.

18. For Marvirstine Briggs-Fisher, in 2022 and 2023, the Horry County tax records indicate that the property in the Town of Atlantic Beach that Marvirstine Briggs-Fisher claims as her address was taxed at 6% rather than at the 4% ratio given to those claiming legal resident status. The address listed on the tax information is an address located in Wake County, North Carolina. The Atlantic Beach property was also issued a business license by the Town of Atlantic Beach to operate a for profit business, which is apparently for a vacation rental business. David submitted information on behalf of Marvirstine Briggs-Fisher, which included a driver's license with an Atlantic Beach address and her voter registration for Horry County.

19. For Diane Hill, in 2022, the Horry County tax records indicate that the property in the Town of Atlantic Beach that Hill claims as her address was taxed at 6% rather than at the 4% ratio given to those claiming legal resident status. David also submitted an affidavit on behalf of Diane Hill. The affidavit attested she was domiciled and was a resident of the Town of Atlantic Beach, South Carolina on November 7, 2023, and that she has resided in the Town of Atlantic Beach, South Carolina for decades. Attached to the affidavit was her voter registration card and other documents with the Atlantic Beach address on them. Absent from this list was a driver's license with an Atlantic Beach address.

20. Nadiyah Vaughan registered to vote in Horry County on August 15, 2023. On his voter registration application, he listed a Maryland address as his mailing address. The Horry County tax records indicate that the property in the Town of Atlantic Beach that he claims as his address was taxed at 6% rather than at the 4% ratio given to those claiming legal resident status for 2023. And his tax information also includes the Maryland address. The property that the Vaughan's claims as their primary residence is also listed with a property management company as a vacation rental home.

21. Erika Vaughan's name was not listed on the Horry County voter's registration list in Isom Exhibit B. Armstrong testified that she received the voter's registration list for this Election. The tax records from Maryland indicate that Erika Vaughan owns a home in Maryland that is listed as her principal residence. David submitted information on behalf of Erika Vaughan, which included a military identification card that did not include an address and voter registration card for Horry County. The voter registration card did not include any information for when the voter registration card was issued.

22. Naim Vaughan's name was not listed on the Horry County voter's registration list in Isom Exhibit B. The tax records from Maryland indicate that Naim Vaughan owns a home in Maryland that is listed as his principal residence.

DECISION ON ISOM'S ELECTION PROTEST

Based on the above findings of fact, the testimony presented by Isom and Armstrong, the exhibits admitted into evidence, the arguments of counsel, and other relevant evidence presented at the hearing and discovered after the Election, the MEC finds that the following individuals were not residents of the Town of Atlantic Beach pursuant to S.C. Code Ann. § 7-2-10 and § 7-2-11 and therefore were not qualified to vote in the Election: Carlisle Cooper; Noble Cooper, Sr.; Noble Cooper III; Traci Cooper; Glynes Cheatham; K.G. Divine; Timaj G. Divine; Jamar McLaurin; Julianna Hines; Nadiyah Vaughan; Erika Vaughan; Naim Vaughan; Diane Hill; and Marvirstine Briggs-Fisher. The MEC further finds that the votes cast by the above-listed 14 individuals were fraudulently cast in the Election and therefore declines⁹ to include these votes in the final count for the Mayoral Election for the Town of Atlantic Beach, South Carolina. *See Broadhurst v. City of Myrtle Beach Election Commission*, 342 S.C. 373, 382 (2000) ("In determining whether an irregularity in the conduct of an election is sufficient to render the result doubtful, 'the rule deducible from the decisions is that all illegally cast ballots shall be deducted from the total number counted for the declared winning candidate, and that all rejected (uncounted), legal ballots shall be added to the total number counted for the declared losing candidate.'") (citing *Easler v. Blackwell*, 195 S.C. 15, 19 (1940))

The ballots cast by the above-listed 14 individuals were inextricably commingled with the other remaining and validly cast ballots in the Election. Because the challenged provisional ballots do not entirely overlap with the voters challenged by Isom, the MEC further finds and determines that the prior stated results of the Election are, in the least, significantly doubtful, and are likely to

⁹ The removal of the 14 fraudulently cast votes causes the total votes cast in the Election to decrease to 115. Based on a total vote count of 115, candidate Isom or candidate David would need to receive or to have received a minimum of 58 votes.

be completely inaccurate. *See Odom v. Town of McBee Election Commission*, 427 S.C. 305, 311 (2019) (“If an irregularity occurs during the course of an election, the election must be invalidated and a new election held only if the irregularity was of the sort that renders doubtful the result of the election.”) (citing *Broadhurst* at 381-82). Accordingly, the MEC declares the Election invalid and requests that Town Council order a special election, specific to Mayoral Candidates Josephine Isom and John David, as soon as such a special election can be scheduled in accordance with state law. *See Odom* at 314, “. . . [Elections] in which there was no way to tell for whom the disputed votes were cast; consequently, the only conceivable conclusion was that the results of the election were in doubt, and the only remedy in those [elections] was a new election.”

