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SPECIAL MEETING/ELECTION PROTEST HEARING
ATLANTIC BEACH ELECTION COMMISSION
APRIL 3, 2023

TIME: 1 PM

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

REPORTED BY: RONDA K. BLANTON, RPR
CLARK BOLEN COURT REPORTING
CHARLESTON, SC 29407
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EXAMINATION

WITNESSES:

JOSEPHINE ISOM

By Mr. Davis 17
By Mr. Duggan 25

IRENE ARMSTRONG

By Mr. Davis 45
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CERTIFICATE OF REPORTER 103

A P P E A R A N C E S

COMMISSION MEMBERS PRESENT:

KENNETH MCIVER, Chairman
CAROLYN GORE
DERRICK STEVENS

ON BEHALF OF THE TOWN OF ATLANTIC BEACH:

HAYNSWORTH SINKLER BOYD
BY: RONALD T. SCOTT, ESQ.
JOSEPH D. DICKEY, JR., ESQ.
ALEXANDRA C. GLUNT, ESQ.
1201 Main Street, 22nd Floor
Columbia, SC 29201

ON BEHALF OF JOSEPHINE ISOM:

BOYKIN & DAVIS
BY: KENNETH A. DAVIS, ESQ.
220 Stoneridge Drive, Suite 100
Columbia, SC 29210

ON BEHALF OF JOHN DAVID:

CALLISON TIGHE & ROBINSON
BY: IAN T. DUGGAN, ESQ.
1812 Lincoln Street, Suite 200
Columbia, SC 29201

P R O C E E D I N G S

CHAIRMAN MCIVER: It is now 1:03,
and we'll call this to order. My name is Kenneth
McIver. I'm the chair of the Atlantic Beach
Election Commission. And for a roll call, I
would like all the commissioners to introduce
themselves for the court reporter so that she can
get your names.

MR. STEVENS: Derrick Stevens.

MS. GORE: Carolyn Gore.

CHAIRMAN MCIVER: And I'd also like
the attorneys to do the same so the court
reporter can get your names.

MR. SCOTT: Ron Scott with
Haynsworth Sinkler Boyd.

MR. DICKEY: Joseph Dickey,
Haynsworth Sinkler Boyd.

MS. GLUNT: Alexandra Glunt,
Haynsworth Sinkler Boyd.

CHAIRMAN MCIVER: All right. At
this point, if you would, please stand for
invocation.

Good Lord, we want to thank you for
the many blessings that you've given us. Thank
you for this town, for this congregation that's

1 before us today. Dear Lord, please watch over
 2 these meetings. Make them pleasing in your
 3 sight. In your name. Amen.
 4 Counsel, you have -- commissioners,
 5 you have agendas before you. At this time can we
 6 -- noting that all the requirements for
 7 notification has been met, can we please seek an
 8 adoption for the agenda?

9 MR. STEVENS: Motion for adopt the
 10 agenda.

11 MS. GORE: I second that.

12 CHAIRMAN MCIVER: Motion has been
 13 made and second. We will adopt the agenda.
 14 Thank you.

15 At this time, commissioners, we
 16 will now move into executive session for legal
 17 advice. So, apologize for -- okay. I do
 18 apologize. I seek a motion that we call for move
 19 to executive session.

20 MR. STEVENS: I motion to move into
 21 executive section.

22 MS. GORE: I second the motion.

23 CHAIRMAN MCIVER: Motion has been
 24 made and seconded. We will now move into
 25 executive session. All those in favor?

1 MR. STEVENS: Aye.

2 CHAIRMAN MCIVER: Aye.

3 MS. GORE: Aye.

4 CHAIRMAN MCIVER: Okay. Motion has
 5 been made. We'll move into executive session.
 6 Thank you.

7 (Commission goes into executive session
 8 at this time.)

9 CHAIRMAN MCIVER: Commission, I
 10 seek a motion to come out of executive session.

11 MR. STEVENS: Motion to come out of
 12 executive session.

13 MS. GORE: I second it.

14 CHAIRMAN MCIVER: All those in
 15 favor.

16 MR. STEVENS: Aye.

17 MS. GORE: Aye.

18 CHAIRMAN MCIVER: Aye.

19 And we have come out of executive
 20 session. We did receive some legal assistance
 21 from our counselors, and we're just going to move
 22 on forward with our agenda as we adopted.

23 Item 7 talks about the confirmation
 24 of the council race; and we want to just, sort
 25 of, confirm those votes with you. I'll read

1 those that we had confirmed, and they're in the
 2 minutes from November 9.

3 We have David -- John David and
 4 Josephine Isom, two people for mayor's race, John
 5 David, 65; Josephine Isom, 64. Those were the
 6 total vote. The council's race, Jacqueline Gore,
 7 71; Jerry Finney, 62; Shawn Swinson, 48; Carla
 8 Taylor, 69.

9 And the minutes will show in
 10 accordance with the South Carolina Municipal
 11 Election Commission is the commissioners
 12 completed the canvassing of the vote.

13 The next step is a certification of
 14 those votes. We'll do that again once we finish
 15 both hearings.

16 We're now going to move on to the
 17 matter at hand, which is the protest hearing by
 18 Candidate Josephine Isom. I'd like to read into
 19 the minutes her letter.

20 She wrote: "Appeal November 9,
 21 2023. Town of Atlantic Beach Board of Elections,
 22 Commissioner Kenneth McIver. Dear sir/madam,
 23 this letter is to protest the certification of
 24 the election of mayor in which I am sworn to
 25 have -- which I am shown to have lost by one

1 vote.

2 I have attached a list of 19
 3 provisional ballots which were properly
 4 challenged in provisional ballot hearing.
 5 Accordingly, each of these ballots represent a
 6 voter who I believe is not a resident of the Town
 7 of Atlantic Beach, including four individuals --
 8 Carlisle Cooper, Noble P. Cooper, Jr., Noble P.
 9 Cooper, III, and Traci Y. Cooper -- who list the
 10 same address as their residence, which is a
 11 building under construction for which a
 12 Certificate of Occupancy has not been issued.

13 The inclusion of these ballots
 14 improperly changed the outcome of the election.
 15 In light of the aforementioned, I, therefore,
 16 request those ballots be excluded and I be
 17 declared the winner of the mayor of the Town of
 18 Atlantic Beach.

19 With kind regards, I am sincerely
 20 Josephine Isom; and she includes the 19 people
 21 that she has listed.

22 (Commissioner and Attorney consult.)

23 CHAIRMAN MCIVER: And she has
 24 listed on the top: Fraudulently registered
 25 voters listed in Atlantic Beach list. Please

1 note. See astro behind every challenged voter.
 2 Carlisle Cooper, she has an
 3 asterisk.
 4 Noble P. Cooper, Jr., Noble P.
 5 Cooper, III, she has an asterisk.
 6 Traci Y. Cooper, she has an
 7 asterisk.
 8 James Y. Chapel. Glynes E.
 9 Cheatham, there's an asterisk.
 10 K. G. Divine, there's an asterisk.
 11 Kenny G. Divine. Jamar McLaurin.
 12 Colin T. Finney, there's an asterisk.
 13 Elaine G. Finney, there's an
 14 asterisk.
 15 Jerry L. Finney, there's an
 16 asterisk.
 17 Jerry L. Finney, Jr., there's an
 18 asterisk.
 19 Julianna Hines formerly Beck,
 20 there's an asterisk.
 21 Naim D. Vaughan, there's an
 22 asterisk.
 23 Marvirstine Y. Briggs-Fisher,
 24 there's an asterisk.
 25 Diane Hill, there's an asterisk.

1 delivery referenced to the date of March for the
 2 April 3 hearing.
 3 MR. DAVIS: We're not disputing
 4 notification; but notice was not, in fact,
 5 provided. I mean, I don't have a record of a
 6 hand delivery, you know, sent to the office.
 7 MS. ISOM: And I didn't get one. I
 8 just know it was today because I was in the
 9 meeting last time. So, I know it was on the 3rd.
 10 MR. SCOTT: We have record in our
 11 office there was hand delivery by our staff.
 12 MR. DAVIS: Okay.
 13 CHAIRMAN MCIVER: And I just want
 14 to -- before we start, just remind everyone of
 15 decorum that we are -- this is a -- an official
 16 proceeding that's going on. And we would,
 17 please, ask everyone to just be remindful of
 18 that. This is official proceeding going on.
 19 And also in my notes, I just jotted
 20 down everything because I knew I was going to
 21 forget; but I just want to, again, thank the
 22 commissioners for their volunteer time being here
 23 during this rainy day. Just thank you again for
 24 being here and taking part of this very important
 25 proceeding.

1 Erika Vaughan, there's an asterisk.
 2 Vaughan's daughter, there's an
 3 asterisk.
 4 I would now like to confirm that
 5 all parties received the notification of this
 6 hearing.
 7 Councilman David, did you receive a
 8 notification of this hearing?
 9 MR. DAVID: Yes.
 10 CHAIRMAN MCIVER: Councilman Isom,
 11 did you receive a notification of this hearing?
 12 MS. ISOM: From?
 13 MR. DAVIS: We -- we got verbal
 14 notification. Never got a written document
 15 notifying the hearing at 1 o'clock. We were
 16 asked to hold the calendar open at 10 a.m., but
 17 there was never an official notice sent for a
 18 1 p.m. hearing. But we're here.
 19 MR. SCOTT: It was sent to the
 20 office for -- correct. It was hand delivered to
 21 your office --
 22 MR. DAVIS: That was for March 20.
 23 The hand delivery we got was for March 20, and
 24 we've never got anything for April 3.
 25 MR. SCOTT: There was a second hand

1 At this time I'm going to ask the
 2 counselors if they would conduct the hearing of
 3 the protesting, and the respondent for the
 4 proceedings going forth with this protest
 5 hearing.
 6 MR. SCOTT: At this time we'll call
 7 for Mr. Davis, and you are representing Miss Isom
 8 and her protest. You might make your
 9 presentation at this time --
 10 MR. DAVIS: Sure.
 11 MR. SCOTT: -- along with any
 12 witnesses or information that you would like to
 13 present.
 14 Once you are done and if there are
 15 any witnesses that you have called, Mr. David,
 16 your counsel may question any of those witnesses
 17 with respect to the information they present.
 18 I would ask that Mr. Davis not be
 19 interrupted during his presentation, other than
 20 by this body, if they choose to ask questions, as
 21 the chairman has requested decorum.
 22 You may proceed.
 23 MR. DAVIS: Thank you. May it
 24 please the commission.
 25 I'm Kenneth Davis for Josephine

1 Isom, candidate for mayor for Town of Atlantic
2 Beach, November 2023.

3 There was an election. 19
4 provisional ballots were challenged; and prior to
5 the provisional ballot hearing, Miss Isom held a
6 substantial lead.

7 The commission seated at that time
8 with the member, who was later adjudicated to be
9 disqualified from serving as a member, made a
10 determination that each of those provisional
11 ballots was accepted, which then changed the
12 outcome of the election to give Mr. Davis --

13 MR. SCOTT: Mr. Davis, could you
14 come to the podium?

15 CHAIRMAN MCIVER: All right. Also,
16 Chief, can you cut on additional lights? I
17 think -- I think there's another light in the
18 back there.

19 POLICE CHIEF: They're all on.

20 CHAIRMAN MCIVER: They're all on?

21 POLICE CHIEF: Yes.

22 CHAIRMAN MCIVER: Thank you. I'm
23 sorry. Go ahead, please.

24 MR. DAVIS: Okay. And so on the
25 day of the election with the count, Miss Isom had

1 that talks about finality of votes and what's
2 determined and such, but we believe that these --
3 in this unique circumstance where a commission
4 member who sat in judgment of those ballots who
5 was found to have been -- to have violated the
6 law with regards to his service on the
7 commission, specifically for his ties to the
8 candidate in this particular race -- not some
9 random candidate in another race but ties to a
10 candidate in this specific race.

11 So, we believe the results from the
12 provisional ballot hearing should not stand and
13 that Miss Isom should be allowed, basically, a
14 trial de novo on the issue of the voter
15 qualifications of the 19 people listed as part of
16 her provisional ballot challenge and a part of
17 her protest.

18 So, any notion of finality with
19 regards to voter determinations made previously
20 by the commission we believe should be set aside
21 for purposes of this hearing and that the
22 hearing -- the commission should hear these
23 challenges anew.

24 With that said, a number of these
25 individuals were claiming residence on properties

1 a substantial lead. A number of those 19
2 provisional ballots, all of which were accepted
3 by the commission, which included a member who,
4 subsequent to Miss Isom's protest, was determined
5 to have been disqualified from service as a
6 commissioner, which means really he was not
7 improper -- or in a position to properly
8 adjudicate the provisional ballots at the time of
9 the provisional ballot hearing.

10 And, of course, that all developed
11 with a lot of -- this process has been from
12 November now until April, and so that particular
13 fact came after the protest period identified by
14 the law.

15 But we'd also like to just bring
16 forth that to your attention, that the
17 provisional ballot hearing was not properly
18 constituted because of the disqualification of a
19 member of the commission, who then -- who was
20 found -- who was specifically disqualified from
21 service on the commission specifically because of
22 his ties to a specific candidate who is a party
23 to this particular race for which the protest has
24 been raised.

25 And so there's a Statute 7-13-830

1 that were under construction. So, how can you
2 live in a place that's not established for
3 living?

4 A number of these individuals were
5 claiming residence in multiple locations. They
6 were claiming that they were legal residents of
7 Atlantic Beach while applying for and receiving a
8 4 percent tax exemption for residential status in
9 other locations.

10 And so, again, we believe that the
11 commission should consider each of these
12 challenges anew given the unique circumstances of
13 the disqualified member with ties to a particular
14 candidate in this particular race having sat in
15 judgment of those ballots previously.

16 So, with that said, I'd like to
17 call as my witness Miss Josephine Isom.

18 CHAIRMAN MCIVER: Reporter, if you
19 would, please, swear in Mrs. Councilman Isom.

20 JOSEPHINE ISOM,
21 having been first duly sworn, was examined and
22 testified as follows:

23 THE WITNESS: Yes, I do.

24 THE REPORTER: Thank you.

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Can you state your name and full address for the record?

A. Josephine --

MR. DAVIS: Do you mind if she's seated? Please be seated. Probably easier. Sit and we pass the mic, if you don't mind me sitting.

CHAIRMAN MCIVER: That's fine, yes, sir.

Q. Okay. Can you state your name and full address for the record?

A. Josephine H. Isom. I live at 901 29th Avenue, Atlantic Beach.

MR. SCOTT: Do you mind repeating that into the mic.

A. Josephine H. Isom. I reside at 901 29th Avenue, Atlantic Beach.

Q. And how long have you resided there?

A. Ever since 1962.

Q. And how many times have you -- have you voted consistently in Atlantic Beach elections since that time?

A. Yes, I have.

Q. And did you have an occasion to review local property tax records and other building records regarding a number of people who voted in the November '23 election?

A. Yes, I have.

Q. And this is of your -- this is from your own review of those records? You got the information from your own review of those records?

A. I gathered the information from my own view of records.

Q. And I think you -- you previously submitted some documentation through counsel to the commission, and it was provided to the attorney for Mr. David?

A. Yes, I think so. I don't know if they was given to Mr. David. I can't answer that.

Q. Okay. In your protest, you identified a number of people who -- residents you believe were not properly determined?

A. Right.

Q. And among those being Carlisle Cooper; Noble Cooper, Jr.; Noble Cooper, III; and Traci Cooper?

A. Yes.

Q. And what did your review of the records show?

A. That the house is under construction. There's no CO on that house, and the records show that they did live in Columbia.

Q. Okay.

A. And they did not -- they had 4 percent in Columbia, not in Horry County.

Q. And in Horry County what is it showing?

A. Just property owner at 6 percent --

Q. 6 percent.

A. -- on the property.

Q. That's from your review of the record, you provided the information for review?

A. Yes.

Q. And you asked that the Cooper records be accepted as Exhibit 1?

A. Yes.

(Commissioner and Attorney consult.)

CHAIRMAN MCIVER: And just for the record, we -- we have the packet here. Are you going by each person individually first, one by one, and then cross-examined by the respondent?

MR. DAVIS: Whatever the commission's pleasure.

CHAIRMAN MCIVER: Okay. And so just for keeping up, I got your packet here. So, you're starting off for the 1 through 19 and I think -- so --

MR. SCOTT: I think the question, for clarity, that he's seeking is you asked for a certain portion of the information submitted to the -- considered an exhibit, and he's just wanting to clarify on where that can be found in the packet with specificity.

MR. DAVIS: Okay. Okay. It is identified --

CHAIRMAN MCIVER: I don't have them numbered, but I think it's right after a list.

MR. DAVIS: There's a business -- there's a list of voters and immediately after that the voter registration list.

CHAIRMAN MCIVER: Just so on advice of counsel, so for the record, you're going to be talking about all 19, and this -- this pamphlet that we have here, you're going to submit this whole thing for -- for -- in the record; is that correct?

MR. DAVIS: Yes, sir.

CHAIRMAN MCIVER: Okay.

1 MR. DAVIS: Yes.
 2 CHAIRMAN MCIVER: Okay. And that
 3 way that'll just simplify. You're going to be
 4 submitting the whole pamphlet for the record?
 5 MR. DAVIS: Right. And I guess for
 6 simplicity sake, we'll let you know that 10
 7 through 13, the Finney family, we're withdrawing
 8 any testimony on the Finneys.
 9 CHAIRMAN MCIVER: 10 through 13.
 10 You're striking those names?
 11 MR. DAVIS: Right. Right.
 12 MR. DUGGAN: Are they no longer
 13 being challenged?
 14 MR. DAVIS: Right. We're not
 15 challenging the Finneys.
 16 CHAIRMAN MCIVER: Is there any
 17 additional witness for Carlisle Cooper that you
 18 have?
 19 MR. DAVIS: I have no additional
 20 witnesses. We ask that the commission take
 21 judicial notice of the Horry County and Richland
 22 County tax records in that regard.
 23 CHAIRMAN MCIVER: Okay.
 24 MR. SCOTT: Proceed with -- I think
 25 the chair is asking that -- so that Mr. David and

1 to you. Okay. Yes, sir. Got you.
 2 MR. DAVIS: So, with respect to the
 3 Coopers, we ask that the information provided by
 4 Miss Isom be presented as Exhibit 1. And then we
 5 were also given documentation from a subpoena by
 6 the commission itself.
 7 And behind Tab 2, we ask that
 8 Miss Isom's documents be submitted as Exhibit 1;
 9 and then we ask that the subpoena results behind
 10 Tabs 2, 3, and 4 be accepted as -- as Exhibit 2.
 11 2, 3, and 4 the subpoena records for the -- for
 12 commission purposes is the big red packet you
 13 have. 2, 3, and 4, we ask those subpoena records
 14 be accepted as Exhibit 2 with respect to the
 15 Coopers.
 16 MR. SCOTT: The entire packet's
 17 been included as part of the record. So, it will
 18 be submitted as such.
 19 MR. DAVIS: Okay. Thank you. And
 20 after the Coopers --
 21 CHAIRMAN MCIVER: So, your
 22 statement is going to be for the whole Cooper
 23 family --
 24 MR. DAVIS: The whole Cooper
 25 family, yes.

