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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY
William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2024-002023
Case No.: 2024-CP-26-02537, Circuit Court

Josephine Isom..... Appellant,

v.

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

**AMENDED RECORD ON APPEAL
VOLUME I of II**

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-26-02537

Josephine Isom,)

Appellant,)

v.)

Town of Atlantic Beach Municipal)
Election Commission,)

Respondent.)

ORDER

Before the Court is Josephine Isom’s Appeal of the decision of the Town of Atlantic Beach Municipal Election Commission (“MEC”) to invalidate the November 7, 2023, mayoral election.

The Court conducted a hearing on this matter on October 30, 2024. The Court has carefully considered the MEC’s Record of Proceedings (the “Record”), including the MEC’s written Decision (Record § 6), the law, and arguments of counsel.

For the reasons discussed below, the decision of the MEC is **AFFIRMED**.

PROCEDURAL BACKGROUND

“The Town of Atlantic Beach employs a council-manager form of government,” as provided for in S.C. Code Ann. § 5-13-10, *et seq. Cole v. Town of Atl. Beach Election Comm’n*, 393 S.C. 264, 267, 712 S.E.2d 440, 442 (2011). Under this system of government, the mayor is elected. S.C. Code Ann. § 5-13-20. The most recent mayoral election in Atlantic Beach took place on November 7, 2023, and two candidates ran for office—Appellant Josephine Isom and Intervenor John David.¹

¹At the beginning of the Court’s hearing on October 30, 2024, hearing no objection from Appellant, John David’s Motion to Intervene was granted. No counsel filed briefs or appeared on behalf of the Town of Atlantic Beach Municipal Election Commission in this Appeal challenging the MEC’s decision.

During the election, several ballots were challenged on the grounds that certain voters did not meet the residency requirements to vote in the Town of Atlantic Beach's municipal election. *See generally* S.C. Const. Art. II, § 5 (a voter in municipal elections "must have resided in the municipality in which he offers to vote for thirty days next preceding the election.").

On November 9, 2023, the MEC held a hearing to resolve these challenges and received testimony and other evidence as required under S.C. Code Ann. § 7-13-830. ("At the [provisional ballot hearing] the [MEC] must hear all objections to these votes [i.e., provisional ballots], and when no person appears or offers evidence before the meeting to sustain an objection made at the polls, the ballot is no longer a provisional ballot. When the challenger appears or produces witnesses or evidence in support of the challenge, the authority in charge must proceed to hear and determine the question. Its decision is final.").

A transcript of the November 9, 2023, is appended to the Record at § 5(f). As the Record and Decision reflect, at the conclusion of the November 9, 2023, hearing, the challenge to most of the provisional ballots "w[ere] decided in favor of the voter[s]" and the provisional ballots were "mingled, and counted and the totals added to the previously counted regular ballot total." S.C. Code Ann. § 7-13-830. According to the count at the end of the November 9, 2023, hearing, John David received 65 votes while Josephine Isom received 64. *See* Decision at 5, ¶ 4; Record § 5(f) at 112:18.² Following the count, the MEC recessed, apparently intending to meet the following day to conduct a recount of the votes. *Id.*³

² The Record also reflects two votes cast for write-in candidates and as such, the MEC contemplated a likely run-off election. *See* Record §5(f) at 117:9-17 ("Neither candidate has the majority because of the two write-ins. So we will probably have a runoff; and we're going to do a recount also."); S.C. Code Ann. § 5-15-62(b) ("[i]f no candidate for a single office receives a majority of the votes cast . . . a runoff election shall be held.").

³ S.C. Code Ann. § 7-17-280 requires a mandatory recount of votes when the results are less than 1% apart.

Following the MEC's meeting on November 9, 2023, Josephine Isom filed her protest of the MEC's decision later that afternoon. *See* S.C. Code Ann. § 5-15-130 ("Within forty-eight hours after the closing of the polls, any candidate may contest the result of the election as reported . . . by filing a written notice of such contest . . .").

Ms. Isom's protest, Record § 1, asserts that several votes were cast by someone "not a resident of the Town of Atlantic Beach" and therefore "improperly changed the outcome of the election." As such, Ms. Isom's protest asserted that she should "be declared the winner of the Election for the Mayor of the Town of Atlantic Beach." *Id.*⁴

S.C. Code Ann. § 5-15-130 required the MEC to "[w]ithin forty-eight hours after the filing of" Isom's protest, "conduct a hearing on the contest, decide the issues raised, file its report together with all recorded and testimony and exhibits . . . notify the parties concerned of the decisions made, and when the decision invalidates the election the [Town] [C]ouncil shall order a new election as the parties concerned."

However, the MEC did not proceed to conduct a hearing on Ms. Isom's protest under § 5-15-130 until April 3, 2024. The decision of the MEC was memorialized in a written ruling on or about May 2, 2024, (i.e. the Decision). The Decision found that several ballots for the November 7, 2023, Mayoral Election were cast by those "not residents in the Town of Atlantic Beach and therefore not qualified to vote in the Election." *See* Decision at 9-10.

Accordingly, the MEC "decline[d] to include these votes in the final count for the Mayoral Election" Decision at 9. Even so, because "[t]he ballots cast . . . were inextricably commingled with the other remaining and validly cast ballots in the Election" and "[b]ecause the challenged [and later rejected] provisional ballots d[id] not entirely overlap with the voters challenged by

⁴ The voters named in Ms. Isom's protest did not completely line up with the provisional ballots considered in the November 9, 2023, MEC hearing. *See, e.g.,* Decision at 5, ¶ 6.

Isom” the MEC concluded “that the prior stated results of the Election are, in the least, significantly doubtful, and are likely to be completely inaccurate.” *Id.*

As such, relying on S.C. Code Ann. § 5-15-130, the MEC “declare[d] the [Mayoral] Election invalid and request[ed] that Town Council order a special election, specific to Mayoral Candidates Josephine Isom and John David, as soon as such a special election can be scheduled in accordance with state law.” Decision at 10. Thereafter, Isom’s Appeal was timely filed.

STANDARD OF REVIEW

S.C. Code Ann. §5-15-140 provides that “[w]ithin ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas.” “The circuit court, in this situation, is by statute an appellate court.” *Butler v. Town of Edgefield*, 328 S.C. 238, 248, 493 S.E.2d 838, 843 (1997).

In considering an appeal from an election commission, “[t]he circuit court, sitting in an appellate capacity, does not conduct a *de novo* hearing or take testimony. The circuit court must examine the decisions for errors of law, but it must accept the factual findings of the commission unless they are wholly unsupported by the evidence.” *Taylor v. Town of Atl. Beach Election Comm’n*, 363 S.C. 8, 14, 609 S.E.2d 500, 503 (2005). “If there is any evidence that supports the commission’s finding, [a reviewing court] must uphold the finding.” *Odom v. McBee Mun. Election Comm’n*, 440 S.C. 367, 372, 891 S.E.2d 663, 665 (2023) (“*Odom II*”) (citing *Odom v. Town of McBee Election Comm’n*, 427 S.C. 305, 307, 831 S.E.2d 429, 430 (2019) (“*Odom I*”). ““The Court will employ every reasonable presumption to sustain a contested election, and will not set aside an election due to mere irregularities or illegalities unless the result is changed or rendered doubtful.”” *Cole v. Town of Atl. Beach Election Comm’n*, 393 S.C. 264, 271–72, 712 S.E.2d 440, 444 (2011) (quoting *George v. Mun. Election Comm’n of the City of Charleston*, 335 S.C. 182, 186, 516 S.E.2d 206, 208 (1999)).

ANALYSIS

Isom has explained that her Appeal relies on the MEC’s factual finding that “[t]he poll managers initially determined that, excluding the provisional ballots, Isom received sixty-two (62) votes and David received forty-nine (49) votes.” *See* MEC Decision at 5, ¶ 3. After additional votes were accepted and counted at the provisional ballot hearing on November 9, 2023, the MEC first concluded David was at 65 votes, while Isom was at 64. Following Isom’s logic, when the MEC subsequently rejected 14 votes around six months later, she calculates that would leave her with (at a minimum) 62 votes, while, on the other hand, John David, the other mayoral candidate, could not have received more than 53. *See* Isom Brief at 4.⁵

The Court “must examine the decisions” of the MEC “for errors of law.” *Taylor*, 363 S.C. at 14, 609 S.E.2d at 503 (2005). Moreover, “[t]here was no right to contest an election under the common law.” *Id.* “In South Carolina, the right to contest an election exists only under our constitutional and statutory provisions, and ‘the procedure proscribed by statute must be strictly followed.’” *Odom I*, 427 S.C. at 307-308, 831 S.E.2d at 430 (quoting *Taylor v. Roche*, 271 S.C. 505, 509, 248 S.E.2d 580, 582 (1978)); *see also* S.C. Const. art. II, § 10 (“The General Assembly shall . . . establish procedures for contested elections, and enact other provisions necessary to the fulfillment and integrity of the election process.”). “Statutes which are in derogation of the common law must be strictly construed.” *Odom I*, 427 S.C. at 308, 831 S.E.2d at 430 (citing *Doe v. Brown*, 331 S.C. 491, 496, 489 S.E.2d 917, 920 (1997)).

Under South Carolina law it is the “Municipal Election Commission” that “shall . . . supervise and conduct all municipal, special and general elections” and the MEC alone is granted the authority to “declare the results” of an election. S.C. Code Ann. § 5-15-100. However, S.C.

⁵ The Court notes that neither the Decision nor Isom’s calculations in her Appeal refer to the two write-in votes for the mayoral seat.

Code Ann. § 5-15-120 does contemplate a vote counting role for the poll managers—in that they shall, among other things, make a “statement of the . . . number of votes cast for each candidate for mayor . . . and transmit this information to the [MEC].” Even still, the Court is not aware of, and the parties have not suggested any authority specifically discussing the Court’s ability to rely on a necessarily “unofficial” count by a manager under S.C. Code Ann. § 5-15-100. And, by virtue of its decision, the MEC elected not to rely on this initial vote total by the managers in directing a new election.

However, even if a manager’s count could be used in the way Isom suggests, the Court must also consider whether there is a reliable factual record to support Isom’s assertions, which, as noted above, rely on a specific factual finding by the MEC of the results of the poll manager’s count under § 5-15-120. “While corruption-free elections are imperative to the very survival of the republic, it is equally essential that, where corruption is charged, *a documented record be established upon which alleged wrongdoing may receive appellate review.*” *Fielding v. S.C. Election Comm’n*, 305 S.C. 313, 318, 408 S.E.2d 232, 235 (1991) (emphasis added).

The “evidence” on the record required to support a “finding” by the MEC is very low. But it cannot be said that a “finding” *is* “evidence.” This is because, as the Supreme Court has held, a court “must uphold [a] finding” of the MEC “if there is any evidence that supports the commission’s finding,” *Odom I*, 440 S.C. at 372, 891 S.E.2d at 665, but, on the other hand, a court cannot “accept the factual findings of the commission” that “are wholly unsupported by the evidence.” *Taylor*, 363 S.C. at 14, 609 S.E.2d 503.

Here, to be sure, the Record relied on by the MEC in reaching its factual findings is extensive. Totaling over six hundred pages, it includes transcripts of both the November 9, 2023,

and April 2, 2024, MEC hearings, along with extensive documentary evidence introduced by both Isom and David, and significant investigative records obtained directly at the MEC's behest.⁶

But within this extensive Record, Isom does not cite (nor does the Court's review discern) evidence supporting the MEC's specific finding as to what the poll managers "initially determined." In its appellate capacity, the Court cannot go outside the bounds of the Record presented and "may not consider issues which were not raised to the [MEC]." *Armstrong v. Atl. Beach Mun. Election Comm'n*, 380 S.C. 47, 49, 668 S.E.2d 400, 401 (2008) (citing *Taylor*, 363 S.C. 8, 609 S.E.2d 500 (2005)).

Indeed, the only count of votes evidenced in the Record occurred on November 9, 2023, when at the conclusion of the provisional ballot hearing, after *all* the ballots cast in the election were "inextricably commingled," John David was determined to have received 65 votes and Josephine Isom 64 votes, Record § 5(f) at 112:15-19, along with two apparent votes for write-in candidates. Record § 5(f) at 117:9-17. Such close results would have required a recount and assuming the count remained the same, a runoff election. *See* S.C. Code Ann. §§ 7-17-280; 5-15-62(b).

Naturally, had there been no manager's count on election night, when later, on April 2, 2024, fourteen of the votes counted on November 9, 2023, were determined to be invalid, "there was no way to tell for whom the disputed votes were cast; consequently, the only conceivable conclusion was that the results of the election were in doubt, and **the only remedy. . . was a new election.**" *Odom I*, 427 S.C. at 314, 831 S.E.2d at 434 (citing *Gecy v. Bagwell*, 372 S.C. 237, 642

⁶ According to the MEC's Decision, on February 28, 2024, it "authorized its legal counsel to issue subpoenas to challenged voters . . . and . . . obtain information that would assist in reaching a determination during a forthcoming protest hearing." The material obtained during this process included property, tax, and voter registration information, along with the Facebook page of a student at American University and the on-line biography and several images of a football player at Brown University. *See* generally Record at §5(a) "Agency Exhibit."

S.E.2d 569 (2007); *Broadhurst v. City of Myrtle Beach Election Comm'n*, 342 S.C. 373, 537 S.E.2d 543 (2000); *Easler v. Blackwell*, 195 S.C. 15, 10 S.E.2d 160, 162-64 (1940) (emphasis added)).

To be sure, a “Court will employ every reasonable presumption to sustain a contested election, and will not set aside an election due to mere irregularities or illegalities unless the result is changed or rendered doubtful.” *Cole*, 393 S.C. at 271–72, 712 S.E.2d at 444 (2011) (citations omitted); *see also Trapp v. South Carolina Bd. of State Canvassers*, 273 S.C. 163, 169, 255 S.E.2d 670, 673 (1979) (holding that where evidence presented in an election challenge hearing allows for two reasonable inferences, one of which would invalidate the election, and the second of which would sustain the election, “the choice between the two inferences must be made in favor of the validity of the contested election.”).

But it is unclear how “employ[ing] every reasonable presumption to sustain a contested election” applies in this case. In *Cole*, the Town of Atlantic Beach election commission initially certified an election, but then “de-certified the election results and ordered a new election.” *Cole*, 393 S.C. at 271, 712 S.E.2d at 444. After unacceptable delays in the MEC’s handling of the election, the Supreme Court ultimately “vacate[d] the MEC’s decision to de-certify, and order[ed] the original certification . . . restored.” *Id.* at 275, 712 S.E.2d at 446. But here, there is not an “original certification” contained in the record at all. In other words, it can hardly be said that this election should continue to be “sustained” when nearly a year after votes were cast, no winner or reliable vote total has yet been declared by the MEC.

Still, even though the votes declared valid could not be segregated from the “invalid” votes, here, in calling for a new election, the MEC correctly relied on the Supreme Court’s holding in *Broadhurst*, that “[i]n determining whether an irregularity in the conduct of an election is sufficient to render the result doubtful, the rule deducible from the decisions is that all illegally cast ballots

shall be deducted from the total number counted for the declared winning candidate . . .” Decision at 9 (citing *Broadhurst*, 342 S.C. at 382, 537 S.E.2d at 547).

While it is true that the Supreme Court’s “longstanding method of determining whether an irregularity has affected the outcome of an election” and “the best method to safeguard the purity of election is to add the irregular votes to the losing side,” *Broadhurst*, 342 S.C. at 382, 537 S.E.2d at 547, this is not the same as actually awarding these votes to the other side and directing, as Isom requests here, that a candidate be declared the winner of an election on an uncertain vote total.

“Section 5–15–130 requires the municipal election commission to take a number of actions within forty-eight hours of the candidates filing protests—conduct a hearing, decide the issues, file a report that includes the transcribed testimony and exhibits with the county clerk, notify the parties of the decision, and order a new election, if necessary.” *Cole*, 393 S.C. at 274, 712 S.E.2d at 446. Now, nearly a year later, it is disappointing that the “main purpose” of the laws impacted by this protest—“realizing the voters’ will and seamlessly transitioning governmental offices”—continue to be frustrated by no clear winner of the November 7, 2023, mayoral election. *Id.* But, unlike in *Cole*, here, despite substantial delay in the electoral protest process, there still is not an “initial certification” that can be “restored.” *Cole*, 393 S.C. at 272, 712 S.E.2d at 444. Accordingly, it is with great hope that the Court issues this Order today so that the Town of Atlantic Beach can “order a new election as to the parties concerned” in the mayoral election, Josephine Isom and John David, without delay. S.C. Code Ann. § 5-15-130.

In sum, the Court having determined that sufficient factual evidence exists justifying the MEC’s Decision to invalidate the mayoral election and finding no error of law that would justify disturbance of the MEC’s ruling, the Decision of the Atlantic Beach Municipal Election Commission is **AFFIRMED**.

AND IT IS SO ORDERED.

November __, 2024

William H. Seals, Jr.
Circuit Court Judge



Horry Common Pleas

Case Caption: Josephine Isom VS Town of Atlantic Beach Election Commission

Case Number: 2024CP2602537

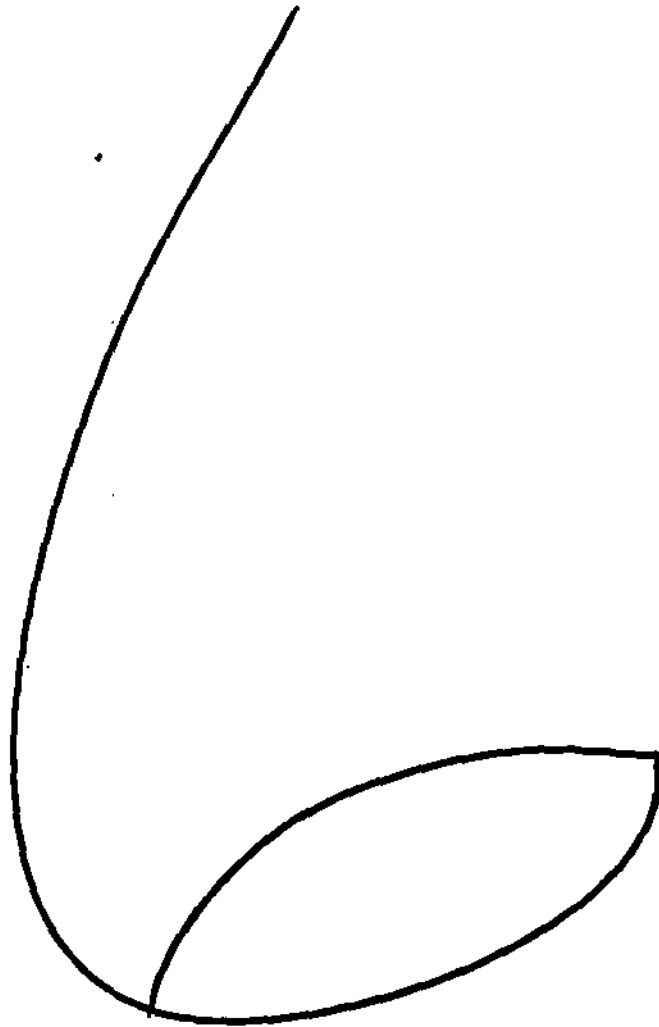
Type: Order/Other

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

Electronically signed on 2024-11-12 13:45:52 page 11 of 11

ELECTRONICALLY FILED - 2024 Nov 13 10:13 AM - HORRY - COMMON PLEAS - CASE#2024CP2602537



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

STATE OF SOUTH CAROLINA

TOWN OF ATLANTIC BEACH

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

Case No: 2024-CP-26-02532

DECISION

**RENEE N. ELVIS
CLERK OF COURT
Horry County, SC**

2024 MAY 16 P 1:15

**FILED
HORRY COUNTY**

INTRODUCTION AND PROCEDURAL HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DECISION ON ISOM'S ELECTION PROTEST

Based on the above findings of fact, the testimony presented by Isom and Armstrong, the exhibits admitted into evidence, the arguments of counsel, and other relevant evidence presented at the hearing and discovered after the Election, the MEC finds that the following individuals were not residents of the Town of Atlantic Beach pursuant to S.C. Code Ann. § 7-2-10 and § 7-2-20 and therefore were not qualified to vote in the Election: Carlisle Cooper; Noble Cooper, Jr.; Noble Cooper III; Traci Cooper; Glynes Cheatham; K.G. Divine; Timaj G. Divine; Jamar McLaurin; Julianna Hines; Nadiyah Vaughan; Erika Vaughan; Naim Vaughan; Diane Hill; and Marvirstine Briggs-Fisher. The MEC further finds that the votes cast by the above-listed 14 individuals were fraudulently cast in the Election and therefore declines⁹ to include these votes in the final count for the Mayoral Election for the Town of Atlantic Beach, South Carolina. *See Broadhurst v. City of Myrtle Beach Election Commission*, 342 S.C. 373, 382 (2000) ("In determining whether an irregularity in the conduct of an election is sufficient to render the result doubtful, 'the rule deducible from the decisions is that all illegally cast ballots shall be deducted from the total number counted for the declared winning candidate, and that all rejected (uncounted), legal ballots shall be added to the total number counted for the declared losing candidate.'") (citing *Easter v. Blackwell*, 195 S.C. 15, 19 (1940))

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

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

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

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

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

Kenneth McIver, Commissioner

Derrick Stevens, Commissioner

Carolyn Gore, Commissioner

Attest:

Cheryl Pereira

Cheryl Pereira, Town Clerk

(SEAL)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF JAMAR MCLAURIN
COUNTY OF _____)

JAMAR MCLAURIN appearing before the undersigned notary and being duly sworn (or affirmed), says that:

1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.

2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.

3. My home and permanent residence is 3108 Seaview Street, Atlantic Beach, SC 29582. I have resided at this location since October 6, 2023. My father, Knowledge Gahib Divine, also resides with me at this home. I am signing this Affidavit in Pennsylvania because I am here temporarily visiting on the date this Affidavit is signed.

4. Appended to this Affidavit are the following documents evidencing my residency and domicile in the Town of Atlantic Beach: my voter registration card, my South Carolina non-driver's license, and a bank statement.

FURTHER AFFIANT SAYETH NAUGHT
Jamar McLaurin
JAMAR MCLAURIN

FILED
Horry County
2024 MAY 16 P 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF PENNSYLVANIA)
)
COUNTY OF Philadelphia)

Sworn to (or affirmed) and subscribed before me this 15th day of March, 2024.