FILED
 Horry County
 May 16 2024
 REBECCAH N. EVANS
 CLERK OF COURT
 Horry County
 South Carolina


IN WITNESS THEREOF, THE MUNICIPAL ELECTION COMMISSION, TOWN OF ATLANTIC BEACH, SOUTH CAROLINA has caused this Decision to be signed in its name by its members, attested by the Town Clerk, the Seal of said Town to be impressed hereon, and this Decision to be dated as of the 2 day of May, 2024 and thereafter filed together with all recorded testimony and exhibits with the Clerk of Court of Horry County, South Carolina.

**MUNICIPAL ELECTION COMMISSION,
TOWN OF ATLANTIC BEACH, SOUTH
CAROLINA**

Kenneth McIver, Commissioner


Derrick Stevens, Commissioner


Carolyn Gore, Commissioner

Attest:


Cheryl Percita, Town Clerk
(SEAL)

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TOWN OF ATLANTIC BEACH
2023 ELECTION
CANVASS SHEET
CERTIFICATION OF CANDIDATES

We, the Municipal Election Commission of the Town of Atlantic Beach, hereby certify the following official results for the election of November 7, 2023.

Mayor and Council Seat for term expiring December 31, 2027.

Mayor

Josephine Isom _____

John David _____

Council

Jacqueline Gore 71

Carla Taylor 69

Jerry Finney 62

Shaun Swinson 48

Municipal Election Commissioners



Dated: April 3, 2024



Dated: April 3, 2024



Dated: April 3, 2024

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**Town of Atlantic Beach
Executive Session
Municipal Election Commission Meeting – Challenged Ballots and
Certification of the Elections
10:00 a.m.
Thursday, November 9, 2023
Atlantic Beach Community Center
1010 32nd Avenue South, Atlantic Beach, SC 29582**

AGENDA

All FOI Requirements Have Been Met

Executive Session

1. Call to Order
2. Roll Call
3. Executive Session
 - a. Legal – Motion to enter Executive Session pursuant to Section 30-4-70(a)1)
4. Call to Order and Welcome
5. Moment of Silence
6. **Old Business - None**
7. **New Business**
 - a. Challenged Ballots
 - b. Certification of the Elections
8. **Public Time**
9. **Adjournment**

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Appeal

November 9th, 2023

Town of Atlantic Beach Board of Elections Commission

John David

Re: Town of Atlantic Beach
2023 Election for Mayor

Dear Sir/Madame:

This letter is to protest the certification of the Election for Mayor in which I am shown to have lost by one vote. I have attached a list of 19 provisional ballots which were properly challenged at the Provisional Ballot Hearing. Accordingly, each of these ballots represents a voter who I believe is not a resident of the Town of Atlantic Beach, including four individuals (Carlisle Cooper, Noble P. Cooper, Jr., Noble P. Cooper III, and Traci Y. Cooper) who list the same address as their residence, which is a building under construction for which a certificate of occupancy has not been issued. The inclusion of these ballots improperly changed the outcome of the election.

In light of the aforementioned I, therefore, request that these ballots be excluded, and I be declared the winner of the Election for Mayor of the Town of Atlantic Beach.

With kind regards, I am

Sincerely,

Josephine Isom
Josephine Isom

Enclosure

4:43 pm

Suzanne M. ...
11-9-2023

FRAUDULENT REGISTERED VOTERS LISTED ON ATLANTIC BEACH VOTERS LIST

Note" Please see (astro) * behind every challenge voter

- 1- Carlisle Cooper ***
- 2- Noble P. Cooper Jr.**
- 3- Noble P Cooper III ***
- 4- Traci Y. Cooper ***
- 5- James J. Chappell**
- 6- Glynes E. Cheatham ***
- 7- KG Divine ***
- 8- Timaj G. Divine**
- 9- Jamar McLaurin**
- 10- Colleen T. Finney ***
- 11- Elaine G. Finney ***
- 12- Jerry L. Finney ***
- 13- Jerry L. Finney Jr. ***
- 14- Julianna Hines formally (Beck) ***
- 15- Nadiyah D. Vaughan ***
- 16- MARVIRSTINE Y. BRIGGS-FISHER ***
- 17- Diane Hill ***
- 18- Erica Vaughan ***
- 19- Vaughan's (daughter) ***