1 his counsel have a chance to cross-examine, you
 2 will complete whatever questions you have with
 3 Miss Isom; and then she will be cross-examined at
 4 that time rather than going through each
 5 individual one and cross-examining that. So,
 6 complete your testimony with Miss Isom.
 7 MR. DAVIS: Sure.
 8 CHAIRMAN MCIVER: Just in respect
 9 to the respondent, that's the procedure; and
 10 that's fine.
 11 MR. DUGGAN: I -- I think I'm
 12 following, sir. And I think I understand the
 13 procedure that the commission is directing.
 14 CHAIRMAN MCIVER: Okay. We're just
 15 going to go through the names with the witness,
 16 and you can have a time to cross-examine at that
 17 time.
 18 MR. DUGGAN: Yes, sir. Thank you.
 19 I appreciate that very much.
 20 CHAIRMAN MCIVER: Okay. All right.
 21 MR. DAVIS: So, again, with
 22 respect -- so, in your package beginning after
 23 the list of voters, you'll see the information
 24 beginning on the -- on the Cooper family.
 25 CHAIRMAN MCIVER: We're catching up

1 CHAIRMAN MCIVER: Okay. Your
 2 testimony applies to each of them collectively?
 3 MR. DAVIS: Each of the Coopers,
 4 yes.
 5 CHAIRMAN MCIVER: Okay.
 6 MR. DAVIS: And I think further,
 7 under the South Carolina statute which prohibits
 8 a husband and wife from having separate legal
 9 residences for tax purposes. So we ask that, you
 10 know, the commission take notice of that fact
 11 also.
 12 The next -- next on this is James
 13 Chapel. We're going to skip over him, and we got
 14 another witness who would testify on James
 15 Chapel. Then we go to No. 6 on the list, Glynnes
 16 Cheatham.
 17 CHAIRMAN MCIVER: Okay.
 18 MR. DAVIS: And actually six will
 19 come from a second witness also. We can go to
 20 No. 7. K. G. -- 7 and 8, K. G. Divine.
 21 CHAIRMAN MCIVER: Okay. When you
 22 say -- I just wanted to check, counsel. You're
 23 skipping five and six. Are you coming back to
 24 them?
 25 MR. DAVIS: I'm coming back to them

1 with another witness.

2 CHAIRMAN MCIVER: Okay.

3 MR. DAVIS: I think Mr. Isom
4 testimony is only going to be limited to the
5 Cooper family, and I'm going to call a second
6 witness after cross-examination to deal with the
7 rest of this. So, we yield now to Mr. Duggan on
8 any questions he may have for Miss Isom.

9 CHAIRMAN MCIVER: All right.
10 Counsel, will you please state your name for the
11 record.

12 MR. DUGGAN: Good afternoon, sir.
13 I'm Ian Duggan with the Callison Tighe Law Firm
14 in Columbia. I'll try to be louder.

15 CHAIRMAN MCIVER: Please speak in
16 the mic.

17 MR. DUGGAN: Yes, sir. I
18 appreciate that. Ian Duggan of Callison Tighe
19 Law Firm in Columbia, and I understand I can go
20 ahead and proceed with cross-examination?

21 CROSS-EXAMINATION

22 BY MR. DUGGAN:

23 Q. Miss Isom, thank you very much for being
24 here this afternoon. I want to start with some
25 questions relating to your protest letter.

1 Q. And you've lived here for how many years
2 again?

3 A. I came in 1962.

4 Q. And care deeply about this town?

5 A. I sure do.

6 Q. And it's your understanding that this
7 commission should declare you the winner of the
8 mayoral race and not Mr. David over there; isn't
9 that right?

10 A. Right.

11 Q. And, again, your letter says -- and
12 correct me if I am wrong -- you be declared the
13 winner of the election for the Town of Atlantic
14 Beach; right?

15 A. Right.

16 Q. And I want to talk about the challenge
17 to your votes here on page 2. Before you
18 submitted this letter, you -- you had the
19 opportunity to talk to your attorney; isn't that
20 right?

21 A. Yes, sir.

22 Q. Okay. And, again, this is something you
23 took very seriously.

24 A. Yes.

25 Q. And you understood the law was that you

1 MR. SCOTT: If you'll share the
2 microphone with her when she responds.

3 MR. DUGGAN: Absolutely.

4 Q. There's a protest letter that appears to
5 have been submitted on November 9 at
6 approximately 4:43 p.m. Do you remember that
7 letter, ma'am?

8 A. Yes.

9 MR. DAVIS: I'm sorry.

10 A. Yes, I do.

11 MR. DUGGAN: How about if I try to
12 keep that -- can everybody hear us okay?

13 MR. DAVIS: Go ahead. It'll be
14 easier.

15 MR. DUGGAN: I promise I won't
16 bite.

17 Q. And before this letter was submitted,
18 this was a very important letter to you; isn't
19 that right?

20 A. Right.

21 Q. And this letter is important because you
22 are -- you are challenging the results of
23 democratic elections here at Atlantic Beach;
24 right?

25 A. Right.

1 had to, in making this protest, submit concise
2 grounds for your challenge; correct?

3 A. Yes.

4 Q. And I want to talk about the precision
5 that was used here because it appears that you
6 have 19 names on -- on the page 2 of this letter.
7 Do you remember that?

8 A. Yes, I do.

9 Q. Okay. Can you help me understand this
10 language that Mr. McIver read into the record?
11 Said, note. Please see astro behind every
12 challenged voter.

13 What did you mean by that?

14 A. Those are the ones that I don't believe
15 live here and that I did the research, along with
16 another witness that will be testifying.

17 Q. Okay. I'm not sure I follow. Why would
18 you have an asterisk behind only certain names
19 but an asterisk not behind other names? You have
20 a copy of this letter in front of you as well.

21 A. Because those are the ones I know
22 personally don't live here.

23 Q. Okay. And so you think that anyone --
24 where does it say that on this letter on page 1
25 or 2 that that -- these are the people you

1 personally know that don't live here?
 2 A. It probably doesn't. It included all of
 3 them, sir.
 4 Q. I see. And who is No. 19 here?
 5 Vaughn's daughter?
 6 A. That's someone I do not know. I don't
 7 know if she lives here or not.
 8 Q. Okay. So, you don't -- you don't know
 9 her at all?
 10 A. No.
 11 Q. Okay. Do you know who -- well, who is
 12 the Vaughan that you're referencing here? You
 13 said Vaughan's daughter. Which Vaughan was --
 14 A. I think he owns a piece of property on
 15 the waterfront. He's in and out, but he's not a
 16 resident. He doesn't live here permanently.
 17 Q. Okay. But do you know his name?
 18 A. I don't know his first name.
 19 Q. Okay. That's Mr. Vaughan?
 20 A. Yes.
 21 Q. And who is -- who is Nadiyah -- Nadiyah
 22 Vaughan, No. 15 on that list?
 23 A. No. 15, I assume that may be kin.
 24 There's a mother and a father and a daughter.
 25 Q. Okay. So, you don't know Naim?

1 A. Not personally, no.
 2 Q. What about Erika Vaughan?
 3 A. No, I do not know them personally.
 4 Q. All right. Of the -- the list here, I
 5 understand -- please correct me if I am wrong --
 6 that the Coopers you do know personally?
 7 A. I know the older folks Coopers. I know
 8 Traci, and that's about all; but I know they
 9 don't live here 'cause the house is under
 10 construction. They didn't have windows or didn't
 11 have some steps. They didn't have -- CO was not
 12 issued by the Town of Atlantic Beach.
 13 Q. All right. And so it's your
 14 understanding, then, that if someone is
 15 renovating a home and putting an addition on the
 16 home, they can't be domiciled or resident of the
 17 town; is that right?
 18 A. No, sir.
 19 Q. I'm --
 20 A. No, I don't know that, sir.
 21 Q. Okay. You don't know. All right. Let
 22 me change gears here momentarily.
 23 We talked -- your counsel spoke about
 24 the -- the former makeup of the election
 25 commission. Do you remember your attorney

1 referenced that?
 2 A. What? The election commission? Sure.
 3 Q. Yes, ma'am. And I guess to be more
 4 specific, Mr. Montgomery, Joe Montgomery, he used
 5 to be a member of the election commission; isn't
 6 that right?
 7 A. Yes, he was.
 8 Q. Okay. And he was an election
 9 commissioner on November 9, right, of 2023?
 10 A. Yes.
 11 Q. Okay. And were you here for the -- the
 12 challenge to the provisional ballots hearing that
 13 took place on that date?
 14 A. Yes.
 15 Q. Okay. And then do you remember who made
 16 those challenges?
 17 A. Yes, I do.
 18 Q. Who was that, ma'am?
 19 A. Irene Armstrong.
 20 Q. Okay. And in connection with municipal
 21 election of November 7, 2023, did she have any
 22 responsibility or role in connection with your
 23 campaign?
 24 A. Did she have any responsibility with
 25 my -- with me on my campaign?

1 Q. Yes, ma'am.
 2 A. No, she didn't.
 3 Q. Was she your designated poll watcher?
 4 A. Yes, she was.
 5 Q. Okay. All right. Thank you for
 6 answering that for me.
 7 And so she made several challenges to
 8 the provisional ballots cast by many of the folks
 9 that are in your protest letter; isn't that
 10 right?
 11 A. Yes.
 12 Q. And on November 9, the commission --
 13 this Municipal Election Commission, they
 14 considered those challenges, took evidence
 15 regarding those challenges, and ultimately
 16 decided to deny all of those challenges to
 17 ballots; right?
 18 A. The commission -- yes. They denied them
 19 and accepted those ballots.
 20 Q. Yes, ma'am. And then at that point,
 21 Mr. McIver, he shuffled them in -- all those
 22 ballots together; right?
 23 A. I can't answer that. I don't know what
 24 he did with the ballots.
 25 Q. Were you here?

1 A. I was here, but I was not up here seeing
 2 him do the ballots.
 3 Q. Okay. Make sure I don't mingle my stuff
 4 with your attorney's here.
 5 Looks like on page 110 of the transcript
 6 from that November 9 hearing, Mr. Burchstead, the
 7 town attorney, said, "You mix them up; right?"
 8 And Mr. McIver responded, "Yeah. And he just
 9 asked if I mixed them up, and I did."
 10 You don't remember that exchange between
 11 the election commission's attorney and
 12 Mr. McIver?
 13 A. There was so much going on that day,
 14 sir, there was so much going on that I don't
 15 recall the attorney saying anything; but I think
 16 I did hear Mr. McIver saying I am mixing them up
 17 or doing something of that sort because I was
 18 sitting in the back. But we weren't allowed to
 19 go up around the table where they were doing the
 20 counting.
 21 Q. Okay. And then that hearing concluded
 22 on November 9; and the election commission was
 23 scheduled to continue proceedings in connection
 24 with the November 7, 2023, election the following
 25 day, November the 10th, 2023.

1 Do you remember that?
 2 A. Repeat that again.
 3 Q. Yes, ma'am. There were proceedings on
 4 November 9.
 5 A. Okay.
 6 Q. And then there was supposed to be
 7 proceedings of the election commission on
 8 November 10; isn't that right?
 9 A. I don't recall the date. Maybe. If you
 10 say so. I don't recall that.
 11 Q. You're not disputing that they were
 12 scheduled to have a hearing on November 10;
 13 right?
 14 A. I don't know.
 15 Q. Okay. And they did, in fact, meet on
 16 the morning of November 10, 2023. Were you here
 17 for that proceeding?
 18 A. If that's the morning that they didn't
 19 have a court reporter, then that would be right.
 20 Q. Okay. And Mayor Evans at one point came
 21 into the commission's hearing and asked them to
 22 stop; is that right?
 23 A. That's the morning they did not have a
 24 court reporter. They have no records of what was
 25 going on with the Atlantic Beach election.

1 Q. And because of that, according to Mayor
 2 Evans, he came in and stopped that proceeding.
 3 Is that your understanding?
 4 A. The procedure were stopped because there
 5 were no court reporter to take minutes, sir.
 6 Q. Yes, ma'am. That's what Mayor Evans
 7 told the commissioner; right?
 8 A. Yes, yes.
 9 Q. And they did stop; right?
 10 A. Yes.
 11 Q. And --
 12 CHAIRMAN MCIVER: Counselor, just
 13 in terms of time, just, sort of, get to your
 14 point.
 15 MR. DUGGAN: Yes, sir. I
 16 appreciate the commission's indulgence. Don't
 17 expect to be too much longer.
 18 Q. And then town council got into it; is
 19 that right?
 20 A. Town council had express called me to
 21 remove a -- a commissioner, if that's what you're
 22 trying to say. It was after that that -- because
 23 they was not following procedure.
 24 Q. And you met on November 10, along with
 25 other members of town council, correct, in the

1 special called meeting, as you said?
 2 A. Yes, there was.
 3 Q. And at that point you voted to remove
 4 Mr. Montgomery as a member -- or I'm sorry. At
 5 that point the town council voted to disband and
 6 dissolve the election commission; is that right?
 7 A. Not to dissolve the commission, sir. It
 8 was to remove --
 9 CHAIRMAN MCIVER: Okay. I just
 10 would like to see the relevance. We're right now
 11 costing --
 12 MR. DUGGAN: Yes, sir. I'd be glad
 13 to speak to that; and this relates to a point
 14 that counsel for Miss Isom made, which was that
 15 the position that -- because this November 9
 16 hearing took place with Mr. Montgomery and he was
 17 later removed from his position, that for some
 18 reason, this commission's final decision as the
 19 law provides should be overturned.
 20 He has called it a -- and I don't
 21 mean to put words in his mouth but words in his
 22 mouth of unique and exceptional circumstances.
 23 So, what I'm trying to provide here
 24 is some background on some other unique or
 25 exceptional circumstances, which is to say that

1 the day after this commission met and counted
2 votes, mingled those votes, Miss Isom first voted
3 to disband this commission.

4 That action was later, for lack of
5 a better term, voided and later voted to remove
6 Mr. Montgomery is my understanding. She did all
7 of these things.

8 So, I think it's very interesting
9 that -- the point that counsel for Miss Isom is
10 making and I'm wishing to respond to that in
11 brief. I think I've kind of laid out the rest of
12 my argument here, and I'd like to solicit just a
13 few more questions from Miss Isom for the time
14 for this particular witness.

15 CHAIRMAN MCIVER: Are we talking
16 still, again, about the -- her witness that
17 she's -- I mean, the statement that she's
18 provided about the Coopers so far that we've
19 gotten to?

20 MR. DUGGAN: Well, sir. I'm not
21 sure of a better witness -- I don't know that
22 Miss Isom is going to testify here today; but
23 with respect to the point that her counsel made,
24 that for some reason we should throw out the
25 final decision of the November 9 hearing, I don't

1 town council removed Mr. Montgomery because he
2 was too closely connected to a particular
3 candidate. That's what -- well, that's what
4 she's asserting.

5 And I think it goes directly to
6 that point to say that -- that Miss Isom played a
7 role in removing this individual from his
8 position, even though she was a candidate in that
9 same race and that the town has all but conceded
10 that. The standing of using this whole election
11 commission was, as us lawyers like to say, ultra
12 vires. That is without any support in the law.

13 So, you know, they're asking all of
14 you to do something very exceptional and unique.
15 I think it's very important to consider that her
16 hands are not apparently clean when it comes to
17 that same point.

18 (Commissioner and Attorney consult.)

19 CHAIRMAN MCIVER: Do you have any
20 other questions for the witness or -- or is that
21 your overall statement again? I just want to
22 see --

23 MR. DUGGAN: I -- I think I've made
24 certain assertions to this commission in good
25 faith, and I expect that this witness will

1 know who else to ask about that than her.

2 She was the candidate. She was a
3 member of the council that voted in that respect,
4 and I think it's important. I didn't raise it.
5 I didn't have any intention of getting into this
6 today until her counsel stated that, for some
7 reason, we should void the final decision that
8 this commission made on November 9.

9 CHAIRMAN MCIVER: Are you -- are
10 you making, like, a blanket statement or -- or
11 are you going to go by her specific individual
12 names that she's listed? Or are you just making
13 a blanket statement that you don't agree with the
14 council's statements or --

15 MR. DUGGAN: Well, this was a point
16 that Miss Isom raised through her attorney; and
17 this line of questioning is intended to directly
18 rebut the opening statement of her counsel.

19 And I think it's important that
20 this commission consider, in assessing the
21 strength of that argument, whether Miss Isom
22 played a -- a personal role.

23 I mean, she's asserted that -- and
24 I don't think the public or the record -- the
25 transcript actually reflects this, but that the

1 testify along the lines of what you've just
2 stated to this commission in response to my
3 direct questions.

4 I would say that I think it's
5 important to capture her responses because that
6 record is what all of us here I think would ask
7 for you to consider. It's not anything outside
8 of the record but what is in the record today.

9 So, that's why I'm -- I know y'all
10 live here, and I'm not denying that everybody has
11 a sense for what has happened; but I'm trying to
12 make sure that I have the opportunity to flush
13 this out with Miss Isom.

14 CHAIRMAN MCIVER: You're saying
15 that you have additional questions for Mrs. Isom?

16 MR. DUGGAN: Yes, sir. I -- I'd
17 like to ask her that same line of questioning
18 that I had this back and forth on very briefly.
19 I -- I don't mean this in any disrespect by any
20 means, but I anticipate my questions will be a
21 lot shorter than the -- the good and decent
22 conversation we've had over these last few
23 minutes.

24 CHAIRMAN MCIVER: I will allow it.
25 Go ahead. Proceed. Please just --

1 MR. DUGGAN: I'll try to keep it
 2 very brief.
 3 CHAIRMAN MCIVER: Yes.
 4 BY MR. DUGGAN:
 5 Q. Miss Isom, I am going to just try to
 6 remember where we left off.
 7 Town council, as I -- as I said, it's my
 8 understanding the November 10 town council voted
 9 to disband or dissolve the Municipal Election
 10 Commission or terminate its existence in one form
 11 or fashion.
 12 Is that your understanding?
 13 A. They did not terminate the whole
 14 commission, sir. They terminated the chairman of
 15 the commission; and if I'm not mistaken, I did
 16 not take a vote in that.
 17 Q. Okay. So, you did not vote --
 18 A. Because I was a candidate.
 19 Q. -- at the time.
 20 A. No. I was at the meeting, but I did not
 21 vote on it. I would have to go back to the
 22 minutes, but it did not dismantle the commission.
 23 I think everybody took it out of quotient. We
 24 did dismantle the chairman of the commission.
 25 Q. Afterward the town council voted to

1 A. Yes.
 2 Q. And that was your vote and who else?
 3 A. Was Councilman Gore and Mayor Evans.
 4 Q. Okay. And you would agree with me that
 5 with a council -- at that point four or five
 6 members? What was the --
 7 A. It's a five-member council.
 8 Q. But four were sitting at that particular
 9 point in time?
 10 A. There was only three present, I think.
 11 Q. Okay. And so all three of you voted,
 12 and that would be a majority three to five;
 13 right?
 14 A. That would be the majority.
 15 Q. So, if there were only two votes, that
 16 would not be a majority; right?
 17 A. Yeah. It would be the majority because
 18 we had a quorum when we opened council.
 19 Q. I see. So, that's from an academic
 20 question here, because you voted in that one;
 21 right?
 22 A. I voted in that one.
 23 CHAIRMAN MCIVER: All right. Just,
 24 again, just trying to see it on relevance,
 25 Mr. Duggan.

1 reinstate the Municipal Election Commission;
 2 isn't that right?
 3 A. Yes.
 4 Q. Okay. And then Mr. Montgomery was
 5 removed from his position on the election
 6 commission by a vote of town council; right?
 7 A. Yes.
 8 Q. And -- and did you participate in that
 9 vote?
 10 A. I don't think so.
 11 Q. Okay. And then Mr. Stevens was
 12 appointed to serve by town council as an election
 13 commissioner. Do you remember that?
 14 A. Yes, I do.
 15 Q. Okay. And did you vote in that vote for
 16 Mr. Stevens?
 17 A. I think I did. Yes, I did.
 18 Q. You did? Okay. And who else voted with
 19 you?
 20 A. All the councils that had been in there,
 21 sir.
 22 Q. Okay. Do you remember how many votes
 23 Mr. Stevens received?
 24 A. Three.
 25 Q. Three votes?