SEAL

Commonwealth of Pennsylvania - Notary Seal
MARK W. HAMILTON, Notary Public
Philadelphia County
My Commission Expires June 24, 2026
Commission Number 1224629

Mark W. Hamilton
Official Signature of Notary

Mark W. Hamilton
Notary Public

My commission expires: 6/24/26

South Carolina SC USA IDENTIFICATION CARD ID

NOT FOR FEDERAL IDENTIFICATION

4 DLB: [REDACTED]

1 MCLAURIN
2 JAMAR
3 3108 SEAVIEW ST.
ATLANTIC BEACH SC 29524860

5 DOB: [REDACTED]

6a Issued: 10/24/2023
6b Expires: 10/24/2031

15 Sex: M 16 Hgt: 5'-10"
17 Wgt: 230 lb 18 Eyes: BRO

NOT A DRIVER'S LICENSE

5 DO [REDACTED]

07/16/1973

16 Governor

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senate	House	County Council	School	Munic	Mags Juris
07	28	036	01	01	363	264

Jamar McLaurin
3108 Seaview St
Atlantic beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY HORRY
PRECINCT Atlantic Beach

REG NO 471798246 REG DATE 10/6/2023

McLaurin, Jamar
3108 Seaview St
Atlantic Beach, SC 29582

Jamar McLaurin
SIGNATURE OF ELECTOR
FOLD HERE

SEX Male RACE Black/AA DOB [REDACTED]

VOTE A1
Ab Community Center
1010 32Nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

2024 MAY 16 P 1:12

FILED
HORRY COUNTY

ANDERSON
BROTHERS BANK

PO Box 310 • Mullins, SC 29574-0310
(843) 464-6271 • Fax (843) 464-2653

DATE _____

1/25/24

PRELIMINARY ACCOUNT

ENCLOSURES

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1666-1667, 1668-1669, 1670-1671, 1672-1673, 1674-1675, 1676-1677, 1678-1679, 1680-1681, 1682-1683, 1684-1685, 1686-1687, 1688-1689, 1690-1691, 1692-1693, 1694-1695, 1696-1697, 1698-1699, 1700-1701, 1702-1703, 1704-1705, 1706-1707, 1708-1709, 1710-1711, 1712-1713, 1714-1715, 1716-1717, 1718-1719, 1720-1721, 1722-1723, 1724-1725, 1726-1727, 1728-1729, 1730-1731, 1732-1733, 1734-1735, 1736-1737, 1738-1739, 1740-1741, 1742-1743, 1744-1745, 1746-1747, 1748-1749, 1750-1751, 1752-1753, 1754-1755, 1756-1757, 1758-1759, 1760-1761, 1762-1763, 1764-1765, 1766-1767, 1768-1769, 1770-1771, 1772-1773, 1774-1775, 1776-1777, 1778-1779, 1780-1781, 1782-1783, 1784-1785, 1786-1787, 1788-1789, 1790-1791, 1792-1793, 1794-1795, 1796-1797, 1798-1799, 1800-1801, 1802-1803, 1804-1805, 1806-1807, 1808-1809, 1810-1811, 1812-1813, 1814-1815, 1816-1817, 1818-1819, 1820-1821, 1822-1823, 1824-1825, 1826-1827, 1828-1829, 1830-1831, 1832-1833, 1834-1835, 1836-1837, 1838-1839, 1840-1841, 1842-1843, 1844-1845, 1846-1847, 1848-1849, 1850-1851, 1852-1853, 1854-1855, 1856-1857, 1858-1859, 1860-1861, 1862-1863, 1864-1865, 1866-1867, 1868-1869, 1870-1871, 1872-1873, 1874-1875, 1876-1877, 1878-1879, 1880-1881, 1882-1883, 1884-1885, 1886-1887, 1888-1889, 1890-1891, 1892-1893, 1894-1895, 1896-1897, 1898-1899, 1900-1901, 1902-1903, 1904-1905, 1906-1907, 1908-1909, 1910-1911, 1912-1913, 1914-1915, 1916-1917, 1918-1919, 1920-1921, 1922-1923, 1924-1925, 1926-1927, 1928-1929, 1930-1931, 1932-1933, 1934-1935, 1936-1937, 1938-1939, 1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 24

JAMAR McLaurin
3108 Seaview St
Atlantic Beach SC 29582-4860

CHECKING ACCOUNTS

REWARDS FREE CHECKING	
Account Number	
Balance Forward	
Deposits/Credits	
Checks/Debits	
Service Charge	
Interest Paid	
Current Balance	

XXXV

Image Statement
Statement Dates 12/26/23 thru
Days in the Statement Period
Avg Ledger Balance
Avg Collected Balance

175/

Total for This Period	Total Year to-Date
100	100

Total Overdraft fees

Total Returned Item Fees

ACCOUNT BALANCES BY DAY

Date	Balance

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ROA 026

DISTRICT OF COLUMBIA)

) AFFIDAVIT OF CARLISLE COOPER

FILED
Horry County
2024 MAY 16 P 11
RENEE N. ELY
CLERK OF COURT
HORRY COUNTY SC

CARLISLE COOPER appearing before the undersigned notary and being duly sworn (and affirmed), says that:

1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.
2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.
3. Although I am currently a full-time student at American University, my home and permanent residence is 3207 S. Ocean Blvd, Atlantic Beach, SC 29582, where my parents, Drs. Noble P. Cooper, Jr. and Dr. Traci Cooper, reside, along with my brother, Noble P. Cooper, III, who is a student at Brown University in Rhode Island.
4. Appended to this Affidavit are various documents evidencing my residency and domicile in the Town of Atlantic Beach, including my voter registration card and a certificate of my enrollment at American University.

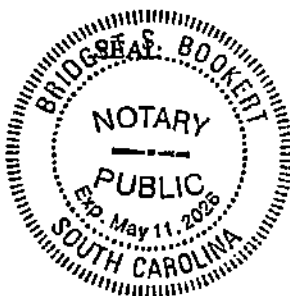
FURTHER AFFIANT SAYETH NAUGHT.


CARLISLE COOPER

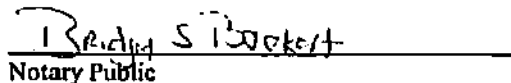
DISTRICT OF COLUMBIA)

)

Sworn to (or affirmed) and subscribed before me this 19 day of March, 2024.




Official Signature of Notary


Notary Public

My commission expires: 5/11/2026

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senate	House	County Council	School	Munic	Mags Jury
07	28	055	01	01	365	264

Carlisle C Cooper
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: Horry
PRECINCT: Atlantic Beach

REG. NO: 470813654

REG. DATE: 10/5/2023

Cooper, Carlisle C
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32Nd Ave S

Sandra M. Martin

COUNTY STATE ELECTION OFFICIAL

GENEEN N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

MAY 16 P 1:11

FILED
HORRY COUNTY

About You



Carlisle Cooper
Colleague ID: 5410204

Date of Birth: [REDACTED]
✉ cc0204a@student.american.edu

Chosen Name:
Preferred Pronoun: She/Her/Hers
Gender Identity: Woman

 Edit Personal Identity

American University is committed to creating an inclusive and welcoming environment where students are valued and supported. As part of this effort, by clicking "Edit Personal Identity," you can designate the first name you should be addressed by, regardless of your legal name, as well as pronouns and gender identity. You can read more about where you can expect this name to appear at our [Name and Gender Identity Hub](#).

Please be aware that your chosen name may be visible in AU technology systems to any proxies you designate. Most AU mail sent to your home address on file will use your legal name.

You can designate this information in Eagle Service at any time. However, please remember that this information takes 24-48 hours to populate in available AU systems.

To update any of the following items - legal name, salutation, date of birth, race/ethnicity, marital status, and social security number - please use the [Student Personal Data Change Request](#).

Here you can update your Home/Permanent address, Current/Local address, Personal email address, and Cell phone number. To update your Emergency Contact information click on your username at the top of page and select Emergency Information from the drop down. Please note, you will be asked to do this prior to the assignment for priority registration times each term.

Addresses

 Add New Address

120 Stonebrook Dr, Blythewood, SC 29016, UNITED STATES
Home/Permanent, Admissions Application

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

3207 S. Ocean Blvd, Atlantic Beach, SC 29582
Home/Permanent



Email Addresses

cc0204a@student.american.edu
Official, **NO CHANGES**



carllslec464@gmail.com

Internet



FILED
HORRY COUNTY

2024 MAY 16 P 1:12

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Phone Numbers

+ Add New Phone

803-767-9335

Cell Phone



STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT OF DIANE TEEL HILL

FILED
HORRY COUNTY
2024 MAY 16 PM 1:12
RENEE N. ELLIS
CLERK OF COURT
HORRY COUNTY, SC

DIANE TEEL HILL, appearing before the undersigned notary and being duly sworn (or affirmed), says that:

1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.
2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.
3. My home and permanent residence is 609 30th Ave. South, Atlantic Beach, SC 29582. This home has been in my family for decades and I am proud to call Atlantic Beach my home today.
4. Memorializing my residency and domicile in the Town of Atlantic Beach and attached to this affidavit are various documents including my voter registration card and other documents sent to me at my home in Atlantic Beach.

FURTHER AFFIANT SAYETH NAUGHT.

Diane Teel Hill
DIANE TEEL HILL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Sworn to (or affirmed) and subscribed before me this 19 day of March, 2024.



Ardiana Natta
Official Signature of Notary

ARDIANA NATTA
Notary Public

My commission expires: 02/26/2025

FILED
Horry County

2024 MAY 16 P 1:12

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

HORRY COUNTY, SC
Clerk of Court
21000 Highway 17, Suite 100
Myrtle Beach, SC 29577
Tel: 843.661.1234
Fax: 843.661.1235
www.horrycountysc.gov

PROPERTY TAX

2024

PARCEL: 14-01-01-0000-0000-0000

OWNER: J. L. SMITH

ADDRESS: 12345 Main St, Myrtle Beach, SC 29577

VALUE: \$100,000.00

TAXES:

Category	Amount
General	\$10,000.00
Special	\$5,000.00
Other	\$2,000.00
Total	\$17,000.00

PAID: \$17,000.00

DATE: 05/16/2024

RECEIVED: 05/16/2024

CLERK OF COURT: RENE N. ELVIS

FILED
HORY COUNTY

2024 MAY 16 P 1:12

REHEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

[illegible]**ROA 034**

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE H. ELYS
CLERK OF COURT
HORRY COUNTY, SC

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congress	Senate	House	County Committee	School	Munic	Mags Jury
67	26	25	11	01	365	264

This stub along with the attached notification may be used as a
VOTER REGISTRATION CARD with PHOTO
To use as a photo ID, DO NOT DETACH STUB.



STATE OF S.C. VOTER REGISTRATION NOTIFICATION
COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO: 471793414

REG. DATE: 10/4/2023

Hill, Diane T
609 30th Ave S
Atlantic Beach, SC 29582

Diane T Hill
SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

Utility



1519 OLD HIGHWAY 17 NORTH
NORTH MYRTLE BEACH, SC 29582

INVOICE

Page 1 of 1

Customer #:	54733
Payment Terms:	Payment due in 30 da
Invoice #:	236561
Invoice Date:	2023-04-
Total Due	\$0.

Amount Enclosed: \$

DIANE T HILL
609 30TH AVE S
NORTH MYRTLE BEACH, SC 29582

BLOSSMAN GAS & APPLIANCE
1519 OLD HIGHWAY 17 NORTH
NORTH MYRTLE BEACH, SC 29582

0005473310000000000000

Customer Name		Delivery/Service Address		Cust #	Invoice #	Inv Dat
DIANE T HILL		609 30TH AVE S - NORTH MYRTLE BEACH, SC 29582		5473310	23656160	2023-04-
Quantity	Item Number	Description	Unit Price	TOTAL		
1.00	Compliance Fee NT	Compliance Fee NT				
60.30	Propane	Propane LP Delivered By: 510 RODNEY O on 04/07/2023 Starting Meter Reading: 0, Ending Meter Reading: 60.30	\$4.2290	\$255.1		

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

1k/Equipment: Fuel Tank - 120 - 159553

Fuel or Service At:

30TH AVE S - NORTH MYRTLE BEACH, SC 29582

Sub Total	\$255
Consumables	
Tax Total	\$0.
Covered By Budget	\$255.
TOTAL DUE	\$0.

BLOSSMAN GAS & APPLIANCE
1519 OLD HIGHWAY 17 NORTH
NORTH MYRTLE BEACH, SC 29582

<http://www.blossmangas.com> | 843.249.1614

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HORRY COUNTY
2024 MAY 16 P 1:13
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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September 8, 2023 ■ Page 1 of 5



DIANE T HILL
PO BOX 5403
NORTH MYRTLE BEACH SC 29597-5403

Questions?

Available by phone 24 hours a day, 7 days a week.

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Portland, OR 97228-6995

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Account options

CamScanner

ROA 037

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HORRY COUNTY
2024 MAY 16 P 1:13
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC



PO Box 5403 • Myrtle Beach, SC 29597
navyfederal.org

Statement of Account

Statement Period
08/21/23 - 09/20/23

Access No. 6528864

Routing Number: 2560-7497-4

#BWNLLSV
#000000P6U2XXV4A7#000SME90F
DIANE T HILL
PO BOX 5403
N MYRTLE BCH SC 29597-5403

Questions about this Statement?
Toll-free in the U.S. 1-888-842-632
For toll-free numbers when overseas:
visit navyfederal.org/overseas
Collect International 1-703-255-8

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STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF JULIANNA
HINES)
COUNTY OF HORRY)

JULIANNA HINES appearing before the undersigned notary
and being duly sworn (or affirmed), says that:
1. I am over the age of 18 and competent to make this
Affidavit. The following is based on my personal knowledge
unless otherwise stated.

2. On November 7, 2023, I was domiciled in and a resident
of the Town of Atlantic Beach, South Carolina. I am today a
resident of the Town of Atlantic Beach, South Carolina.

3. I own and reside at a home located at 3103 S. Ocean
Blvd., Atlantic Beach, SC 29582. I have resided at this location
since August 4, 2023, and my daughter, Courtney Beck, also
lives at this home too.

4. Appended to this Affidavit are copies of the following
documents evidencing my residency and domicile in the Town
of Atlantic Beach: voter registration card, driver's license, and
utility bills.

FURTHER AFFIANT SAYETH
NAUGHT.

Julianne Hines
JULIANNA
HINES

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

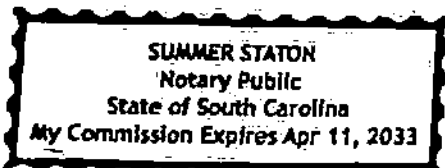
Sworn to (or affirmed) and subscribed before me this 19th day of March, 2024.

SEAL

Summer Staton
Official Signature of Notary

Summer Staton
Notary Public

My commission expires: 4/11/2033



FILED
HORRY COUNTY

2024 MAY 16 P 1:12

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY

PRECINCT: Atlantic Beach

REG. NO: 225443054

REG. DATE: 9/11/2023

Hines, Julianna

3103 S Ocean Blvd

Atlantic Beach, SC 29582

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female

RACE: Unknown

DOB: 

VOTE AT:

Ab Community Center

010 32Nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

SC USA
Carolina
Horry County

DRIVER'S LICENSE

2024 MAY 16 P 1:12

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

4d DL#:

1 HINES

2 JULIANNA

8 3103 S OCEAN BLVD

ATLANTIC BEACH SC 295824754

3 DOB:

4a Issued: 05/30/2023

4b Expires: 05/30/2031

15 Sex: U

16 Hgt: 5'-07"

17 Wgt: 131 lb

18 Eyes: BRO

9 Class: D

9a End: None

12 Restrictions: None

DIG

Governor

ROA 041

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) AFFIDAVIT OF K GAHIB DIVINE

K. GAHIB DIVINE appearing before the undersigned notary and being duly sworn (or affirmed), says that

1 I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.

2 On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.

3 My home and permanent residence is 3108 Seaview Street, Atlantic Beach, SC 29582. I have resided at this location since July 2, 2019. My son, Jamar McLamb, also resides with me at this home

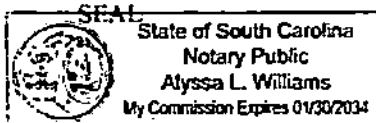
4 Appended to this Affidavit are the following documents evidencing my residency and domicile in the Town of Atlantic Beach: my voter registration card, my driver's license, car insurance information, utility, and tax bill

FURTHER AFFIANT SAYETH NAUGHT

K. Gahib Divine
K. GAHIB DIVINE

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Sworn to (or affirmed) and subscribed before me this 16th day of March, 2024.



Alyssa L. Williams
Official Signature of Notary

Alyssa L. Williams
Notary Public

My commission expires 01/30/2034

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

SC USA
South Carolina

DRIVER'S LICENSE

DL

4d DL#: [REDACTED]

1 DIVINE

2 K GAHIB

8 3108 SEAVIEW ST

ATLANTIC BEACH SC 295824860

3 DOB: [REDACTED]

4a Issued: 07/02/2019

4b Expires: 11/07/2027

15 Sex: M 16 Hgt: 6'-01"

17 Wgt: 220 lb 18 Eyes: BRO

9 Class: D 9a End: None

12 Restrictions: A

11/07/1950

K. Gahib Divine

5 DD [REDACTED]



Henry McMaster
Governor

FILED
Horry County

2024 MAY 16 P 1:12

RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

- SC Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- SC Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Comp	Senate	House	County Council	School	Munic	Maps
05	28	104	01	01	168	264

This stub along with the attached notification may be used as a
VOTER REGISTRATION CARD with PHOTO
to use as a photo ID. DO NOT DETACH STUB



STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO. 471100541

REG. DATE: 12/2019

Divine, K. Colub
1109 Seaview St
Atlantic Beach, SC 29582

Kenneth K. Divine
SIGNATURE OF ELECTOR

FOLD HERE

SEX: Male

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center

1010 32nd Ave S

Renee Huggins

COUNTY / STATE ELECTION OFFICIAL

FILED
HORRY COUNTY

2024 MAY 16 P 1:12

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Knowledge Gahib Divine 3108 Seaview St Atlantic Beach SC 29582		1014 87-6741532
DATE		
PAY TO THE ORDER OF		\$
ANDERSON BROTHERS BANK Longs, SC 29558 www.abbank.com		DOLLARS
102		AT

FILED
HORRY COUNTY
2024 MAY 16 P 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

HORRY COUNTY, SC		
ANGIE JONES, HORRY COUNTY TREASURER		
VEHICLE PAID TAX RECEIPT		
Itemization Of Your Tax Levy \$ Distribution		
ENTITY	AMOUNT	TAX DOLLARS
GEN FUND DEBT	4.00	4.76
COUNTY GENERAL	144.80	53.32
HIGH ED DEBT	1.70	2.83
HORRY-GT TEC	1.70	2.02
SENIOR CIT FND	1.40	1.48
COUNTY REC	1.60	1.90
TOTAL COUNTY	53.20	63.31
SCHL OPERATING	118.10	140.54
SCHL DIST DEBT	10.00	11.90
TOTAL SCHOOL	128.10	152.44
RURAL FIRE	21.10	25.11
CITY FIRE REPL	1.60	1.90
TOTAL SPECIAL	22.70	27.01
ATLANTIC BEACH	84.50	100.56

DEVINE K GANTH
3106 SEAVIEW ST
ATLANTIC BEACH SC 29562 4860



GOD BLESS AMERICA

VEHICLE TAX REFERENCE NO		FOR THE LICENSE PERIOD	
058905-23-1		03/31/23-03/31/24	
YEAR	MAKE	MODEL	BODY STYLE
2018	JEEP	WRANGL	SU
IDENTIFICATION NUMBER			
1C4HJXK55JW201078			
ASSESSED VALUE	CITY OF	DISTRICT NO	
1190	ATLANTIC BEACH	590	
TAX \$'S			
CITY			100.56
SCHOOL			152.44
COUNTY			63.31
SPECIAL DIST			27.01
TOTAL TAX:			
143.32			
ROAD FEE			
50.00			
STATE REGISTRATION FEE			
36.00			
TOTAL PAID			
			429.32

THIS IS NOT A BILL. PLEASE RETAIN THIS PAID RECEIPT FOR YOUR RECORDS.

S.C. DOCUMENT OF REGISTRATION
S.C. DEPARTMENT OF MOTOR VEHICLES

KEVIN A. BINGO
EXECUTIVE DIRECTOR

PLATE NUMBER UAM652 TITLE 770510358901205
PLATE CLASS BP2 EQUIPMENT NO.
ISSUE DATE 03/10/2023 COUNTY 26
PLATE EXP. 03/2025 VEHICLE NO. 28216027
DECAL EXP. 03/2024 PLANT NUMBER
VIN 1C4HJXK55JW201078
YEAR 2018
MAKE JEEP
BODY SU
MODEL WRANGLER, UNLIMITED
VEHICLE TYPE 1
EMPIR/GUN 4331 / 0

CUSTOMER NO. 34778660
DEVINE, K GANTH
3106 SEAVIEW ST
ATLANTIC BEACH, SC 295624860

APPLICATION INSTRUCTIONS

1. Clean plate thoroughly and dry plate completely.
2. Remove backing paper by bending over finger at scoring line face up, pull decal slowly.
3. Position on clean and dry plate as shown below.
4. Firmly press and rub decal and edges down with thumb.

PEEL HERE

PEEL HERE
ON REVERSE

PLEASE NOTE: Make sure all information is correct before placing license plate or decal on your vehicle. South Carolina Code of Law 23-3-600 requires a person convicted of a sex offense to register with the county sheriff within 10 days of establishing residency in this state.

Your ID Cards

Keep these cards handy—in your glove compartment or wallet. And contact us anytime you have a question or need to report a claim.

If you have a claim, we'll get you back on the road as soon as possible. And while you'll always have a choice where to repair your vehicle, when you use a shop in our preapproved network, we'll guarantee your repair for as long as you own or lease your vehicle.

Thank you for choosing Progressive.

k gahib divine Platinum Level Valued Customer Since 2021	INSURANCE IDENTIFICATION CARD - South Carolina Policy Number: 945807052 MAJC Number: 35628 Effective Date: 01/22/2014 Expiration Date: 01/22/2014 Insurer: Progressive Northern Insurance Co 1-800-876-5581 PO Box 6807 Cleveland, OH 44101 Named Insured(s): k gahib divine <table><tr><td>Year</td><td>Make</td><td>Model</td><td>VIN</td></tr><tr><td>2018</td><td>Jeep</td><td>Wrangler</td><td>1C4HJXEN5FM201078</td></tr><tr><td>2010</td><td>Dodge</td><td>Ram 1500</td><td>3D7EV1E174G107826</td></tr></table>	Year	Make	Model	VIN	2018	Jeep	Wrangler	1C4HJXEN5FM201078	2010	Dodge	Ram 1500	3D7EV1E174G107826
Year	Make	Model	VIN										
2018	Jeep	Wrangler	1C4HJXEN5FM201078										
2010	Dodge	Ram 1500	3D7EV1E174G107826										
Form 4022 (10/20) IF YOU'RE IN AN ACCIDENT 1. Remain at the scene. Don't admit fault. 2. Find a safe location, call the police, and exchange driver information. 3. Call Progressive right away. TO REPORT A CLAIM Call 1-800-274-4499 or go to claims.progressive.com NEED ROADSIDE ASSISTANCE? Call 1-800-776-2778.	Coverage under this policy meets South Carolina's minimum financial responsibility requirements.												
PROGRESSIVE KEEP THIS CARD IN YOUR VEHICLE WHILE IN OPERATION.													