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**Town of Atlantic Beach
Executive Session
Municipal Election Commission Meeting
Recount and Certification of the Elections
10:00 a.m.
Friday, November 10, 2023
Atlantic Beach Community Center
1010 32nd Avenue South, Atlantic Beach, SC 29582**

AGENDA

All FOI Requirements Have Been Met

Executive Session

1. Call to Order
2. Roll Call
3. Executive Session
 - a. Legal – Motion to enter Executive Session pursuant to Section 30-4-70(a)1)
4. Call to Order and Welcome
5. Moment of Silence
6. **Old Business**
 - a. Recount.
 - b. Certification of the Elections.
7. **New Business (none)**
8. **Public Time**
9. **Adjournment**

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**TOWN OF ATLANTIC BEACH
TOWN COUNCIL EMERGENCY
CALLED MEETING**

Friday, November 10, 2023

12:30 p.m.

The Town of Atlantic Beach Town Council Emergency Called meeting was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 10th day of November, 2023, and transcribed by Amanda Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.



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APPEARANCES

COUNCIL MEMBERS:

Mayor Jake Evans, Chairman
Councilman Edward Lamar Campbell
Mayor Pro Tem Josephine Isom
Councilwoman Jacqueline Gore

ADMINISTRATION:

Benjamin Quattlebaum Jr., Town Manager
Cheryl Pereira, Town Clerk

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EMERGENCY MEETING

3

1 **Call to Order:**

2 **MAYOR EVANS:** This special called Town Council
3 meeting is called to order this Friday,
4 November 10th at -- 2023 -- Town Council
5 emergency called meeting is called to order
6 this Friday, November the 10th at 12:30 p.m.
7 Roll call.

8 **CLERK:** Councilman Edward Campbell?

9 **COUNCILMAN CAMPBELL:** Here.

10 **CLERK:** Mayor Pro Tem Josephine Isom?

11 **MAYOR PRO TEM ISOM:** Here.

12 **CLERK:** Councilwoman Jacqueline Gore?

13 **COUNCILWOMAN GORE:** Here.

14 **CLERK:** Mayor Jake Evans?

15 **MAYOR EVANS:** Here. Council, I seek a motion to go
16 into our Executive Session for the Municipal
17 Election Commission.

18 **MAYOR PRO TEM ISOM:** So moved ---

19 **COUNCILWOMAN GORE:** So moved -- second.

20 **MAYOR EVANS:** There's a motion and second to go into
21 Executive Session for the Municipal Election
22 Commission. If there are no other questions or
23 comments, roll call.

24 **CLERK:** Councilman Edward Campbell?

25 **COUNCILMAN CAMPBELL:** Yea.



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EMERGENCY MEETING

4

1 **CLERK:** Mayor Pro Tem Josephine Isom?

2 **MAYOR PRO TEM ISOM:** Yea.

3 **CLERK:** Councilwoman Jacqueline Gore?

4 **COUNCILWOMAN GORE:** Yea.

5 **CLERK:** Mayor Jake Evans?

6 **MAYOR EVANS:** Yea. The motion's granted.

7 **Executive Session:**

8 **(Executive Session.)**

9 **MAYOR EVANS:** Council, I seek a motion to come out
10 of Executive Session into the regular session
11 of the special session meeting.

12 **COUNCILWOMAN GORE:** So moved.

13 **MAYOR PRO TEM ISOM:** Second.

14 **MAYOR EVANS:** There's a motion and there's a second
15 to come out of Executive Session into the
16 regular session of this special called meeting.
17 Any other questions or comments? Roll call.

18 **CLERK:** Councilman Edward Campbell?

19 **COUNCILMAN CAMPBELL:** Yea.

20 **CLERK:** Mayor Pro Tem Josephine Isom?

21 **MAYOR PRO TEM ISOM:** Yea.

22 **CLERK:** Councilwoman Jacqueline Gore?

23 **COUNCILWOMAN GORE:** Yea.

24 **CLERK:** Mayor Jake Evans?

25 **MAYOR EVANS:** Yea. The motion is granted.



