

The Supreme Court of South Carolina

Josephine Isom, Appellant,

v.

Town of Atlantic Beach Municipal Election Commission,
Respondents.

And

John David, Intervenor.

Appellate Case No. 2024-002023

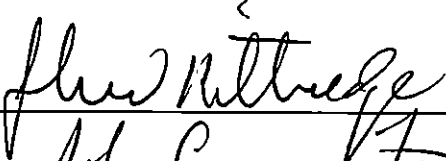
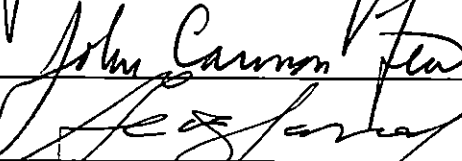
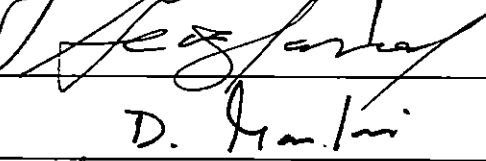
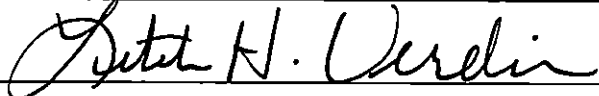
ORDER

On August 13, 2025, the Court denied Intervenor John David's motion to dismiss the underlying appeal and ordered the parties to agree on the record on appeal within ten days of the order. According to Respondent and Intervenor, the parties agree on virtually every document in the extensive proposed record except for a photograph of the purported election tape printout from the Town of Atlantic Beach's November 7, 2023 general election.

Because this photograph was not made an exhibit before either the Town of Atlantic Beach Municipal Election Commission or the circuit court, we grant the motion to strike the photograph's inclusion in the record on appeal. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."); *see also Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) ("[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review."). Further, we order Appellant to strike the reference to the photograph from her final brief. Appellant shall serve and file an amended record on appeal and an amended final brief striking the photograph and any references thereto in those documents

within ten days of the date of this order.

Respondent and Intervenor shall have twenty days thereafter to serve their brief(s) on all parties to the appeal and file a copy with the Clerk of Court, along with proof of service. Appellant may serve and file a brief in reply within ten days after the service of Respondent's and Intervenor's brief(s).

	C.J.
	J.
	J.
D. Martin	J.
	J.

Columbia, South Carolina
December 16, 2025

cc:

Charles J. Boykin
Kenneth Allen Davis
Tierney Felicia Goodwyn
Ian T. Duggan
Henry Dargan McMaster, Jr.
Christian Stegmaier
Demetri K. Koutrakos
Harry Alwyn Dixon