FILED
HORRY COUNTY
2024 MAY 16 P 1:11
CLERK OF COURT
RENEE N. ELVIS
HORRY COUNTY, SC



CITY OF NORTH MYRTLE BEACH
UTILITY BILLING
1016 2ND AVENUE SOUTH
NORTH MYRTLE BEACH SC 29582 3100
(843) 280-5550

SERVICE ADDRESS	
3108 SEAVIEW ST	
ACCOUNT NUMBER	
2-16508-00	
BILLING CYCLE COMPARISON	
PREVIOUS AND CURRENT USAGE	
CURRENT	11
LAST YEAR	9



004543*****SCH 5-DIGIT 29582 4542 1 AV 0.438 7/12
KNOWLEDGE DIVINE
3108 SEAVIEW ST
NORTH MYRTLE BEACH SC 29582-4860



FOR SERVICE FROM: 08/2022 TO: 09/2023

DESCRIPTION OF SERVICE	METER NUMBER	METER SERVICE COMMENTS	DATE	READING	AMOUNT
WATER CHRG SEWER CHRG	95361362		28	194	39.72 42.30
IMPORTANT MESSAGES					TOTAL 82.02

If you have a previous balance, you may be subject to service cut off prior to this bill's due date.

2024
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC
FILED
Horry County
2024
P 1:12

Contact us online
via email at
UB@NMB.US

Safe, Secure and Convenient

Pay your bill online via
our website at WWW.NMB.US

Always include the bottom portion of this bill with your payment. Please write account number on check.

PLEASE RETURN THIS PORTION WITH PAYMENT IN THE ENCLOSED ENVELOPE - DO NOT MAIL CASH

MAKE CHECKS PAYABLE TO THE CITY OF NORTH MYRTLE BEACH

* PAYMENT IN FULL OF THE AMOUNT DUE MUST BE RECEIVED BY THE DUE DATE
TO AVOID LATE PAYMENT PENALTIES OF 10% OF THE CURRENT CHARGES.

BILL DATE	DUE DATE	SERVICE LOCATION	ACCOUNT #
10/19/2023	11/08/2023	1108 SEAVIEW ST	2-16508-00
PAST CREDIT/CHARGES		CURRENT CHARGES	TOTAL DUE
0.00		82.02	82.02
			AMOUNT PAID

CURRENT ACCOUNT INFO
KNOWLEDGE DIVINE
3108 SEAVIEW ST
NORTH MYRTLE BEACH SC 29582-4860

CITY OF NORTH MYRTLE BEACH
UTILITY BILLING
1016 2ND AVE SOUTH
NORTH MYRTLE BEACH, SC 29582



☐ Address Change / Bank Draft Authorization
See Reverse Side



44004243650000000000148931

SANTEE COOPER
PO BOX 188
MONCK'S CORNER, SC 29461-0188

ACCOUNT NUMBER
4400424365

PLEASE PAY BY
11/17/2023

AMOUNT DUE
\$148.93

AMOUNT PAID

DIVINE, KNOWLEDGE G
mrkgdivine@gmail.com

Please make checks payable to SANTEE COOPER

Check here for address change, comments.

☐ If you would like to sign up for Autopay,
Please write on the reverse side and return.

Detach this stub and return with your payment. See back for payment options.

Bill Date: 11/02/2023
DIVINE, KNOWLEDGE G
mrkgdivine@gmail.com

Previous balance	227.75
Payments received	-227.75
Electric Service Residential	148.93
Total Charges	\$148.93

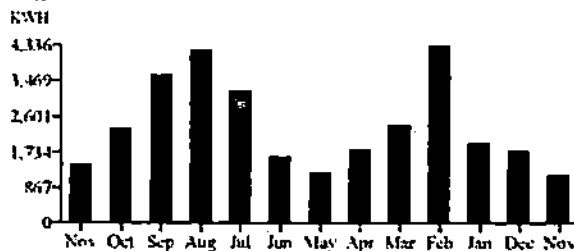
You could receive up to \$100 in bill credits by enrolling in our SmartRewards Demand Response Program. If you have a central heating and cooling system or electric water heater, you may qualify. Visit www.SanteeCooper.com/SmartRewards for more information.

3108 2nd Ave, Atlantic Beach, SC 29582

Residential General Service from 10/4/23 through 11/2/23 for 30 days

Meter Number	Usage / Consumption
LN3F12688	1440 KWH

Usage At-A-Glance



Electric Service Residential - 10/04/23 to 11/02/23

Customer Charge	19.50
Energy Charge	143.57
Fuel Adjustment	-18.13
Demand Sales Adjustment	-3.10
Franchise Fee	7.09
Total New Charges	\$148.93

Important: This bill is due and payable on or before November 17, 2023. If payment in full is not received by the due date, a late charge of 2% of the unpaid balance, or 50 cents and applicable taxes - whichever is greater - will be added to the amount due.
* If your bill has a PAST DUE AMOUNT, your service may be subject to immediate suspension.

See back for payment options!

Power outage? Call (888) 769-7688
Billing questions? Call (843) 448-2411



HORRY COUNTY, SOUTH CAROLINA
 Angie Jones • County Treasurer
 Beth Cathoun • County Auditor
 Vehicle Tax Notice
 (SEE BACK OF THIS NOTICE FOR MORE INFORMATION)

14936115-22364-1 1 1 *****AUTO**S-DIGIT 29582



DIVINE K GAHIB
 3108 SEAVIEW ST
 ATLANTIC BEACH SC 29582-4860

VEHICLE TAX NOTICE NO.		FOR THE LICENSE PERIOD:	
063166-24-1		03/31/2024 - 03/31/2025	
YEAR	MAKE	MODEL	BODY STYLE
2018	JEEP	WRANGL	SU
IDENTIFICATION NUMBER			
1C4HJXEN5JW201078			
CITY OF		DISTRICT NO	ASSESSED VALUE
ATLANTIC BEACH		590	1130

TAX \$'s
 CITY 95.49
 SCHOOL 144.76
 COUNTY 63.50
 SPECIAL DISTRICT 26.22
TOTAL TAX 329.97
 ROAD FEES 50.00
 STATE REGISTRATION FEES .00

FILED
HORRY COUNTY
 2024 MAY 16 P 1:11
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

TOTAL DUE

PAY THIS AMOUNT ON OR BEFORE 03/31/2024

\$379.97

MAKE CHECKS PAYABLE TO:
HORRY COUNTY TREASURER
 PO BOX 1780
 CONWAY SC 29528-1780

Or scan the QR code to pay online!



If paying with a third bank pay only check please include your Current Notice # in the memo line

PAY BY PHONE: 843-428-2126

PAY ONLINE: www.horrycountysc.gov/online-services
 Convenience fees apply when paying by any card.

Questions Regarding Payment, Call Treasurer:

GOVERNMENT & JUSTICE CENTER
 1001 SECOND AVE., SUITE 1009
 CONWAY, SC 29526
 843-215-8888

Itemization Of Your Tax Levy \$ Distribution	MILLS	TAX DOLLARS
GEN FUND DEBT	4.00	4.52
COUNTY GENERAL	47.30	53.45
HIGH ED DEBT	.70	.79
HORRY-GT TEC	1.70	1.92
SENIOR CIT FND	.40	.45
COUNTY REC	2.10	2.37
TOTAL COUNTY	56.20	63.50
SCHL OPERATING	118.10	133.46
SCHL DIST DEBT	10.00	11.30
TOTAL SCHOOL	128.10	144.76
RURAL FIRE	21.60	24.41
CNTY FIRE REPL	1.60	1.81
TOTAL SPECIAL	23.20	26.22
ATLANTIC BEACH	84.50	95.49

REGISTRATION FEE IS DISCOUNTED

Questions Regarding Billing / Discounts, Call Auditor:

GOVERNMENT & JUSTICE CENTER
 1001 SECOND AVE., SUITE 1009
 CONWAY, SC 29526
 843-215-8888

RETURN STUB WITH PAYMENT

DMV INFORMATION

TAG# UAM652 VIN# 1C4HJXEN5JW201078
MAKE: JEEP
YEAR: 2018

CERTIFICATION OF INSURANCE IS NOW PROCESSED ELECTRONICALLY BY THE DMV. FAILURE TO MAINTAIN ADEQUATE INSURANCE ON YOUR VEHICLE MAY RESULT IN SUSPENSION OF YOUR VEHICLE REGISTRATION AND / OR YOUR DRIVERS LICENSE.

DECAL WILL BE MAILED TO THE MAILING ADDRESS

Mailing address: Resident Address:

DIVINE K GAHIB
 3108 SEAVIEW ST
 ATLANTIC BEACH SC 29582-4860

ATTENTION!
 Please note our new local Conway Remittance Address!

NOTICE #: 063166-24-1

PAY THIS AMOUNT ON OR BEFORE 03/31/2024

AMOUNT

\$379.97

☐ **REGISTRATION FEE**

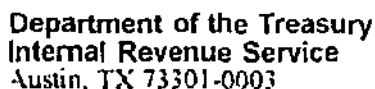
U.S. DOLLARS ONLY

MAKE PAYMENTS TO:

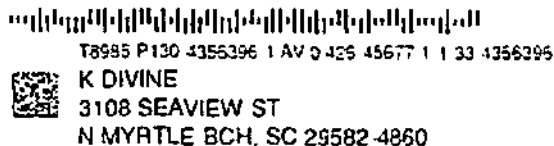
HORRY COUNTY TREASURER
 PO BOX 1780
 CONWAY SC 29528-1780



00006316624180000379974



Date:
February 28, 2022
For assistance, call:
800-919-9835
Or visit:
IRS.gov/etp



FILED
Horry County
2024 MAY 16 PM 1:12
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Keep this information with your tax records

Why you received this letter.

Under the American Rescue Plan, the Internal Revenue Service (IRS) issued you 2021 Economic Impact Payment(s) for the following total amount:

What do you need to do?

This Economic Impact Payment isn't considered taxable income, and you shouldn't report it as income on your 2021 federal income tax return. However, you'll need the total payment amount shown above to determine whether you're eligible to claim the Recovery Rebate Credit on your 2021 federal income tax return.

If you think you didn't receive the full amount of the third Economic Impact Payment you were entitled to, you must file a 2021 federal income tax return to claim the Recovery Rebate Credit, even if you aren't otherwise required to file a tax return.

How can you get more information?

For more information about Economic Impact Payments, visit [IRS.gov/eip](https://www.irs.gov/eip), or call the IRS Economic Impact Payment hotline at 800-919-4835.

Letter 6475 (en-sp) (9-2021)
Catalog Number 58142P

FILED
HORRY COUNTY

2021 MAY 16 P 1:11

RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF RHODE ISLAND)
COUNTY OF Providence

) AFFIDAVIT OF NOBLE P. COOPER,
)

NOBLE P. COOPER, III., appearing before the undersigned notary and being duly sworn (or affirmed), says that:

1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.
2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.
3. My home and permanent residence is 3207 S. Ocean Blvd, Atlantic Beach, SC 29582. At this same location reside my parents, Dr. Noble P. Cooper, Jr. and Traci Cooper, and my sister, Carlisle Cooper, a student at American University in Washington, D.C. I am a full-time student at Brown University in Rhode Island.
4. Appended to this Affidavit are documents evidencing my residency and domicile in the Town of Atlantic Beach, including my voter registration card and my enrollment at Brown University.

FURTHER AFFIANT SAYETH NAUGHT.

Noble P. Cooper III
NOBLE P. COOPER, III

STATE OF RHODE ISLAND)
COUNTY OF Providence)

Sworn to (or affirmed) and subscribed before me this 19 day of March, 2024.



Javier Rios Lopez
Official Signature of Notary
Javier Rios Lopez
Notary Public
My commission expires: 12-02-2028

Cooper III, Noble P | Return to scVOTES.gov | Logout

MyseVOTES

My Voter Info

Early Voting

My Voter Info

⊙ Registered and Ready to Vote

PERSONAL DETAILS

Name: Noble P Cooper III
 Date of Birth: 1/25/2003
 Gender: Male
 Race: Black/AA
 Registration: [REDACTED]
 Driver's License: [REDACTED]
 Current Address: [REDACTED]
 Previous Address: [REDACTED]
 Voting Address: [REDACTED]

VOTING PRECINCT

Reg/Cert No.: 471676784
 County: Horry
 Precinct: Atlantic Beach
 Location: Ab Community Center
 Polling Location: 1010 32nd Ave S
 North Myrtle Beach, SC 29582

VOTING DISTRICT

US Congressional District: 07
 SC Senate District: 09
 SC House District: 058
 County Council: 01
 School District: 01
 Municipality: 058
 Magistrate Jury Area: 058

Questions

Do you have any questions about the voting process?
 Do you have any questions about the voting process?
 Do you have any questions about the voting process?
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 Do you have any questions about the voting process?

FILED
 HORRY COUNTY
 24 MAY 16 P 1:11
 REHEE N. ELYS
 CLERK OF COURT
 HORRY COUNTY, SC

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senais	House	County Council	School	Munic	Mags Jury
07	28	056	01	01	365	264

Noble P Cooper III
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: Horry
PRECINCT: Atlantic Beach

REG. NO: 471675764

REG. DATE: 10/5/2023

Cooper III, Noble P
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Male

RACE: Black/AA

DOB

VOTE AT:

Ab Community Center
1010 32nd Ave S

Sandra N. Martin

COUNTY/STATE ELECTION OFFICIAL

FILED
Horry County
MAY 16 P 1:11
SANDRA N. MARTIN
CLERK OF COURT
Horry County, SC

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senato	House	County Council	School	Munic	Mags Jury
07	28	056	01	01	365	264

Carlisle C Cooper
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO: 470813654

REG. DATE: 10/5/2023

Cooper, Carlisle C
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32Nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senato	House	County Council	School	Munic	Mags Jury
07	28	056	01	01	365	264

Noble P Cooper III
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO: 471675764

REG. DATE: 10/5/2023

Cooper III, Noble P
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Male

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32Nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

Student Account Statement Fall 2022

Noble P. Cooper III
120 Stonebrook Dr
Blythewood, SC 29016-8719

Statement Date: June 23, 2022
Student Account Balance: \$44,727.25
Less Memo/ Authorized Aid: \$0.00
Balance Due: \$44,727.25

Total Student Account Balance Due August 01, 2022

Any outstanding balance after the Due Date will be assessed a 1.5% late fine.



Brown University
Providence, RI 02912-1839

ID: B01698362 Noble P. Cooper III

Statement of Account

Financial Summary as of June 23, 2022				
PREVIOUS BILL BALANCE	CHARGES/ ADJUSTMENTS	PAYMENTS/ CREDITS	TOTAL MEMO/ AUTHORIZED AID	BALANCE DUE
\$29.25	\$44,698.00	\$0.00	\$0.00	\$44,727.25

Financial Detail				
TERM	DATE	TRANSACTION DESCRIPTION	CHARGES AND ADJUSTMENTS	PAYMENTS AND CREDITS
		* PREVIOUS BILLED BALANCE *	\$ 29.25	
		- CURRENT CHARGES -		
202210	06/21/2022	Undergrad Student Activity Fee	\$ 143.00	
	06/21/2022	Health Services Fee	\$ 518.00	
	06/21/2022	Undergrad Recreation Fee	\$ 35.00	
	06/21/2022	Health Insurance Fee	\$ 4,255.00	
	06/21/2022	Student Resource Fee	\$ 487.00	
	06/21/2022	Undergraduate Tuition	\$ 31,340.00	
	06/21/2022	Regular Room/Suites	\$ 4,684.00	
	06/21/2022	Flex 460 Meal Plan	\$ 3,238.00	
		* CURRENT BILLED BALANCE *	\$ 44,727.25	

Statement Date: June 23, 2022	Amount Due
Total Student Account Balance Due August 01, 2022	\$44,727.25

If Billing address is different than the address on this statement you can update your address at:
<http://selfservice.brown.edu>.

Please include Student Name and ID with all payments.

Payment Instructions:

For mail payments:

Brown University
Cashiers Office
Box 1911
Providence, RI 02912



Personal Information XXXXXXXXXXXXXXXXXXXXXXXXXXXX

MAIN MENU | SITE MAP | HELP | EXIT

Personal Information Review

Current Addresses

2533 Proposed Residence
 8207 B. Ocean Blvd
 Atlantic Beach, NC 29582
 Phone not Available

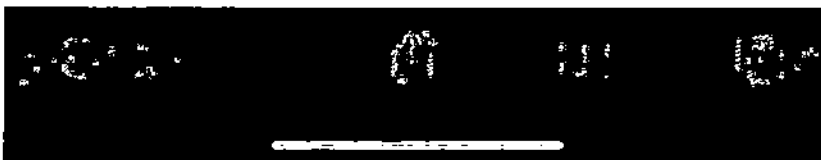
Add a New Address

Permanent Residence-FUTURE

Display Instructions 

AFUTURE address is one that will become effective as of a specific date in the future.
ACURRENT address is one that is effective today.

Figure 2



FILED
HORRY COUNTY
2024 MAY 16 P 1:11
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2024 MAY 16 P 1:11

FILED
HORRY COUNTY

RENEE M. ELYS

CLERK OF COURT
HONOLULU COUNTY SC

HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

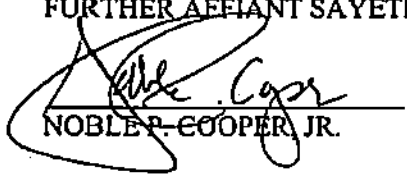
AFFIDAVIT OF NOBLE P. COOPER

FILED
HORRY COUNTY
2024 MAY 16 1:11
RENEE N. DAVIS
CLERK OF COURT
HORRY COUNTY, SC

NOBLE P. COOPER, JR., appearing before the undersigned notary and being duly sworn (affirmed), says that:

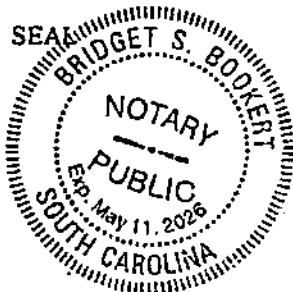
1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.
2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.
3. My home and permanent residence is 3207 S. Ocean Blvd, Atlantic Beach, SC 29582. Even though our home was under extensive renovations at the time, I became a resident of Atlantic Beach in the Summer of 2023. In Atlantic Beach, I reside with my wife, Traci Cooper, and our two children, Carlisle and Noble P. Cooper, III—full-time students attending American University in Washington, D.C., and Brown University in Rhode Island, respectively.
4. Appended to this Affidavit are various documents evidencing my residency and domicile in the Town of Atlantic Beach, including my voter registration card, my driver's license, a utility bill addressed to my home in Atlantic Beach, and vehicle registration.

FURTHER AFFIANT SAYETH NAUGHT.


NOBLE P. COOPER, JR.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Sworn to (or affirmed) and subscribed before me this 19 day of March, 2024.




Official Signature of Notary


Notary Public

My commission expires: 5/11/2026

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senate	House	County Council	School	Munic	Mega Jury
07	28	056	01	01	365	264

Noble Percival Cooper JR
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO: 401852460

REG. DATE: 10/10/2023

Cooper JR, Noble Percival
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Male

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32Nd Ave S

Sandra N. Martin

COUNTY / STATE ELECTION OFFICIAL

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2024 MAY 16 P 1:11

FILED
HORRY COUNTY

South Carolina ^{USA} DRIVER'S LICENSE

NOT FOR FEDERAL IDENTIFICATION

DL# [REDACTED]

COOPER
 MOORE PERCIVAL
 3207 B OCEAN BLVD
 ATLANTIC BEACH BC 29583

DOB: [REDACTED]

Issued: 01/08/2016
 Expires: 01/08/2026

Sex: M Hgt: 5' 08"
 Wgt: 200 lb Eyes: BRO
 Class: D End: None

Restrictions: None

01/08/2016

on [REDACTED]

Overman

FILED
 HORRY COUNTY
 2024 MAY 16 P 1:11
 RENEE N. ELYS
 CLERK OF COURT
 HORRY COUNTY, SC

FILED
HORRY COUNTY
2024 MAY 16 P 1:11
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

S.C. DOCUMENT OF REGISTRATION
S.C. DEPARTMENT OF MOTOR VEHICLES

KEVIN A. SHWEDO
EXECUTIVE DIRECTOR

PLATE NUMBER TSZ535
PLATE CLASS RPA
ISSUE DATE 3/14/24
PLATE EXP. 02/2025
DECAL EXP. 12/2025
VIN 1JHY7A2B4078932
YEAR 2011
MAKE FORD
BODY
MODEL
VEHICLE TYPE 1
EMPTY/GWW 5864

EQUIPMENT NO. 772960263178651
COUNTY 26
VEHICLE NO. 22689269
FLEET NUMBER



FEB
25
TSZ535

CUSTOMER NO. 30284819
NOBLE P COOPER DDS PA DR
COOPER, NOBLE PERCIVAL
3207 S OCEAN BLVD
ATLANTIC BEACH

SC 29582

90116020

NOBLE P COOPER DDS PA
1416 PINE ST
COLUMBIA, SC 29204-1847

Spectrum

November 1, 2023
 Account Number: 8349 21 018 0012468
 Security Code: 6218
 Service At: 3207 S OCEAN BLVD
 NORTH MYRTLE BEACH SC 29582-4752

Have questions about your bill?
 Visit us at Spectrum.net/billing
 Or call us at 1-855-70-SPECTRUM (1-855-707-7328)

Summary Services from 11/01/23 through 11/30/23 details on following pages

Previous Balance	102.01
Payments Received - Thank You	-50.97
Past Due Balance - Due Now	\$43.04
Spectrum TV™	9.99
Spectrum Internet™	4.99
Spectrum Voice™	4.99
Other Charges	10.00
One-Time Charges	9.95
Taxes, Fees and Charges	4.12
Current Charges Due By 11/18/23	\$43.04
Total Due	\$98.08

ACTION REQUIRED: ACCOUNT STATUS DELINQUENT

Your account is now in a delinquent status. The total delinquent amount is due immediately and must be paid to avoid collections activity including, potential service suspension. If you resume service after disconnection due to nonpayment, your past due balance, along with first month of service and a reconnection fee will be required.

Spectrum

1145 S FALKENBURG RD RIVERVIEW FL 33576-3652
 335 8100 NO PAY 01 11/02/2023 16560770N 01 004345 0018

OR N P COOPER
 120 STONEBROOK DR APT 5-G
 BLYTHEWOOD SC 29018-6719



834921018001246800086082

NEWS AND INFORMATION

NOTE: Taxes, Fees and Charges listed in the Summary only apply to Spectrum TV and Spectrum Internet and are detailed on the following page. Taxes, Fees and Charges for Spectrum Voice are detailed in the Billing Information section.

Terms and Conditions Update: Our standard terms and conditions for Spectrum Residential Services will be updated effective December 3, 2023. To obtain a copy, visit Spectrum.com/terms or call 1-800-802-4357 to request a paper copy be mailed to your home.

Important Notice to Our Customers: Your account is past due. To avoid collection activity, including service suspension, payment of your balance is due immediately. If disconnected, your past due balance, first month of service, and a reconnection fee will be required. Payments made at a Third-Party Payment location will be delayed. Call Spectrum at 1-855-881-0294 to avoid a service interruption.

Seasonal Discount: Your account was placed on a discounted seasonal plan. During this time, all of your Spectrum services will have limited availability. Once your seasonal plan expires, all of your Spectrum services will be automatically restored. Your account will be updated to reflect the appropriate rate after the expiration of your seasonal plan.