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General Session:

MAYOR EVANS: We're now in the regular session of the meeting and what was discussed in Executive Session, as you see on the agenda, is the Municipal Election Commission. What we have here is a couple of state law violations that we believe that our Municipal Election Commission is in violation of. This one state law, Section 7-13-75 reads members of local boards of voter registration and elections political activity prohibited, and it goes on to read no member of a county or municipal board of voter registration and elections may participate in political management or in a political campaign over whose election the member has jurisdiction during the member's term of office. No member may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate over whose election the member has jurisdiction. Violation of this section subjects the member to removal by the Governor or appropriate appointive authority. I do believe that there's reason to believe that our Election Commission is in violation of that



1 state law. Okay, there is another violation as
2 well that we believe we may be in violation of
3 here, and this comes to me in the form of a
4 letter from Mr. Paul Curry and it reads re
5 removal for cause of Municipal Election
6 Chairperson Joseph Elliot Montgomery. Dear
7 Mayor Evans, I write to recommend the removal
8 for cause of Joseph Elliot Montgomery from the
9 Town of Atlantic Beach Election Commission.
10 South Carolina Code of Law Section 7-25-108(A)
11 (sic) reads -- Section 7-25-180, unlawful
12 distribution of campaign literature. (A), it
13 is unlawful for a person to distribute any type
14 of campaign literature or place any political
15 posters within 500 feet of any entrance used by
16 the voters to enter the polling place during
17 polling hours on election day and during the
18 early voting period. The poll manager shall
19 use every reasonable means to keep the area
20 within 500 feet of any such entrance clear of
21 political literature and displays, and the
22 county and municipal law enforcement officers
23 upon request of a poll manager shall remove or
24 cause to be removed by, any material within 500
25 feet of any such entrance and distributed or



1 displayed in violation of this section. During
2 polling hours on election day for the Mayor and
3 two Council seats for the Town, I drove towards
4 the Atlantic Beach precinct poll location at
5 the Town of Atlantic Beach Community Center,
6 1010 32nd Avenue South. Upon turning onto 32nd
7 from US 17 South, I noticed that there were
8 campaign signs along either side of 32nd Avenue
9 South state-owned public right-of-way from
10 Highway 17 to 4th Street and along 4th to 31st
11 Avenue South. From the Horry County GIS,
12 Geographical Information Service (sic) website,
13 500 feet from the front entrance of the
14 Community Center extends to just short of the
15 travel portion of Highway 17 and to 31. Upon
16 arrival at the Community Center, I informed Joe
17 Montgomery of state laws, election requirement
18 and of the GIS measurement obtained from the
19 county website. Joe Montgomery's response was
20 arrogant, dismissive of the state law
21 violation. Upon information and belief, Joe
22 Montgomery made no immediate effort in his
23 capacity as the Municipal Election Chairperson
24 to have the offending campaign signs removed
25 from within 500 feet of the entrance to the



1 Community Center. So that's the second state
2 law that I think we may be in violation of and,
3 of course, this morning there was a hearing
4 here and I'm estimating it may have went on
5 maybe at least 30 minutes before I brought to
6 their attention that no one was recording this
7 meeting this morning. And there were people's
8 ballots that they voted spread out over this
9 table here where Cheryl is and Kenneth's
10 sitting there going through them -- and there's
11 a lot of action going on of course. No
12 stenographer, anything being recorded. When I
13 bring this to the attention of the Election
14 Commission Chairperson, the response is he has
15 the other chair -- the other member taking
16 notes, Kenneth McIver is supposed to be taking
17 notes of what's going on. So evidently, they
18 finally realized that there was some violations
19 or something they thought they shouldn't be
20 doing so they called a roll and they ended the
21 meeting so that's why we are here today. So,
22 Council, I'm going to put a motion on the floor
23 that this Election Commission be totally
24 removed. Council, I seek a motion to remove
25 Atlantic Beach's Municipal Election Commission.



EMERGENCY MEETING

9

1 **COUNCILWOMAN GORE:** So moved.

2 **MAYOR PRO TEM ISOM:** Second.

3 **MAYOR EVANS:** There's a motion and a second on the
4 floor to remove Atlantic Beach's Municipal
5 Election Commission. Any other questions or
6 comments? If not, roll call.

7 **CLERK:** Councilman Edward Campbell?

8 **COUNCILMAN CAMPBELL:** Nay.

9 **CLERK:** Mayor Pro Tem Josephine Isom?

10 **MAYOR PRO TEM ISOM:** Yea.

11 **CLERK:** Councilwoman Jacqueline Gore?

12 **COUNCILWOMAN GORE:** Yea.

13 **CLERK:** Mayor Jake Evans?

14 **MAYOR EVANS:** Yea. The motion's granted. Council,
15 I seek a motion to adjourn.