1 MR. DUGGAN: Thank you. I don't
 2 have any additional questions, sir.
 3 MR. DAVIS: Nothing on redirect.
 4 CHAIRMAN MCIVER: Nothing on
 5 redirect. Okay.
 6 MR. DUGGAN: Thank you, Miss Isom.
 7 THE WITNESS: You're welcome, sir.
 8 CHAIRMAN MCIVER: We've talked
 9 about the first four. Are you going back now to
 10 Item No. 7? Or how is your testimony going
 11 forward?
 12 MR. DAVIS: We're going five
 13 through nine and 14 through 19.
 14 CHAIRMAN MCIVER: So, you're coming
 15 back to five?
 16 MR. DAVIS: Right.
 17 CHAIRMAN MCIVER: Okay.
 18 MR. DAVIS: Okay. And so if we
 19 call Irene Armstrong.
 20 CHAIRMAN MCIVER: Miss Armstrong,
 21 if you would please stand and get sworn in by the
 22 court reporter.
 23
 24
 25 IRENE ARMSTRONG,

1 having been first duly sworn, was examined and
2 testified as follows:

3 THE WITNESS: Yes.

4 DIRECT EXAMINATION

5 BY MR. DAVIS:

6 Q. Could you state your name and address
7 for the record?

8 A. Irene Armstrong.

9 Q. Address?

10 A. 505 32nd Avenue South, Atlantic Beach.

11 Q. And did you have a chance to work as the
12 poll watcher for Miss Isom in the November
13 election?

14 A. And for the record, no, I did not. I
15 was in school as the poll watcher. Initially I
16 was not -- no, I was not your --

17 MS. ISOM: I'm sorry.

18 A. I was Miss Gore's poll watcher, and I am
19 the challenger of this 16 or 19 or 16.

20 Q. Right.

21 A. Yes.

22 Q. So, you were challenging votes on behalf
23 of Miss Gore originally?

24 A. I -- I challenged these voters on behalf
25 of Irene Armstrong. I had to have -- in order to

1 appreciate this. I've been put on the spot.

2 Q. Okay. And then did you have a chance
3 to --

4 CHAIRMAN MCIVER: Just a question.

5 How are you -- are you still wanting to be here
6 or do you --

7 THE WITNESS: Well, I -- I'm -- I
8 didn't know that I was supposed to be here. No
9 one ever told me that I needed to be here.

10 Although I'm the one who challenged all of these
11 voters, no one has contacted me and told me that
12 I needed to be here today.

13 That is very wrong. 'Cause with
14 all these counselors in here, you know, someone
15 should have contacted me. Again, I don't like to
16 be put on the spot.

17 CHAIRMAN MCIVER: I think the
18 protester is -- is asking you as a witness. We
19 didn't have knowledge that you were going to be
20 here. So just --

21 THE WITNESS: I wish Miss Isom
22 said, "You got to be there. You're going to be a
23 witness for me." I didn't hear any of that so --

24 CHAIRMAN MCIVER: Okay. Well, it
25 didn't come from us.

1 be at the poll to -- that date to challenge
2 anyone, I had to come under one of the
3 candidates.

4 Q. Okay.

5 A. So, Miss Gore asked me to -- to
6 represent her here.

7 Q. But you reviewed the records regarding
8 the individuals that were listed?

9 A. I reviewed the records and -- and I did
10 identify them.

11 CHAIRMAN MCIVER: Counsel, I'm
12 sorry. If you will state Jacqueline Gore; is
13 that correct? You're talking about Jacqueline
14 Gore?

15 THE WITNESS: Miss Gore, yes.
16 Excuse me, yes. Jacqueline Gore, yes.

17 Q. So, you had the opportunity to review
18 the record regarding James Chapel?

19 A. He did not vote.

20 Q. Okay. But --

21 A. He did not vote in the election.

22 Q. Okay. So, we will withdraw any --

23 A. Yeah, yeah. And I wish someone had told
24 me that I was expected to do this today 'cause I
25 don't like to be unprepared. I really don't

1 THE WITNESS: That is for the
2 record. That is for the record because I really
3 do not appreciate it.

4 CHAIRMAN MCIVER: Just in terms of,
5 counselor, do you feel comfortable with Miss Isom
6 still being represented if she doesn't appreciate
7 being here? Or how do you --

8 THE WITNESS: I don't know where
9 this is going. I don't know what the questions
10 are. I have no problem with the questions, but I
11 just don't like to be thrust into something that
12 I had -- I did not see coming or was not privy to
13 knowing before today.

14 CHAIRMAN MCIVER: And for the
15 record, again, you were a protester for Mrs. --
16 Councilman Jacqui Gore, not Councilman Josephine
17 Isom?

18 THE WITNESS: Yes, yeah. Hold --

19 CHAIRMAN MCIVER: Got you. Okay.
20 Continue if you -- if she is willing.

21 THE WITNESS: And that's fine. So
22 what -- you know --

23 Q. That's what we're doing. Going through
24 the list and then validating the records that
25 were -- that were submitted on there -- in your

1 challenge with regard to those people.
 2 A. Okay.
 3 Q. Right. Just asking you questions
 4 that -- the same documents that was submitted in
 5 the Gore challenge in the provisional ballot
 6 hearing and -- and they're, basically, what was
 7 presented regarding the tax records and -- and
 8 the COs for those people.

9 A. I -- I did challenge them, and it was on
 10 the premise of what was found in the county
 11 records for each one. Let's just back up. Let's
 12 back up for a minute because I don't want this
 13 body to be confused nor anyone else to be
 14 confused in this setting.

15 I'm a resident of Atlantic Beach for
 16 longer than Miss Isom has been here. I came in
 17 '65. I became the Mayor of Atlantic Beach in
 18 1995 and served 12 years.

19 During that point in time, I made it my
 20 business to get an election printout from the
 21 election commission in Columbia to send me a
 22 printout of all the election -- all the -- all
 23 the voters on the election list for the Town of
 24 Atlantic Beach, and I've been doing that since
 25 '95.

1 Miss Isom had hers. Jacqui had her --
 2 Jacqui asked that I be her poll worker, but I
 3 identified all of these names on this sheet based
 4 on what the voters registration list pointed out
 5 because it was under that list for the November 7
 6 election. And I did not recognize -- I was
 7 wondering why these names were on the voter's
 8 registration list that I've been looking at for
 9 20 years, you know.

10 CHAIRMAN MCIVER: Okay. Miss -- if
 11 you can get to the point. Do you have a question
 12 for her specifically?

13 MR. DAVIS: I do.

14 Q. If you're comfortable going forward, I
 15 was going to ask you about the names.

16 A. Yes.

17 Q. And give the documents.

18 A. And I will tell you the names, yes.

19 Q. So, you looked at the records for a
 20 Glynnes Cheatham?

21 A. Yes.

22 Q. And you found that Miss Cheatham had a
 23 vacation property in Atlantic Beach?

24 A. Absolutely.

25 Q. And that she appears to be a resident of

1 Getting a printout of all the folks
 2 listed on the election lists for the Town of
 3 Atlantic Beach because folks used to be purged
 4 off of our lists, and they lived in Atlantic
 5 Beach; but sometime they just disappear off of
 6 our list because they used to purge voters.
 7 So, I became very conscious of that with
 8 my tenure as mayor. So, I've made it my business
 9 to get that voter's registration list every year
 10 that there was an election; and I thoroughly
 11 combed through it so that I could recognize and
 12 be able to recognize the voters that was on our
 13 list.

14 We're only four streets, and I've been
 15 here since '65. I know who lives in Atlantic
 16 Beach and who doesn't. I could throw a stone to
 17 any one of them's home, you know. So, I got this
 18 list; and I looked through this list. And, you
 19 know, I'm going, like, I recognize names that I
 20 knew were not listed. I knew that, and I wanted
 21 to challenge that.

22 So, that's how I became Jacqui's or
 23 Miss Gore's poll watcher because I could not
 24 challenge them unless I came under the auspices
 25 of one of the candidates.

1 Richmond, Virginia?

2 A. Absolutely.

3 MR. DAVIS: And so we ask that the
 4 documents for Miss Cheatham be presented as
 5 Exhibit 3 on behalf of Miss Isom.

6 CHAIRMAN MCIVER: Okay.

7 MR. DAVIS: But then for seven and
 8 eight --

9 MR. SCOTT: You don't have to ask
 10 anything further about the exhibits.

11 Everything's --

12 MR. DAVIS: Okay. Perfect. Okay.

13 Q. And then you looked at the records for
 14 K. G. Divine and Kamage (phonetic) Divine?

15 A. Every last one of them that's on the
 16 list.

17 Q. All right.

18 A. The same thing.

19 Q. And you believe that they live in
 20 Philadelphia, and they don't reside in Atlantic
 21 Beach?

22 A. Those were the records that were pulled.

23 Q. Okay. And that's the same. then, for
 24 Jamar McLaurin (phonetic)?

25 A. Yes.

1 Q. Okay. And you then looked at the
 2 records for Julianna Hines, and it shows that she
 3 had 4 percent residence in Georgetown; and any
 4 property that she have in Atlantic Beach is a
 5 6 percent nonresidential property?
 6 A. Yes.
 7 Q. Okay. And then for Nadiyah Vaughan, you
 8 determined that she's -- your records review
 9 determined that she is not a resident of Atlantic
 10 Beach?
 11 A. Erika, Nadiyah, and Naim.
 12 Q. Okay.
 13 A. The family of three.
 14 Q. Okay. And then Diane Hill, same thing?
 15 A. Diane, yes. The same thing. Although
 16 she's lived in Atlantic Beach, but she's never
 17 became a resident according to the voter's
 18 registration list of -- until 2023 and based on
 19 the registration of her vehicle that she was, you
 20 know, using in Atlantic Beach for the past 15
 21 years.
 22 Q. Okay. And then Marvirstine Briggs-
 23 Fisher.
 24 A. Same. She's not a resident of Atlantic
 25 Beach.

1 A. I don't have any idea who she resides
 2 with. I know her significant other is
 3 Mr. Stevens.
 4 Q. And that's Derrick Stevens?
 5 A. Yes.
 6 Q. Who's sitting here with us today?
 7 A. Yes.
 8 Q. And this election November 7 of 2023 is
 9 something you cared very deeply about; is that
 10 right?
 11 A. Every election. Every election. More
 12 particularly this one because I recognized names
 13 on the list that I knew were not residents in
 14 Atlantic Beach.
 15 Q. And you're married, correct, ma'am?
 16 A. Yes.
 17 Q. And I'm not asking the substance of any
 18 conversations you may have had with your husband,
 19 but something that he cared deeply about as well?
 20 A. I suppose so.
 21 Q. Yes, ma'am. And he was charged with --
 22 A. What does that got to do with anything?
 23 Q. Excuse me, ma'am. If you'll let me
 24 finish my question.
 25 MR. DAVIS: Object. That's beyond

1 MR. DAVIS: And so, again, we ask
 2 that the documents previously discussed be
 3 accepted as exhibits. Have no further questions
 4 for Miss Armstrong at this time.
 5 CHAIRMAN MCIVER: Okay. Respondent
 6 attorney, do you have any questions cross-
 7 examining for Mrs. Armstrong?
 8 CROSS-EXAMINATION
 9 BY MR. DUGGAN:
 10 Q. Mrs. Armstrong, good afternoon, ma'am.
 11 I'm the attorney for John David, and I don't know
 12 if you were in here earlier. I'm going to ask
 13 you several questions, and I'm going to hand the
 14 mic to you; and if you won't mind handing the mic
 15 back to me once you've responded.
 16 You were the poll watcher for
 17 Miss Jacqueline Gore; is that right?
 18 A. Uh-huh, uh-huh.
 19 Q. I'm sorry.
 20 A. Yes, yes.
 21 Q. Thank you, ma'am. And Miss Jacqueline
 22 Gore, who does she reside with?
 23 A. Who does she reside with?
 24 Q. Yes, ma'am. Does anyone live in her
 25 house with her?

1 the scope.
 2 MR. DUGGAN: This goes directly --
 3 if I may respond, sir, this goes directly to this
 4 witness' credibility here today.
 5 (Commissioner and Attorney consult.)
 6 CHAIRMAN MCIVER: Mr. Duggan, if
 7 you'll please just ask specific questions about
 8 this election to Mrs. Armstrong; and we're not
 9 talking about her husband. I don't know if he's
 10 even here.
 11 THE WITNESS: No, huh-uh.
 12 MR. DUGGAN: I don't know if he's
 13 here either, sir, but I -- I think it is
 14 something to consider that -- that this witness'
 15 husband was charged with interfering with this
 16 election.
 17 MR. DAVIS: Objection. This is not
 18 the -- this person is not a party.
 19 MR. DUGGAN: If I could please
 20 continue my expression to the commission.
 21 CHAIRMAN MCIVER: We're going to on
 22 the advice of counsel that we're just going to go
 23 ahead and please direct your questions to
 24 Mrs. Armstrong.
 25 BY MR. DUGGAN:

1 Q. Miss Armstrong, it's my understanding
2 that on or about March 20, 2008, you were charged
3 with three crimes of bribery of election and two
4 counts of misconduct in office.

5 What was the -- how were those charges
6 resolved against you?

7 A. It was all dismissed because it was
8 erroneous. They were all erroneous. It was all
9 dismissed, and my record's been expunged.

10 MR. DUGGAN: Thank you, ma'am. I
11 don't think I have any more questions at this
12 point.

13 MR. DAVIS: Miss Isom has no
14 additional witnesses. We just stand on the
15 testimony of Miss Isom and Miss Armstrong. Ask
16 that any comments that were not -- clearly not
17 allowed by the commission that were any questions
18 that were raised regarding conduct of people who
19 were not before the panel be disregarded and
20 stricken from the record. Thank you.

21 MR. DUGGAN: I don't think they
22 should be stricken.

23 MS. ISOM: They should be.

24 CHAIRMAN MCIVER: Well, we have a
25 question as to whether or not that information

1 off the list. They are not to be considered.

2 MR. DAVIS: That's correct.

3 MR. SCOTT: I think the question
4 with respect to whether to strike the line of
5 questioning by counsel after you directed him not
6 to do so, whether you wish to strike that from
7 the record and that would if that is to be the
8 case beyond considering what is stated, that
9 would need to be a vote of this body to strike
10 that from the transcript.

11 MR. DUGGAN: And at the very least,
12 I understand it; but I do think it is important
13 to preserve a full transcript of this hearing.
14 And so I don't know, again, I'm not conceding the
15 non consideration; but I'm asking about the
16 existence of public records, that it's our
17 position those records are the credibility of
18 this witness because she has stated that her and
19 her husband spoke significantly about this
20 election and that they were very emotional with
21 that. And I think that directly goes to this
22 witness' credibility.

23 MR. DAVIS: That testimony is not
24 before this panel today. She didn't testify
25 about her husband at all. She testified about

1 about Mrs. Armstrong husband should be
2 admissible. We have one counsel that says it
3 shouldn't. One counsel clearly you says it
4 should and --

5 MR. DUGGAN: And I understand if
6 the commission decides not to consider that
7 evidence, sir. What I -- the request that was
8 the commission, A, not consider it; and, B,
9 strike it from the transcript that will be
10 produced. And I do think it is -- it is
11 appropriate.

12 While I can understand there may be
13 a good faith dispute about its relevance, that
14 that information be preserved in the record and
15 not be struck from the record so that potentially
16 future reviewing authorities can consider it.

17 CHAIRMAN MCIVER: Okay. Counsel,
18 is there anything else -- so, just for the
19 record, for the 19 that we have, you have not
20 allowed James Chapel. That name is being taken
21 off of the list.

22 MR. DAVIS: Total of five. Chapel
23 and the four Finneys.

24 CHAIRMAN MCIVER: And then the 10,
25 11, and 12, the Finneys, are going to be taken

1 her husband and her own residence and you
2 can't -- and counsel interjected discussion about
3 her husband who was not a party to the election,
4 who's not on the challenge list, any way had
5 nothing to do with these proceedings.

6 And this was after the commission
7 instructed them not to do. So, if he did so
8 anyway in direct disregard of the instructions
9 from the chair of the commission. Further, he
10 didn't question Miss Armstrong regarding things
11 that have been expunged from the record, which
12 have no relevance as to credibility. That's also
13 improper. So, we ask that the record be stricken
14 on those points.

15 CHAIRMAN MCIVER: So, again, we're
16 going to strike from the record those
17 testimonies -- we're going to -- again,
18 clarification from me in my mind is that we're
19 taking the testimony from Attorney Duggan that we
20 are taking out the testimony about
21 Mrs. Armstrong's husband.

22 And I seek a motion for that. That
23 we're going to strike from the record the
24 testimony from councilman for -- Counsel Davis
25 that -- about Mrs. Armstrong's husband.

1 MR. STEVENS: I seek a motion to
 2 strike it from the record.
 3 MS. GORE: And I second that.
 4 CHAIRMAN MCIVER: It's been second.
 5 All those in favor, raise your hand.
 6 (Two Members respond.)
 7 CHAIRMAN MCIVER: All those
 8 opposed? I'm opposed. Okay. We'll move
 9 forward.
 10 Thank you. Is there anything else
 11 that we need to -- any other testimony that --
 12 MR. SCOTT: Mr. Davis, do you have
 13 any further --
 14 MR. DAVIS: We have no more
 15 witnesses. No. We rest at this point.
 16 CHAIRMAN MCIVER: Okay. At this
 17 time is there anything else, counsel, that you'd
 18 like to talk about your time as well?
 19 MR. SCOTT: Do you have any further
 20 questions of any witnesses that Miss Isom has
 21 presented, or at this time are you coming forward
 22 to present your case with respect to --
 23 MR. DUGGAN: I'm sorry. I -- I
 24 think the answer to that is no because I
 25 understand that Miss Isom's -- she's rested

1 that I would ask that the commission consider.
 2 And then --
 3 CHAIRMAN MCIVER: And you made
 4 additional copies for everyone?
 5 MR. DUGGAN: Sir, I have one copy
 6 for the commission and one copy for the court
 7 reporter.
 8 MR. DAVIS: None for opposing
 9 counsel to review?
 10 MR. DUGGAN: Well, I have a copy
 11 for you as well.
 12 MR. DAVIS: I wanted to make sure.
 13 MR. DUGGAN: You and I can share,
 14 of course, because we're sitting here so closely.
 15 CHAIRMAN MCIVER: Begin, counsel.
 16 MR. DUGGAN: Okay. I want to --
 17 CHAIRMAN MCIVER: I'm sorry. Hold
 18 on one second.
 19 MR. SCOTT: Mr. Duggan, would you
 20 go ahead and provide the copy that you say you
 21 have for this body as well as to --
 22 MR. DUGGAN: Yeah. I've got
 23 about -- I've got about a dozen here or so. Do
 24 you mind if I just -- I'm going to mix them up if
 25 I --

1 her -- her case.
 2 CHAIRMAN MCIVER: Right. But is
 3 there anything, any additional information that
 4 you are presenting that you'd like to have your
 5 statement?
 6 MR. DUGGAN: Yeah, absolutely, sir,
 7 yes.
 8 CHAIRMAN MCIVER: Okay. Go ahead
 9 then.
 10 MR. DUGGAN: And let me --
 11 CHAIRMAN MCIVER: And, again, if
 12 there's any witnesses, again, that you have, we'd
 13 like to hear that.
 14 MR. DUGGAN: If I may again, sir, I
 15 do have several affidavits and accompanying
 16 exhibits. It may be good just to walk through
 17 those one by one and then bring all of these up
 18 to the commission at the end, if that -- that's
 19 all right.
 20 CHAIRMAN MCIVER: Okay. Now, we do
 21 have this. Is there additional information?
 22 MR. DUGGAN: I do. And I
 23 appreciate the nicely bound copy that I
 24 understand town attorneys have put together. I
 25 have additional information that we've gathered

1 MR. SCOTT: Before you address them
 2 though personally, if you -- each one you're
 3 going to go through, will you hand them up?
 4 MR. DUGGAN: Do you mind if I go
 5 through them and hand them up as a stack?
 6 MR. SCOTT: For reference purposes
 7 we'd like to have them first, if we can.
 8 MR. DUGGAN: Let me just take out
 9 the copy for the commission here. All right. So
 10 that's one. Let me -- in fact, let me --
 11 MS. GLUNT: Do you have 12? I can
 12 count.
 13 MR. DUGGAN: Okay. What I
 14 understand would be helpful to confirm here that
 15 I understand that James J. Chapel, Chapel, No. 5,
 16 and then Miss Colleen T. Finney, Mrs. Elaine G.
 17 Finney, Mr. Jerry L. Finney, and Mr. Jerry L.
 18 Finney, Jr. -- that is 10 through 13 -- are no
 19 longer a component of this protest; is that
 20 right?
 21 MR. DAVIS: Right.
 22 CHAIRMAN MCIVER: That's what I
 23 understand as well, sir.
 24 MR. DUGGAN: Thank you. Because
 25 that'll help cut down on some of this paperwork

1 here.