Stay protected with Spectrum Security! Spectrum is dedicated to keeping you and your family safe online. Visit Spectrum.net/securitycenter for tools and solutions to keep your personal information secure.

November 1, 2023

OR N P COOPER

Account Number: 8349 21 018 0012468

Security Code: 6218

Service At: 3207 S OCEAN BLVD

NORTH MYRTLE BEACH SC 29582-4752

Total Due to: \$98.08

Amount (pay amount only)

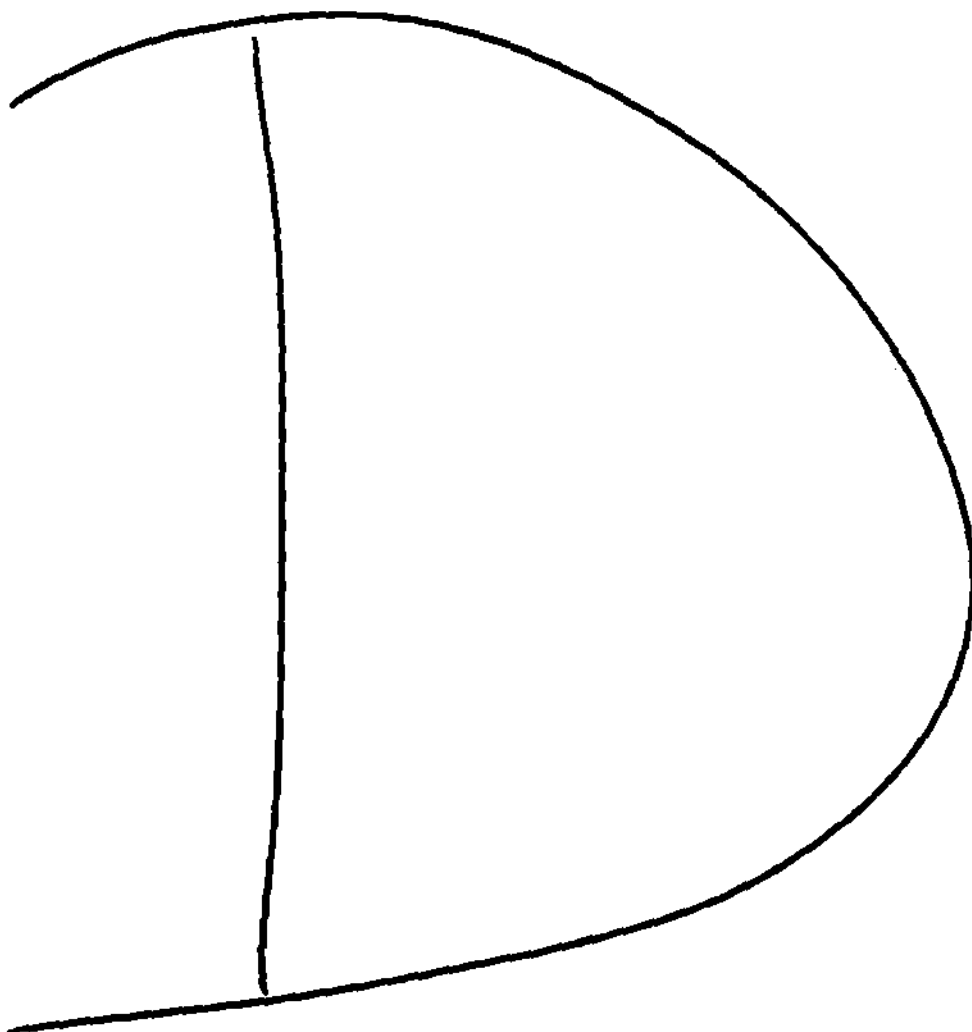
Please Remit Payment to:

SPECTRUM

PO BOX 5000

NORTH MYRTLE BEACH SC 29582-4752

834921018001246800086082



FILED
Horry County

2024 MAY 16 P 1:11

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

AFFIDAVIT OF TRACI COOPER

TRACI COOPER, appearing before the undersigned notary and being duly sworn (or affirmed), says that:

1. I am over the age of 18 and competent to make this Affidavit. The following is based on my personal knowledge unless otherwise stated.

2. On November 7, 2023, I was domiciled in and a resident of the Town of Atlantic Beach, South Carolina. I am today a resident of the Town of Atlantic Beach, South Carolina.

3. I reside at 3207 S. Ocean Blvd, Atlantic Beach, SC 29582, along with my husband, Noble P. Cooper, Jr. and our two children, Noble P. Cooper, III, who is a student at Brown University in Rhode Island, and Carlisle Cooper, a student at American University in Washington D.C.

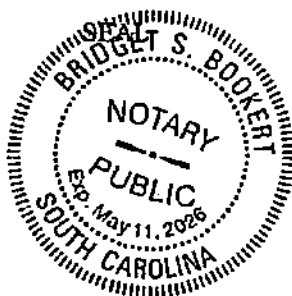
4. Appended to this Affidavit are various documents evidencing my residency and domicile in the Town of Atlantic Beach, including my voter registration card and driver's license.

FURTHER AFFIANT SAYETH NAUGHT.

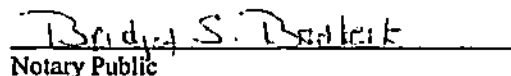

TRACI COOPER

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Sworn to (or affirmed) and subscribed before me this 19 day of March, 2024.




Official Signature of Notary


Notary Public

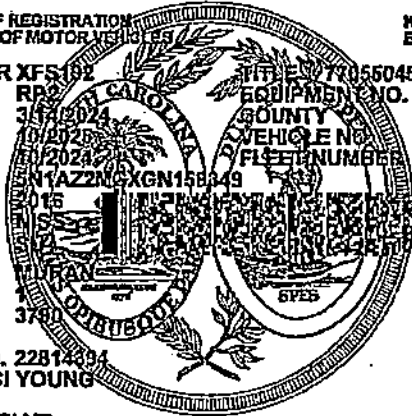
My commission expires: 5/11/2026

FILED
HORRY COUNTY
RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC
2024 MAY 16 P 1:11

S.C. DOCUMENT OF REGISTRATION
S.C. DEPARTMENT OF MOTOR VEHICLES

KEVIN A. SHWEDO
EXECUTIVE DIRECTOR

PLATE NUMBER XFS192
PLATE CLASS RP2
ISSUE DATE 3/17/2024
PLATE EXP. 01/2028
DECAL EXP. 01/2028
VIN 5N1AZ2M5XGN158049
YEAR 2015
MAKE NISSAN
BODY 4DR
MODEL PATHFINDER
VEHICLE TYPE SUV
EMPTY/GVW 3780
TITLE NO. 720550453122420 C
EQUIPMENT NO.
COUNTY 26
VEHICLE NO. 24799216
FLEET NUMBER



OCT
24
XFS192

CUSTOMER NO. 22814394
COOPER, TRACI YOUNG

3207 S OCEAN BLVD
ATLANTIC BEACH

SC 29582

90116021

COOPER, TRACI YOUNG
3207 S OCEAN BLVD
ATLANTIC BEACH, SC 29582



TOWN OF ATLANTIC BEACH

717 30th Avenue South
Atlantic Beach, FL 32150
Mailing Address: P.O. Box 5285
North Myrtle Beach, SC 29587
Phone: 904-222-7284 Fax: 904-222-0001

FILED
HORRY COUNTY
2024 MAY 16 P 1:11
REHEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFICATE OF OCCUPANCY

DATE ISSUED: 01-11-24 PERMIT NUMBER: 1819 450-2676
NAME: Tracy Noble Cooper TELEPHONE: 12-3
ADDRESS OF STRUCTURE: 3207 South Ocean Blvd. Atlantic Beach, FL 32150 GROUP: 12-3 OCCUPANCY LOAD:
156-03-15-033 PERMITS: 156-03-15-033 VERIFIED:
BUSINESS USE: NO NO. OF SQ. FT. OF BUILDING FOR BUSINESS: NO NO. OF PARKING SPACES:
PREVIOUS USE OF SPACE: NO CLOSING DATE:

This Certificate of Occupancy and the construction for which the permit has been issued was completed in conformity with the 2015 Edition of the International Building Code adopted by the Town of Atlantic Beach.

This permit and construction related to Division have been completed and is identified for use as: Residential ☒ or Commercial: NO
Recommend: Type Construction: NO Occupancy Load: NO or without: NO an approved fire suppression system.

DATE	APPROVE	DISAPPROVE	CODE VIOLATION	INITIALS
FIRE/LIFE SAFETY INSPECTION:	()	()	()	()

This Certificate of Occupancy is Issued by

Issued By: R. J. Cooper, CEO 01.11.2024
Signature: [Signature] Date: 01.11.2024

DO NOT REMOVE THIS NOTICE

You are now registered to vote in the State of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senate	House	County Council	School	Munic	Mags Jury
07	28	056	01	01	365	264

Traci Y Cooper
3207 S Ocean Blvd
Atlantic Beach, SC 29582

STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: HORRY
PRECINCT: Atlantic Beach

REG. NO: 406581202

REG. DATE: 9/19/2023

Cooper, Traci Y
3207 S Ocean Blvd
Atlantic Beach, SC 29582

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female

RACE: Black/AA

DOB: [REDACTED]

VOTE AT:

Ab Community Center
1010 32nd Ave S

Sandra N. Martin

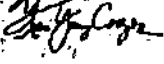
COUNTY/STATE ELECTION OFFICIAL

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2024 MAY 16 P 1:11

FILED
HORRY COUNTY

SC USA
South Carolina DRIVER'S LICENSE

1 DL# [REDACTED]
 2 COOPER
 3 TRACI YOUNG
 4 3207 S OCEAN BLVD
 5 ATLANTIC BEACH SC 29582
 6 DOB: [REDACTED]
 7 Issued: 12/17/2021
 8 Expires: 12/17/2029
 9 Sex: F 10 Hgt: 5-03
 11 Wgt: 135 lb 12 Eyes: BRO
 13 Class: D 14 End: None
 15 Restrictions: None

07/03/1972

RENEE M. ELYS
 CLERK OF COURT
 HORRY COUNTY, SC

2024 MAY 16 P 1:11

FILED
 HORRY COUNTY



Richland County Assessor's Office
2020 Hampton Street Columbia SC 29204
PO Box 192 Columbia, SC 29202
803-576-2640
803-576-2681 Fax
AssessorOffice@richlandcountysc.gov

March 12, 2024

FILED
HORRY COUNTY
2024 MAY 16 P 1:11
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

RE: REMOVAL OF 4% LEGAL RESIDENCE RATIO
Noble P Cooper Jr
Traci Y Cooper

We have removed Legal Residence at 120 Stonebrook Dr (R23304-01-01) in Richland County for 2024- forward.

The property owner(s) may qualify for a residential exemption or credit in your county/state. Please review your records and update as necessary.

Noble P Cooper Jr
Traci Y Cooper
3207 S Ocean Blvd
North Myrtle Beach SC 29582

Thank you for your assistance in this matter. If you need any additional information, please do not hesitate to contact me at 803-576-2671 or via email at bermudez.tammie@richlandcountysc.gov.

Sincerely,

Tammie Bermudez

Tammie Bermudez
Ownership records specialist
Richland County Assessor's Office

EXHIBIT

“C”

STATE OF SOUTH CAROLINA

COUNTY OF Horry

Josephine Isom

Plaintiff(s)

vs.

Town of Atlantic Beach ^{Election}
Defendant(s)

Submitted By: Josephine Isom

Address: 901 29th Ave S., Atlantic Beach
SC 29582

Mailing address

P.O. Box 1071

N. Myrtle Beach, SC 29598

SC Bar #:

Telephone #: 843 457-5082

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)

- Inmate Petitions**
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

- Torts - Professional Malpractice**
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299)

- Administrative Law/Relief**
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899)

- Torts - Personal Injury**
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399)

- Judgments/Settlements**
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Incapacitated Adult
Settlement (790)
☐ Other (799)

- Real Property**
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499)
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☒ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999)

- Special/Complex /Other**
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670)

Submitting Party Signature:

Josephine Isom

Date:

April 12, 2024

STATE OF SOUTH CAROLINA

COUNTY OF Horry

Josephine Isom
APPELLANT(S)

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

2024 CP262637
COMMON PLEAS CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

The plaintiff/defendant (circle one), Josephine Isom 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 4:11:35
RENIE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

Dated: April 12, 2024

Josephine Isom
Appellant (or his attorney)

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.

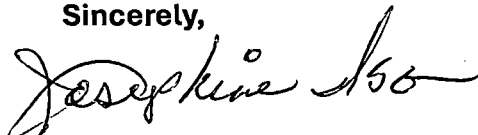
The Chairman, Mr. McIver stated that there were 13 votes considered **FRAUDULENT ballots**. These were thrown out of the election. This would affect the number of votes in the Mayor and Council race; therefore, I am requesting a recount of all the ballots.

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

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-26-02537

Josephine Isom,	)	
	)	
Appellant,	)	
	)	
v.	)	PETITIONER JOHN W. DAVID’S
	)	NOTICE OF MOTION AND
	)	MOTION TO INTERVENE
Town of Atlantic Beach Municipal	)	
Election Commission,	)	
	)	
Respondent.	)	

TO: Josephine Isom, Appellant, and Town of Atlantic Beach Municipal Election Commission, Respondent:

YOU WILL PLEASE TAKE NOTICE that Petitioner, John W. David (“Petitioner David”), by and through his attorneys, Ian T. Duggan and Demetri K. Koutrakos of Callison Tighe & Robinson, LLC, pursuant to Rule 24, SCRCP, file this Motion for leave to intervene as a Respondent in the above-captioned matter, and for leave to file a response to Appellant, Josephine Isom’s Notice of Civil Appeal filed April 12, 2024. For the reasons set forth herein, this Court should grant this motion to intervene.

FACTUAL & PROCEDURAL BACKGROUND

Ms. Isom’s appeal is but the latest chapter in a lengthy and controversial saga involving the November 7, 2023, municipal election in the Town of Atlantic Beach and the following narrative is intended to provide important factual context for the prudence of permitting John David to intervene in this appeal.

The Town of Atlantic Beach employs a council-manager form of government, provided for in title 5, chapter 13 of the South Carolina Code. S.C. Code Ann. § 5–13–10 - 100. The

governing body of Atlantic Beach is the “[Town] Council, composed of a mayor and four . . . councilmen.” *Id.* § 5–13–20(a).

On November 7, 2023, the Town of Atlantic Beach held a municipal election for Mayor and two Town Council seats. Appellant, Josephine Isom, and Petitioner/Intervenor, John David, both ran for Mayor. On November 7, 2023, eighteen provisional ballots were cast under S.C. Code Ann. § 7-13-830 when the qualifications of most of these voters was challenged at the polling station by Irene Armstrong-Evans, apparently acting at the behest of Councilwoman Jackie Gore—who was running for re-election—as Ms. Gore’s “poll watcher.”

On November 9, 2023, the Municipal Election Commission of Atlantic Beach (then composed of Chairman Joe Montgomery and members Kenneth McIver, and Carolyn Gore—the mother of candidate/councilwoman Jacqueline Gore) held a hearing to take evidence and consider the objections made to the qualifications of these 18 voters. When a vote is challenged at the polling station, a voter is put on notice of the challenge to their vote. Accordingly, when the Municipal Election Commission met on November 9, 2023, to resolve these challenges, almost all the challenged voters attended in person with documents corroborating their residency and qualification to vote in the November 7, 2023, election. *See Exhibit A*¹, Transcript of November 9, 2023, Municipal Election Commission Hearing with Attachments.

After considering all the evidence presented, the Municipal Election Commission determined that each challenged voter met the qualifications to vote in the November 7, 2023, election and under state law, this “decision is final.” S.C. Code Ann. § 7-13-830.

Therefore, each of the provisional ballots was removed from its provisional ballot “envelope, mingled, and counted and the totals added to the previously counted ballot total.” *Id.*

¹ Please refer to Petitioner’s *Final Exhibit Index* as **Exhibit K** for reference.

As a result of the “final” decision of the Municipal Election Commission John David was determined to have received 65 votes in the mayoral race, Josephine Isom, 64 votes, and there were two write-in votes cast. Exh. A.

Thereafter, because of the close results of the mayoral race, the Municipal Election Commission scheduled a recount for the following morning, Friday, November 10, 2023, and announced that it would consider any protests of the election Friday afternoon.

Later on November 9, 2023, though, Appellant Josephine Isom, at the time the “Mayor Pro Tem” and sitting Councilwoman, apparently submitted a letter to the Municipal Election Commission, a true copy of which is appended here as **Exhibit B**. Ms. Isom’s letter was submitted to “protest the certification of the Election for Mayor” and asserted it “attached a list of 19 provisional ballots which were properly challenged” at the hearing the Municipal Election Commission held earlier on November 9, 2023, because “each of these ballots represents a voter who . . . is not a resident of the Town of Atlantic Beach” and that “[t]he inclusion of these ballots improperly changed the outcome of the election” therefore, Ms. Isom asserted, she should “be declared the winner of the Election for Mayor of the Town of Atlantic Beach.” *Id.*

However, of the list of 19 names on the second page, everyone, except James J. Chappell, Timaj G. Divine, and Jamar McLaurin, had an asterisk next to his or her name. Accordingly, Ms. Isom appears not to have challenged 19 votes cast in the November 7, 2023, election, not even 16, but only 15, as listed below:

- i. Carlisle Cooper
- ii. Noble P. Cooper, Jr.
- iii. Noble P. Cooper, III
- iv. Traci Y. Cooper
- v. Glynes E. Cheatham
- vi. Knowledge Divine
- vii. Colleen T. Finney
- viii. Elaine G. Finney
- ix. Jerry L. Finney

- x. Jerry L. Finney, Jr.
- xi. Julianna Hines
- xii. Nadiyah D. Vaughan
- xiii. Marvistine Y. Briggs-Fisher
- xiv. Diane Hill
- xv. Erica Vaughan
- xvi. “Vaughans’s (daughter).”²

On November 10, 2023, the Municipal Election Commission met at 10:00 a.m. to proceed forward with its recount. However, before the Municipal Election Commission could proceed, the incumbent Mayor of Atlantic Beach, Jake Evans, interrupted the meeting and declared that it was an unlawful proceeding because no court reporter was present to transcribe the hearings.

Apparently seeking to address Mayor Evans’ concerns, the Municipal Election Commission recessed and agreed to continue its hearing later that afternoon upon the arrival of a court reporter.

However, Mr. Evans’ actions were a pretext to interrupt the lawful counting of the vote, though. At 12:30 p.m. on November 10, 2023, the Town Council of Atlantic Beach (then consisting of Mayor Jake Evans and council members Edward Lamar Campbell, Josephine Isom and Jacqueline Gore)³ held a so-called “Emergency Meeting.”

During this meeting, Town Council (including Appellant Isom) voted to “remove Atlantic Beach’s Municipal Election Commission” over the single dissenting voice of councilmember Edward L. Campbell. *See Exhibit C.* The Town Council’s decision generated a firestorm of public protest and was wholly unauthorized under the law.

² It is unclear who Ms. Isom meant by this.

³ At the time, there were only four members of the Town Council because one of the members of Town Council passed away in October 2022. John David succeeded to this fifth seat following a special election in January 2023 to fill the vacancy. However, his success at the ballot box was challenged by appellant’s son, Michael Isom. Following the Supreme Court’s decision in *Michael Isom v. Town of Atlantic Beach*, Appellate Case No.: 2023-000888, Petitioner John David was sworn into office as a Councilmember on January 19, 2024.

Thereafter, on Tuesday, November 14, 2023, John David filed his Complaint and Petition for original jurisdiction before the Supreme Court of South Carolina seeking a judgment and declaration that “any decision made by the Town Council [of Atlantic Beach, South Carolina] on November 10, 2023, to remove the members of the Municipal Election Commission or “dissolve” it entirely is void and without legal effect.” *See* Complaint, ¶ 106, Case No. 2023-001778, Supreme Court.

On November 28, 2023, in the face of John David’s case pending before the Supreme Court and intense public scrutiny, the Town Council backtracked and “reaffirm[ed] and recoven[ed] the Town’s” Municipal Election Commission, *see* Case No. 2023-001778, Town of Atlantic Beach December 4, 2023, Return to Petition for Original Jurisdiction at 3, and called its actions on November 10, 2023, an “erroneous” act “of desperation.” *Id.* During this same meeting, the Town Council (including Appellant Josephine Isom), without required cause, due process, and without meeting other legal requirements, voted to remove Joe Montgomery from his position as chairman of the Atlantic Beach Municipal Election Commission.

On December 11, 2023, three of the then four members of the Town Council met—Jake Evans, Josephine Isom, and Appellant Jacqueline Gore. Councilmember Campbell was not present. During this meeting, counsel for the Town of Atlantic Beach, Attorney Joseph Dickey, addressed the public and recommended that the Town Council “fill the vacant spot” on the Municipal Election Commission. Subsequently, Mayor Evans sought nominations for this position. At this point, Josephine Isom “recused herself” from the proceedings, left the room through a door behind the Town Council table, and did not return to the meeting. As such, only Mayor Evans and Candidate for Town Council//Councilmember Jacqueline Gore were present for the meeting (along with Attorney Joseph Dickey and Town Staff)—as illustrated in the “before” and “after” images below:



Once Ms. Isom left the room, someone in the audience stated, “need to have a quorum” before being silenced by Mayor Evans.

Courts in South Carolina have long recognized that “no valid act can be done in the absence of a quorum.” *Gaskin v. Jones*, 198 S.C. 508, 513, 18 S.E.2d 454, 456 (1942). “**A majority of the total membership of the council shall constitute a quorum for the purpose of transacting council business.**” S.C. Code Ann. § 5-7-160 (emphasis added). “**A member who recuses himself** or is disqualified to participate in a matter due to a conflict of interest, bias, or other good cause **may not be counted for purposes of a quorum** at the meeting where the board acts upon the matter.” *Garris v. Governing Bd. of S.C. Reinsurance Facility*, 333 S.C. 432, 453, 511 S.E.2d 48, 59 (1998) (emphasis added).

Despite only two members of the Town Council remaining in the room after Ms. Isom recused herself, the Town Council putatively voted to approve the nomination of Derrick Stevens as a member of the Town's Municipal Election Commission.

Derrick Stevens's purported appointment to the Municipal Election Commission was problematic for other reasons, too. First, Derrick Stevens was, at the time, a member of the Town of Atlantic Beach Planning Commission. As a member of the Town of Atlantic Beach Planning Commission, Mr. Stevens could not sit as a member of the Municipal Election Commission without violating this State's prohibition on dual office holding. *See, e.g.* S.C. Const. Article XVII, § 1A; Article VI, § 3; *Darling v. Brunson*, 94 S.C. 207, 77 S.E. 860 (1913) (providing that prohibition against dual office holding applies to municipal offices). In numerous opinions, the Office of the Attorney General has concluded that "a member of a . . . municipal planning [or election] commission holds an office for purposes of dual office holding." *See, e.g.*, 2011 WL 3346433, at *1 (S.C.A.G. July 19, 2011) (collecting opinions regarding planning commissioners); 1991 WL 632920, at *1 (S.C.A.G. Feb. 8, 1991) (collecting opinions regarding election commissioners). And it is unclear when (if ever) his resignation from his position on the Town Planning Commission occurred.