16 **COUNCILWOMAN GORE:** So moved.

17 **MAYOR PRO TEM ISOM:** Second.

18 **MAYOR EVANS:** Motion and a second to adjourn. Roll
19 call.

20 **CLERK:** Councilman Edward Campbell?

21 **COUNCILMAN CAMPBELL:** Yea.

22 **CLERK:** Mayor Pro Tem Josephine Isom?

23 **MAYOR PRO TEM ISOM:** Yea.

24 **CLERK:** Councilwoman Jacqueline Gore?

25 **COUNCILWOMAN GORE:** Yea.



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EMERGENCY MEETING

10

1 **CLERK:** Mayor Jake Evans?

2 **MAYOR EVANS:** Yea. The motion's granted. This
3 meeting is ending at -- what time is it?

4 **FEMALE SPEAKER:** It's 12:10.

5 **MAYOR EVANS:** 12: -- what time?

6 **FEMALE SPEAKER:** 12:53.

7 **MAYOR EVANS:** 12:53. Thank you.

8 (There being nothing further, the meeting was
9 adjourned.)

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CERTIFICATE

This is to certify the transcript of the Emergency Atlantic Beach Town Meeting consists of ten (10) pages. This transcript was prepared by me without the benefit of my being present during the meeting. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this November 13, 2023.



Carla S. Dominick
Court Reporter

Notary Public for South Carolina
My Commission Expires: February 28, 2032



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**TOWN OF ATLANTIC BEACH
TOWN COUNCIL
SPECIAL CALL MEETING**

Tuesday, November 28, 2023

12:00 p.m.

The Town of Atlantic Beach Town Council Special Call Meeting was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 28th day of November, 2023, and transcribed by Amanda Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.



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APPEARANCES

COUNCIL MEMBERS:

Mayor Jake Evans, Chairman
Councilman Edward Lamar Campbell
Mayor Pro Tem Josephine Isom
Councilwoman Jacqueline Gore

ADMINISTRATION:

Benjamin Quattlebaum Jr., Town Manager
Cheryl Pereira, Town Clerk

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1 Call to Order:

2 **MAYOR EVANS:** This special meeting is called to
3 order this Tuesday, November 28th, year 2023 at
4 12:00 o'clock. Roll call.

5 **CLERK:** Councilman Edward Campbell?

6 **COUNCILMAN CAMPBELL:** Here.

7 **CLERK:** Mayor Pro Tem Josephine Isom?

8 **MAYOR PRO TEM ISOM:** Here.

9 **CLERK:** Councilwoman Jacqueline Gore?

10 **COUNCILWOMAN GORE:** Here.

11 **CLERK:** Mayor Jake Evans?

12 **MAYOR EVANS:** Here. That determines that we do have
13 a quorum. I want to take this time out to
14 welcome the general public and, if you would,
15 stand at this time for a moment of silence.

16 **(Moment of Silence.)**

17 **MAYOR EVANS:** And, if you would, a Pledge of
18 Allegiance.

19 **(Pledge of Allegiance recited in unison.)**

20 **MAYOR EVANS:** Due to the circumstances surrounding
21 the November election, we thought it was vital
22 that we be here and take -- and carry out this
23 meeting today. Item -- we're down to Item 5.,
24 consideration to rescind the dissolution of the
25 Town of Atlantic Beach's Election Commission,



1 Council, seek a motion.

2 **COUNCILWOMAN GORE:** I move to reconvene and reaffirm
3 the existence of the Town of Atlantic Beach
4 Municipal Election Commission to the state it
5 had been properly dissolved.

6 **MAYOR EVANS:** Need a second.

7 **MAYOR PRO TEM ISOM:** Second.

8 **MAYOR EVANS:** There's a motion and a second on the
9 floor. Any other questions or comments? If
10 not, roll call.

11 **CLERK:** Councilman Edward Campbell?

12 **COUNCILMAN CAMPBELL:** Yea.

13 **CLERK:** Mayor Pro Tem Josephine Isom?

14 **MAYOR PRO TEM ISOM:** Yea.

15 **CLERK:** Councilwoman Jacqueline Gore?

16 **COUNCILWOMAN GORE:** Yea.

17 **CLERK:** Mayor Jake Evans?

18 **MAYOR EVANS:** Yea. The motion is granted. Council,
19 we're down to Item 6., which is Executive
20 Session. I'll be seeking a motion to go into
21 Executive Session for the discussion of
22 personnel matters related to the Town of
23 Atlantic Beach's Election Commission and
24 receive legal advice related to ongoing
25 litigation and non-litigation matters.