2 MR. DAVIS: I would like to just
3 raise an objection to the presentation of
4 affidavits in lieu of live testimony for people
5 who have not been identified as not being
6 available for some particular reason.

7 CHAIRMAN MCIVER: I think just in
8 terms of the flow of everything, we will -- we
9 will make the determination with counsel, just --
10 I'll allow him to just, sort of, go forward,
11 please, counsel.

12 MR. DUGGAN: Okay. The first
13 affidavit I have is Dr. Traci Cooper. It's a
14 one-page affidavit followed by one, two, three,
15 four -- five pages of attachments. And I've
16 handed one to town council. I'm now handing one
17 to opposing counsel.

18 And the next one I have is on
19 behalf of Noble P. Cooper. It's an affidavit.
20 Noble P. Cooper, Jr., one-page affidavit with
21 one, two, three -- four pages of exhibits.
22 Handing that to town attorney and then one to
23 opposing counsel.

24 The next in line is Noble P.
25 Cooper, III. This is a one-page affidavit

1 registration card. Hand that to opposing
2 counsel, town attorney.

3 Next is Erika Vaughan. And what I
4 have here is a one, two, three -- four-page
5 document consisting of Chief Master Sergeant
6 Erika Vaughan's military identification card,
7 front and back, and Chief Master Sergeant Retired
8 Vaughan's voter card; and I think that's actually
9 her husband is active duty. .So, that's
10 Miss Vaughan.

11 Handing a copy of that to opposing
12 counsel and to the town attorney.

13 Next is Mr. K. G. Divine. One-page
14 affidavit followed by one, two, three, four,
15 five, six, seven, eight -- nine pages of
16 exhibits. Handing that to the town attorney and
17 a copy to opposing counsel.

18 Skip ahead here 'cause we don't
19 need Finneys, apparently. Glynes Cheatham. And
20 this document is a four-page document. That
21 exhibit is a four-page document. It's
22 Miss Cheatham's driver's license, voter
23 registration card, Santee Cooper utility bill,
24 and a Spectrum utility bill. Handing that to the
25 town attorney and to opposing counsel.

1 followed by one, two, three, four -- five pages
2 of attachments and one to the town attorney and
3 one to opposing counsel.

4 The next is Carlisle C. Cooper,
5 one-page affidavit followed by one, two, three --
6 four pages of exhibits. Handing a copy to town
7 attorney, one to opposing counsel.

8 The next is Jamar McLaurin,
9 one-page affidavit followed by one, two -- three
10 pages of exhibits. Handing that to town
11 attorney, opposing counsel.

12 Next is Julianna Hines. This is a
13 one-page affidavit followed by one -- two pages
14 of exhibits. One to the town attorney. One to
15 opposing counsel.

16 CHAIRMAN MCIVER: Who is that last
17 name? I'm sorry.

18 MR. DUGGAN: Miss Julianna Hines.

19 CHAIRMAN MCIVER: Okay.

20 MR. DUGGAN: Next is Marvirstine
21 Briggs-Fisher. Don't have an affidavit here, but
22 what I do have is a one-page document that has
23 picture of Miss -- I'm sorry. This is
24 Marvirstine Beth Briggs-Fisher. I'm sorry. This
25 is a photo of her driver's license and her voter

1 And, finally, I think Diane Hill's
2 affidavit with one, two, three, four, five -- six
3 pages of exhibits. Handing that to town attorney
4 and opposing counsel.

5 MS. GLUNT: 11 total.

6 MR. DUGGAN: I don't know how many
7 that is.

8 MS. GLUNT: That's 11 total.

9 CHAIRMAN MCIVER: Just make sure I
10 have a correct count. Did you have one for Jamar
11 McLaurin?

12 MR. DUGGAN: Yes, I did. I can go
13 over those names real quick.

14 CHAIRMAN MCIVER: I just -- you
15 gave one to Mrs. Alexandra?

16 MR. DUGGAN: Copy, yes, sir.

17 CHAIRMAN MCIVER: And No. 15,
18 Nadiyah Vaughan, you gave one -- yes or no?

19 MR. DUGGAN: I don't believe we
20 gave one for Miss Nadiyah Vaughan.

21 CHAIRMAN MCIVER: And Erika's
22 daughter, and Vaughan's daughter.

23 MR. DUGGAN: That's the same
24 person.

25 CHAIRMAN MCIVER: That's the same

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1 person. Okay. Okay. Okay. All right. So,
2 now, on the advice of counsel, just, again, you
3 have affidavits for all these people. Is there a
4 specific reason they're not here or --

5 MR. DUGGAN: Well, sir, this --
6 before any evidence was taken, this commission
7 accepted into evidence all of the documents
8 provided by opposing counsel and none of which,
9 my -- I just got these today -- are backed up by
10 any sworn testimony.

11 So, if this commission's going to
12 consider documents and other information that on
13 their face are reliable and are here in this
14 hearing accompanied by sworn affidavits, I'm not
15 aware of any rule or law that would prohibit
16 presenting of this information to this
17 commission. I mean, these are all sworn
18 statements.

19 MR. DAVIS: Mr. Chairman, I cite
20 the Rule 43, the Rules of Civil Procedure, which
21 specifically said that all trials of testimony or
22 witnesses shall be taken orally in open court
23 unless otherwise provided by these rules. And I
24 don't hear counsel citing any exception to the
25 presentation of parties.

1 there is a process by which a party who wants
2 people to be present as a witness can ask the
3 commission to subpoena said witnesses; and
4 Mr. Duggan has not availed himself of that
5 process.

6 So, to complain about the
7 commission not subpoenaing people if they have no
8 idea or any knowledge that he knew who should to
9 be called is misplaced.

10 And, again, these proceedings -- my
11 understanding of the state law on the election
12 hearing is that they should be conducted under
13 Rules of Civil Procedure, which means that in all
14 trials, the testimony of the witnesses shall be
15 taken orally in open court unless otherwise
16 provided by these rules; and yet there's been no
17 exception established.

18 Further, as to any type of
19 documentation that was accepted by the commission
20 for Miss Isom, these things are all matters of
21 public record taken from the tax rolls of
22 Richland County, Horry County, Georgetown County,
23 those respective places.

24 These documents are things that
25 this body can take judicial notice of that the

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1 MR. DUGGAN: If I can respond, this
2 is not a proceeding in the Court of Common Pleas.
3 This is a proceeding in the Court of Municipal
4 Election Commission. I'm not aware of any --

5 MR. DAVIS: But the rules --

6 MR. SCOTT: Let Mr. Duggan respond,
7 Mr. Davis.

8 MR. DUGGAN: I'm not aware of any
9 authority that provides that I have to have live
10 testimony here. I don't have the ability to
11 subpoena anybody to be here as far as I
12 understand it.

13 And as far as I understand it, the
14 only person, perhaps, with that opportunity or
15 ability to subpoena witnesses to be here is you,
16 sir, Mr. McIver. I'm not aware of any subpoena
17 that you have issued in connection with this
18 proceeding.

19 So, I would ask that the commission
20 should consider all of these sworn statements and
21 their appended exhibits in reaching a decision
22 here today.

23 CHAIRMAN MCIVER: Mr. Davis,
24 respond?

25 MR. DAVIS: Well, first of all,

1 Horry County tax records say that the Coopers
2 have 6 percent residency and in Richland County
3 tax records say 4 percent.

4 That stuff can be proven based upon
5 established -- based upon the records provided
6 from these particular locales. In fact, if the
7 commission had done subpoenas which, again, back
8 up information with regards to the Coopers and
9 several other people.

10 CHAIRMAN MCIVER: And just last
11 other opinion or -- or --

12 MR. DUGGAN: Yes. You know, sauce
13 from the goose is sauce from the gander. I mean,
14 this commission has already accepted before any
15 testimony was taken, just several minutes ago,
16 that they were going to consider all the
17 documents, all everything.

18 And I didn't object to any of their
19 evidence coming in, even though I could have
20 objected on it. Because this commission had
21 already admitted it into evidence.

22 So, you know, all I'm asking is for
23 the same rule to apply, which, in our opinion,
24 it's very plain that this sort of evidence and
25 this sort of hearing, it's justly admitted based

1 upon affidavit and -- and I think with one
2 exception.
3 You've got a driver's license.
4 There's been no challenge to the authenticity of
5 this -- of this evidence. There's been no
6 challenge -- no specific challenge at all just to
7 say it shouldn't come in, but this commission has
8 already ruled that similar -- very similar type
9 of information should come in without any
10 witness.

11 CHAIRMAN MCIVER: Hold on one
12 second.

13 MR. DUGGAN: If I --

14 CHAIRMAN MCIVER: Hold on one
15 second.

16 MR. DUGGAN: Yes, sir.
17 (Commissioner and Attorney consult.)

18 CHAIRMAN MCIVER: On the advice of
19 counsel, we -- we're going to go ahead and accept
20 the information in for testimony. I'm sorry.
21 Into -- in as evidence.

22 (Commissioner and Attorney consult.)

23 CHAIRMAN MCIVER: We're going to
24 consider the information that Counsel Duggan has,
25 and we'll rule on whether or not we accept it

1 MR. DUGGAN: That is the
2 transcript, sir, that I've just provided to the
3 town attorney of the November 9, 2023, hearing
4 that -- that -- when the provisional ballots were
5 challenged and those ballots -- those challenges
6 to those ballots were denied.

7 CHAIRMAN MCIVER: Okay. Got it,
8 yes.

9 MR. DUGGAN: Before I -- and I
10 think this is an important point, and I'm going a
11 little bit out of order here; but, sir, if you
12 will turn to page 112 of the transcript.

13 CHAIRMAN MCIVER: If I could see
14 here. Hold on one second. (Complies with
15 request.)

16 MR. DUGGAN: 112. It's from the
17 bottom of the page. Numbers off to the side
18 starting on line 20 of page 112.

19 MR. SCOTT: Mr. Duggan, did you
20 bring more than one copy?

21 CHAIRMAN MCIVER: I have additional
22 copies.

23 MR. DUGGAN: I think with the
24 transcript, I only have the two. You can have my
25 copy after we're done, if you'd like.

1 later.

2 MR. DAVIS: I note my exception for
3 the record.

4 MR. SCOTT: Noted.

5 CHAIRMAN MCIVER: All right. All
6 right. Is there any other -- just continuing on,
7 is there other witnesses that you'd like to --
8 you submitted the affidavits. Any other
9 particular witnesses that you would bring forth?

10 MR. DUGGAN: I don't anticipate
11 calling any evidence, but I do have additional
12 documentary evidence that I would ask that the
13 board consider.

14 CHAIRMAN MCIVER: What is that?

15 MR. DUGGAN: What I have here is a
16 transcript titled Certification of Election,
17 November 9, 2023, Town of Atlantic Beach, and
18 this -- let me -- could I have that copy? I'm
19 sorry.

20 MS. GLUNT: Yes.

21 MR. DUGGAN: This is an --
22 inclusive of the table of contents is 143-page
23 document.

24 CHAIRMAN MCIVER: Wait. What was
25 that information?

1 CHAIRMAN MCIVER: Page 112. Got
2 it.

3 MR. DUGGAN: Yes, sir. And I may
4 have misheard, but I'm not sure. This is where
5 Mr. Montgomery as chairman is saying that -- sort
6 of announcing the results of the count. And he
7 said, John David, 65; Josephine Isom, 64. And I
8 believe you stated that.

9 But -- and again, I may have
10 misheard you earlier today. It seems that the
11 numbers you announced earlier did not align with
12 the numbers that are reflected there. That is
13 Jacqueline Gore, 71; Jerry Finney, 62; Shawn
14 Swinson, 48; and Carla Taylor, 69.

15 CHAIRMAN MCIVER: That's what I
16 read, yes, sir.

17 MR. DUGGAN: I'm sorry. If I
18 misheard that, my apologies. I did talk with
19 Mr. Dickey briefly off to the side; but I did
20 want to make sure that I didn't miss hear you,
21 and that was the -- as I understand it, the
22 proper count.

23 CHAIRMAN MCIVER: Yes, sir. That's
24 what I said. Thank you, yes.

25 MR. DUGGAN: Okay. Thank you very

1 much for indulging me. It was important. I
2 wanted to make sure we got it right.
3 I'd like to just briefly speak and
4 do a brief summation of Mr. David's position in
5 connection with this election, if I may now, sir.

6 CHAIRMAN MCIVER: Yes, sir.
7 MR. DUGGAN: Coming through that
8 door, I saw the American flag; and it's seated
9 behind you there with the American flag and the
10 State of South Carolina and then the beautiful
11 seal of the Town of Atlantic Beach and what this
12 country, what this state, and what this town
13 stand for. And that is respect for the law and
14 respect for democracy, and that is really at
15 stake here today; and I don't say that lightly.

16 Many folks take an oath to protect
17 and serve in the Armed Forces, like Mr. David,
18 and law enforcement, like some of those gathered
19 here today, or as public servants, like all of
20 you. I know this is not a position that --

21 CHAIRMAN MCIVER: Volunteer.

22 MR. DUGGAN: Volunteer, yes, sir.
23 And it comes with its fair deal of stress and
24 difficulties because these are important
25 questions that affect fundamental principles

1 about what we stand for as a community.
2 And I use that term very broadly
3 here in the United States and particularly in
4 this day and age. Disputes about elections take
5 on, sort of, a newfound resonance. So, I want to
6 concentrate really on -- on plain and concrete
7 facts, things that I don't think anybody here can
8 reasonably dispute.

9 This town held an election on
10 November 7, 2023. Two days later, this body sat;
11 and it considered many challenges to provisional
12 ballots. This body looked at all the evidence,
13 considered it, very deliberate in its approach,
14 and denied each and every one of those
15 challenges.

16 Later that afternoon, Miss Isom
17 filed her protest; and I don't think it can be
18 disputed that Mrs. Isom's protest overlaps
19 substantially with the provisional ballots.

20 I heard Miss Isom's testimony
21 earlier today about who specifically she's
22 challenging, and I'm still not clear. I mean,
23 it's evolved today. We now no longer have
24 Mr. Chapel or the Finneys being challenged.

25 But it's very obvious to me that

1 this was, sort of, thrown together. And I'm
2 not -- I'm not casting a pejorative sense on
3 that. There are timelines that someone who wants
4 to protest an election has to move about quickly.
5 So, she only had maybe a couple of hours to put
6 this together; but that shows.

7 But what the law provides in this
8 state is that there is no common law right to
9 protest an election. We didn't used to have
10 protests to election, but now our law provides
11 it.

12 But what our Supreme Court has
13 said -- and this is in the letter that, I guess,
14 has already been presented to you March 18, 2024.
15 If I can confirm, that should be in that slim
16 binder, that -- that I understand y'all will be
17 considering. That protests --

18 CHAIRMAN MCIVER: I'm sorry. This
19 is the one to me?

20 MR. DUGGAN: Yes, dated March 18,
21 2024.

22 CHAIRMAN MCIVER: Okay. Yes, sir.

23 MR. DUGGAN: Adherence to the laws
24 regarding protests to elections should be
25 strictly adhered to. That's what our Supreme

1 Court said. And so one of the things our Supreme
2 Court has also said, all challenges have to be
3 concise, that you have to be able to understand
4 in very plain grounds what exactly is going on
5 here.

6 And so when we see this "please see
7 astro behind every challenged voter," that is
8 grounds for this -- this commission to say, "This
9 is not a concise challenge." I'm still confused
10 today. Still being modified today. She's not
11 adding names, but she's taking off names.

12 With respect to Miss Isom, I know
13 she's lived here a long time; but we all know --
14 I grew up in a small town, and I think it would
15 be very bold to say I know everybody's
16 whereabouts every day of the week in every
17 different contest. So, that's -- that's one
18 issue.

19 The other issue here is that this
20 commission's decision on November 9, 2023, was
21 fine. Final. Its decision is final. Miss Isom
22 and her counsel have provided no grounds -- no
23 legitimate grounds suggesting why there's
24 anything under the law that says that you should
25 be able to reconsider this final decision.

1 In fact, on page 4 of my letter is
 2 a -- is a brief passage from Cole versus Town of
 3 Atlantic Beach Election Commission from 2001.
 4 And what that Supreme Court says is the main
 5 purpose of these election laws is to
 6 expeditiously finalize protested municipal
 7 elections in the interest of realizing the
 8 voters' will and seamlessly transitioning
 9 governmental offices.

10 I think that all of us can agree
 11 that the last four months or so has not been a
 12 seamless transition. Lawsuits -- multiple
 13 lawsuits filed. Uncertainty with this result of
 14 this election. This commission being disbanded
 15 or dissolved before being restored before
 16 Mr. Montgomery was terminated from his position
 17 without any due process, really without any
 18 specifics at all, only to have Mr. Stevens --
 19 respecting Mr. Stevens.

20 He was appointed by the town
 21 council, but I do call into question the ability
 22 of someone who is residing with a sitting
 23 councilman. That is, at a minimum -- and I trust
 24 Mr. Stevens will endeavor to be fair here, but
 25 that is at a minimum casting a great shade on

1 got the transcript now in front of you, and there
 2 is no way to tell while preserving the anonymity
 3 of voters who voted for who.
 4 So, we kick out ten votes. We kick
 5 out 15 votes, again, I don't know how many she's
 6 actually challenging. There's no way for us to
 7 declare her a winner. This was a close race by
 8 my count; and when you've got 65 to 64, you do a
 9 recount. And with the two or three write-ins,
 10 you have a runoff election.

11 That should have been done months
 12 ago. Instead, what we have here is this town
 13 expending significant sums to pay for these very
 14 fine attorneys from one of the finest law firms
 15 in the state to come here.