Second, on information and belief, Derrick Stevens is the long-time live-in boyfriend of Jacqueline Gore, a sitting council member, candidate for re-election in the November 7, 2023, municipal election, and the daughter of Mrs. Carolyn Gore, one of the members of the Municipal Election Commission.

Still, even after the putative appointment of Mr. Stevens, several weeks went by and the Municipal Election Commission still took no action to finalize the November 7, 2023, election. On January 5, 2024, counsel for Atlantic Beach, Attorney Joseph Dickey, wrote a letter to Governor Henry McMaster, "humbly request[ing]" on behalf of the Town, that the Governor direct

the State Election Commission (“SEC”) to “take over the administration of the November 7, 2023[,] Town of Atlantic Beach Municipal Election proceedings.” See **Exhibit D**.⁴

On January 10, 2024, Attorney Thomas Limehouse, Chief Legal Counsel for Governor McMaster responded to Attorney Dickey’s letter. While acknowledging that S.C. Code § 7-13-1170 provides the Governor with some authority to direct an election under certain circumstances, “neither the South Carolina Constitution nor the South Carolina Code of Laws authorizes the Governor to intervene in (or direct the SEC to assume control of) an uncertified municipal election.” As such, Governor McMaster could not take action “to end this embarrassing episode . . . by resorting to a procedure that is not authorized by state law.” See **Exhibit E**.

The Municipal Election Commission continued to delay further proceedings in an inexplicable and unjustified way. Josephine Isom’s protest of the November 7, 2023, municipal election was apparently filed on November 9, 2023.

... Within **forty-eight hours after the filing of such [protest] notice**, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

S.C. Code Ann. § 5-15-130 (emphasis added). “[T]he main purpose of this law is to expeditiously finalize protested municipal elections in the interest of realizing the voters' will and seamlessly

⁴ But the Governor’s Office has been forced to intervene in the electoral process in Atlantic Beach in the past. See Executive Order No. 2012-03 (highlighting the “problems in the Town [of Atlantic Beach’s] electoral process such as: poll workers not following proper procedures for challenged ballots (*Taylor v. Town of Atlantic Beach Election Commission*, 363 S.C. 8, 609 S.E.2d 500 (2005)); voters being denied the right to vote despite establishing residency (*Armstrong v. Atlantic Beach Municipal Election Commission*[,] 380 S.C. 47, 668 S.E.2d 400 (2008)); and the Municipal Election Commission failing to comply with the statutory procedure for contesting election results (*Cole v. Town of Atlantic Beach Election Commission*, 393 S.C. 264, 712 S.E.2d 440 (2011)).”).

transitioning governmental offices.” *Cole v. Town of Atl. Beach Election Comm’n*, 393 S.C. 264, 275, 712 S.E.2d 440, 446 (2011)

Despite this forty-eight-hour requirement under S.C. Code Ann. § 5-15-130 and its purpose of “expeditiously finaliz[ing]” contested elections, the Municipal Election Commission did not hold a meeting in January 2024.

On February 28, 2024, the Municipal Election Commission met, but it failed to consider or resolve Josephine Isom’s protest or do anything else required of it under S.C. Code Ann. § 5-15-130.

Instead, at this meeting, the Municipal Election Commission directed that its counsel investigate the backgrounds of various voters in the November 7, 2023, election and that its counsel issue putative subpoenas to various voters attempting to secure their presence at the next hearing of the Municipal Election Commission. Such investigative materials gathered by the Election Commission’s counsel included “screenshots” from the Facebook pages of young residents of Atlantic Beach attending social functions and other pastimes while away at college.

On Monday, March 18, 2024, the Town of Atlantic Beach issued a public notice and agenda for a meeting of the Municipal Election Commission on Wednesday, March 20, 2024, a true copy of which is appended here as **Exhibit F**.

However, the meeting was called off on short notice. According to public reporting, both Carolyn Gore and Derrick Stevens had “family emergenc[ies]” that prevented them from attending the hearing. *See, e.g.*, Julia Richardson, Kristin Nelson, “Absolutely Unacceptable: Atlantic Beach Election Protest Hearing Canceled,” WMBF NEWS, March 20, 2024.⁵

⁵ <https://www.wmbfnews.com/2024/03/20/absolutely-unacceptable-atlantic-beach-election-protest-hearing-canceled/>

Finally, on April 3, 2024, the Municipal Election Commission met. After a multi-hour hearing in which most of the challenged voters submitted sworn statements and documents corroborating their eligibility to vote in the November 7, 2023, and in which Appellate Josephine Isom withdrew several of her challenges and offered *de minimis* contrary testimony from herself and Irene Evans-Armstrong, the Election Commission overturned its previous ruling (“final” under S.C. Code Ann. § 7-13-830) and declared 13 ballots fraudulent. *See Exhibit G.*

Regarding one such ballot,⁶ the Commission voted unanimously. For the other 12, Mr. Stevens and Mrs. Gore, over Mr. McIver’s dissenting vote, voted to throw out the 12 additional votes. Accordingly, the Election Commission elected to “invalidate” the election and recommended to Town Council that it “order a new election as to the parties concerned.” S.C. Code Ann. § 5-15-130.

However, while the results of the mayoral race in the November 7, 2023, election remained uncertain after this April 3, 2024, hearing, the Municipal Election Commission was also charged with certifying the results of the two Town Council seats. Thankfully, the Municipal Election Commission did precisely that and declared, in writing, that Jacqueline Gore (71 votes) and Carla Taylor (69 votes) received the most votes. **Exhibit H.** Ms. Taylor was sworn in later that same week.

However, while the Municipal Election Commission’s written certification of the Town Council results at Exhibit H seem plain enough, at some point thereafter, Shaun Swinson, the last place finisher in that election with only 48 votes purportedly filed yet another protest.

⁶ Mr. McIver remarked during this April 3, 2024, proceeding that it was his understanding that this single vote he voted to discount was cast by a voter not found to be an eligible elector by the Election Commission on November 9, 2023. It appears though, that Mr. McIver’s recollection was incorrect. *Cf.* Exhibit A.

On April 15, 2024, Joseph D. Dickey, Jr., Esq. (one of the three attorneys from the well-respected law firm of Haynsworth Sinkler Boyd present to advise the Municipal Election Commission on April 3, 2024) asserted in an April 15, 2024, letter that “[t]o accomplish certification, it required the [Municipal Election Commission] to consider a proper motion to certify the election of those Town Council seats and take an affirmative vote to certify.” **Exhibit I.**⁷

According to Attorney Dickey,

Whether formal and legal certification took place or not, the results of the [Municipal Election Commission] 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) [*sic*] votes were deemed fraudulent and his belief that this factual finding should have affected vote counts in the council seat elections as well.⁸

Id.

Still, Attorney Dickey recognized that “[s]tate law provides that such a protest should be filed within forty-eight (48) hours of the closing of the polls. S.C. Code Ann. § 5-15-130.” But, while conceding that the law makes Mr. Swinson’s appeal untimely and thus, outside of the limited jurisdiction of the Municipal Election Commission,⁹ Attorney Dickey “recommend[ed] that a public meeting of the Municipal Election Commission be scheduled as soon as possible” and that

⁷ While Attorney Dickey’s letter appears to constitute legal advice, it was shared with undersigned counsel, amongst other members of the public, directly by Attorney Dickey.

⁸ According to the Municipal Election Commission certification, Mr. Swinson received only 48 votes in the November 7, 2023, election. Exh. H. As noted above, Jacqueline Gore and Carla Taylor received 71 and 69 votes, respectively. Accordingly, even if were presumed that all 13 (or 14 votes, as Mr. Dickey’s letter incorrectly asserts) were cast aside by the Election Commission were for Ms. Gore and Ms. Taylor, both Ms. Gore and Ms. Taylor would still have more votes than Mr. Swinson. The fourth candidate, Jerry Finney, Sr., Esq. has not protested the results of this election.

⁹ See, e.g., *Taylor v. Town of Atl. Beach Election Comm’n*, 363 S.C. 8, 14, 609 S.E.2d 500, 503 (2005) (“The right to contest an election exists only under the state constitutional and statutory provisions, and the procedure proscribed by statute must be strictly followed.”) (internal quotations omitted, cleaned up).

the members “vote on whether it will proceed to hear the election protest or whether it will summarily dismiss the protest as untimely filed.” *See* Exhibit I.

But, as noted above, it took several months for the Municipal Election Commission to schedule the April 3, 2024, hearing that was originally supposed to occur on November 10, 2023, until interrupted by the dissolving of that body by Appellant Josephine Isom and her co-conspirators on Town Council.

But, as Attorney Dickey’s letter points out, pending this additional meeting of the Municipal Election Commission, in the meantime **“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.”** Exhibit I. In an email accompanying this letter, Attorney Dickey also admonished the recipients that “[w]hile 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.**” *See* Exhibit J (emphasis added).

The Chairman of the Municipal Election Commission, Kenneth McIver, responded to Mr. Dickey’s letter. *Id.* He asserted that “no further action is required from the [Municipal Election] Commission” regarding Shaun Swinson’s putative protest and that because of the signatures of each of the Election Commissioners on the written certification of the Town Council election results “[t]here is no further action required by the Atlantic Beach Election[] Commission with regard to certification of the November [7, 2023,] Town Council Election.” *Id.*

LAW AND ANALYSIS

On April 11, 2024, Ms. Isom filed her instant appeal, asserting that she “be declared the winner of the Election for Mayor of the Town of Atlantic Beach.” Dramatically opposed to this position is John David—an individual who retired after 30 years of honorable service to our Nation; an individual who believes that the rule of law in South Carolina matters; and an individual

who wants the democratic voice of the people of Atlantic Beach to be respected. Accordingly, Mr. David brings this Petition to Intervene.

While the South Carolina Appellate Court Rules appear silent on the subject, it is well settled that “[a] party may move to intervene in an appeal or other appellate proceeding.” Toal et al., *APPELLATE PRACTICE IN SOUTH CAROLINA* 378 (3d ed. 2016).

Moreover, the South Carolina Rules of Civil Procedure (in this proceeding before the Circuit Court exercising its statutory appellate authority) are instructive. *See* Rule 24(a), SCRCPP (providing “anyone shall be permitted to intervene [as of right] . . . when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties”); Rule 24(b), SCRCPP (“anyone may be permitted to intervene . . . when an applicant’s claim or defense and the main action have a question of law or fact in common”). “In exercising its discretion [for permissive intervention,] the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” Rule 24(b), SCRCPP.

Here, the Court should permit Mr. David to intervene as a matter of right, or, at a minimum, on permissive grounds. Mr. David’s interests, as the only other candidate for Mayor in the November 7, 2023, municipal election, are directly affected by Ms. Isom’s assertions that, despite the ruling of this second of the Municipal Election Commission (albeit with a modified composition), she should be “declared the winner of the election for Mayor of the Town of Atlantic Beach.”

And, respectfully, Mr. David’s interests are not fully represented by the original parties here. First, a municipal election commission is charged with overseeing the proper conduct of the electoral process—not to exercise favor toward any one candidate. And, as the expansive narrative

above shows, it is not even clear today who oversees the Town of Atlantic Beach, the Municipal Election Commission, or its elections. And, that Mr. David and Ms. Isom—two candidates for the same political office—have adverse interests, requires no further elaboration. Furthermore, Mr. David is not just a candidate for election, he is a voter as well. That this “‘fundamental political right’ that is ‘preservative of all rights’” is threatened by Ms. Isom’s appeal is an additional ground to support his intervention here. *Williams v. Rhodes*, 393 U.S. 23, 38 (1968) (citing *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)). Finally, Mr. David’s presence as a party will not unduly delay or prejudice this case between the original parties. *Cf.* Rule 24(b), SCRCPP. It was Ms. Isom who asked this Court to overturn the Election Commission’s decision to recommend a new election, not Mr. David.

Ms. Isom apparently brought her appeal *pro se* and no attorney has yet filed a notice of appearance on behalf of the Municipal Election Commission or the Town of Atlantic Beach. Still, before filing this Motion, undersigned counsel sought consent from those who he understood are or who have formerly represented the parties—Attorney Joseph Dickey on behalf of the Town of Atlantic Beach and Kenneth Davis, Esq. for Ms. Isom. While Attorney Davis confirmed his representation of Ms. Isom in this appeal, he did not inform undersigned whether he consented to John David’s intervention or not. Attorney Dickey neither confirmed nor denied he represented the Town in this appeal—only that “[w]hen I receive word from Town Council. . . I’ll make sure you’re the first to know.” It is unclear when such word will be received, though, given that the composition of the Town Council of Atlantic Beach today, as it has for over six months and counting, remains uncertain.

CONCLUSION

For these reasons, and in the interest of judicial economy, fairness and the avoidance of prejudice, Petitioner David respectfully requests that this Court grant his Motion to Intervene and grant such other and further relief as is just and proper.

Respectfully submitted,

CALLISON TIGHE & ROBINSON

s/ Ian T. Duggan

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**ATTORNEYS FOR
PETITIONER/INTERVENOR
JOHN W. DAVID**

April 24, 2024
Columbia, South Carolina

EXHIBIT

“A”

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CERTIFICATION OF ELECTION
NOVEMBER 9, 2023
TOWN OF ATLANTIC BEACH

TIME: 10 AM

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

REPORTED BY: RONDA K. BLANTON, RPR
CLARK BOLEN COURT REPORTING
CHARLESTON, SC 29422
843-762-6294
WWW.CLARKBOLEN.COM

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PROCEEDINGS

CHAIRMAN MONTGOMERY: I'm calling this certification meeting to order. It's 10 o'clock. Everybody please have a seat so we can get started moving forward.

Okay. If we're done with the preliminaries, we're going to get started. First, I want to welcome everybody to this certification meeting. Our purpose today is to certify the election.

You all may have seen an article in the Sun News this morning be declaring certain winners. Well, nothing is official. Nothing. And I say that through tonight. Nothing is official until today. After we certify the election today, that will be official.

Our determination is final. After this, if you're not pleased, you go to court. With our decision, that's what the law says is final.

I want to introduce Miss Caroline Gore a commissioner, Kenneth McIver, and Mr. Michael Burchstead. Am I getting it?

MR. BURCHSTEAD: Yes, sir.

CHAIRMAN MONTGOMERY: He's our

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attorney. You saw the other attorney the other night, and they called Michael. Michael is an expert. So, we'll see today and --

MR. BURCHSTEAD: I don't call myself an expert here, but I appreciate the endorsement. Thank you.

CHAIRMAN MONTGOMERY: And the court reporter -- I forgot your name -- but she was here last year. What's your name?

THE REPORTER: Ronda Blanton.

CHAIRMAN MONTGOMERY: Ronda. Okay. Thank you.

We're going to go in executive session at this time, and the purpose of going into executive session is to discuss legal matters. Michael will give us advice on certain legal matters, and I don't know how long we'll be. I'll try to make it as quick as possible, and we appreciate your patience.

MR. MCIVER: I seek a motion to --

CHAIRMAN MONTGOMERY: Yes. You second?

MS. GORE: Yes.

CHAIRMAN MONTGOMERY: Okay. You move and second. We'll go into executive

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1 session. Those in favor say aye. Opposed nay.

2 Motion is carried.

3 (Commission goes into executive session
4 at this time.)

5 CHAIRMAN MONTGOMERY: Ladies and
6 gentlemen, I want to thank you all for being so
7 patient; and, Ken, I will entertain a motion we
8 go back to general session.

9 MR. MCIVER: Mr. Chairman, I seek a
10 motion that we come out of executive session.

11 MS. GORE: Second it.

12 CHAIRMAN MONTGOMERY: Moved and
13 seconded. We come out of executive session and
14 go to general sessions. Raise a question? Those
15 in favor say aye.

16 MR. MCIVER: Aye.

17 CHAIRMAN MONTGOMERY: Those in
18 favor say aye.

19 MS. GORE: Aye.

20 CHAIRMAN MONTGOMERY: This is for
21 commissioners. That's all right, Jack. You used
22 to doing it. That's fine. That's fine.

23 And the purpose of -- well,
24 actually already we discussed in executive
25 session. He gave us legal advice regarding this

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1 election, and we need a lot of that. Thank you,
2 Mike.

3 MR. BURCHSTEAD: Yes.

4 CHAIRMAN MONTGOMERY: Okay. Where
5 are we? Okay. Cheryl changing on me. I told
6 her to put prayer. She put a moment of silence.
7 So, I'm going to pray anyway, if that's all
8 right.

9 MR. MCIVER: Prayer is always a
10 good thing.

11 CHAIRMAN MONTGOMERY: Yeah. I'm
12 going to pray. Let us pray.

13 Heavenly Father, we ask your
14 blessing on those of us who are serving here
15 today. We ask you to guide and direct us as we
16 conduct business germane to the Town of Atlantic
17 Beach. These blessings we ask in your name.
18 Amen.

19 Somebody is challenging me on
20 this -- getting on me. That's your prerogative.
21 We have -- we don't have no old business. No old
22 business. New business. The purpose of our
23 being here today, challenged ballots.

24 Okay. Michael, the first one.

25 MR. BURCHSTEAD: This.

1 (Commissioners and Attorney consult.)

2 CHAIRMAN MONTGOMERY: This one.

3 Okay. Miss Fisher -- Miss Fisher present?

4 MS. BRIGGS-FISHER: Right here.

5 CHAIRMAN MONTGOMERY: Okay. Thank
6 you, Miss Fisher. And is Miss Armstrong present?

7 MS. ARMSTRONG: Here.

8 CHAIRMAN MONTGOMERY: Okay. Both
9 are here. Miss Armstrong, you may present your
10 evidence. Now, you got to be sworn in; right?

11 MS. ARMSTRONG: For the record,
12 just why -- what's indicates on the ballot as so
13 why it was challenged.

14 CHAIRMAN MONTGOMERY: I'm sorry.
15 It's residents. That's the challenge. And most
16 of them are residents. Most of them, what you
17 see up here are residents. Well, that's what
18 we're going to deal with today. So, should she
19 be sworn in?

20 MR. BURCHSTEAD: Yes.

21 CHAIRMAN MONTGOMERY: Okay. You
22 have to be sworn in.

23 IRENE ARMSTRONG,
24 having been first duly sworn, provided the
25 following statements:

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1 CHAIRMAN MONTGOMERY: Okay.
2 Miss Armstrong, you may present your evidence.

3 MS. ARMSTRONG: Okay. If I may,
4 first of all, say thank you to commissioners. I
5 thank you for all your hard work. Good morning
6 to each of you. And just for a comment for the
7 public chairman, if I can, before I get started.

8 CHAIRMAN MONTGOMERY: Sure.

9 MS. ARMSTRONG: Never in my longest
10 dreams did I would ever think that I would find
11 myself on the other side of the spectrum of a
12 voter's right. It's saddens me deeply. It
13 saddens me deeply 'cause I've been here for over
14 12 years, 60 years in this community. This is
15 the first time ever I've had to do this ever.

16 But you know what? There's a
17 right, and there's a wrong. There's truth, and
18 there's the other; and there's honesty. But at
19 the end of the day, it is your integrity that
20 completes your foundation.

21 The sadness is beyond measure, like
22 I said; and I'm truthful about that 'cause I work
23 with everybody, but some things having going on
24 and going on whole long. And that's okay.
25 People are who they are. You can't change that.

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1 So -- but we have to be respectful
2 and just move forward and work with each other in
3 spite of all this. You know, you guys -- you're
4 my black families, my --
5 UNIDENTIFIED VOICE: This is at the
6 end.
7 CHAIRMAN MONTGOMERY: You have to
8 talk to us.
9 MS. ARMSTRONG: I said -- I will.
10 CHAIRMAN MONTGOMERY: Don't talk to
11 anybody else. Don't --
12 MS. ARMSTRONG: I stand corrected.
13 CHAIRMAN MONTGOMERY: Okay. And
14 Irene sort of getting -- you challenge her
15 ballots.
16 MS. ARMSTRONG: I'm getting to
17 that. I just wanted to make an opening of what I
18 have to the right to do that.
19 CHAIRMAN MONTGOMERY: All right.
20 Please, y'all.
21 UNIDENTIFIED VOICE: Hold up. We
22 want peace in here. Peace in here. Peace in
23 here.
24 CHAIRMAN MONTGOMERY: Okay.
25 Michael, we don't want any comments from the

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1 audience. No comments from the audience. We
2 just want to hear the witness and -- and the
3 voter. Please don't make any comments.
4 MS. ARMSTRONG: Commissioner, I'm
5 talking to you now.
6 CHAIRMAN MONTGOMERY: Yes. Talk to
7 us.
8 MS. ARMSTRONG: Exactly. I do
9 apologize for that.
10 CHAIRMAN MONTGOMERY: You're right.
11 MS. ARMSTRONG: But I always stand
12 on principle conviction and the law. That's
13 important to me. That is truth to power. I make
14 no apology for this position I'm in today;
15 however, it still breaks my heart 'cause I
16 believe in what I know in my heart is right. I
17 live here. I see it. I know what I'm doing here
18 and how I find myself here, and it's unfortunate.
19 But it is -- it is the reality of
20 it. It is the reality of it. So, you don't, you
21 know, folks have just really, really kind of just
22 know what's going on.
23 CHAIRMAN MONTGOMERY: What's your
24 evidence, Irene?
25 UNIDENTIFIED VOICE: Thank you.

1 MS. ARMSTRONG: All right.
2 CHAIRMAN MONTGOMERY: Don't
3 comment, please.
4 MS. ARMSTRONG: Want to say this
5 position that I am in today will be everybody's
6 weapon in this town because they have a right to
7 do what I've done. Exactly. I'm going to -- can
8 I give the commissioners what I have?
9 CHAIRMAN MONTGOMERY: Yeah, yeah.
10 MS. ARMSTRONG: Okay. Mrs. Gore.
11 And I'll just go through it 'cause, you know,
12 whenever you get to it; but everything that
13 contains in this folder here is, pretty much,
14 our -- I will show you. I will show you. And I
15 forget the attorney name.
16 CHAIRMAN MONTGOMERY: Well, we're
17 dealing with Miss Fisher now.
18 MS. ARMSTRONG: I know. She's in
19 there. She's in there.
20 MR. BURCHSTEAD: Well, for the
21 purpose of the record, I mean, we'll mark
22 whatever you have as an exhibit. Let's -- let's
23 keep it to the person -- the vote at issue.
24 MS. ARMSTRONG: At the time.
25 Right. Each time. So, I can pull it out of

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1 here.
2 CHAIRMAN MONTGOMERY: Yes, right.
3 MS. ARMSTRONG: I can pull it out
4 of here and to give it to you.
5 CHAIRMAN MONTGOMERY: You can give
6 it to us.
7 MR. BURCHSTEAD: You can give it to
8 all of us. We'll mark -- we'll mark whatever you
9 give us as an exhibit, and we'll attach it to the
10 transcript. But to keep the record clean, let's
11 stick to the -- the pertinent challenge on the
12 voters.
13 CHAIRMAN MONTGOMERY: It's this
14 one.
15 MS. ARMSTRONG: So, this is just --
16 you don't want to take this now until after this.
17 CHAIRMAN MONTGOMERY: No.
18 MR. BURCHSTEAD: No. Well,
19 anything that you have to present regarding
20 Miss Briggs-Fisher would, you know, we're hearing
21 that now.
22 MS. ARMSTRONG: No problem. I just
23 need to -- I appreciate it.
24 Miss Briggs-Fisher is listed for
25 the voter's registration listed Atlantic Beach at

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1 the address of 400 32nd Avenue South, a beach
2 house located at this -- at Miss Briggs'
3 address -- she states that it's her primary
4 residence.