1 on the floor. Any other questions or comments?

2 If not, roll call.

3 **CLERK:** Councilman Edward Campbell?

4 **COUNCILMAN CAMPBELL:** Yea.

5 **CLERK:** Mayor Pro Tem Josephine Isom?

6 **MAYOR PRO TEM ISOM:** Yea.

7 **CLERK:** Councilwoman Jacqueline Gore?

8 **COUNCILWOMAN GORE:** Yea.

9 **CLERK:** Mayor Jake Evans?

10 **MAYOR EVANS:** Yea. The motion's granted.

11 **General Session:**

12 **MAYOR EVANS:** We're now in the regular session of
13 the special meeting and there is some actions
14 that we're gonna take from the discussion
15 during Executive Session.

16 **(Inaudible background noise.)**

17 **COUNCILWOMAN GORE:** I move that we remove Election
18 Commissioner Joe Montgomery for cause in
19 violation of Section 7-13-75 of the South
20 Carolina Code.

21 **MAYOR PRO TEM ISOM:** Second.

22 **MAYOR EVANS:** There's a motion and second on the
23 floor. If there are no other questions or
24 comments, roll call.

25 **CLERK:** Councilman Edward Campbell?



1 COUNCILMAN CAMPBELL: Nay.

2 CLERK: Mayor Pro Tem Josephine Isom?

3 MAYOR PRO TEM ISOM: Yea.

4 CLERK: Councilwoman Jacqueline Gore?

5 COUNCILWOMAN GORE: Yea.

6 CLERK: Mayor Jake Evans?

7 MAYOR EVANS: Yea. The motion's granted. Is there
8 another item we have there?

9 (Inaudible background noise.)

10 MAYOR EVANS: You can go ahead.

11 COUNCILWOMAN GORE: I move that we authorize legal
12 counsel to take all appropriate and necessary
13 action to request the Town in the current
14 Supreme Court litigation and related matters.

15 MAYOR EVANS: There is a motion on the floor. Need
16 a second.

17 MAYOR PRO TEM ISOM: Second.

18 MAYOR EVANS: There's a motion and a second on the
19 floor. Any other questions or comments? If
20 not, roll call.

21 CLERK: Councilman Edward Campbell?

22 COUNCILMAN CAMPBELL: Yea.

23 CLERK: Mayor Pro Tem Josephine Isom?

24 MAYOR PRO TEM ISOM: Yea.

25 CLERK: Councilwoman Jacqueline Gore?



1 COUNCILWOMAN GORE: Yea.

2 CLERK: Mayor Jake Evans?

3 MAYOR EVANS: Yea. The motion's granted. Council,
4 seek a motion to adjourn.

5 COUNCILWOMAN GORE: So moved.

6 COUNCILMAN CAMPBELL: Second.

7 MAYOR EVANS: There's a motion and a second on the
8 floor to adjourn. Any other questions or
9 comments? If not, roll call.

10 CLERK: Councilman Edward Campbell?

11 COUNCILMAN CAMPBELL: Yea.

12 CLERK: Mayor Pro Tem Josephine Isom?

13 MAYOR PRO TEM ISOM: Yea.

14 CLERK: Councilwoman Jacqueline Gore?

15 COUNCILWOMAN GORE: Yea.

16 CLERK: Mayor Jake Evans?

17 MAYOR EVANS: Yea. The motion is granted. Meeting
18 adjourned at 1:15 p.m.

19 (There being nothing further, the meeting was
20 adjourned.)

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CERTIFICATE

This is to certify the transcript of the Atlantic Beach Town Meeting consists of eight (8) pages. This transcript was prepared by me without the benefit of my being present during the meeting. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this November 30, 2023.



Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2031



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**TOWN OF ATLANTIC BEACH
TOWN COUNCIL
SPECIAL SESSION MEETING**

Monday, December 11, 2023

10:03 a.m.

The Town of Atlantic Beach Town Council Special Session meeting was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 11th day of December, 2023, and transcribed by Amanda Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.



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APPEARANCES

COUNCIL MEMBERS:

Mayor Jake Evans, Chairman
Mayor Pro Tem Josephine Isom
Councilwoman Jacqueline Gore

ADMINISTRATION:

Benjamin Quattlebaum Jr., Town Manager
Cheryl Pereira, Town Clerk

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Call to Order:

MAYOR EVANS: This Special Session meeting is called to order this Monday, December 11th, year 2023 at 10:03 a.m. Roll call.