16 And not just that, but for them to
 17 sit and -- and really I -- I think call into
 18 question or challenge the neutrality of this
 19 commission as an objective and neutral fact
 20 finder, to produce 12 tabs of information -- I
 21 don't know -- hundreds of pages potentially.

22 In South Carolina our judges don't
 23 go out looking for evidence. They let the
 24 parties have a -- a firm but a fair fight. And
 25 so I -- I'm really fundamentally concerned with

1 his -- on the perception of fundamental
 2 principles of the rule of law and democracy to
 3 have someone so closely related to the town
 4 council being put in that position, while sitting
 5 as a member of the planning commission, a dual
 6 office, over prohibition, put into a difficult
 7 situation he's been put in today.

8 So, November 10, this commission
 9 gets disbanded before later being restored.
 10 Miss Isom, if you look back at the transcripts
 11 and find what she voted and what she didn't vote
 12 in, but there are significant issues with what
 13 has transpired the last four months.

14 The voters of the Town of Atlantic
 15 Beach deserve better. This town is better than
 16 what has happened the last four months. I am
 17 very concerned about the way that this process
 18 has transpired. I understand Miss Isom's
 19 position. She, obviously, cares deeply about the
 20 town and feels like she was wronged in some way
 21 and denied the mayoral election.

22 But as far as I understand the law,
 23 there is no ability for this commission to just
 24 declare her the winner. I was sitting right back
 25 there when I saw you shuffle the ballots. We've

1 this commission or -- or with the town attorneys
 2 going out and gathering evidence, again, for
 3 what?

4 This commission has already made
 5 its final decision. We've put in front of you
 6 one, two, three, four, five, six, seven, eight,
 7 nine, ten -- 11 exhibits that address these on
 8 the head. And, you know, you would think I would
 9 be just going through the law ad nauseam about
 10 what "domicile" is.

11 And I can speak to that, if the
 12 commission wants me to; but I'll cover this in
 13 more length if the commission wants me to.

14 CHAIRMAN MCIVER: Briefly.

15 MR. DUGGAN: But since 1917 the
 16 Supreme Court case of Clarke v. McCown, the
 17 intention of a person is the controlling element
 18 of deciding whether that person has a domicile in
 19 a particular place.

20 The Attorney General of South
 21 Carolina has addressed this in three separate
 22 opinions: One on June 11, 1993, one on March 17,
 23 2004, and another -- the same one on March 17,
 24 2004. And they have that Supreme Court decision
 25 determining domicile of an individual.

1 A person may move from his original
2 home and living place and live elsewhere but
3 retain its legal domicile at his original home
4 and be able to return to his original home to
5 vote.

6 We see that all the time. College
7 students, they go off to Clemson and Brown
8 University. Good for them. That's great. These
9 are the sort of people we should be hoping come
10 back and participate in our democratic process.

11 The permanent residence of the
12 elector is not affected by the temporary absence
13 if the intention of such absence is not to be
14 permanent.

15 I had to move out of my house when
16 we were getting our home renovated. Does that
17 mean I wasn't a citizen and a resident? Wasn't
18 domiciled in Columbia, South Carolina? Heck no.
19 Heck no. And so, I mean, Miss Isom, credit to
20 her, she doesn't know all of these people; but
21 she assumes just because she doesn't know them,
22 they must not be domiciled here, but that's not
23 the law.

24 And, again, you don't even reach
25 this question today. You don't. This commission

1 that is in place. Recount the votes. The vote
2 is the same -- I assume this commission can do a
3 good job of counting. Then we have a runoff.
4 Then we move ahead.

5 But when a decision invalidates the
6 election, the town council, not this body, shall
7 order a new election notice to the parties
8 concerned.

9 And -- and finally, I'll note too,
10 I mean, this is not what we're here today to
11 decide Miss Isom's protest to the mayoral seat.
12 We've got two other council members who won by a
13 wide margin. That is not a seamless transition
14 of democracy.

15 There are important questions at
16 stake here. I don't know why it was included,
17 but my 70-page something lawsuit that I filed on
18 behalf of several other citizens of Atlantic
19 Beach is included. That's important.

20 And it's important that when a town
21 council elected by the citizens of Atlantic Beach
22 have their right -- have their voice heard when
23 it comes to that and a multitude of other issues
24 that affect -- that are important to this town.

25 So, I want to -- before I close, I

1 has made its decision. There's no grounds to
2 overturn or even reconsider its prior decision;
3 and to the extent that there's been some
4 allegations that Mr. Montgomery acted improperly
5 or conducted himself outside the law, where's the
6 beef? You know, where is the -- the findings by
7 the town council that occurred? There aren't
8 any, and she certainly hasn't presented it today.

9 Where was Mr. Montgomery's
10 opportunity to have his day and defend himself
11 before a town council? Didn't happen. It didn't
12 happen.

13 At most, I'll quote from South
14 Carolina Code 5-15-130. In resolving the
15 contested election, the municipal election
16 commission will conduct a hearing on the contest,
17 decide the issues raised, file its report
18 together with all recorded testimony and exhibits
19 with the Clerk of Court of the county in which
20 the municipality is situated and notify the
21 parties concerned of the decision made.

22 This commission has -- nowhere in
23 that law does it say this commission, you just
24 unilaterally, three people, appoint the next
25 mayor. The most it can do is follow the process

1 want to note that, you know, none of this
2 material that -- that the town attorneys have put
3 together and, obviously, worked very hard on, we
4 think it would be improper to consider any of
5 this material.

6 You know, it wasn't introduced by
7 Miss Isom; and it's not the proper role of this
8 body sitting as a neutral and impartial fact
9 finder to go out and gather evidence. It's just
10 not right.

11 Miss Isom has had much longer than
12 really anybody else, I think, to prepare for
13 today, to put on her strongest case, to carry her
14 burden of proof; and she's simply not done it,
15 and she can't do it because this body has already
16 made its final decision.

17 So, we ask you to follow the law to
18 ensure the integrity of elections in the Town of
19 Atlantic Beach and to send a message to all the
20 voters here, all the citizens here and citizens
21 across South Carolina and, frankly, this country,
22 that we follow the rule of law here. And the
23 democracy's important.

24 Thank you.

25 CHAIRMAN MCIVER: Thank you.

1 Is there any other cross-
2 examination?

3 MR. DAVIS: Frankly, I don't have
4 anybody to cross-examine; but there's no witness
5 to present. So, we just, basically, ask that the
6 entire testimony of Mr. Duggan be stricken from
7 the record.

8 He is -- he is an advocate in the
9 proceeding. He is not a witness who can testify
10 to the -- and the documents that were presented.
11 They were not authenticated. No foundation laid
12 for presentation of said documents.

13 And so we ask that the documents
14 not be considered and that any so-called
15 testimony of Mr. Duggan be stricken from the
16 record because he didn't present any witnesses
17 and -- and the contrasts from Miss Isom's
18 testimony.

19 Miss Isom testified as to documents
20 that she presented from her own personal
21 knowledge having gathered them which show up in
22 the Horry County, Richland County, Georgetown
23 County public tax records that we ask the body to
24 take judicial notice of.

25 We presented Miss Armstrong who

1 are either public records for this body to take
2 judicial notice of with respect to the matters
3 stated therein, and then the commission disregard
4 the testimony from counsel which was not
5 presented through any kind of witness, with any
6 kind of foundation laid or any documents
7 presented.

8 Thank you.

9 CHAIRMAN MCIVER: Just to clarify,
10 just as a person of the commission for
11 November 9, I -- I just want to say that a lot of
12 the information that he says from his affidavit
13 as a member of the commission for November 9,
14 there were people that were there.

15 So, I just, you know. I don't know
16 if they're allowed for this meeting; but as a
17 continuation from November 9, we -- we did the
18 same as well so --

19 MR. SCOTT: Just to clarify what
20 Mr. Chair said. When you did say for the record
21 he was not accepting on its face the information
22 that Mr. Duggan brought to the meeting today, he
23 just said it would be considered and a
24 determination would be made as to whether it
25 would be included or not.

1 testified regarding documents that she personally
2 gathered from the Horry County and Richland
3 County and Georgetown County and Maryland and
4 Virginia records. There was foundation laid for
5 them, and we offered them.

6 The documents and the packet for
7 the commission, we attempted to offer them as a
8 part of the testimony with the respective
9 witnesses. We were told it was already
10 considered taken care of.

11 And so then what we have is a party
12 who laid foundation for documents through
13 testimony from live witnesses. Then we have
14 testimony of counsel without any foundation laid
15 for any documents, including affidavits, which
16 were presented from parties in derogation of
17 Rule 43, which requires live testimony from
18 witnesses unless there is some exception noted in
19 the rule; and there is no exception noted in said
20 rule.

21 And so, again, we ask that the
22 commission listen to the testimony of Miss Isom,
23 which is a witness, listen to the testimony of
24 Miss Armstrong, who is a witness, listen to
25 the -- the foundation laid for the documents that

1 MR. DAVIS: All right. And then I
2 guess I would say that 7-13-830, the statute
3 talking about formalities, no matter is beyond
4 judicial review in this state.

5 I mean, the statute says what the
6 final of that process is; but this is a review --
7 a fact finding body. And so, therefore, this
8 body sitting today, not the body sitting in
9 November but this body sitting today, can
10 consider facts regarding the election process.

11 CHAIRMAN MCIVER: Thank you. Thank
12 you. Anything else?

13 (Commissioner and Attorney consult.)

14 CHAIRMAN MCIVER: Is there anything
15 else? We're going to go into executive session.

16 MR. DUGGAN: Yes, sir. I -- my --
17 my assertions to the commission as an advocate
18 for Mr. David are not testimony. I never
19 suggested otherwise. Very similar to counsel for
20 Miss Isom's opening remarks and the remarks he
21 just made.

22 So, you know, it's hard for me to
23 square my concession that I didn't -- I'm not
24 speaking evidence. It's argument. It's trying
25 to advocate on behalf of the client, just like

1 Miss Isom's counsel did.
 2 You know, I'm not aware and -- and
 3 counsel for Miss Isom cannot point to any rule
 4 that says that y'all can't consider affidavits/
 5 sworn statements by folks that this commission
 6 has, in large part, already heard from on
 7 November 9.

8 This testimony's consistent with
 9 what they provided back on November 9 in the
 10 affidavit. As I understand, that's the practice
 11 been for many years in Atlantic Beach. It would
 12 be a pretty fundamental change and a very
 13 different interpretation of what we've had in the
 14 past.

15 And, again, I think it's just
 16 fundamentally unfair to not consider these
 17 affidavits and other evidence that we've
 18 presented in documented form when this commission
 19 has already said that they didn't need to lay a
 20 foundation. They were just going to consider all
 21 the material that Miss Isom produced.

22 I just got that stuff today. I
 23 couldn't go through all that stuff today. So,
 24 the commission wanted to consider it, let's put
 25 it all out. Let's have a good fair fight, again,

1 nearly as possible in enforcement of the
 2 procedures and Rules of Evidence observed by
 3 Circuit Court to this date.

4 MR. DUGGAN: And we routinely
 5 submit affidavits in connection with questions
 6 like this.

7 CHAIRMAN MCIVER: Thank you.
 8 Commissioners, I seek a motion that we go into
 9 executive.

10 MR. STEVENS: I motion we go into
 11 executive session.

12 MS. GORE: I second that motion.

13 CHAIRMAN MCIVER: Motion has been
 14 made and seconded. All those in favor?

15 MR. STEVENS: Aye.

16 MS. GORE: Aye.

17 CHAIRMAN MCIVER: Aye. We'll be
 18 back in a second.

19 (Commission goes into executive session
 20 at this time.)

21 CHAIRMAN MCIVER: Commission, I
 22 seek a motion that we come out of executive
 23 section.

24 MR. STEVENS: Motion that we come
 25 out of executive session.

1 with the understanding that to respond briefly, I
 2 understand judges can review decisions. What
 3 counsel for Miss Isom has not given any view or
 4 any authority that speaks to this election
 5 commission reconsidering its final decision.

6 So, if that's an issue for the
 7 courts, that's an issue for the courts; but, you
 8 know, she has a right to go to court, I suppose.
 9 But this decision was final, and there's no
 10 provision of the law that -- that grants the
 11 authority to this commission, however it's
 12 constituted, to reconstitute and reconsider its
 13 final decisions.

14 CHAIRMAN MCIVER: Thank you.

15 MR. DUGGAN: I'm going to go ahead
 16 and hand the exhibits we had -- y'all already
 17 have them. I'm sorry. Just to summarize, the
 18 transcript of the November 9 hearing, a copy of
 19 my letter; and I'm going to go ahead and hand the
 20 court reporter the other exhibits we have, if
 21 that's all right.

22 MR. DAVIS: Mr. Chair, just note
 23 for the record Section 7-17-570 provides that --
 24 with regards to conduct of election protest
 25 hearing provides for and conduct a hearing as

1 MS. GORE: Second that motion.

2 CHAIRMAN MCIVER: The motion's been
 3 made that we come out of executive session. All
 4 those in favor.

5 MR. STEVENS: Aye.

6 MS. GORE: Aye.

7 CHAIRMAN MCIVER: Aye.

8 So, we have come out of executive
 9 session. Just, again, I want to thank you all
 10 for waiting and being here. Again, I want to
 11 thank -- personally thank the commissioners for
 12 your volunteer work and your participation in
 13 this very important process of -- of your duties.

14 There was a -- I'd like to seek a
 15 motion that we accept the packet of counsel --
 16 Councilwoman Josephine Isom and we also accept
 17 the packet of Councilman John David's, that they
 18 were presented to the MEC, and we will present --
 19 we will consider both of them as we make our
 20 decisions, and I make a motion that we accept
 21 that motion.

22 Along with the -- I'm sorry. Along
 23 with the agenda, the packet that were presented
 24 by counsel, that we consider all of that and
 25 accept all of that into the record.

1 MR. STEVENS: Make a motion to
 2 accept it.
 3 MS. GORE: I second the motion.
 4 CHAIRMAN MCIVER: It's been moved
 5 that we accept all the information that was
 6 presented and for the record, we keep all that
 7 information; and all those in favor?
 8 MR. STEVENS: Aye.
 9 MS. GORE: Aye.
 10 CHAIRMAN MCIVER: Aye. Motion has
 11 been carried.
 12 All right. Couple of motions.
 13 Finding of fact. Motion one. I move that the
 14 Municipal Election Commission of the Town of
 15 Atlantic Beach make a finding of fact based on
 16 records before us at this protest hearing that
 17 Ms. Julianna Hines was not a resident of the Town
 18 of Atlantic Beach at the time of the mayoral
 19 election of November 7, 2023, and that votes cast
 20 by such individual is deemed to be fraudulent
 21 votes and shall not be considered in the final
 22 vote counted for the mayoral race.
 23 MR. STEVENS: Motion to --
 24 MR. SCOTT: That was a motion. We
 25 just need a second.

1 are Carlisle Cooper; Noble Cooper, Jr.; Noble
 2 Cooper, III; Traci Cooper; Glynes Cheatham;
 3 Knowledge G. Divine; Kamage Divine; Jamar
 4 McLaurin; Naim Vaughan; Marvirstine Briggs-
 5 Fisher; Diane Hill; and Erika Vaughan.
 6 Commissioners, the motion's been made.
 7 MR. STEVENS: Second the motion.
 8 CHAIRMAN MCIVER: Motion has been
 9 seconded. All those in favor?
 10 MS. GORE: Aye.
 11 MR. STEVENS: Aye.
 12 CHAIRMAN MCIVER: And I oppose.
 13 Decision motion. I make a motion
 14 that based on the forgoing findings of fact and
 15 the fact that the now invalid votes are no longer
 16 segregated, the final vote count of the
 17 November 7, 2023, mayoral election is deemed
 18 significantly doubtful; and the mayoral election
 19 is hereby deemed invalid.
 20 I further move that the Atlantic
 21 Beach Town Council order a special election for
 22 the position of town mayor specific to
 23 Ms. Josephine Isom and Mr. John David as soon as
 24 possible. Can be -- as soon as possibly can be
 25 scheduled.

1 MR. STEVENS: Second the motion.
 2 I'll second the motion.
 3 CHAIRMAN MCIVER: So, the motion
 4 was made and accepted.
 5 Question about that. This -- was
 6 Miss Hines' one of the people that was also
 7 presented to us for the -- the affidavit hearing,
 8 and we didn't accept her then. We're not going
 9 to accept her at this time. All those in favor.
 10 MR. STEVENS: Aye.
 11 MS. GORE: Aye.
 12 CHAIRMAN MCIVER: And aye. We're
 13 not considering Mrs. Julianna Hines' vote.
 14 Finding of fact, Motion 2, I move
 15 that the Municipal Election Commission of the
 16 Town of Atlantic Beach make a finding of fact
 17 based on the record before us at this protest
 18 hearing that the following individuals were not
 19 residents of the Town of Atlantic Beach at the
 20 time of the mayoral election November 7, 2023,
 21 and votes cast by such individuals are deemed to
 22 be fraudulent votes and shall not be considered
 23 in the final votes specific for their -- the
 24 mayoral election.
 25 Those specific named individuals

1 Commissioners --
 2 MR. STEVENS: I second the motion.
 3 CHAIRMAN MCIVER: It's been moved
 4 and seconded. All those in favor?
 5 MS. GORE: Aye.
 6 MR. STEVENS: Aye.
 7 CHAIRMAN MCIVER: Aye. The motion
 8 carried.
 9 So, at this time we're going to
 10 certify the council election since that was not
 11 part of the protest hearing where Jacqui Gore,
 12 71; Carla Taylor, 69; Jerry Finney, 62; Shawn
 13 Swinson, 48 votes dated November the 3rd, 2024.
 14 MR. DUGGAN: I'm sorry, sir.
 15 April 3?
 16 CHAIRMAN MCIVER: April 3, 2024.
 17 Thank you.
 18 The MEC will prepare, with the
 19 assistance of our attorney, a written order
 20 setting out this decision and direction. We will
 21 provide copies of this order to all parties
 22 involved in the protest.
 23 And I seek a motion.
 24 Commissioners, I need a second, please.
 25 MS. GORE: Second. I second the

1 motion.
 2 CHAIRMAN MCIVER: All those in
 3 favor?
 4 MR. STEVENS: Aye.
 5 MS. GORE: Aye.
 6 CHAIRMAN MCIVER: And aye.
 7 MR. DUGGAN: I do have one
 8 administrative matter, sir, that I think it's
 9 important to draw the commission's attention to.
 10 I'd be referencing page 78 of the November 9,
 11 2023, transcript.
 12 By record, sir, I believe this is
 13 regarding Miss Julianna Hines; and as I
 14 understood, sir, you to say that Ms. Hines' vote
 15 was challenged and that challenge was granted on
 16 November 9 hearing.
 17 I -- I'm just looking at the
 18 transcript here. This is page -- bottom of
 19 page 78, and Chairman Montgomery seconds the
 20 motion that you brought and it -- both Miss Gore
 21 and Mr. Montgomery voted in favor of counting
 22 that vote; and I understand it was counted.
 23 It's a little bit hard to tell from
 24 the transcript here; but I just would just draw
 25 your attention, I guess, in making this opinion

1 CERTIFICATE OF REPORTER
 2 STATE OF SOUTH CAROLINA
 3 COUNTY OF HORRY
 4 I, Ronda K. Blanton, a Registered
 5 Professional Reporter and Notary Public for the
 6 State of South Carolina at Large, do hereby
 7 certify that the witnesses in the foregoing
 8 hearing were by me duly sworn to testify to the
 9 truth, the whole truth, and nothing but the truth
 10 in the within-entitled cause; that the
 11 proceedings in the foregoing hearing were taken
 12 at the time and location therein stated; that the
 13 testimony of all witnesses and all statements
 14 made at the time of the hearing were recorded
 15 stenographically by me and were thereafter
 16 transcribed by computer-aided transcription; that
 17 the foregoing is a full, complete, and true
 18 record of the hearing and of all statements made
 19 at the time of the hearing.
 20 I further certify that I am neither related
 21 to nor counsel for any party to the cause pending
 22 or interested in the events thereof.
 23 Witness my hand, I have hereunto affixed my
 24 official seal on April 15, 2024, at Myrtle Beach,
 25 Horry County, South Carolina.