5 Miss Fisher purchased the house in
6 2020 and renovated it to market it as a vacation
7 home rental and has been issued a business
8 license for the Town of Atlantic Beach to operate
9 it as such.

10 Fisher's Horry County assessment
11 rate of 6 percent and -- which means it is a
12 second home, which never been registered for a
13 residential home or as a business 'cause you have
14 a business license to operate it.

15 Fisher's real residence is
16 located -- is located at 108 Oakmoss Trail in
17 Holly Hill, North Carolina. Miss Fisher
18 purchased her home in 2020. If this is her
19 primary residence, her driver's license is still
20 North Carolina. It's still the North Carolina.

21 So, you get these -- is this what you guys want?

22 CHAIRMAN MONTGOMERY: Yeah. That's
23 what we want, your evidence. Okay. We'll
24 receive that as evidence.

25 MS. ARMSTRONG: You want me to keep

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1 it or --

2 CHAIRMAN MONTGOMERY: No. We get
3 it.

4 MR. BURCHSTEAD: No. We get it.
5 We're going to receive it as an exhibit. We
6 need --

7 MS. ARMSTRONG: You want me to keep
8 it over here until you're finished?

9 CHAIRMAN MONTGOMERY: No. Give us
10 that now, Irene.

11 MS. ARMSTRONG: Okay. I'm asking.

12 CHAIRMAN MONTGOMERY: We're dealing
13 with her. Give to --

14 MR. BURCHSTEAD: And --

15 CHAIRMAN MONTGOMERY: Okay. Thank
16 you. We'll do the same for the others.

17 MS. ARMSTRONG: Okay. No problem,
18 just tell me.

19 MR. BURCHSTEAD: For the record,
20 we're going to mark this document provided by
21 Miss Armstrong as an exhibit; and we're going to
22 attach it to the transcript.

23 (Exhibit No. 01 was marked for
24 identification.)

25 CHAIRMAN MONTGOMERY: Okay. Thank

1 you. Now, we'll hear from Miss Fisher, if you
2 deny it, Miss Fisher. State your full name for
3 the record, please.

4 MS. BRIGGS-FISHER: It's
5 Marvirstine Briggs-Fisher.

6 MARVIRSTINE Y. BRIGGS-FISHER,
7 having been first duly sworn, provided the
8 following statements:

9 MS. BRIGGS-FISHER: Good morning.

10 My name is Dr. Marvirstine Briggs-Fisher. I --
11 my primary residence is 400 32nd Avenue South in
12 Atlantic Beach, South Carolina. I have a South
13 Carolina driver's license.

14 CHAIRMAN MONTGOMERY: We need to
15 see that. Do you have that?

16 MS. BRIGGS-FISHER: I do. I have
17 a --

18 CHAIRMAN MONTGOMERY: Let me see
19 everything you've brought.

20 MS. BRIGGS-FISHER: Okay.

21 CHAIRMAN MONTGOMERY: Show it to
22 me. We need to see it.

23 MS. BRIGGS-FISHER: (Complies with
24 request.)

25 CHAIRMAN MONTGOMERY: I should have

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1 told you that to start with. Go ahead.

2 Miss Fisher, you may proceed.

3 MS. BRIGGS-FISHER: That's what I
4 wanted to present. I have a South Carolina
5 driver's license as well as a --

6 CHAIRMAN MONTGOMERY: You may
7 proceed.

8 MS. BRIGGS-FISHER: South Carolina
9 voter's ID card.

10 CHAIRMAN MONTGOMERY: Just stand
11 there. Don't -- don't make comments in the
12 audience. Just stand there, Miss Fisher. We'll
13 conduct the hearing. Just stand there.

14 Miss Fisher, come ahead.

15 (Commissioners and Attorney consult.)

16 CHAIRMAN MONTGOMERY: Would you
17 read the relevant information. When it was
18 dated -- when you received it, what's on that
19 driver's license?

20 MR. BURCHSTEAD: The information
21 pertinent to the residency challenge, for the
22 record.

23 CHAIRMAN MONTGOMERY: For the
24 residency challenge for the record.

25 MS. BRIGGS-FISHER: The date is --

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1 CHAIRMAN MONTGOMERY: That's your
2 attorney?
3 MS. BRIGGS-FISHER: Yes.
4 CHAIRMAN MONTGOMERY: Okay. That's
5 fine.
6 MS. BRIGGS-FISHER: The date of
7 this issue was October 2, 2023. The address is
8 stated as 400 32nd Avenue South, Atlantic Beach,
9 South Carolina 29582.
10 CHAIRMAN MONTGOMERY: Okay. And it
11 is a South Carolina driver's license.
12 MS. BRIGGS-FISHER: Yes.
13 CHAIRMAN MONTGOMERY: Okay. Well,
14 state that for the record.
15 MS. BRIGGS-FISHER: It's a South
16 Carolina driver's license.
17 CHAIRMAN MONTGOMERY: Read what's
18 on that voter registration card you have also.
19 MS. BRIGGS-FISHER: The name on the
20 card is Marvirstine Briggs-Fisher. The address
21 is 400 32nd Avenue South, Atlantic Beach, South
22 Carolina. The registration date is 12/15/2022.
23 Date of birth 6/1/73.
24 CHAIRMAN MONTGOMERY: Thank you,
25 Dr. Fisher. Bring it back. So, I didn't show it

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1 to him. Thank you very much. Unless you have
2 something else?
3 MS. BRIGGS-FISHER: I do not.
4 CHAIRMAN MONTGOMERY: Okay. Thank
5 you. Okay. We'll decide on this one now, after
6 each one; right?
7 (Commissioners and Attorney consult.)
8 CHAIRMAN MONTGOMERY: Okay. You
9 all brought evidence from Miss Marvirstine --
10 MS. BRIGGS-FISHER: Marvirstine
11 Briggs-Fisher.
12 CHAIRMAN MONTGOMERY: Marvirstine
13 Briggs-Fisher. Thank you. Marvirstine
14 Briggs-Fisher. She has a South Carolina driver's
15 license, and she showed that she had -- she lived
16 on 32nd Avenue.
17 Oh, yeah. And she has been here
18 for more than 30 days. The law requires that you
19 be -- to be here 30 days to -- to register to
20 vote. She's been here longer than that. Any
21 comment from the commission?
22 MR. MCIVER: I just want the Chair
23 to double-check with the attorney that we're
24 going by Section 1 -- Section 7-1-25, which
25 establishes domicile; and there are certain

1 provisions that the law allows. There's 11 of
2 them but not limited to.
3 So, just to clarify with the
4 attorney that these 11 items is not all
5 encompassing, not limited to. So, we are using
6 these items that's established by the law to
7 determine domicile; is that correct?
8 MR. BURCHSTEAD: We're -- South
9 Carolina Code 7-1-25 addresses domicile; and, you
10 know, I would say, you know. We -- that that's
11 the standard as far as determining domicile,
12 what's set forth in the statute.
13 MR. MCIVER: Okay. Okay.
14 CHAIRMAN MONTGOMERY: Ms. Gore.
15 MS. ARMSTRONG: Do I have any
16 comments or --
17 CHAIRMAN MONTGOMERY: No. No.
18 We -- we've finished. We're moved on.
19 MS. ARMSTRONG: So, you guys don't
20 address the North Carolina tag?
21 (Commissioners and Attorney consult.)
22 CHAIRMAN MONTGOMERY: Right. We've
23 heard your testimony, Irene. We appreciate it.
24 MS. ARMSTRONG: Thank you.
25 CHAIRMAN MONTGOMERY: Let's go on

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1 the --
2 MS. GORE: No.
3 CHAIRMAN MONTGOMERY: I'll
4 entertain a motion that -- I'll entertain a
5 motion that we approve this vote or reject this
6 vote. Ken.
7 MR. MCIVER: Mr. Chairman, I just
8 go ahead and defer the voters, the challenger
9 that presented, we just make a decision, yes or
10 no, by our votes. I make a motion for that.
11 CHAIRMAN MONTGOMERY: Okay. You
12 made a motion -- those in favor of -- of
13 approving the vote, say yes.
14 MR. MCIVER: Aye.
15 CHAIRMAN MONTGOMERY: I say yes.
16 MS. GORE: Yes.
17 CHAIRMAN MONTGOMERY: Okay. And no
18 one said no. Okay. So, we'll accept this. It's
19 been approved.
20 Okay. So, now we can open this
21 ballot; right?
22 MR. BURCHSTEAD: Yes.
23 UNIDENTIFIED VOICE: Excuse me.
24 Can I speak? Can I speak?
25 CHAIRMAN MONTGOMERY: No. No. You

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Page 23

1 have to wait for us to come to you. We're going
 2 to the next ballot now. We've got 18 of them.
 3 18.
 4 UNIDENTIFIED VOICE: But won't you
 5 know how she voted?
 6 CHAIRMAN MONTGOMERY: No. We will
 7 know how she voted. You won't know.
 8 UNIDENTIFIED VOICE: But should you
 9 know how a person votes?
 10 CHAIRMAN MONTGOMERY: Yeah. We got
 11 to. We got to count the vote.
 12 UNIDENTIFIED VOICE: But doesn't
 13 that deny the confidentiality of that person's
 14 vote, unless they're all put together and then
 15 counted?
 16 CHAIRMAN MONTGOMERY: Okay.
 17 That's --
 18 UNIDENTIFIED VOICE: Responsible
 19 for our own.
 20 (Commissioners and Attorney consult.)
 21 CHAIRMAN MONTGOMERY: Okay. I'm
 22 sorry. Miss Hill. He's providing -- I don't
 23 need any comment from the audience.
 24 UNIDENTIFIED VOICE: I'm sorry.
 25 CHAIRMAN MONTGOMERY: We're

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1 following the statute, and I have to go --
 2 UNIDENTIFIED VOICE: I apologize.
 3 CHAIRMAN MONTGOMERY: -- to go with
 4 what he says. I'm not a lawyer. He is. I don't
 5 need any comments. But I read -- based on what I
 6 read, he's correct.
 7 MR. MCIVER: Just, again -- I'm
 8 sorry. Mr. Chairman, I have a question.
 9 CHAIRMAN MONTGOMERY: Don't justify
 10 it. Just move on.
 11 MR. MCIVER: No. But what I want
 12 to say is that -- what I want to say is that
 13 we're going to have two stacks here. Two stacks
 14 here. Ones that we reject and ones that we vote.
 15 CHAIRMAN MONTGOMERY: Yes.
 16 MR. MCIVER: We'll go from there,
 17 and then we'll just sort of comingle the votes in
 18 so that the person's integrity of who they voted
 19 is kept secret.
 20 UNIDENTIFIED VOICE: Exactly.
 21 MR. MCIVER: Keep the piles
 22 separate until we are ready to canvas. We'll
 23 just keep the files separate and keeping the
 24 voters' intention.
 25 (Commissioners and Attorney consult.)

1 CHAIRMAN MONTGOMERY: Okay. If
 2 it's not accepted, we don't even open the ballot.
 3 Okay. Go ahead.
 4 MR. MCIVER: The next voter we're
 5 looking at --
 6 CHAIRMAN MONTGOMERY: I thought I
 7 gave you.
 8 MR. MCIVER: You did.
 9 CHAIRMAN MONTGOMERY: Oh, okay.
 10 Okay. The next person we have is a -- let's see.
 11 Was Vaughan Erika. Come on up, Miss Erika.
 12 MS. E. VAUGHN: Good morning.
 13 CHAIRMAN MONTGOMERY: No, no, no.
 14 Miss, I should have said, I just want to know
 15 you're here. It's not time for that yet. So,
 16 you're here. I'm sorry. You're here. And the
 17 challenger is Miss Armstrong. Okay. Okay. The
 18 challenger goes first.
 19 Miss Armstrong, you may proceed.
 20 MS. ARMSTRONG: Do you have a
 21 voters' registration list? 'Cause I didn't find
 22 her name on the voters' registration list, and
 23 there is a Nadiyah Vaughn. Is that -- is that
 24 what's on your voters' registration list?
 25 (Commissioners and Attorney consult.)

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1 CHAIRMAN MONTGOMERY: You have the
 2 burden of -- you have the burden of proof, Irene.
 3 MS. ARMSTRONG: Well, yeah. But we
 4 need to know who we're talking about.
 5 CHAIRMAN MONTGOMERY: Well, you
 6 have the burden of proof. We don't have it.
 7 MS. ARMSTRONG: Well, we have to
 8 know who we're talking about because she's not on
 9 the voters' registration list. It's her
 10 daughter.
 11 CHAIRMAN MONTGOMERY: Well, you
 12 have the burden of proof.
 13 MS. ARMSTRONG: Okay. So, this is
 14 Nadiyah Vaughn is listed on Atlantic Beach
 15 voters' registration list. And it's
 16 H-A-D-I-Y-A-H. V-A-U-G-H-A-N. Nadiyah is -- is
 17 the daughter. It's the daughter of Erika and
 18 Naim R. Vaughn. A home that was just built in
 19 Atlantic Beach in '22. The house is not their
 20 primary residence, although Mr. Vaughan stated on
 21 his -- on -- well, Nadiyah stated on her --
 22 CHAIRMAN MONTGOMERY: Irene, you
 23 don't have any evidence on this current --
 24 MS. ARMSTRONG: I'm getting to --
 25 do I have time to --

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1 CHAIRMAN MONTGOMERY: Yeah, you
2 have time.
3 MS. ARMSTRONG: You said I have it
4 here. I have it here, but I've got to --
5 CHAIRMAN MONTGOMERY: Okay. Take
6 your time.
7 MS. ARMSTRONG: Stated on the
8 voters' registration application that the address
9 located at 2418 -- excuse me. Not 2418. At the
10 address listed at 2812 South Ocean Boulevard was
11 the primary address.
12 But, in fact, they have a business
13 license to operate as a business 'cause it's a
14 beach vacation rental home; and the husband
15 claims the 4 percent here, and the wife claims
16 4 percent at their residence -- their primary
17 residence at 2418 Pimpernel Drive in Waldorf,
18 Maryland. So, that's what I'm finding here.
19 So, help me understand how these
20 folks get to vote when they have a primary
21 address in another state; and it's two of them.
22 One votes here, and one votes in another state at
23 a 4 percent.
24 That's what -- and here is the
25 house, and they have a business license from the

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1 Town of Atlantic Beach; and they do business here
2 through the rental of this property, this
3 vacation rental home. It's not their primary
4 residence.
5 So, here is the evidence of that;
6 and I think you need to figure out which name is
7 which 'cause this is the daughter, the 18-year-
8 old daughter.
9 (Commissioners and Attorney consult.)
10 MS. ARMSTRONG: And legal residence
11 status is impacted if a property is rented more
12 than 14 days during the calendar year.
13 CHAIRMAN MONTGOMERY: Okay. Thank
14 you, Irene. Now, Miss, you may --
15 MR. BURCHSTEAD: Well --
16 MS. ARMSTRONG: You can address
17 that.
18 MR. BURCHSTEAD: Is this the
19 evidence presented?
20 MS. ARMSTRONG: Yes. Yes.
21 MR. BURCHSTEAD: And we will -- we
22 will mark this as Exhibit No. 02. There's two
23 separate -- actually, there are two separate
24 pieces of paper that were handed up or two
25 separate documents with multiple pages handed up

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1 by Miss Armstrong. We will actually mark this --
2 it appears to be information on Nadiyah Vaughan,
3 N-A-D-I-Y-A-H. And we will mark this as Exhibit
4 No. 02.
5 (Exhibit No. 02 was marked for
6 identification.)
7 MR. BURCHSTEAD: And there is a
8 piece of paper that generally is discussing legal
9 resident status and -- and what purports to be
10 the applicable law, and we will mark this as
11 Exhibit No. 03.
12 (Exhibit No. 03 was marked for
13 identification.)
14 CHAIRMAN MONTGOMERY: Thank you,
15 Michael.
16 Okay. Miss Vaughan, you may
17 proceed.
18 ERIKA VAUGHN,
19 having been first duly sworn, provided the
20 following statements:
21 CHAIRMAN MONTGOMERY: You may
22 proceed.
23 MS. E. VAUGHN: What would you like
24 to know?
25 CHAIRMAN MONTGOMERY: Oh, anything

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1 you want to tell me to support your -- your
2 evidence for residency.
3 MS. E. VAUGHN: Well, my residence
4 is 2812 South Ocean Boulevard.
5 CHAIRMAN MONTGOMERY: Driver's
6 license, you have that with you?
7 MS. E. VAUGHN: I have my South
8 Carolina voter registration card. As a backup
9 I -- Photo I.D., I also have a military ID.
10 CHAIRMAN MONTGOMERY: Okay.
11 MS. E. VAUGHN: For proof of
12 residency I have, again, a voter registration
13 card and a utility bill.
14 (Commissioners and Attorney consult.)
15 CHAIRMAN MONTGOMERY: What
16 address -- what address on those documents?
17 MS. E. VAUGHN: 2812 South Ocean
18 Boulevard.
19 (Commissioners and Attorney consult.)
20 CHAIRMAN MONTGOMERY: When was your
21 voter registration card issued?
22 MS. E. VAUGHN: August 31, 2023.
23 (Commissioners and Attorney consult.)
24 CHAIRMAN MONTGOMERY: What other
25 evidence on those documents pertinent to the

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1 residential challenge?

2 MS. E. VAUGHN: Other than my

3 residence? What else would be pertinent?

4 CHAIRMAN MONTGOMERY: Well, do you

5 have any other evidence on those documents

6 pertinent to the residential challenge? You

7 don't have anything, that's --

8 MS. E. VAUGHN: So, it has my

9 address, which I'll repeat, 2812 South Ocean

10 Boulevard. Would you like to see?

11 (Commissioners and Attorney consult.)

12 CHAIRMAN MONTGOMERY: Yeah. We

13 want to see it.

14 MS. E. VAUGHN: (Complies with

15 request.)

16 MR. BURCHSTEAD: And for the

17 record, Miss Vaughan, is presenting --

18 MS. ARMSTRONG: What's her first

19 name?

20 MR. BURCHSTEAD: Erika Vaughn.

21 MS. ARMSTRONG: And what's the name

22 we're discussing?

23 MR. BURCHSTEAD: We're stating the

24 record. I have a voter registration card for

25 everybody to review. I have a utility -- it

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1 appears to be a utility bill dated November 8,

2 2023, with an address on 2812 South Ocean

3 Boulevard, Atlantic Beach, South Carolina 29582.

4 I will mark this -- we're going to accept this as

5 an exhibit, the utility bill, and mark this as

6 Exhibit No. 04.

7 (Exhibit No. 04 was marked for

8 identification.)

9 MR. BURCHSTEAD: And what else do

10 you have?

11 CHAIRMAN MONTGOMERY: Driver's

12 license. Oh, ID photo.

13 MR. BURCHSTEAD: Okay. And there's

14 a South Carolina -- looks like a South Carolina

15 voter identification card and -- and a -- a

16 driver's -- well, a military ID with

17 Miss Vaughan's name on it and -- and we're -- for

18 the record, the Municipal Election Commission is

19 reviewing these documents.

20 CHAIRMAN MONTGOMERY: Okay. Thank

21 you very much.

22 MS. E. VAUGHN: Thank you.

23 (Commissioners and Attorney consult.)

24 CHAIRMAN MONTGOMERY: Okay. You

25 don't have anything else to add, do you?

1 MS. E. VAUGHN: No.

2 CHAIRMAN MONTGOMERY: No. She

3 doesn't have anything. Okay. We've seen

4 Miss Erika Vaughan record. I'll entertain a

5 motion that we accept this vote or reject this

6 vote. Please make your motion.

7 MR. MCIVER: Mr. Chairman, I seek a

8 motion that we vote on the status of Miss Erika

9 Vaughan, whether or not she is a resident or not

10 a resident.

11 CHAIRMAN MONTGOMERY: I'll second.

12 It's been moved and seconded.

13 Those in favor of approving Ms. Vaughan's vote as

14 a registered voter in Atlantic Beach, say aye.

15 MR. MCIVER: Aye.

16 MS. GORE: Aye.

17 CHAIRMAN MONTGOMERY: And I say

18 aye. Motion is carried. Okay.

19 Diane Hill is present, Miss Diane.

20 And, Irene, you challenge on this, too. So,

21 we'll hear from you.

22 MS. ARMSTRONG: Thank you,

23 Commissioner.

24 Diane Hill located -- listed on the

25 voters' registration list, voters' registration

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1 list of Atlantic Beach at 609 30th Avenue South,

2 Atlantic Beach, South Carolina.

3 Miss Hill has lived in Atlantic

4 Beach more than 8 to 10 years. More than 8 to 10

5 years; however, never changed her North Carolina

6 car tags to South Carolina in those periods of

7 time. It was found that Miss Hill's primary

8 address is actually in the State of North

9 Carolina at 702 Belltown Road, Havelock, North

10 Carolina 295 -- 28532.

11 The address reflected where

12 Miss Hill's car is registered, the North Carolina

13 license is registered, is where her husband is

14 located as well in North Carolina on Belltown

15 Road.

16 How could Miss Hill obtain a South

17 Carolina voter registration status here with

18 North Carolina driver's license that are active

19 and just been renewed and placed -- this could be

20 her place of primary residence having never

21 applied for a primary residence status in South

22 Carolina.

23 So, that's -- it sound like, you

24 know, this -- some work needs to be done here. I

25 don't -- I don't see where she will be legally

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1 registered to vote having a North Carolina
2 license tag that she had for over 18 years and
3 never changed that. How did she get a voter ID
4 with a North Carolina driver's license? You can
5 see here. I have that for you.

6 CHAIRMAN MONTGOMERY: Okay. We'll
7 take it. Thank you, Mike.

8 MR. BURCHSTEAD: And we have a
9 series of documents provided by -- by
10 Miss Armstrong regarding Diane T. Hill. We will
11 accept this as Exhibit No. 05, and we will
12 include this in the record.

13 (Exhibit No. 05 was marked for
14 identification.)

15 CHAIRMAN MONTGOMERY: Thanks, Mike.
16 Okay. Miss Diane, you may --

17 DIANE T. HILL,
18 having been first duly sworn, provided the
19 following statements:

20 CHAIRMAN MONTGOMERY: You may
21 proceed.

22 MS. HILL: You are now a registered
23 voter in the State of South Carolina. To vote at
24 your polling place, you must present a South
25 Carolina voter registration card with photo.

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1 CHAIRMAN MONTGOMERY: Yeah. That's
2 fine. I was really surprised when I saw your
3 challenge.