CLERK: Councilman Edward Campbell? Mayor Pro Tem Josephine Isom?

MAYOR PRO TEM ISOM: Here.

CLERK: Councilwoman Jacqueline Gore?

COUNCILWOMAN GORE: Here.

CLERK: Mayor Jake Evans?

MAYOR EVANS: Here.

MR. QUATTLEBAUM: For the record, Councilman Campbell indicated he could not make the meeting today due to a scheduling conflict.

MAYOR EVANS: Okay. Council, seek a motion to go into Executive Session for -- to receive legal advice and update related to pending Supreme Court legal matters and this is the other -- it's legal, motion to adjourn general meeting and enter Executive Session pursuant to Section 30-4-70. Council, seek a motion to go into Executive Session.

MAYOR PRO TEM ISOM: So moved.

COUNCILWOMAN GORE: Second.

MAYOR EVANS: Motion and a second on the table to go



1 **CLERK:** Mayor Pro Tem Josephine Isom?

2 **MAYOR PRO TEM ISOM:** Yea.

3 **CLERK:** Councilwoman Jacqueline Gore?

4 **COUNCILWOMAN GORE:** Yea.

5 **CLERK:** Mayor Jake Evans?

6 **MAYOR EVANS:** Yea. The motion's granted. We're
7 down to Item D. under New Business -- okay.
8 I'm sorry, we're down to Item C., and this is
9 the report on November 7, 2023 municipal
10 election process and status.

11 **(Inaudible background noise.)**

12 **MR. DICKEY:** Thank you, Mayor. Today I'm here to
13 kind of give Council and public an update on
14 what's happened regarding the November 7th
15 election. Obviously, last meeting, the Council
16 and Town took action to reaffirm and reconvene
17 the Election Commission as well as to remove
18 one member in -- who was sitting in violation
19 of state law. Since that time, obviously, it
20 is pressing that we move forward, that the Town
21 moves forward in a legal and ethical manner to
22 try to get this election certified and get that
23 finalized. In doing so, I've been in contact
24 with the two mayoral candidates, the actual
25 position is in dispute. I've been in contact



1 with their respective counsel in trying to
2 schedule the appropriate hearings as we go
3 forward, we -- into certification meetings and
4 possible canvass and hearings. In doing so, I
5 have not had a response from Mr. David's
6 attorney but I have gotten a response from Ms.
7 Isom's attorney and so we will -- we will try
8 to lock down a date on -- to get that done asap
9 so we can have the appropriate hearings on this
10 matter. In doing so, I've been in contact with
11 Mr. David's counsel who provided -- who has,
12 you know, raised some concerns about the
13 composition of the Commission; although you can
14 have two people sit on Commission as a quorum,
15 there have been concerns about there not being
16 three and, a lot of that, I have recommended to
17 the Council that you seek to fill that vacant
18 spot out of respect to Mr. David and out of
19 respect to Mr. David's attorney. With regards
20 to in the interim of things that have been
21 going on, in reviewing things, documentation
22 that has been provided and transcripts
23 regarding the hearing, out of an abundance of
24 caution and as well as looking at the Town
25 itself, trying to make sure the Town is



1 operating in a legally compliant manner and
2 moving forward ethically, I have been in
3 contact with local and -- local, state and
4 federal law enforcement regarding any concern
5 as to -- regarding this election. I think it's
6 prudent for the Town and it's out of respect
7 and concern for the public with regard to what
8 has been going on and that we can make contact
9 with the appropriate authorities to at least
10 show -- demonstrate what's been going on and
11 also to -- to make contact with the appropriate
12 commissions, if any, to just seek some guidance
13 or at least have a third party involved if
14 necessary. These are serious concerns
15 regarding this election and just out of an
16 abundance of caution from a legal perspective
17 and protection of the Town and protection to
18 the respective Council members and Town
19 officials, you know, it seems to be the most
20 prudent and most responsible and ethical way to
21 go forward in doing so. So that's where the
22 Town is on the November 7 election, trying to
23 move forward -- trying to move forward to get
24 a certification and appropriate hearings and --
25 so this can be finalized, and hopefully the



1 Town can do that and we can have a result for
2 this election. Mayor.

3 **MAYOR EVANS:** Thank you. Thank you very much.
4 Council, I guess we're -- I'm seeking
5 nominations for the appointment -- for an
6 appointment to the Atlantic Beach Municipal
7 Election Commission.

8 (Inaudible background noise.)