Ronda K. Blanton
 NCRA REGISTERED PROFESSIONAL
 REPORTER, RPR
 Notary Public,
 State of South Carolina at Large
 My Commission expires:
 May 15, 2028.

1 here. Because I read that in a different fashion
 2 than I understand you've stated today.
 3 (Commissioner and Attorney consult.)
 4 CHAIRMAN MCIVER: Thank you.
 5 MR. DUGGAN: Yes, sir.
 6 CHAIRMAN MCIVER: All right. And
 7 what you've all been waiting for. Counsel, I
 8 move we adjourn this hearing November (SIC) 3,
 9 2024.
 10 MR. STEVENS: I second the motion.
 11 CHAIRMAN MCIVER: Motion has been
 12 seconded. All those in favor?
 13 MS. GORE: Aye.
 14 MR. STEVENS: Aye.
 15 CHAIRMAN MCIVER: And I agree. And
 16 this protest hearing is adjourned.
 17 (Proceedings concluded at 5:55 p.m.)
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Shaun Swinson S
Town Council Candidate
Town of Atlantic Beach
Shaunswinsonsr@gmail.com
(843)732-4247

April 3, 2024

Town of Atlantic Beach Election Commission
Atlantic Beach, SC 29582

Subject: Appeal of Decision to Certify Ineligible Voters for Town Council Election and Not for Mayoral Race

Dear Atlantic Beach Election Commission,

I am writing to appeal the decision made by the Election Commission to certify ineligible voters for the town council election but not for the mayoral race. I believe that this decision is unjust and goes against the principles of fair and democratic elections.

It has come to my attention that 9 voters who are not eligible to vote in the town council election due to residency requirements have been allowed to cast their votes. This is a clear violation of election laws and undermines the integrity of the electoral process. Furthermore, it is deeply concerning that these ineligible voters were allowed to participate in the town council election while being excluded from the mayoral race.

It is imperative that all elections are conducted in a fair and transparent manner, and that the integrity of the electoral process is upheld. All voters should be held to the same standards and eligibility requirements, regardless of the specific race they are voting in. Allowing ineligible voters to participate in one election while excluding them from another sets a dangerous precedent and erodes public trust in the electoral system.

I respectfully request that the Election Commission reevaluate its decision and take immediate action to rectify this situation. All ineligible votes cast in the town council election should be invalidated, and measures should be put in place to prevent similar incidents from occurring in the future.

I trust that the Election Commission will act swiftly and decisively to address this matter and ensure that all future elections are conducted in a fair and impartial manner. Thank you for your attention to this appeal.

Sincerely,


Shaun Swinson Sr.


Tracie L. Steele (witness)

Sent from my iPhone

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Town of Atlantic Beach
717 30th Avenue South
Atlantic Beach, SC 29582
Mail PO Box 5285
N Myrtle Beach, SC 29597
Phone No. 843-663-2284
Fax No. 843-663-0601

Mayor:
Jake Evans

Council Members:
Jacqueline Gore
Edward Campbell
John David, Jr.
Carla Taylor
Town Manager:
Benjamin Quattlebaum

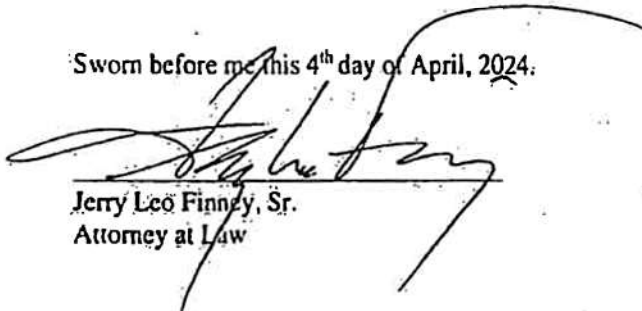
OATH OF OFFICE

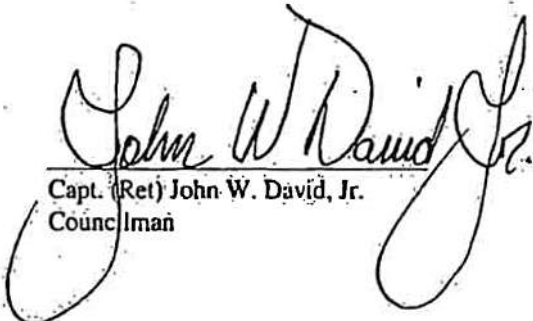
I, **Carla Taylor**, do solemnly swear that I am duly qualified, according to the constitution of this state to exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the constitution of this State and of the United States. So, help me God.


As Council Member of the Town of Atlantic Beach, I will equally, fairly and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to the law the purposes for which I have been elected. So, help me God.


Carla Taylor

Sworn before me this 4th day of April, 2024.


Jerry Leo Finney, Sr.
Attorney at Law


Capt. (Ret) John W. David, Jr.
Councilman


Cheryl Pereira
Town Clerk

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STATE OF SOUTH CAROLINA

COUNTY OF Horry

Josephine Ison
APPELLANT(S)

VS.
Town of Atlantic Beach
Election Commissioners.
RESPONDENT(S)

2024 CP 262537
COMMON PLEAS CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

The plaintiff/defendant (circle one), Josephine Ison hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Horry.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 3rd day of April, 2024.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

This letter is to appeal the new election that was ordered on April 3rd, 2024, for Mayor in the town of Atlantic Beach.

The Chairman, Mr. Kenneth McIver stated that there were 13 considered fraudulent ballots. These were thrown out of the election.

FILED
HORRY COUNTY
2024 APR 12 11:35
RENEE N. EVANS
CLERK OF COURT
HORRY COUNTY, SC

Dated: April 12, 2024

Josephine Ison
Appellant (or his attorney)

Appeal Letter

20 24 CP26 2537

April 11, 2024

Josephine Isom
901 29th Ave
Atlantic Beach, SC 29582

Re: 2023 Election for Mayor, Town of Atlantic Beach
Town of Atlantic Beach Board of Election Commission
Kenneth McIver: Chairman
Derrick Stevens: Commissioner
Carolyn Gore: Commissioner

FILED
HORRY COUNTY
2024 APR 12 A 11:35
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Dear Sir/Madame:

This letter is to appeal the new election that was ordered on April 3rd, 2024, for Mayor in the town of Atlantic Beach.

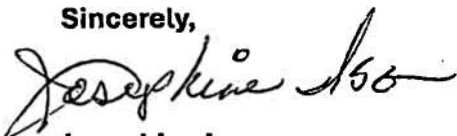
The Chairman, Mr. McIver stated that there were 13 votes considered **FRAUDULENT ballots**. These were thrown out of the election. This would affect the number of votes in the Mayor and Council race; therefore, I am requesting a recount of all the ballots.

The news media reported me as the projected winner with 56% of the votes on the election night. John David did not have enough votes to win. After the challenged ballots were counted fraudulently, it showed him having one vote more than I had.

On April 3, 2024, the Chairman stated the ballots were **commingled**. This situation needs to be investigated as to how this is possible.

I, therefore, request that the (13) ballots be excluded, and I be declared the winner of the Election for Mayor of the Town of Atlantic Beach.

Sincerely,


Josephine Isom

Cc: Kenneth McIver: Chairman
Derrick Stevens: Commissioner
Carolyn Gore: Commissioner

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) ***

FILED
Horry County
2024 APR 12 A 11:36
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

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**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
1201 MAIN STREET, 22ND FLOOR
P.O. BOX 11889 (29211)
COLUMBIA, SOUTH CAROLINA 29201
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JOSEPH D. DICKEY, JR.
DIRECT 803.540.7909
jdickey@hsblawfirm.com

April 15, 2024

VIA EMAIL

Ken McIver, Chairman
Town of Atlantic Beach
Municipal Election Commission

VIA EMAIL

Benjamin Quattlebaum
Town Manager
Town of Atlantic Beach

Re: Status of Town Council and November 2023 Municipal Election Protest Appeals Process

Dear Mr. Quattlebaum and Mr. McIver:

It has been brought to my attention that there appears to be many questions surrounding the current composition and status of Town Council as well as questions regarding how the appeals process will proceed following the November 2023 Municipal Election Protest Hearing held on April 3, 2024. It is our hope that this advisory letter can provide additional guidance and address any confusion, whether willful or otherwise, among the parties involved, the Municipal Election Commission (“MEC” or the “Commission”), and Town Council.

As an initial matter, the conclusion of the April 3, 2024, protest hearing did not resolve the November 2023 municipal election. Based on the evidence obtained, the MEC found that certain voters, as identified in Councilwoman Josephine Isom’s protest, voted fraudulently in the November 2023 Town of Atlantic Beach municipal elections. The MEC also found that the improperly casted ballots were mingled with other ballots cast by qualified voters. Based on Supreme Court precedent in *Odom v. Town of McBee Election Comm’n*, 427 S.C. 305, 831 S.E.2d 429 (2019) and *Broadhurst v. City of Myrtle Beach Election Comm’n*, 342 S.C. 373, 537 S.E.2d 543 (2000), the MEC determined that the commingling of votes in this circumstance rendered the results of the election highly doubtful and recommended that the election for Mayor be invalidated pursuant to S.C. Code § 5-15-130. As a result, the MEC recommended that Town Council schedule a special election for Mayor. In addition, during the MEC hearing, there was an agenda item for the MEC to certify the election of the two council seats that were on the November 2023 ballot. In order for the Commission, or any other governmental body to act, there must be official and legal steps taken. To accomplish certification, it required the MEC to consider a proper motion to certify the election of those Town Council seats and

Re
Date:
Page 2

take an affirmative vote to certify. During the hearing, the MEC was advised of the same, however the Commission never took those actions but moved forward with executing the certification documents.

Whether formal and legal certification took place or not, the results of the MEC hearing triggered one of the candidates for the open council seats, Mr. Shaun Swinson, to submit a written protest of the election based on the grounds that fourteen (14) votes were deemed fraudulent and his belief that this factual finding should have affected the vote counts in the council seat elections as well. State law provides that such a protest should be filed within forty-eight (48) hours after the closing of the polls. See S.C. Code § 5-15-130. Notwithstanding the timeliness of the challenge, the MEC must take formal action to deny, accept, or otherwise adjudicate the protest filed. No single member of the Commission can unilaterally or informally make determinations and take action on behalf of the Commission. Accordingly, we recommend that a public meeting of the Municipal Election Commission be scheduled as soon as possible to allow for the receipt of legal advice and to allow the MEC to publicly vote on whether it will proceed to hear the election protest or whether it will summarily dismiss the protest as untimely filed. Either way, we recommend that this be done at a public MEC meeting and by public vote to allow for an expeditious handling of this matter.

As for any appeals from Councilwoman Josephine Isom and/or Councilman John David, the parties to the protest, they have ten (10) days from the Commission's decision to file an appeal to Horry County Circuit Court. See S.C. Code § 5-15-140. At the expiration of the ten (10) days, any appeal would most likely be deemed untimely. See S.C. Code § 5-15-130. However, the circuit court, much like the MEC, would have to take formal action to properly adjudicate the filing.

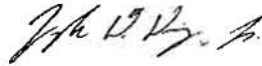
In the context of the above analysis, the composition of Town Council should remain as it has until the November 2023 election, protests, and appeals, if any, regarding the same are resolved. Presently, there is a pending protest regarding the council seats that prevents those presumed winners from being seated. Similar to the Mayor's seat, those council seats will remain in a holdover status until the November 2023 election and all proceedings are resolved. This is no different than the procedure the Town followed regarding the special election of January 2023. It is unclear as to why there would be any question on these types of proceedings and the holdover status of Town Council members in office prior to the November 2023 election, given the Town's recent experience with the same situation. To be clear, it is our opinion that any efforts to seat new Town Council members until the above election protests have been resolved would be unlawful. I further note that South Carolina law prohibits the mayor or any member of council from voting on issues arising in any contest in which he is a party. See S.C. Code § 5-15-130. We believe this exclusion expressly prohibits the affected Town Council members from weighing in on any of the associated issues and from deciding upon any matters or steps taken by Town Council to resolve the foregoing protests.

**HAYNSWORTH
SINKLER BOYD**

Re
Date:
Page 3

I trust that this correspondence provides some clarity to all involved and that matters related to the November 2023 election can, for now, move forward absent any continued acts to distort the integrity of the process and the election.

Sincerely,



Joseph D. Dickey, Jr.

cc: Town of Atlantic Beach Mayor and Council
Town of Atlantic Beach Municipal Election Commission
Town of Atlantic Beach Police Department
Cheryl Pereira, Town of Atlantic Beach Clerk
Ian Duggan, Esq., attorney for Councilman John David, Noble Cooper, III and family,
Jerry Finney, Jr., and family, and S.T.A.R.D.
Rob Tyson, Esq., attorney for Councilman John David, Town of Atlantic Beach resident
William Booker, and other interested Town of Atlantic Beach residents
Kenneth Davis, Esq., attorney for Councilwoman Josephine Isom
C.D. Rhodes, Esq., attorney for Town of Atlantic Beach

**E
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From: k3840@sc.rr.com <k3840@sc.rr.com>

Sent: Monday, April 15, 2024 4:37 PM

To: 'Dickey, Joseph' <JDickey@hsblawfirm.com>

Cc: 'benjamin.quattlebaum@aol.com' <benjamin.quattlebaum@aol.com>; 'C.D. Rhodes' <cdrhodes@popeflynn.com>; Rob Tyson <rtyson@robinsongray.com>; 'Kenneth Davis' <kdavis@boykinlawsc.com>; 'Ian T. Duggan' <ianduggan@callisontighe.com>; 'Cheryl Pereira' <cheryl@townofatlanticbeachsc.com>; 'johndavid@townofatlanticbeachsc.com' <johndavid@townofatlanticbeachsc.com>; 'elcampbell45@gmail.com' <elcampbell45@gmail.com>; 'gore_jacqui@yahoo.com' <gore_jacqui@yahoo.com>; 'evans.jake1@outlook.com' <evans.jake1@outlook.com>; 'js.isom@hotmail.com' <js.isom@hotmail.com>; 'Scott, Ronald' <rscott@hsblawfirm.com>; 'Glunt, Alex' <aglunt@hsblawfirm.com>; 'Derrick Stevens' <bossderrick25@yahoo.com>

Subject: RE: Advisory Letter Concerning Atlantic Beach November 2023 Election and Protest/Appeal Proceedings

Mr. Dickey:

This email is to acknowledge receipt of your advisory emails dated April 5th, April 12th, and now April 15th. Please see my response below.

Josephine Isoms' Protest Appeal

In accordance with the South Carolina Municipal Elections Handbook (page 23), Ms. Isom has filed an appeal to the Court of Common Pleas. I received a copy on April 12th. As stated in the Handbook, the appeal shall "act as a stay of further proceedings" pending the outcome. Therefore, no further action is required from the Commission.

Shawn Swinson Matter

Mr. Swinson delivered a letter dated April 3rd, 2024 (I received it via text and email on April 4th) with a subject, "Appeal of Decision to Certify Ineligible Voters for Town Council Election and Not for Mayoral Election."

Mr. Swinson's letter is clearly referring to the outcomes of the Mayoral Election protest hearing, asserting that he was an "aggrieved party" to the protest hearing. The Municipal Elections Handbook states "any aggrieved party may appeal to the Court of Common Pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within 10 days." I informed Mr. Swinson he will need to seek assistance from an attorney.

Further, candidates are made aware of protest and appeal processes. A reminder of the appeals process occurred when we counted the unofficial results on November 7th, 2023. Your point regarding the timeliness of Mr. Swinson's notice is well known. If Mr. Swinson plans to pursue an appeal of the decision to "certify ineligible voters for the town council," we look forward to receiving notice of his filing in the Court of

Common Pleas. Therefore, no further action is required from the Commission.

Certification of Town Council Votes

The Municipal Election Handbook states:

Certifying election results (page 20)

After canvassing, the MEC certifies the final vote totals making them official. Election results are certified by a quorum of the commission (at least two members) signing their names to a canvass sheet. Canvass sheets should contain the name of the municipality, name of the election, election date, signature blanks and certification date. Winners should be marked on the results.

During the April 3rd Municipal Election Commission Meeting, the following occurred:

Confirmation of Certification of November 7th, 2023 Town Council Election was originally listed as item 7 on the published agenda.

Prior to approval of the agenda, the item was moved to follow the protest hearing.

The agenda, including the Confirmation of Certification of November 7th, 2023 Town Council Election, was approved by a unanimous Commission vote.

After the protest hearing, during the fourth-hour in the meeting, I announced we will now certify the Town Council Election, and I re-stated the count.

In accordance with the guiding documents of the South Carolina Law and the Municipal Elections Handbook, a quorum of Commissioners was present, and the canvass sheet, prepared by the Town Clerk containing the names of the Town Council candidates and the total votes received, was circulated for signature.

The canvass sheet read:

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

Each Commissioner read and signed the canvassing sheet without questions, indicating their concurrence with the language, the count, and the process. The winners were marked on the signed canvass sheet in the presence of the Commissioners and the public.

Given that all three Commissioners signed the sheet, without question or concern, we have completed the process.

Certification/ affirmation of the election results is by signature not by voice vote or motion. There is no requirement for a motion. The approving action is the signed canvass sheet. In addition, as required, the canvass sheet certifying the Council Election, has been submitted to the Horry County Elections Office in a timely fashion for closure. There is no further action required by the Atlantic Beach Municipal Elections Commission with regard to certification of the November Town Council Election.

Thank you again for your support. I look forward to receiving the draft of your report from our April 3rd Municipal Elections Commission meeting to be shared with the Town Council for informational purposes only. I will report to the Town Council that as a result of the appeal of the protest hearing, we will await the Court's directions as to the next steps rather than request that a new election date be set.

Kenneth McIver, Chairman

From: "Dickey, Joseph"
To: "k3840@sc.rr.com", "benjamin.quattlebaum@aol.com"
Cc: "C.D. Rhodes", "rtvson@robinsongray.com", "Kenneth Davis", "Ian T. Duggan", "Cheryl Pereira", "johndavid@townofatlanticbeachsc.com", "elcampbell45@gmail.com", "gore_jacqui@yahoo.com", "evans.jake1@outlook.com", "js.isom@hotmail.com", Ronald, Alex, "Derrick Stevens"
Sent: Monday April 15 2024 2:12:56PM
Subject: Advisory Letter Concerning Atlantic Beach November 2023 Election and Protest/Appeal Proceedings

Good afternoon all:

Please find attached our firm's advisory letter concerning the current status of the November 2023 municipal elections. I apologize for it not being on letterhead previously.