4 MR. BURCHSTEAD: Go ahead. Say
5 anything you want to. For the record, could you
6 state that -- what you provided to the Municipal
7 Election Commission?

8 MS. HILL: I just provided my South
9 Carolina voter registration card with my official
10 photo on the card; and I can understand former
11 Mayor Montgomery's surprise because everybody in
12 this room who lives on this beach knows that I
13 have been living here since 2012, a resident
14 since 2012.

15 The fact that I own property
16 otherwise in other places is true, but I live
17 here. This is my home. I have worked on the
18 Beautification Committee. I attend Town
19 meetings. I was once a member of the -- what was
20 it? The board of -- I think it was the Board of
21 Permitting. I have served on boards in this Town
22 as a resident, and I have a number of utility
23 bills and bank statements to support my claim;
24 but, frankly, I don't think I need them. The
25 State of South Carolina says I am available and

1 registered to vote and have done so.

2 CHAIRMAN MONTGOMERY: Miss Hill,
3 your Atlantic Beach address is on this
4 registration card?

5 MS. HILL: Yes, sir, it is. I live
6 at 609 30th Avenue South, Atlantic Beach, South
7 Carolina 29582. Need I say more?

8 CHAIRMAN MONTGOMERY: No. I don't
9 have any --

10 MS. HILL: Thank you so much.

11 CHAIRMAN MONTGOMERY: You may get
12 your paper. I'll entertain a motion that we
13 accept Miss Diane's vote.

14 MR. MCIVER: Mr. Chairman, I move
15 that we vote on the -- whether or not we accept
16 Miss Diane Hill's eligibility to vote in Atlantic
17 Beach election.

18 CHAIRMAN MONTGOMERY: I'll second.

19 It's been moved and properly

20 second. All in favor, say yes.

21 MR. MCIVER: Yes.

22 MS. GORE: Yes.

23 CHAIRMAN MONTGOMERY: Approved.

24 Motion carried. Okay.

25 Naim Vaughan, I cannot pronounce --

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1 I know I'm mispronouncing your name. I think I
2 met you the other day.

3 MR. VAUGHN: Yes, sir.

4 CHAIRMAN MONTGOMERY: How do you
5 pronounce that?

6 MR. VAUGHN: Naim.

7 CHAIRMAN MONTGOMERY: Naim.

8 MR. VAUGHN: Okay. The dream if
9 you speak Spanish, it's el sueno.

10 CHAIRMAN MONTGOMERY: No, I took
11 French in college; and I've forgotten most of
12 that. Irene, is the challenger.

13 MS. ARMSTRONG: Yes, I --

14 CHAIRMAN MONTGOMERY: You can sit
15 down. I'm just calling your name. I've been
16 trying to call it, but know I mispronounced it.

17 Okay. Miss Irene, you may proceed.

18 And rather than to read for all, we've done
19 most them -- all of them.

20 MS. ARMSTRONG: Okay. Again, and
21 how is that spelled again? I have your

22 daughter's name on here. That's the only name I
23 have on my voters' registration list. What's the
24 spelling of -- of his name?

25 CHAIRMAN MONTGOMERY: The proof is

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1 on you, Irene.

2 UNIDENTIFIED VOICE: Y'all can't

3 spell the name for her. You gave it to her. You

4 can't give it to her.

5 CHAIRMAN MONTGOMERY: No.

6 MS. ARMSTRONG: I call this, Joe,

7 Chairman.

8 (Commissioners and Attorney consult.)

9 MS. ARMSTRONG: It's no problem.

10 It's no problem. Let me tell you what's going on

11 and -- 'cause this needs to be clarified.

12 CHAIRMAN MONTGOMERY: Okay. Just

13 give us the evidence.

14 MS. ARMSTRONG: This needs to be

15 clarified prior to -- before I go forward. This

16 is my fee for voters' registration in this. And

17 I'm always been under the impression that they

18 give it to you -- send it to you before, you

19 know, the election; and they did.

20 However, the parents' names are not

21 on here. Only the daughter. And so whenever the

22 challenge came about on Tuesday, you know, I

23 challenged the daughter; and now there's the

24 mother and the father. I don't see them on my

25 list. Do you have -- I mean, I called Conway

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1 today, this morning.

2 CHAIRMAN MONTGOMERY: Yeah. We

3 can't help you with that, Irene. You have to

4 present your evidence.

5 MS. ARMSTRONG: Well, I'm going to

6 do that; but I want to know the name of Naim and

7 I -- all right. Located on -- Naim Vaughan

8 listed on Atlantic Beach voter registration list

9 at 12 -- at 2812 South Ocean Boulevard, South

10 Carolina.

11 Naim and his wife Erika Vaughn own

12 a beach home in Atlantic Beach in 2022. The home

13 is not their primary residence, although he has

14 stated himself in a voter registration

15 application. The bond for each home is assessed

16 at 6 percent ratio, which means it is a second

17 home and not a 4 percent residential home.

18 The Vaughan's beach house also is

19 under a rental management contract with a Beach

20 Vacation Rental Company and has been issued a

21 business license by the Town of Atlantic Beach or

22 in the process thereof. They have to have

23 something there in town hall with the business

24 license.

25 While husband, Naim Vaughan, claims

1 that the address in Atlantic Beach is their

2 primary residence, the wife, Erika Vaughan,

3 claims residency at 2418, again, Pimpernel Drive

4 in Waldorf, Maryland at zip 20603. The South

5 Carolina residency law says the husband and a

6 wife cannot both claim a 4 percent status in one

7 state and then the wife in another.

8 I have the rental home -- the

9 rental home that they -- that the Vaughans have

10 is not a primary home. It's a rental vacation

11 home. It's not their primary residence by no

12 stretch of the imagination. It is not. There's

13 a bunch of reviews throughout this that shows it

14 is not, a bunch of reviews where the guests live

15 in this home all through the year here.

16 CHAIRMAN MONTGOMERY: Okay. You

17 may present the evidence. Thank you.

18 MR. BURCHSTEAD: And, you know, for

19 the record, the Municipal Election Commission was

20 handed a series of papers about Mr. Vaughan and

21 his residency. I am going to -- we are going to

22 accept this and mark it as Exhibit No. 06 for the

23 record.

24 (Exhibit No. 06 was marked for

25 identification.)

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1 CHAIRMAN MONTGOMERY: Anything

2 else, Irene?

3 MS. ARMSTRONG: No.

4 CHAIRMAN MONTGOMERY: Okay. You

5 may, if you wish, Mr. Vaughan. Let's clarify the

6 spelling of your name.

7 MR. VAUGHN: Naim, N-A-I-M, Vaughn,

8 V-A-U-G-H-A-N.

9 NAIM R. VAUGHN,

10 having been first duly sworn, provided the

11 following statements:

12 CHAIRMAN MONTGOMERY: You may

13 proceed.

14 MR. VAUGHN: All right. My name is

15 Naim Vaughan. I have three proofs of evidence.

16 CHAIRMAN MONTGOMERY: Okay.

17 MR. VAUGHN: One is my South

18 Carolina voter identification card. I have my

19 South Carolina driver's license, and I have my

20 military ID card.

21 (Commissioners and Attorney consult.)

22 CHAIRMAN MONTGOMERY: What those

23 records show that relates to your residence? Is

24 your address -- read off your address and

25 everything for the record.

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1 MR. VAUGHN: My South Carolina
 2 driver's license, it says 2812 South Ocean
 3 Boulevard, Atlantic Beach, South Carolina.
 4 CHAIRMAN MONTGOMERY: Okay. When
 5 was it issued? When was it issued?
 6 MR. VAUGHN: I don't -- I can't
 7 remember. Okay. August 30, 2023.
 8 (Commissioners and Attorney consult.)
 9 CHAIRMAN MONTGOMERY: Okay. You
 10 have two other documents. What's on the other
 11 two?
 12 MR. VAUGHN: My South Carolina
 13 voter identification card. It doesn't have the
 14 address on it but --
 15 CHAIRMAN MONTGOMERY: What's the
 16 third?
 17 MR. VAUGHN: My military ID card.
 18 I did 30 years of active duty Air Force, and I've
 19 had no one challenge my -- anything that I, you
 20 know, done in the military. I was a straight
 21 shooter, and that's what it is.
 22 CHAIRMAN MONTGOMERY: You don't
 23 have any -- yeah. You don't have anything else
 24 to add about the residence, do you, other than
 25 what you have?

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1 MR. VAUGHN: Absolutely not.
 2 CHAIRMAN MONTGOMERY: Okay. That's
 3 good. Bring them forward. We'll let the
 4 commission look at it and --
 5 (Commissioners and Attorney consult.)
 6 CHAIRMAN MONTGOMERY: Thank you,
 7 sir. I'll entertain a motion that we approve
 8 Mr. Naim vote.
 9 MR. MCIVER: Mr. Chairman, I seek a
 10 motion that we vote on the legality of the voting
 11 in Atlantic Beach, yes or no.
 12 CHAIRMAN MONTGOMERY: Okay. I'll
 13 second that.
 14 Those in favor say yes. Those in
 15 favor of approving this vote, make this vote
 16 active, approve this vote, say, yes.
 17 MR. MCIVER: Yes.
 18 MS. GORE: Yes.
 19 CHAIRMAN MONTGOMERY: Yes.
 20 Oppose say no. Motion is cared.
 21 This is Divine -- hey. Okay.
 22 Again, make sure you're here. I didn't see you.
 23 Irene Armstrong.
 24 Okay. Irene, you may proceed.
 25 MS. ARMSTRONG: Okay. K. G. Divine

1 located on Atlantic Beach -- Atlantic Beach
 2 voters' list at 3108 Seaview Street, Atlantic
 3 Beach, South Carolina. Divine claims residency
 4 at the home address of -- oh, God. One second,
 5 Chairman. Update this.
 6 Yes. The Divines are receiving a
 7 4 percent rate according to -- according to the
 8 process of getting residency, receiving a
 9 4 percent rate. Divines' vacation home -- built
 10 their vacation home in 2017. It has never been
 11 occupied by either of the Divines as a primary
 12 residence.
 13 The Divines' primary resident is
 14 located at 6419 North 11th Street, Philadelphia,
 15 Pennsylvania. The State of South Carolina has a
 16 law because I think Mr. Divine is registered
 17 here. His wife is not, but they're married and
 18 not divorced. The wife lives at the residence in
 19 Philadelphia and Divine husband is here.
 20 So, there's state law that states
 21 that whenever a husband and wife live in two
 22 separate states, they both cannot receive a
 23 4 percent tax break; and that is the point of --
 24 of my challenge here today with that, you know,
 25 residency.

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1 And it's -- it's the same with
 2 the -- it's coming behind Divine or is Divine
 3 or -- I think. Yes. And it's a -- it's a rental
 4 home. The Divines have a rental vacation home
 5 that they rent south of the property as well, you
 6 know. How can that be primary?
 7 CHAIRMAN MONTGOMERY: Well, let me
 8 ask. Attorney just showed me this and reread it.
 9 I read it before. That the husband and wife can
 10 live in separate domiciles. It's just -- but we
 11 don't need to get into that. We can't.
 12 (Commissioners and Attorney consult.)
 13 CHAIRMAN MONTGOMERY: Right. We
 14 don't need to get into that.
 15 Okay. We're ready for you.
 16 MR. DIVINE: Good morning.
 17 CHAIRMAN MONTGOMERY: Good morning.
 18 MR. MCIVER: Hold on one second.
 19 Miss Irene, can we get the information for that?
 20 MS. ARMSTRONG: Yes.
 21 (Commissioners and Attorney consult.)
 22 CHAIRMAN MONTGOMERY: Do you have
 23 anything else to add?
 24 MS. ARMSTRONG: No, not other than
 25 that. I know, you know --

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1 CHAIRMAN MONTGOMERY: Okay. Give
2 us the evidence.
3 MS. ARMSTRONG: The 4 percent, I
4 know there's a legal there. It's just a matter
5 of clarifying that.
6 CHAIRMAN MONTGOMERY: Okay. Mark
7 this as an exhibit.
8 MR. BURCHSTEAD: Thank you. And,
9 for the record, this is a series of documents
10 on -- it's handwritten at the top KG Divine. At
11 least spelled here D-I-V-I-N-E, and we are going
12 to mark this. This has been provided to us from
13 Miss Armstrong. We are going to mark this as
14 Exhibit No. 07.
15 (Exhibit No. 07 was marked for
16 identification.)
17 KNOWLEDGE GAHIB DIVINE,
18 having been first duly sworn, provided the
19 following statements:
20 CHAIRMAN MONTGOMERY: Okay. Now,
21 spell your name for the record. Spell it.
22 MR. DIVINE: Okay. Knowledge,
23 K-N-O-W-L-E-D-G-E. Middle name Gahib, G-A-H-I-B.
24 Last name Divine, D-I-V-I-N-E.
25 CHAIRMAN MONTGOMERY: Thank you,

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1 sir.
2 MR. DIVINE: Yes, sir. Good
3 morning, commission.
4 CHAIRMAN MONTGOMERY: Good morning.
5 MR. DIVINE: My legal residence is
6 at 3108 Seaview Street in Atlantic Beach, South
7 Carolina 29582. I have -- I'm reading from my
8 driver's license right now, and this was issued
9 in 2019. So, I have been voting here in this
10 building for five years.
11 I have nowhere else in the United
12 States that I can vote but in Atlantic Beach.
13 And to address the issues of where I live or
14 where my wife lives, those issues, I think, may
15 be tax issues; but I don't think they have
16 anything to do with my right to vote. So, with
17 that, I'm going to bring up my evidence.
18 CHAIRMAN MONTGOMERY: Thank you,
19 sir.
20 MR. BURCHSTEAD: And, for the
21 record, we are looking at a South Carolina
22 driver's license and a South Carolina voter
23 identification card.
24 MR. DIVINE: With photo, yeah.
25 MR. BURCHSTEAD: With photo on

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1 both.
2 MR. DIVINE: And this is my -- a
3 letter from the IRS to my home at --
4 CHAIRMAN MONTGOMERY: We went
5 through this two years ago.
6 MR. DIVINE: Yeah.
7 CHAIRMAN MONTGOMERY: All right.
8 Thank you, sir. You don't have anything else to
9 add, do you?
10 MR. DIVINE: No. That's it. And I
11 thank you, Commissioner.
12 CHAIRMAN MONTGOMERY: Thank you.
13 MR. DIVINE: Thank you.
14 CHAIRMAN MONTGOMERY: Thank you.
15 Okay. And I'll entertain a motion
16 that we vote on this ballot, approve or
17 disapprove.
18 MR. MCIVER: Mr. Chairman, I -- I'm
19 going to entertain a motion that we approve or
20 disapprove the ballot in question from K. G.
21 Divine.
22 CHAIRMAN MONTGOMERY: I'll second
23 that.
24 Been moved and properly seconded.
25 Let me vote on this ballot. Those in favor of

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1 approving the ballot, let it be known by saying
2 yes.
3 MR. MCIVER: Yes.
4 MS. GORE: Yes.
5 CHAIRMAN MONTGOMERY: I say yes.
6 Those who disapprove say no.
7 Ballot is approved so it will be counted.
8 Miss Jean Anne -- it's Ira?
9 UNIDENTIFIED VOICE: Rhymer.
10 CHAIRMAN MONTGOMERY: Rhymer.
11 Okay. I'm sorry.
12 Okay. Irene, you are here. You
13 may proceed.
14 MS. ARMSTRONG: Huh?
15 CHAIRMAN MONTGOMERY: You may
16 proceed. Wait a minute.
17 MS. ARMSTRONG: With what?
18 CHAIRMAN MONTGOMERY: Okay.
19 MS. ARMSTRONG: With what?
20 CHAIRMAN MONTGOMERY: No. I'm
21 sorry. I'm sorry, Irene. It's Eric Lewis. I'm
22 sorry. My apologies. I didn't look at the box.
23 Eric. Is Eric here? Eric Lewis? Eric isn't
24 here.
25 UNIDENTIFIED VOICE: No challenge.

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1 CHAIRMAN MONTGOMERY: No challenge.

2 UNIDENTIFIED VOICE: No challenge.

3 CHAIRMAN MONTGOMERY: The voter's

4 here. John, I don't need your comment.

5 (Commissioners and Attorney consult.)

6 CHAIRMAN MONTGOMERY: For the

7 record, you may come forward.

8 MS. RHYMER: Sir?

9 CHAIRMAN MONTGOMERY: You may come

10 forward, just for the record, 'cause the

11 challenger isn't here.

12 MS. ARMSTRONG: She's handicapped.

13 CHAIRMAN MONTGOMERY: Oh, I'm

14 sorry. If you don't want --

15 MR. BURCHSTEAD: Can we -- can we

16 swear her in from there?

17 CHAIRMAN MONTGOMERY: You can stay

18 back there. I'm sorry.

19 JEAN ANNE RHYMER,

20 having been first duly sworn, provided the

21 following statements:

22 CHAIRMAN MONTGOMERY: I'm sorry.

23 I'll just take it.

24 MS. RHYMER: It's my driver's

25 license and mail.

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1 CHAIRMAN MONTGOMERY: Yeah. I'm

2 sorry.

3 MS. RHYMER: That's okay.

4 MR. BURCHSTEAD: Thank you.

5 And, for the record, we were

6 presented a driver's license from Miss Rhymer

7 with an Atlantic Beach address and a --

8 information from what appears to be an insurer,

9 some mailing also with an Atlantic Beach address

10 and -- is there anything else?

11 MR. MCIVER: I'm sorry. I'm just a

12 little confused. Is it Eric Lewis that you

13 mentioned? Who are we --

14 CHAIRMAN MONTGOMERY: Eric is the

15 challenger. He isn't here so we're talking with

16 the --

17 MR. MCIVER: Okay.

18 CHAIRMAN MONTGOMERY: Yeah, let

19 them look at it. This is the evidence. This is

20 her evidence. We're just doing this for the

21 record 'cause the challenger isn't here. So,

22 we're doing it for the record.

23 Thank you, Miss Rhymer. Would you

24 like to say anything? You don't have to.

25 MS. RHYMER: No.

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1 CHAIRMAN MONTGOMERY: Okay. All

2 right. We'll entertain a motion that we approve

3 Miss Rhymer's vote by -- I'll entertain a motion.

4 MR. MCIVER: Mr. Chairman, I make a

5 motion that we vote on the eligibility of Jean

6 Rhymer, yes or no.

7 CHAIRMAN MONTGOMERY: I'll second.

8 Okay. Those in favor of the motion, say -- those

9 in favor of approving the ballot, say yes.

10 MR. MCIVER: Yes.

11 MS. GORE: Yes.

12 CHAIRMAN MONTGOMERY: And I say

13 yes.

14 Those opposed say no? Motion is

15 carried, and ballot is approved. Thank you,

16 Miss Rhymer.

17 MS. RHYMER: Thank you.

18 CHAIRMAN MONTGOMERY: Dr. Traci

19 Cooper, I know she isn't here. But -- okay.

20 I -- right. I'll call for you, Elaine, when we

21 get to the challenger. Irene, this is Dr. Traci

22 Cooper.

23 MS. ARMSTRONG: Yes. Okay. Well,

24 it's -- it's also Noble P., Jr., and Noble others

25 in the family that I will be addressing in one.

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1 CHAIRMAN MONTGOMERY: Okay.

2 MS. ARMSTRONG: Listed on the

3 voters' registration list, there are Cooper

4 Carlisle, Cooper Noble, Noble and Traci at 3207

5 South Ocean Boulevard, Atlantic Beach, South

6 Carolina, as their primary residence.

7 Well, this home is -- is under

8 construction. It's incomplete. It has never had

9 anyone lived in it permanently because it -- it

10 did not exist. However, before this, there was

11 another home; but no one ever lived in that home,

12 as we all know, here in this town.

13 So, for -- to make claims of -- to

14 living in a home that you're -- that you're a

15 resident that is incomplete, it's under

16 construction, that was the purpose of my

17 challenging that -- that home.

18 And it is also under that 6 percent

19 and not 4 percent residency Horry County tax

20 ratio, and there's two address locations for this

21 family: 120 Stonebrook Drive in Blythewood,

22 South Carolina, and then the other of Miss Carol

23 L. Cooper, who is the name of record -- is the

24 name of record of this property in Conway,

25 Miss Carol J. Cooper; and she's not one of the

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1 parties here on the list. And she's at 2202
2 Pinehurst, North Carolina. I mean, South
3 Carolina.

4 So the commission, the reason I
5 challenge this vote because the home doesn't have
6 a CO. It's not -- it's incomplete. So, how do
7 you claim a residence is yours if it -- if
8 it's -- you've never lived in it? It's not
9 completed and hasn't been completely built?

10 And this was -- has been -- if they
11 registered to vote, I don't know when; but still
12 that's beside the point. It's a house that has
13 never been occupied because it's incomplete.
14 Today construction workers are still there; and,
15 yeah, I have a picture of it here.

16 CHAIRMAN MONTGOMERY: Okay.

17 MS. ARMSTRONG: And that speaks to
18 all the conclusion on that.

19 CHAIRMAN MONTGOMERY: Okay. You
20 can present your evidence.

21 MR. BURCHSTEAD: For the record, we
22 have a -- a series of papers provided by
23 Miss Armstrong. At -- at the top of it, it
24 indicates it relates to Carlisle Cooper, Noble P.
25 Cooper, Jr., Noble P. Cooper, III, and Traci V.

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1 Cooper. And this -- we'll mark as Exhibit
2 No. 08.

3 (Exhibit No. 08 was marked for
4 identification.)

5 CHAIRMAN MONTGOMERY: Okay. Let me
6 say this, then you can proceed.

7 Dr. Traci Cooper isn't here because
8 she had a funeral she had to attend to. I called
9 you about that, Mike. I called you about. And
10 Elaine is going to present the evidence.

11 And I called Michael before, you
12 know. So, you may proceed.

13 MS. FINNEY: I'm Elaine Finney.

14 CHAIRMAN MONTGOMERY: You need to
15 be sworn in.

16 MS. FINNEY: Okay.

17 ELAINE FINNEY,
18 having been first duly sworn, provided the
19 following statements:

20 MS. FINNEY: Good morning. I have
21 a declaration of proxy. I, Traci Young Cooper,
22 resident of Atlantic Beach, South Carolina, 3207
23 South Ocean Boulevard, Atlantic Beach, South
24 Carolina 29582, have retained Attorney Jerry Leo
25 Finney of the Finney Law Firm as my proxy for the

1 Atlantic Beach mayoral and town council election
2 provisional ballot hearing scheduled for
3 Thursday, November the 9th, 2023, at 10 a.m.

4 Attorney Jerry Finney has been
5 procured as the designated proxy during my
6 absence due to bereavement for all matters
7 related to this hearing, inquiry, and review.
8 Attorney Finney's services have been procured for
9 an undisclosed rate pursuant to his client fee
10 scale.

11 Attorney Finney has also been
12 procured for the property of my minor children,
13 Carlisle Cooper and Noble Percival Cooper, III.
14 Their representation is also included under this
15 proxy service agreement.
16 Carlisle and Noble are unable to
17 attend the hearing due to being enrolled out of
18 state in college and graduate school, American
19 University, Washington, D.C. and Brown University
20 Providence, Rhode Island, respectively.