9 **MAYOR EVANS:** Okay, Council, Mayor Pro Tem Josephine
10 Isom has recused herself from anything to do
11 with Items C. and D. on -- actually, Item D. on
12 the agenda. Council, seek a nomination for the
13 appointment.

14 **COUNCILWOMAN GORE:** I would like to make a
15 nomination, I would nominate ---

16 (Inaudible background noise.)

17 **MALE SPEAKER:** Sir, you're out of order.

18 **MAYOR EVANS:** Go ahead, Jacqui.

19 **COUNCILWOMAN GORE:** I would like to nominate Derrick
20 Stevens for this position ---

21 (Inaudible background noise.)

22 **MAYOR EVANS:** And I support that nomination.
23 Actually, we'll go ahead and make that
24 appointment.

25 **MALE SPEAKER:** You don't have a quorum.



1 **MAYOR EVANS:** Okay, Council, I make a motion -- or
2 seek a motion that we appoint Derrick Stevens
3 to the Atlantic Beach Election Commission.

4 **COUNCILWOMAN GORE:** So moved.

5 **MAYOR EVANS:** Okay there's a -- I second to that
6 motion. If there are no other questions or
7 comments, roll call.

8 **CLERK:** Councilwoman Jacqueline Gore?

9 **COUNCILWOMAN GORE:** Yea.

10 **CLERK:** Mayor Jake Evans?

11 **MAYOR EVANS:** Yea. The motion's granted.

12 **Public Time:**

13 **MAYOR EVANS:** We're down to Public Time. And I have
14 John David.

15 **MR. DAVID:** I think if we're operating in ethics and
16 the law, I'm just curious how you vote on
17 something and not have a quorum, and how do you
18 vote on a boyfriend who lives in the same house
19 with them who's in said election to be the
20 person on the Election Commission that's --
21 also has their mother on the -- on the
22 Municipal Election Commission so I hope you all
23 have fun proving this in court and working it
24 out ethically and legally so I will go on with
25 the other parts that I had. So, I'm quite sure

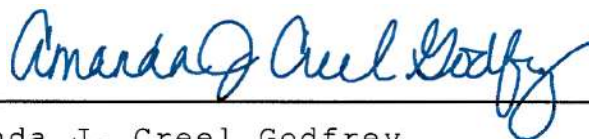


CERTIFICATE

This is to certify that the Town of Atlantic Beach Meeting was held on the 11th of December, 2023. Said meeting consisting of twenty(20) pages, is a true and correct transcript of the record given at the meeting; said meeting was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on December 28, 2023.



Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2031



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Town Council
Mayor, Jake Evans
Mayor Pro Tem, Josephine Isom
Councilmember, Jacqueline Gore
Councilmember, Edward L. Campbell
Councilmember, John W. David, Jr.
Town Manager, Benjamin Quattlebaum

Special Called Meeting
Town of Atlantic Beach Municipal Election Commission
Wednesday, April 3, 2024
1:00 p.m.

FOIA: This meeting agenda was posted at least 24 hours in advance at the Town Hall and Community Center, faxed to the following media North Myrtle Beach Times, Sun News, WBTW, WMBF, WPDE, WMIR, and posted on the TOAB WEBSITE: <https://boxcast.tv/channel/hriov7yurwsygzbggzi>

1. Call to Order
2. Invocation
3. Adoption of Agenda
4. Executive Session
 - (a) Receipt of legal advice regarding Agenda for Election Contest filed by Josephine Isom regarding the November 7, 2023, Town of Atlantic Beach Municipal Election – S.C. Code 30-4-70(A)(2)
5. Call to Order
6. Matters Requiring a Vote as a Result of Executive Session
7. Confirmation of Certification of November 7, 2023 Council Election for the Town of Atlantic Beach Municipal Election
8. Protest Hearing of Mayoral Election filed by Josephine Isom regarding the November 7, 2023, Town of Atlantic Beach Municipal Election
 - (a) Letter of November 9, 2023 from Mayoral Candidate Josephin Isom
 - (b) Confirmation of notice to affected parties
 - (c) Statement and presentation by contestant
 - (d) Statement and presentation by other affected parties
 - (e) Receipt of other testimony and evidence relative to the contest
9. Executive Session/Legal Briefing if needed of Matters Protected by the Attorney-Client Privilege – S.C. Code 30-4-70(A)(2)
10. Matters Requiring a Vote as a Result of Executive Session

11. Election Commission deliberation
12. Election Commission Vote
13. Authorization of Election Commission to issue written order
14. Confirmation of Certification of November 7, 2023, Majoral Election for the Town of Atlantic Beach Municipal Election
15. Adjournment