In addition, it has been brought to my attention that the Town is improperly engaging in public meetings and other business via email. Whether seated or not, the Town using email, personal or Town provided, to conduct Town business and make decisions related to the Town is illegal under FOIA (assuming a quorum existed on the email). Furthermore, the Town is a council-manager form of government where no one member of Council nor the Mayor can make decisions on behalf of the Town. Much like the election commission, actions must be properly taken by the body predicated on a lawfully scheduled and held meeting. For reference, these actions were ruled upon in *Poole v. S.C. Dept. of Disabilities and Special Needs, et. al* where the DDSN commission was held to have acted unlawfully under FOIA in deciding and subsequently terminating the executive director. At a hearing on the FOIA violations, the presiding judge awarded the plaintiff executive director back pay and attorney fees dating back to the DDSN's board of commissioners unlawful actions under FOIA. In short, the Town must act as body and take appropriate votes to make any decisions much like the election commission.

As expressed in the letter, I am concerned about the actions being taken by the Town and felt the need to provide written advisory correspondence. While certainly the Town and individuals can decide to act in contrary to legal advice, those actions, after receiving written correspondence, would be deemed outside the scope of his/her official capacity.

Happy to address any questions you may have but wanted to make sure that we provided this correspondence out of an abundance of caution.

Thanks,

Joseph

Haynsworth Sinkler Boyd P.A.



Joseph D. Dickey, Jr. | Attorney
Direct 803.540.7909 | JDickey@hsblawfirm.com

Haynsworth Sinkler Boyd, P.A.
1201 Main Street, 22nd Floor | Columbia, SC 29201
Main 803.779.3080 | Mobile 864.316.4646 | Fax 803.765.1243

[Web](#) | [Bio](#) | [vCard](#) | [Map](#) | [Linked In](#) | [Blor](#)

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF HORRY)	IN THE FIFTEENTH JUDICIAL CIRCUIT
)	
Carla Taylor,)	Civil Action No. 2024-CP-26-02866
)	
Plaintiff,)	
)	
vs.)	
)	
Jake Evans, Jacqueline Gore, Edward)	
Campbell, and John David, in their official)	
capacities as members of the Atlantic)	
Beach Town Council; Benjamin)	
Quattlebaum, in his official capacity as)	<u>COMPLAINT</u>
Town Manager of the Town of Atlantic)	
Beach; Kenneth McIver, Caroline Gore,)	
and Derrick Stevens in their official)	
capacities as members of the Town of)	
Atlantic Beach Municipal Election)	
Commission; Josephine Isom; Shaun)	
Swinson)	
Defendants.)	

Plaintiff Carla Taylor requests that this Court declare her as a duly elected Atlantic Beach Town council member and enjoin Defendants Jake Evans, Jacqueline Gore, Edward Campbell, and John David, in their official capacities as members of the Town of Atlantic Beach Town Council; Benjamin Quattlebaum, in his official capacity as Town Manager of the Town of Atlantic Beach; Kenneth McIver, Caroline Gore, and Derrick Stevens in their official capacities as members of the Town of Atlantic Beach Municipal Election Commission; Josephine Isom; and Shaun Swinson from precluding Plaintiff from acting in her official capacity as a duly elected member of the Atlantic Beach Town Council. In support, Plaintiff would show as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Carla Taylor is a citizen and resident of Atlantic Beach. Plaintiff is a duly elected council member of the Atlantic Beach Town Council as a result of the November 7, 2023 Atlantic Beach Municipal Election.

2. Defendant Benjamin Quattlebaum is the Town Manager of the Town of Atlantic Beach.

3. Defendants Jake Evans, Jacqueline Gore, Edward Campbell, and John David are members of the Atlantic Beach Town Council.

4. Defendant Josephine Isom is a citizen and resident of Atlantic Beach. Defendant Isom is a former council member of the Atlantic Beach Town Council.

5. Defendants Kenneth McIver, Carolyn Gore, and Derrick Stevens are, or are putatively acting as, members of the Atlantic Beach Municipal Election Commission.

6. Defendant Swinson, upon information and belief, is a citizen and resident of Atlantic Beach. Defendant Swinson is a former candidate for Atlantic Beach Town Council in the November 7, 2023 election.

7. Based on the foregoing, this Court has jurisdiction and venue is proper pursuant to S.C. Code Ann. § 15-7-30.

FACTUAL ALLEGATIONS

8. The Town of Atlantic Beach held elections for mayoral and two council seats on November 7, 2023.

9. After the polls closed, the unofficial election results indicated Defendant Gore and Plaintiff Taylor were the winners of the council race with 69 and 53 votes, respectively.

10. On November 9, 2023, the Atlantic Beach Municipal Election Commission (hereinafter “MEC”) met to hear challenges to the provisional ballots in a protest filed by Defendant Isom. After a hearing to determine the legitimacy of the provisional ballots, those ballots deemed legitimate were mingled with the previously counted ballots. As a result, Defendant Gore’s and Plaintiff’s updated unofficial election results tallied 71 and 69, respectively.

11. On November 9, 2023, Defendant Isom filed a timely protest to the updated unofficial mayoral election results.

12. However, the MEC failed to “declare the results [of this municipal election] not later than three days following the election.” S.C. Code Ann. § 5-15-100.

13. Further, the MEC failed to timely conduct a protest hearing on the timely protest filed by Defendant Isom regarding the outcome of the mayoral race pursuant to S.C. Code Ann. § 5-15-80.

14. From November 7, 2023, to April 3, 2024, the MEC failed to administer its ministerial duties to certify the November 7, 2023 election results or to hear Defendant Isom’s timely protest of the unofficial mayoral election results pursuant to S.C. Code Ann. §§ 5-15-100 and 5-15-130.

15. The MEC’s failure to perform its duties forced mayoral candidate Defendant David to file an action seeking a writ of mandamus to require the MEC to meet and certify the results of the election.

16. After Defendant David filed the writ of mandamus, on April 3, 2024, the MEC held a protest hearing, nearly five months after the election in November, to hear Defendant Isom’s protest. The MEC determined thirteen (13) ballots were inappropriately counted and recommended the Town of Atlantic Beach (hereinafter “the Town”) order a new mayoral election.

17. At the April 3, 2024 MEC meeting, the MEC certified the town council election results. The final votes certified that Defendant Gore, Plaintiff Taylor, Jerry Finney, and Defendant Swinson each received 71, 69, 62, and 49 votes, respectively. Each member of the MEC signed and officially certified the final results. **See Exhibit A.**

18. Upon information and belief, on April 4, 2024, the MEC transmitted a copy of the November 7, 2023 certified election results to the Atlantic Beach Town Clerk, Cheryl Pereira.

19. On April 4, 2024, Cheryl Pereira forwarded the certified election results to the Horry County Voter Registration and Election Commission. **See Exhibit B.**

20. On April 4, 2024, Plaintiff Taylor was sworn into office. **See Exhibit C.**

21. On either April 4, 2024, or April 5, 2024, Defendant Swinson filed an untimely protest of the certified election results for the town council election.

22. Pursuant to S.C. Code Ann. § 5-15-80, election protests must be filed within forty-eight hours after the polls close. Thus, here, any election protests filed after November 9, 2023—including Defendant Swinson's—are not timely.

23. On April 15, 2024, Joseph Dickey, attorney for the Town and MEC, advised the members of Atlantic Beach Town Council and MEC that Defendant Isom should remain as a holdover council member until the resolution of Defendant Swinson's untimely protest. **See Exhibit D.**

24. In response to attorney Dickey's letter, Defendant McIver, Chairperson of the MEC, advised on April 15, 2024, that he would not convene a MEC meeting because Defendant Swinson's protest was untimely. **See Exhibit E.**

25. On April 8, 2024, Defendant Quattlebaum scheduled a new council member orientation with Plaintiff Taylor. That same day, Defendant Quattlebaum canceled the new council member orientation with Plaintiff Taylor and rescheduled for April 11, 2024.

26. On April 11, 2024, Defendant Quattlebaum canceled the second scheduled new council member orientation with Plaintiff Taylor and rescheduled for April 16, 2024.

27. On April 16, 2024, Cheryl Pereira informed Plaintiff Taylor the third scheduled new council member orientation was cancelled without explanation.

28. Defendant Quattlebaum has failed to explain why Plaintiff Taylor's new council member orientation was canceled three times and never rescheduled.

29. To date, Plaintiff Taylor has not had an opportunity to participate in the Town of Atlantic Beach new council member orientation.

30. Upon information and belief, Defendant Quattlebaum does not intend to reschedule Plaintiff Taylor's new council member orientation.

31. On April 18, 2024, while at a League of Cities community event, Defendant Evans failed to recognize Plaintiff as a councilmember while introducing the rest of the Atlantic Beach Town Council present for the community event. **See Exhibit F.**

32. The undersigned counsel wrote Defendant Isom, inquiring about her intentions relating to Plaintiff Taylor's council seat, to which Defendant Isom responded she will act as a holdover council member and plans to attend the May 6, 2024 Atlantic Beach council meeting. **See Exhibit G.**

33. Upon information and belief, Defendant Quattlebaum improperly intends to recognize Defendant Isom as a holdover council member. **See Exhibit F.**

34. Upon information and belief, Defendants Evans and Gore improperly refuse to recognize Plaintiff as a duly elected Atlantic Beach council member.

35. Per Chairman McIver's April 15, 2024 email, he refuses to schedule a MEC hearing to hear and dispose of Defendant Swinson's untimely election protest.

FOR A FIRST CAUSE OF ACTION

36. Plaintiff incorporates the allegations of the preceding paragraphs as if repeated verbatim herein.

37. Plaintiff Taylor seeks a declaratory judgment that she is presently now and in the future a Town Council member and should be recognized as a properly serving Town Council member.

38. Plaintiff is a duly elected member of the Atlantic Beach Town Council.

39. Defendants Evans, Gore, Quattlebaum, and Isom seek to improperly divest Plaintiff of her duly elected position and subvert democracy and the will of the citizens of Atlantic Beach by refusing to recognize her as an Atlantic Beach council member.

40. As a direct result of the actions of Defendants Evans, Gore, Quattlebaum, and Isom, Plaintiff has been injured and will continue to be injured until she is properly recognized as a Atlantic Beach council member.

41. As a result of Defendants actions, Plaintiff is unable to participate in carrying out the business of the Town of Atlantic Beach and will be precluded from participating in the May 6, 2024 Atlantic Beach Town Council meeting and further carry out her responsibilities as a Town Council member.

42. Plaintiff lacks any other legal remedy to resolve the Defendants' divestment and failure to carry out its ministerial duties and thus is entitled to an Order from this Court confirming Plaintiff as a duly elected council member of the Atlantic Beach Town Council.

43. In the alternative, Plaintiff is entitled to an Order from this Court directing the MEC to immediately hear and dispose of Defendant Swinson's untimely protest.

FOR A SECOND CAUSE OF ACTION

44. Plaintiff incorporates by reference the allegations of the preceding paragraphs as if repeated verbatim herein.

45. Plaintiff Taylor seeks an injunction to enjoin Defendants from not recognizing her as a properly serving Town Council Member.

46. Defendants are improperly preventing Plaintiff from serving as a Town of Atlantic Beach council member to the present and future detriment of Plaintiff and Atlantic Beach citizens.

47. Plaintiff will suffer irreparable harm if she is continuously deprived from serving as a duly elected Atlantic Beach council member. *See Smith v. City Council of Charleston*, 198 S.C. 313, 321, 17 S.E.2d 860, 863 (1941) ("a duly elected officer cannot be deprived of his office or salary without a hearing.").

48. Further, any and all decisions made by the Atlantic Beach council upon which Defendant Isom votes will be improper.

49. There is no indication that Defendants will cease their divestment and recognize Plaintiff as an Atlantic Beach council member.

50. Additionally, there are no indications that Defendants Evans, Gore, and Isom on Town Council will refrain from taking any official actions as a council until Plaintiff is properly allowed to participate as an Atlantic Beach council member.

51. Plaintiff is likely to succeed on the merits of her declaratory judgment claim because she has been declared the winner of the Town Council election and there are no proper reasons why she should not be so recognized. Further, Defendant Swinson's protest is untimely as it was not filed within forty-eight hours of the close of the polls on November 7, 2023. S.C. Code Ann. § 5-15-80.

52. Plaintiff is without an adequate remedy at law if this Court does not enjoin Defendants from refusing to recognize her as a Town Council member. If Defendants do not recognize her and the MEC refuses to have a hearing to dispose of the untimely protest, Plaintiff Taylor has no adequate remedy at law to serve as a Town Council member.

53. Plaintiff is entitled to a temporary restraining order and permanent injunction, upon the terms that are just and proper, enjoining Defendants from depriving Plaintiff of her right to serve as an Atlantic Beach council member or taking any actions to improperly conduct Town of Atlantic Beach business without Plaintiff sitting in her rightful seat as a Town Council member.

WHEREFORE, having alleged her cause of actions and standing ready to prove the same, Plaintiff requests the following relief from this Court:

- a. For a declaration that Plaintiff Taylor is a duly elected Atlantic Beach council member and has the right to participate in all Atlantic Beach Town council business;
- b. For an Order granting Plaintiff Taylor a temporary restraining order and permanent injunction preventing Defendants from depriving Plaintiff Taylor from exercising her rights as a member of the Atlantic Beach Town Council and any other terms that are just and proper;
- c. For attorney's fees and costs;
- d. For any other such relief the Court deems just and proper.

ROBINSON GRAY STEPP & LAFITTE

s/Robert E. Tyson, Jr.

Robert E. Tyson, Jr., Bar No. 10820
La'Jessica Stringfellow, Bar No.102376
2151 Pickens Street, Suite 500
PO Box 11449 (29211)
Columbia, SC 29201
Ph: 803.929.1400
Fax: 803.929.0300
rtyson@robinsongray.com
lstringfellow@robinsongray.com

April 25, 2024

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

VERIFICATION

Carla Taylor, being duly sworn, says that she is the Plaintiff herein, and have read the foregoing Complaint and knows the contents thereof, that the same is true of their own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters they believe them to be true.

SWORN to and Subscribed before me)
)
this 25th day of April, 24.)
)
Zepporah Moshel)
Notary Public for South Carolina)
)
My Commission expires: 07/16/2031)

Carla Taylor
Carla Taylor

Taylor v. Jake Evans, et al

Exhibit A

To Complaint

Certification



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

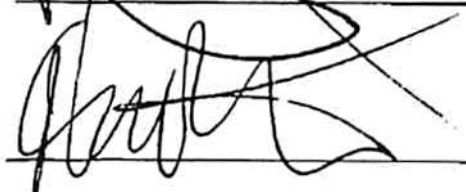
Jerry Finney 62

Shaun Swinson 48

Municipal Election Commissioners



Dated: April 3, 2024



Dated: April 3, 2024



Dated: April 3, 2024

Taylor v. Jake Evans, et al

Exhibit B

To Complaint

Affidavit of Sandy Martin

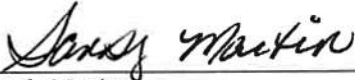
STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF HORRY) IN THE FIFTEENTH JUDICIAL CIRCUIT
)
 Carla Taylor,) Civil Action No. 2024-CP-_____
)
) Plaintiff,)
)
) vs.)
)
) **AFFIDAVIT OF**
) **SANDY MARTIN**
)
 Benjamin Quattlebaum, in his official)
 capacity as Town Manager of the Town of)
 Atlantic Beach, Jake Evans, Jacqueline)
 Gore, Edward Campbell, and John David,)
 in their official capacities as members of)
 the Atlantic Beach Town Council, and)
 Josephine Isom,)
)
) Defendants.)

PERSONALLY APPEARED BEFORE ME, Sandy Martin, who first being duly sworn,
 deposes and state as follows:

1. I am over the age of eighteen (18) years, of sound mind, and make this affidavit based on my personal knowledge.
2. I serve as the Director of the Horry County Voter Registration and Elections Commission. I have held this position since 2000.
3. As Director of the Horry County Voter Registration and Elections Commission, I am responsible for receiving certified election results from municipality election commissions within Horry County whom conduct their own elections.
4. On April 4th, I received the Town of Atlantic Beach's November 7, 2023 certified results from Atlantic Beach Town Clerk Cheryl Perreira.
5. Accordingly, the Town of Atlantic Beach's November 7, 2023 certified election results on file with my office certify that Carla Taylor and Jacqueline Gore were the winners of

the November 7, 2023 election and are the duly-elected council members for the Town of Atlantic Beach.

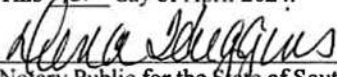
FURTHER AFFIANT SAYETH NOT.



Sandy Martin
Director
Horry County Voter Registration and
Elections Commission

SWORN TO AND SUBSCRIBED BEFORE ME

This 22nd day of April 2024.



(L.S.)
Notary Public for the State of South Carolina

My Commission Expires: 3/12/2031

Taylor v. Jake Evans, et al

Exhibit C

To Complaint

Oath of Office – Carla Taylor



Town of Atlantic Beach
717 30th Avenue South
Atlantic Beach, SC 29582
Mail PO Box 5285
N Myrtle Beach, SC 29597
Phone No. 843-663-2284
Fax No. 843-663-0601

Mayor:

Jake Evans

Council Members

Jacqueline Gore

Edward Campbell

John David, Jr.

Carla Taylor

Town Manager:

Benjamin Quattlebaum

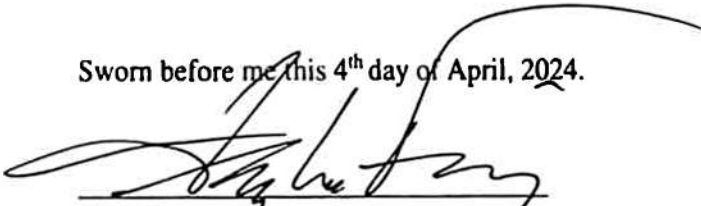
OATH OF OFFICE


I, **Carla Taylor**, do solemnly swear that I am duly qualified, according to the constitution of this state to exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the constitution of this State and of the United States. So, help me God.

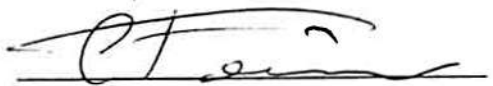
As Council Member of the Town of Atlantic Beach, I will equally, fairly and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to the law the purposes for which I have been elected. So, help me God.


Carla Taylor

Sworn before me this 4th day of April, 2024.


Jerry Leo Finney, Sr.
Attorney at Law


Capt. (Ret) John W. David, Jr.
Councilman


Cheryl Pereira
Town Clerk

Taylor v. Jake Evans, et al

Exhibit D

To Complaint

April 15, 2024 Letter to
Quattlebaum and McIver

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
1201 MAIN STREET, 22ND FLOOR
P.O. BOX 11889 (29211)
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JOSEPH D. DICKEY, JR.
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April 15, 2024

VIA EMAIL

Ken McIver, Chairman
Town of Atlantic Beach
Municipal Election Commission

VIA EMAIL

Benjamin Quattlebaum
Town Manager
Town of Atlantic Beach

Re: Status of Town Council and November 2023 Municipal Election Protest Appeals Process

Dear Mr. Quattlebaum and Mr. McIver:

It has been brought to my attention that there appears to be many questions surrounding the current composition and status of Town Council as well as questions regarding how the appeals process will proceed following the November 2023 Municipal Election Protest Hearing held on April 3, 2024. It is our hope that this advisory letter can provide additional guidance and address any confusion, whether willful or otherwise, among the parties involved, the Municipal Election Commission (“MEC” or the “Commission”), and Town Council.

As an initial matter, the conclusion of the April 3, 2024, protest hearing did not resolve the November 2023 municipal election. Based on the evidence obtained, the MEC found that certain voters, as identified in Councilwoman Josephine Isom’s protest, voted fraudulently in the November 2023 Town of Atlantic Beach municipal elections. The MEC also found that the improperly casted ballots were mingled with other ballots cast by qualified voters. Based on Supreme Court precedent in *Odom v. Town of McBee Election Comm'n*, 427 S.C. 305, 831 S.E.2d 429 (2019) and *Broadhurst v. City of Myrtle Beach Election Comm'n*, 342 S.C. 373, 537 S.E.2d 543 (2000), the MEC determined that the commingling of votes in this circumstance rendered the results of the election highly doubtful and recommended that the election for Mayor be invalidated pursuant to S.C. Code § 5-15-130. As a result, the MEC recommended that Town Council schedule a special election for Mayor. In addition, during the MEC hearing, there was an agenda item for the MEC to certify the election of the two council seats that were on the November 2023 ballot. In order for the Commission, or any other governmental body to act, there must be official and legal steps taken. To accomplish certification, it required the MEC to consider a proper motion to certify the election of those Town Council seats and

Re
Date:
Page 2

take an affirmative vote to certify. During the hearing, the MEC was advised of the same, however the Commission never took those actions but moved forward with executing the certification documents.

Whether formal and legal certification took place or not, the results of the MEC hearing triggered one of the candidates for the open council seats, Mr. Shaun Swinson, to submit a written protest of the election based on the grounds that fourteen (14) votes were deemed fraudulent and his belief that this factual finding should have affected the vote counts in the council seat elections as well. State law provides that such a protest should be filed within forty-eight (48) hours after the closing of the polls. See S.C. Code § 5-15-130. Notwithstanding the timeliness of the challenge, the MEC must take formal action to deny, accept, or otherwise adjudicate the protest filed. No single member of the Commission can unilaterally or informally make determinations and take action on behalf of the Commission. Accordingly, we recommend that a public meeting of the Municipal Election Commission be scheduled as soon as possible to allow for the receipt of legal advice and to allow the MEC to publicly vote on whether it will proceed to hear the election protest or whether it will summarily dismiss the protest as untimely filed. Either way, we recommend that this be done at a public MEC meeting and by public vote to allow for an expeditious handling of this matter.

As for any appeals from Councilwoman Josephine Isom and/or Councilman John David, the parties to the protest, they have ten (10) days from the Commission's decision to file an appeal to Horry County Circuit Court. See S.C. Code § 5-15-140. At the expiration of the ten (10) days, any appeal would most likely be deemed untimely. See S.C. Code § 5-15-130. However, the circuit court, much like the MEC, would have to take formal action to properly adjudicate the filing.

In the context of the above analysis, the composition of Town Council should remain as it has until the November 2023 election, protests, and appeals, if any, regarding the same are resolved. Presently, there is a pending protest regarding the council seats that prevents those presumed winners from being seated. Similar to the Mayor's seat, those council seats will remain in a holdover status until the November 2023 election and all proceedings are resolved. This is no different than the procedure the Town followed regarding the special election of January 2023. It is unclear as to why there would be any question on these types of proceedings and the holdover status of Town Council members in office prior to the November 2023 election, given the Town's recent experience with the same situation. To be clear, it is our opinion that any efforts to seat new Town Council members until the above election protests have been resolved would be unlawful. I further note that South Carolina law prohibits the mayor or any member of council from voting on issues arising in any contest in which he is a party. See S.C. Code § 5-15-130. We believe this exclusion expressly prohibits the affected Town Council members from weighing in on any of the associated issues and from deciding upon any matters or steps taken by Town Council to resolve the foregoing protests.

**HAYNSWORTH
SINKLER BOYD**

Re
Date:
Page 3

I trust that this correspondence provides some clarity to all involved and that matters related to the November 2023 election can, for now, move forward absent any continued acts to distort the integrity of the process and the election.

Sincerely,



Joseph D. Dickey, Jr.

cc: Town of Atlantic Beach Mayor and Council
Town of Atlantic Beach Municipal Election Commission
Town of Atlantic Beach Police Department
Cheryl Pereira, Town of Atlantic Beach Clerk
Ian Duggan, Esq., attorney for Councilman John David, Noble Cooper, III and family,
Jerry Finney, Jr., and family, and S.T.A.R.D.
Rob Tyson, Esq., attorney for Councilman John David, Town of Atlantic Beach resident
William Booker, and other interested Town of Atlantic Beach residents
Kenneth Davis, Esq., attorney for Councilwoman Josephine Isom
C.D. Rhodes, Esq., attorney for Town of Atlantic Beach

Taylor v. Jake Evans, et al

Exhibit E

To Complaint

April 23, 2024 Email

From: [Rob Tyson](#)
To: [La"Jessica Stringfellow](#)
Subject: FW: Advisory Letter Concerning Atlantic Beach November 2023 Election and Protest/Appeal Proceedings
Date: Tuesday, April 23, 2024 10:20:31 PM

From: k3840@sc.rr.com <k3840@sc.rr.com>
Sent: Monday, April 15, 2024 4:37 PM
To: 'Dickey, Joseph' <JDickey@hsblawfirm.com>
Cc: 'benjamin.quattlebaum@aol.com' <benjamin.quattlebaum@aol.com>; 'C.D. Rhodes' <cdrhodes@popeflynn.com>; Rob Tyson <rtyson@robinsongray.com>; 'Kenneth Davis' <kdavis@boykinlawsc.com>; 'Ian T. Duggan' <ianduggan@callisontighe.com>; 'Cheryl Pereira' <cheryl@townofatlanticbeachsc.com>; 'johndavid@townofatlanticbeachsc.com' <johndavid@townofatlanticbeachsc.com>; 'elcampbell45@gmail.com' <elcampbell45@gmail.com>; 'gore_jacqui@yahoo.com' <gore_jacqui@yahoo.com>; 'evans.jake1@outlook.com' <evans.jake1@outlook.com>; 'js.isom@hotmail.com' <js.isom@hotmail.com>; 'Scott, Ronald' <rscott@hsblawfirm.com>; 'Glunt, Alex' <aglunt@hsblawfirm.com>; 'Derrick Stevens' <bossderrick25@yahoo.com>
Subject: RE: Advisory Letter Concerning Atlantic Beach November 2023 Election and Protest/Appeal Proceedings

Mr. Dickey:

This email is to acknowledge receipt of your advisory emails dated April 5th, April 12th, and now April 15th. Please see my response below.

Josephine Isoms' Protest Appeal

In accordance with the South Carolina Municipal Elections Handbook (page 23), Ms. Isom has filed an appeal to the Court of Common Pleas. I received a copy on April 12th. As stated in the Handbook, the appeal shall "act as a stay of further proceedings" pending the outcome. Therefore, no further action is required from the Commission.

Shawn Swinson Matter

Mr. Swinson delivered a letter dated April 3rd, 2024 (I received it via text and email on April 4th) with a subject, "Appeal of Decision to Certify Ineligible Voters for Town Council Election and Not for Mayoral Election."

Mr. Swinson's letter is clearly referring to the outcomes of the Mayoral Election protest hearing, asserting that he was an "aggrieved party" to the protest hearing. The Municipal Elections Handbook states "any aggrieved party may appeal to the Court of Common Pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within 10 days." I informed Mr. Swinson he will need to seek assistance from an attorney.

Further, candidates are made aware of protest and appeal processes. A reminder of the appeals process occurred when we counted the unofficial results on November 7th, 2023. Your point regarding the timeliness of Mr. Swinson's notice is well known.

If Mr. Swinson plans to pursue an appeal of the decision to "certify ineligible voters for the town council," we look forward to receiving notice of his filing in the Court of

Common Pleas. Therefore, no further action is required from the Commission.

Certification of Town Council Votes

The Municipal Election Handbook states:

Certifying election results (page 20)

After canvassing, the MEC certifies the final vote totals making them official. Election results are certified by a quorum of the commission (at least two members) signing their names to a canvass sheet. Canvass sheets should contain the name of the municipality, name of the election, election date, signature blanks and certification date. Winners should be marked on the results.

During the April 3rd Municipal Election Commission Meeting, the following occurred:

Confirmation of Certification of November 7th, 2023 Town Council Election was originally listed as item 7 on the published agenda.

Prior to approval of the agenda, the item was moved to follow the protest hearing.

The agenda, including the Confirmation of Certification of November 7th, 2023 Town Council Election, was approved by a unanimous Commission vote.

After the protest hearing, during the fourth-hour in the meeting, I announced we will now certify the Town Council Election, and I re-stated the count.

In accordance with the guiding documents of the South Carolina Law and the Municipal Elections Handbook, a quorum of Commissioners was present, and the canvass sheet, prepared by the Town Clerk containing the names of the Town Council candidates and the total votes received, was circulated for signature.

The canvass sheet read:

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

Each Commissioner read and signed the canvassing sheet without questions, indicating their concurrence with the language, the count, and the process. The winners were marked on the signed canvass sheet in the presence of the Commissioners and the public.

Given that all three Commissioners signed the sheet, without question or concern, we have completed the process.

Certification/ affirmation of the election results is by signature not by voice vote or motion. There is no requirement for a motion. The approving action is the signed canvass sheet. In addition, as required, the canvass sheet certifying the Council Election, has been submitted to the Horry County Elections Office in a timely fashion for closure. There is no further action required by the Atlantic Beach Municipal Elections Commission with regard to certification of the November Town Council Election.

Thank you again for your support. I look forward to receiving the draft of your report from our April 3rd Municipal Elections Commission meeting to be shared with the Town Council for informational purposes only. I will report to the Town Council that as a result of the appeal of the protest hearing, we will await the Court's directions as to the next steps rather than request that a new election date be set.

Kenneth McIver, Chairman

From: "Dickey, Joseph"
To: "k3840@sc.rr.com", "benjamin.quattlebaum@aol.com"
Cc: "C.D. Rhodes", "rtyson@robinsongray.com", "Kenneth Davis", "Ian T. Duggan", "Cheryl Pereira", "john david@townofatlanticbeachsc.com", "elcampbell45@gmail.com", "gore_jacqui@yahoo.com", "evans.jake1@outlook.com", "js.isom@hotmail.com", Ronald, Alex, "Derrick Stevens"
Sent: Monday April 15 2024 2:12:56PM
Subject: Advisory Letter Concerning Atlantic Beach November 2023 Election and Protest/Appeal Proceedings

Good afternoon all:

Please find attached our firm's advisory letter concerning the current status of the November 2023 municipal elections. I apologize for it not being on letterhead previously.

In addition, it has been brought to my attention that the Town is improperly engaging in public meetings and other business via email. Whether seated or not, the Town using email, personal or Town provided, to conduct Town business and make decisions related to the Town is illegal under FOIA (assuming a quorum existed on the email). Furthermore, the Town is a council-manager form of government where no one member of Council nor the Mayor can make decisions on behalf of the Town. Much like the election commission, actions must be properly taken by the body predicated on a lawfully scheduled and held meeting. For reference, these actions were ruled upon in *Poole v. S.C. Dept. of Disabilities and Special Needs, et. al* where the DDSN commission was held to have acted unlawfully under FOIA in deciding and subsequently terminating the executive director. At a hearing on the FOIA violations, the presiding judge awarded the plaintiff executive director back pay and attorney fees dating back to the DDSN's board of commissioners unlawful actions under FOIA. In short, the Town must act as body and take appropriate votes to make any decisions much like the election commission.

As expressed in the letter, I am concerned about the actions being taken by the Town and felt the need to provide written advisory correspondence. While certainly the Town and individuals can decide to act in contrary to legal advice, those actions, after receiving written correspondence, would be deemed outside the scope of his/her official capacity.

Happy to address any questions you may have but wanted to make sure that we provided this correspondence out of an abundance of caution.

Thanks,

Joseph

Haynsworth Sinkler Boyd P.A.



Joseph D. Dickey, Jr. | Attorney
Direct 803.540.7909 | JDickey@hsblawfirm.com

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Taylor v. Jake Evans, et al

Exhibit F

To Complaint

Affidavit of Carla Taylor

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF HORRY)	IN THE FIFTEENTH JUDICIAL CIRCUIT
Carla Taylor,)	Civil Action No. 2024-CP-_____
)	
Plaintiff,)	
)	
vs.)	<u>AFFIDAVIT OF</u>
)	<u>CARLA TAYLOR</u>
Jake Evans, Jacqueline Gore, Edward)	
Campbell, and John David, in their official)	
capacities as members of the Atlantic)	
Beach Town Council; Benjamin)	
Quattlebaum, in his official capacity as)	
Town Manager of the Town of Atlantic)	
Beach; Kenneth McIver, Caroline Gore,)	
and Derrick Stevens in their official)	
capacities as members of the Town of)	
Atlantic Beach Municipal Election)	
Commission; Josephine Isom; Shaun)	
Swinson)	
Defendants.)	
)	

PERSONALLY APPEARED BEFORE ME, Carla Taylor, who first being duly sworn, deposes and state as follows:

1. I am over the age of eighteen (18) years, of sound mind, and make this affidavit based on my personal knowledge.
2. On September 1, 2024, I filed as a candidate for Atlantic Beach Town Council for one of two open council seats.
3. The Atlantic Beach election was held on November 7, 2023. After the polls closed, the unofficial election results indicated that I was the second top vote recipient.
4. On November 9, 2023, the Atlantic Beach Municipal Election Commission held a hearing to determine the legitimacy of provisional ballots. After the hearing and the ballots

deemed legitimate were counted, the updated unofficial election results indicated I was still the second top vote recipient.

5. Thereafter, Josephine Isom, a mayoral race candidate, filed a protest regarding the updated unofficial mayoral election results.

6. Then, for several reasons, including that the Atlantic Beach Town Council voted to absolve the Atlantic Beach Municipal Election Commission, the Commission did not certify the November 7, 2023 election results or hear Josephine Isom's timely filed protest of the updated unofficial mayoral election results.

7. Almost four months later, on April 3, 2024, the Atlantic Beach Municipal Election Commission finally heard Josephine Isom's challenge to the updated unofficial mayoral election results and ultimately recommended to the Atlantic Beach Town Council that a new mayoral election be ordered. The Atlantic Beach Municipal Election Commission also certified the town council seat election results. The certified results indicate that I was one of two winners of the town council election.

8. On April 5, 2024, I was sworn in as an Atlantic Beach Town Council Member. See **Exhibit A**.

9. On April 8, 2024, Atlantic Beach Town Manager, Benjamin Quattlebaum, was scheduled to meet with me at 5:00 pm as part of my new council member orientation. He texted me on April 8, 2024, at 9:54 am, to reschedule for April 11, 2024, at 5:00 pm.

10. On April 11, 2024, Town Manager Benjamin Quattlebaum called me to cancel the second scheduled new council member orientation. He said he wanted to wait until after the tenth day following the April 3, 2024 Atlantic Beach Municipal Election Hearing and therefore rescheduled it for April 16, 2024, at 5:00 pm. Town of Atlantic Beach Town Clerk, Cheryl

Pereira, called me on the morning of April 16, 2024 to tell me the Mr. Quattlebaum was canceling our scheduled orientation for the third time and that he would call me to explain. He did not call me to explain.

11. On April 18, 2024, I attended a League of Cities community event with other Atlantic Beach Town Councilmembers. Atlantic Beach Mayor Jake Evans refused to recognize me as a councilmember while introducing the other councilmembers present at the event.

12. Based upon Mr. Quattlebaum's previous actions, I believe he intends to recognize former council member Josephine Isom as a holdover council member until further notice.

13. Based upon Mayor Evans' previous actions, I believe he will continue to improperly refuse to recognize me as a duly elected Atlantic Beach Town council member.

14. I am a duly elected councilmember of the Atlantic Beach Town Council.

15. There is no legitimate reason why I should not be able to assume the duties of the office for which I have been elected.

16. I believe that any efforts to deprive me or divest me from serving as an Atlantic Beach Town councilmember is the very antithesis of the democratic ideals upon which this country was founded. The Atlantic Beach citizens elected me to serve as one of their town representatives and the defendants identified in my complaint are attempting to subvert the will of the people.

FURTHER AFFIANT SAYETH NOT.


Carla Taylor

SWORN TO AND SUBSCRIBED BEFORE ME

This 25th day of April 2024.

Zipporah Miskue (L.S.)
Notary Public for the State of South Carolina

My Commission Expires: 07/16/2031

Taylor v. Jake Evans, et al

Exhibit G

To Complaint

April 23, 2024 Letter to Rob Tyson

BOYKIN & DAVIS, LLC

Attorneys and Counselors at Law

220 STONERIDGE DRIVE, SUITE 100
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TELEPHONE: 803-254-0707
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COLUMBIA, SOUTH CAROLINA 29211

ELECTRONICALLY FILED - 2024 Apr 26 9:56 AM - Horry - COMMON PLEAS - CASE#2024CP2602866

Kenneth A. Davis
kdavis@boykinlawsc.com

April 23, 2024

VIA ELECTRONIC MAIL AND U.S. MAIL

Robert F. Tyson, Jr., Esq.
Robinson Gray Stepp & Laffitte, LLC
2151 Pickens St., 5th Floor
Columbia, South Carolina 29201

Dear Mr. Tyson:


This Firm is representing Josephine Isom with respect to her appeal of the Town of Atlantic Beach Election Commission's decision from April 3, 2024. In that regard, your correspondence to Ms. Isom has been forwarded to us for handling.

As we understand it, Shaun Swinson has filed a protest with the Election Commission with respect to the election of Carla Taylor. Whether that protest is timely is a matter subject to adjudication.

Accordingly, our understanding is that Mrs. Isom remains in holdover status until that protest/appeal is resolved. Please see the attached correspondence from attorney Joseph Dickey.

Should you have any questions, please feel free to contact us.

Sincerely,



Kenneth A. Davis

/hhg

Attachment

cc: Josephine Isom
Joseph D. Dickey, Jr.



ROBINSON
GRAY

Litigation + Business

April 19, 2024

ROBERT E. TYSON, JR.

DIRECT 803 231.7838

rtyson@robinsongray.com

ELECTRONICALLY FILED - 2024 Apr 26 9:56 AM - Horry - COMMON PLEAS - CASE#2024CP2602866

VIA CERTIFIED MAIL AND E-MAIL

Josephine Isom
901 29th Ave. S
N. Myrtle Beach, South Carolina 29582
Email: js.isom@hotmail.com

Dear Ms. Isom,

My name is Rob Tyson and I am represent Town of Atlantic Beach Councilwoman Carla Taylor. As you know, on April 3, 2024, the Town of Atlantic Beach Municipal Election Commission certified the official results of the November 7, 2023 Town Council election which determined Jacqueline Gore and Carla Taylor were the two top vote recipients and thus duly elected to Town Council. On April 5, 2024, Carla Taylor was sworn in as a member of the Town of Atlantic Beach Council. As a result, Councilwoman Taylor is the duly elected council member for the Town of Atlantic Beach.

It is my understanding that you are denying the legitimacy of Councilwoman Taylor's status as a council member because of candidate Shaun Swinson's untimely protest of the November 7, 2023 election. As I am sure you are aware, candidates must file protests of municipal elections within 48 hours of the polls closing pursuant to S.C. Code Section 5-15-130. Mr. Swinson's belated protest is far beyond the 48-hour deadline. As such, Mr. Swinson's protest has no bearing on Councilwoman Taylor's ability to assume office.

To that end, I ask that you please confirm in writing that you do not intend to improperly act as a holdover Town of Atlantic Beach Council Member. To do so would be improper and run afoul of this country's fundamental democratic process. I ask that you provide your response to this correspondence **no later than 5 p.m. on Tuesday, April 23, 2024**. If I do not receive a response from you by this deadline, I will be forced to take legal action against you in the Court of Common Pleas.

If you would like to discuss this matter further with me, please do not hesitate to contact me.

Sincerely,

Robert E. Tyson, Jr.