21 And it's signed by Dr. Cooper on
22 November the 8th, 2023, and witnessed by
23 Gwendolyn Ethridge November the 8th, 2023, notary
24 commission October the 23rd, 2028.

25 CHAIRMAN MONTGOMERY: Thank you,

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1 Elaine.

2 MS. FINNEY: And the proof
3 information as it relates to voting, anything
4 related to property is not in consideration for
5 voter registration.

6 I have Miss Cooper's driver's
7 license, which was issued 12/17/2021. The
8 address is 3207 South Ocean Boulevard, Atlantic
9 Beach, South Carolina 29582. I have her voter
10 registration, which was dated September the 19th,
11 2023, Horry County; and I also have a bill from
12 Spectrum with the service address 3207 South
13 Ocean Boulevard, North Myrtle Beach, South
14 Carolina 29582. And the date on this is November
15 the 1st, 2023.

16 I have voter information related to
17 Carlisle Cooper.

18 MR. FINNEY: May I approach?

19 CHAIRMAN MONTGOMERY: Yeah, sure,
20 yeah.

21 MR. FINNEY: (Complies with
22 request.)

23 CHAIRMAN MONTGOMERY: Thank you.

24 MR. BURCHSTEAD: For the record,
25 Jerry Finney approached and provided documents

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1 that appear to relate to Traci Cooper and the
 2 residency issue; and I have a declaration -- a
 3 document titled the Declaration of Proxy; and
 4 this will be the exhibit, the next exhibit,
 5 Exhibit No. 09; is that right?
 6 (Exhibit No. 09 was marked for
 7 identification.)
 8 MR. BURCHSTEAD: Thank you. I have
 9 a Spectrum bill dated November 1, 2023, with an
 10 address on 3207 South Ocean Boulevard for Dr. N.
 11 P. Copper; and I'll mark this as the next Exhibit
 12 No. 10.
 13 (Exhibit No. 10 was marked for
 14 identification.)
 15 MR. FINNEY: People have been
 16 showing their driver's licenses.
 17 MR. BURCHSTEAD: Sure.
 18 MR. FINNEY: So, I would just
 19 ask -- I was just showing you the driver's
 20 license.
 21 MR. BURCHSTEAD: Do you not want
 22 the driver's license to be presented as an
 23 exhibit?
 24 MR. FINNEY: No one else's has as
 25 an exhibit. So, I would say no.

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1 MR. BURCHSTEAD: Okay. Same thing
 2 for the voter registration?
 3 MR. FINNEY: Yes. Correct.
 4 MR. BURCHSTEAD: Okay. Okay.
 5 MR. FINNEY: Just so y'all could
 6 see the address and see the voter registration
 7 number.
 8 MR. BURCHSTEAD: Thank you. For
 9 the record, we've marked as Exhibit No. 09 and
 10 Exhibit No. 10 and the -- and there's also a copy
 11 of what appears to be a voter registration
 12 notification. Name Traci Cooper with an address
 13 on 3207 South Ocean Boulevard and a -- a South
 14 Carolina driver's license showing the same
 15 information that will be shown to the election
 16 commission but not marked as exhibits and -- and
 17 they're going to review the information now.
 18 CHAIRMAN MONTGOMERY: You may
 19 proceed. Do you have something else?
 20 MR. FINNEY: That's all for Traci.
 21 MS. FINNEY: That's all for Traci.
 22 We have the two kids. Do you want that
 23 information?
 24 CHAIRMAN MONTGOMERY: No. We're
 25 just working on this one right now.

1 MS. FINNEY: That's it for Traci.
 2 CHAIRMAN MONTGOMERY: Yes.
 3 (Commissioners and Attorney consult.)
 4 CHAIRMAN MONTGOMERY: What the
 5 allegations are made about construction being
 6 going on there 'cause I know you built a -- she
 7 built a beautiful house. She said nobody lived
 8 there. Can you respond to that?
 9 MS. FINNEY: Yes. She had a home
 10 on that property for over 30 years. That home
 11 was torn down, and they are in the middle of
 12 construction; and that house is due to be
 13 finished next month. And they plan to move into
 14 there to make that their primary residence.
 15 So, a dwelling has been on that
 16 property for approximately 50 years in the Cooper
 17 family; and they have owned that property for
 18 over 50 years.
 19 CHAIRMAN MONTGOMERY: Okay. I'm
 20 very familiar with it. I just want it for the
 21 record. Thank you.
 22 Okay. Anything else with regard
 23 to Traci?
 24 MS. FINNEY: No, sir.
 25 CHAIRMAN MONTGOMERY: Okay. As

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1 commissioner, I'll entertain a motion to approve
 2 or disapprove Dr. Traci Cooper's vote.
 3 MR. MCIVER: Mr. Chairman, I make a
 4 motion that we approve or disapprove the ballot
 5 for Traci Cooper.
 6 CHAIRMAN MONTGOMERY: I'll second.
 7 Those in favor of approving the ballot, say yes.
 8 Opposed say no.
 9 MR. MCIVER: Yes.
 10 CHAIRMAN MONTGOMERY: Yes. Carol.
 11 MS. GORE: Yes.
 12 CHAIRMAN MONTGOMERY: Motion is
 13 carried.
 14 Derrick Myers, Mayes. Is he --
 15 MS. ARMSTRONG: I think that was
 16 with the Divines. What is the name again?
 17 CHAIRMAN MONTGOMERY: Derrick
 18 Mayes. Eric is the challenger, but is Derrick
 19 here?
 20 UNIDENTIFIED VOICE: No, he's not
 21 here.
 22 MS. ARMSTRONG: He's working.
 23 UNIDENTIFIED VOICE: He's not here.
 24 He's at work.
 25 (Commissioners and Attorney consult.)

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1 CHAIRMAN MONTGOMERY: The
2 challenger is Eric Lewis, and he isn't present.
3 He's the challenger.
4 MR. MCIVER: So, is the voter here
5 you said?
6 CHAIRMAN MONTGOMERY: No. The
7 voter isn't here either.
8 (Commissioners and Attorney consult.)
9 CHAIRMAN MONTGOMERY: The
10 challenger didn't come. So, it's a presumptive
11 vote. So, what you all say? Vote on it?
12 MR. MCIVER: Yeah.
13 CHAIRMAN MONTGOMERY: Okay. Make a
14 motion.
15 MR. MCIVER: Mr. Chairman, I make a
16 motion that we vote on the -- approve the ballot
17 for Derrick Mayes.
18 CHAIRMAN MONTGOMERY: I'll second.
19 Has been moved and properly
20 seconded. We approve the ballot for Derrick
21 Myers or Mayes.
22 UNIDENTIFIED VOICE: Derrick Mayes.
23 CHAIRMAN MONTGOMERY: Derrick
24 Mayes. I'm sorry.
25 MR. BURCHSTEAD: Spelling is

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1 M-A-Y-E-S.
2 CHAIRMAN MONTGOMERY: Yeah,
3 M-A-Y-E-S. Those in favor say yes. Ken, did you
4 say yes?
5 MR. MCIVER: I -- I don't approve.
6 CHAIRMAN MONTGOMERY: Oh, you don't
7 approve. You vote no?
8 MR. MCIVER: I vote no.
9 CHAIRMAN MONTGOMERY: Okay.
10 Caroline.
11 MS. GORE: No.
12 CHAIRMAN MONTGOMERY: Okay. Stays
13 in the ballot.
14 UNIDENTIFIED VOICE: If I may, he
15 has --
16 MS. ARMSTRONG: He has --
17 CHAIRMAN MONTGOMERY: Yes, Dave.
18 MAYOR EVANS: He can't speak. He's
19 at work.
20 MR. BURCHSTEAD: Yeah. He can
21 speak.
22 CHAIRMAN MONTGOMERY: Oh, I didn't
23 know that, Jake. I didn't know that. I
24 couldn't --
25 MAYOR EVANS: He can't speak. He's

1 already voted.
2 CHAIRMAN MONTGOMERY: No. He can
3 speak. He can speak. We'll let him speak.
4 MAYOR EVANS: Yes, this is just his
5 voter registration where he lives in Woods
6 Villas.
7 CHAIRMAN MONTGOMERY: Yeah. I was
8 looking for Derrick. I didn't know you was
9 presenting that.
10 MAYOR EVANS: Yeah. I'm the
11 landlord.
12 MR. BURCHSTEAD: Make sure he's
13 sworn in.
14 JAKE EVANS,
15 having been first duly sworn, provided the
16 following statements:
17 MR. BURCHSTEAD: Could you just
18 state your name for the record?
19 MAYOR EVANS: I'm Mayor Evans,
20 mayor of the Town of Atlantic Beach; and Derrick
21 Mayes is a tenant at Woods Villas, and I am his
22 landlord. And he's at work today.
23 MR. BURCHSTEAD: Thank you. And
24 for the record, Mayor Evans provided a Woods
25 Villas motel registration card for Derrick Mayes;

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1 and I'm going to mark this as an exhibit, Exhibit
2 No. 11.
3 (Exhibit No. 11 was marked for
4 identification.)
5 CHAIRMAN MONTGOMERY: Okay. You
6 may be seated.
7 MAYOR EVANS: Thank you.
8 CHAIRMAN MONTGOMERY: Come back.
9 Come back. I was trying -- we were discussing
10 the -- the motion that we're dealing with. Go
11 ahead and present your evidence.
12 MAYOR EVANS: No. That's all I
13 have.
14 CHAIRMAN MONTGOMERY: That's all?
15 MAYOR EVANS: Yeah, uh-huh.
16 (Commissioners and Attorney consult.)
17 CHAIRMAN MONTGOMERY: Yeah. He has
18 a Little River address. Can you --
19 MAYOR EVANS: That's the address he
20 had at check-in. As you can see, he checked in
21 on March 23.
22 CHAIRMAN MONTGOMERY: Okay. And
23 he's been at your place ever since; right?
24 MAYOR EVANS: Yes. He's been here
25 since March.

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1 CHAIRMAN MONTGOMERY: Since March?

2 MAYOR EVANS: Yes.

3 (Commissioners and Attorney consult.)

4 CHAIRMAN MONTGOMERY: Okay. How

5 often does -- how often he's seen? You see him

6 every -- every day or --

7 MAYOR EVANS: Yes. I see him every

8 day or every other day, yes.

9 MR. MCIVER: I just have a

10 question, Mr. Mayor. Did he provide you with any

11 type of documentation that he lives there himself

12 or, I mean, that his -- his driver's license or

13 anything? Do you have any other documents from

14 him on his behalf?

15 MAYOR EVANS: I don't have any -- I

16 have a copy of his driver's license that he used

17 when he checked in, but I think it's -- it's the

18 same thing that's on there. That's when he

19 checked in in March is all I have. When he

20 checked in in March. But, yeah, he's -- he's

21 been there since -- since March.

22 CHAIRMAN MONTGOMERY: Okay. Thank

23 you.

24 MAYOR EVANS: Of course, he has his

25 voter registration card and his ID that he

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1 presented on Tuesday when he actually voted.

2 CHAIRMAN MONTGOMERY: Right. Okay.

3 Mr. Mayor, thank you.

4 MAYOR EVANS: You're welcome.

5 CHAIRMAN MONTGOMERY: Okay. I

6 entertain a motion that we approve or disapprove

7 the --

8 MR. MCIVER: I think we made that

9 motion already, and we voted on how do we do

10 that? We made that motion for --

11 UNIDENTIFIED VOICE: Rescind it.

12 MR. BURCHSTEAD: I don't know that

13 there's a formality to it; but the motion was

14 made in error, not knowing that Mayor Evans was

15 here or someone was here to present on his

16 voter's behalf. So, you can reconsider the --

17 the prior decision; and you can take a new --

18 move for a new vote.

19 CHAIRMAN MONTGOMERY: Okay. I'll

20 ask the lawyer. I'll entertain a motion that we

21 take a new vote on this ballot.

22 MR. MCIVER: Mr. Chairman, I seek a

23 motion that we reconsider the vote for Derrick

24 Myers.

25 CHAIRMAN MONTGOMERY: Mayes.

1 MR. MCIVER: Yeah.

2 CHAIRMAN MONTGOMERY: It look like

3 an E for -- but it's Mayes. Okay. I'll second

4 that.

5 Okay. Those in favor of approving

6 this vote, say aye.

7 (Commissioners and Attorney consult.)

8 CHAIRMAN MONTGOMERY: In favor of

9 reconsidering, say aye.

10 MS. GORE: Aye.

11 MR. MCIVER: Aye.

12 CHAIRMAN MONTGOMERY: Now, we'll

13 come -- now we'll do the new motion. I'll

14 entertain a motion that we approve or disapprove

15 Mr. Mayes' vote.

16 MR. MCIVER: Mr. Chairman, I seek a

17 motion that we approve or disapprove the -- the

18 voter information here for Derrick Mayes.

19 CHAIRMAN MONTGOMERY: Okay. I'll

20 second that.

21 Are there questions?

22 MR. MCIVER: I do. I just want to,

23 again, just look at this. Give me one second.

24 (Pause in proceedings.)

25 CHAIRMAN MONTGOMERY: Okay. Are

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1 you ready to vote?

2 MR. MCIVER: Yes.

3 CHAIRMAN MONTGOMERY: Okay. I'll

4 entertain a motion that we approve --

5 MR. MCIVER: We did that already.

6 CHAIRMAN MONTGOMERY: We did that

7 all right. Okay. We did that already.

8 Those in favor of approving the

9 vote, say aye.

10 MR. MCIVER: Aye.

11 CHAIRMAN MONTGOMERY: I say aye.

12 MR. MCIVER: No. We're all ready

13 for discussion. We're just voting right now.

14 CHAIRMAN MONTGOMERY: Right. So

15 you're voting in --

16 MR. MCIVER: I vote that we

17 approve.

18 CHAIRMAN MONTGOMERY: I vote that

19 we approved. Carol.

20 MS. GORE: Yes.

21 CHAIRMAN MONTGOMERY: Okay. Motion

22 is carried.

23 Miss Vaughan. Nadiyah Vaughan. I

24 probably messed it up. That's your daughter?

25 MR. VAUGHN: Yes.

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1 CHAIRMAN MONTGOMERY: Okay.

2 This -- hold a second. Irene --

3 MS. ARMSTRONG: Yeah. It's still
4 in that information that I provided for you. Do
5 you have to have another exhibit?

6 MR. BURCHSTEAD: No, no.

7 MS. ARMSTRONG: You do? 'Cause
8 this is the daughter.

9 MR. BURCHSTEAD: Would this be
10 the -- if you could come here and look at this,
11 if you could reference -- this was previously
12 marked as Exhibit No. 02. Is this the
13 information you're referring to?

14 MS. ARMSTRONG: Yes. Yes. 'Cause
15 I have it here. I think I have it here. It's --

16 MR. BURCHSTEAD: Speak for the
17 record. Reference what you previously offered.

18 MS. ARMSTRONG: I will. I will.

19 MR. BURCHSTEAD: Say whatever you
20 want to say specifically on the record; and for
21 the record, the information packet that was
22 previously provided and is marked as Exhibit
23 No. 02 is just going to be referenced. We're not
24 going to need to reference a new exhibit.

25 MS. ARMSTRONG: No, you're not; but

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1 what I was speaking earlier on is that on my
2 voters' registration list, I never did have Erika
3 Vaughan, nor did I have Naim. And I'm thinking
4 all the time that this Nadiyah was Naim.

5 So -- but that's the daughter, but
6 I didn't have her on my voters' registration
7 list. The father, nor the mother. So, all of
8 this is referenced to the daughter as well, you
9 know, with the vacation home 'cause she is a
10 18-year-old and probably a student.

11 CHAIRMAN MONTGOMERY: Okay. Now,
12 you may come. You may proceed.

13 MR. VAUGHN: All right. So, my
14 name is Naim Vaughan. Nadiyah Vaughan is my
15 daughter. She is a dependent of mine, and she is
16 in college at North Carolina A&T at the moment.

17 When she came to vote, she
18 presented all of the information -- all of the
19 necessary information needed. What I have with
20 me right now is her registration; and on her
21 registration, it has 2812 South Ocean Boulevard,
22 Atlantic Beach, South Carolina 29582. And the
23 registration date is 8/15/2023.

24 CHAIRMAN MONTGOMERY: Okay. May we
25 see that?

1 MR. VAUGHN: I also have a copy of
2 her student ID.

3 CHAIRMAN MONTGOMERY: Okay. I know
4 that -- I called you -- when I called Michael
5 and -- 'cause she brought his daughter from A&T
6 college. She went back 'cause she couldn't be
7 here.

8 MR. BURCHSTEAD: For the record, I
9 have what appears to be a photocopy of a student
10 ID for Nadiyah Vaughan from North Carolina A&T
11 State University. Expires June of 2028. And a
12 copy of a voter registration card for Nadiyah
13 Vaughan listing an address of 2812 South Ocean
14 Boulevard, Atlantic Beach, South Carolina 29582.
15 And would -- would you like to make this an
16 exhibit? Copy of the student ID?

17 MR. VAUGHN: Yes. But I would like
18 it -- I would like back though.

19 MR. BURCHSTEAD: Well, if we mark
20 this as an exhibit, we have to keep it. I mean,
21 we could -- we just read it in the record so --
22 okay. Thank you. Thank you.

23 MR. MCIVER: So, we're not going to
24 be able to look at the student ID?

25 MR. BURCHSTEAD: No. You can look

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1 at it. We're not going to put it in the
2 record --

3 CHAIRMAN MONTGOMERY: We're not
4 going to put it in the record.

5 MR. BURCHSTEAD: -- as an exhibit.

6 CHAIRMAN MONTGOMERY: Okay. Thank
7 you. Good to meet you.

8 Okay. I'll entertain a motion that
9 we approve Nadiyah Vaughan vote.

10 MR. MCIVER: Mr. Chairman, I seek a
11 motion that we discuss the ballot and to approve
12 or not the ballot for Nadiyah Vaughan.

13 CHAIRMAN MONTGOMERY: I'll second
14 that.

15 It is moved and seconded. We'll
16 vote on prevailing ballot for Nadiyah Vaughan.
17 Those in favor of approving the ballot, say yes.

18 MR. MCIVER: Yes.

19 MS. GORE: Yes.

20 CHAIRMAN MONTGOMERY: Yes.
21 Opposed no? Ballot approved.

22 Julianna Hines. Okay. All right.

23 Irene, you may go. You may proceed, Irene.

24 MR. BURCHSTEAD: She's here.

25 That's Miss Hines.

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1 CHAIRMAN MONTGOMERY: Yes. That's

2 Miss Hines, yes.

3 MR. BURCHSTEAD: Just state that

4 for the record.

5 CHAIRMAN MONTGOMERY: Miss Hines is

6 here. I'll call you when it's time. You may

7 proceed, Irene.

8 MS. ARMSTRONG: Okay. Julianna

9 Hines listed on Atlantic Beach voter registration

10 list at 3103 South Ocean Boulevard, Atlantic

11 Beach.

12 The home at this location is a

13 beach home, old beach home, only -- owned by the

14 former Dr. Cornelius Beck and Julianna Hines, his

15 wife. The Beck family never really used the home

16 as a primary residence; however, the young

17 daughter that occupies the home as her primary

18 residence and not her mother, Julianna Hines.

19 The beach house is in Atlantic

20 Beach assessed at 6 percent ratio, which means it

21 is a second home and not their primary home; and

22 I understand the voter registration listing says

23 it has to be your primary home at the time you

24 sign this voter registration application.

25 And you have -- that is an oath

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1 that you're taking when you say that on all of

2 these registers; and I failed to get that bit in,

3 that when you -- once you sign this voter

4 registration application, that is the last thing

5 you sign here, is that oath that the home is at

6 that primary time, in fact, is your primary

7 residence.

8 So, that's all that I have on that.

9 It is not Miss Julianna primary home. Like I

10 said, her daughter and her husband or -- lives at

11 the home now.

12 CHAIRMAN MONTGOMERY: Okay. Thank

13 you, Irene.

14 Miss Hines, you can come forward

15 and be sworn in.

16 MR. BURCHSTEAD: For the record,

17 we're accepting a packet of papers from

18 Miss Armstrong. It appears at the top to relate

19 to Julianna Hines; and I am marking this as the

20 next exhibit, Exhibit No. 12, for the record.

21 (Exhibit No. 12 was marked for

22 identification.)

23 JULIANNA HINES,

24 having been first duly sworn, provided the

25 following statements:

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1 CHAIRMAN MONTGOMERY: You may

2 proceed.

3 MS. HINES: My name is Julianna

4 Hines, and I reside at 3103 South Ocean

5 Boulevard. I have my voter's registration. I

6 have my electric bill. I have my water bills for

7 the last couple months. I retired in -- I

8 retired this year and decided to make this my

9 primary home.

10 CHAIRMAN MONTGOMERY: Okay. May we

11 see your evidence?

12 MS. HINES: (Complies with

13 request.)

14 MR. BURCHSTEAD: And can we keep

15 these? Or are these just for us --

16 MS. HINES: I didn't know if you

17 needed copies.

18 MR. BURCHSTEAD: Okay. Well, just

19 for the record, what's being -- what is being

20 presented to us -- to the Municipal Election

21 Commission for Miss Hines, it's a -- what -- it

22 looks like it's a couple of energy bills from

23 Santee Cooper that have an address 3102 South

24 Ocean Boulevard, and then a -- and then a water

25 bill and -- and what -- for the record, could you

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1 just say what about this --

2 MS. HINES: It's 3103 South Ocean

3 Boulevard. There's two water bills right there.

4 MR. BURCHSTEAD: Okay. Two water

5 bills with a service location of 3103 South Ocean

6 Boulevard. We're not marking these as exhibits,

7 but I have actually three -- three water bills,

8 and this is for the review of the commission.

9 CHAIRMAN MONTGOMERY: Right. Now,

10 on this light bill, it's on Green Lane --

11 MS. HINES: That's where I lived

12 previously.

13 CHAIRMAN MONTGOMERY: Okay. Okay.

14 (Commissioners and Attorney consult.)

15 CHAIRMAN MONTGOMERY: How about the

16 Washington, D.C., address?

17 MS. HINES: I have another home in

18 D.C. I used to send my bills there.

19 CHAIRMAN MONTGOMERY: Okay. And

20 the voter register notification is Atlantic

21 Beach.

22 MR. BURCHSTEAD: Just for -- let me

23 read this into the record. For the record,

24 there's a State of South Carolina voter

25 registration card, indicates Julianna Hines. It

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1 lists a -- an address of 3103 South Ocean
2 Boulevard, Atlantic Beach, South Carolina 29582.

3 MR. MCIVER: Again, just for me,
4 'cause I -- I'm sorry. I didn't hear you. These
5 are in Pawleys Island?

6 MS. HINES: That's right. I lived
7 at Pawleys Island previously; but after I
8 retired, I decided to locate to the beach house.

9 MR. MCIVER: Okay. And then these
10 are the ones that are in Washington, D.C.?

11 MS. HINES: No, no. I just have a
12 house there. I used to have my tax bill --

13 MR. MCIVER: Just had the mail
14 forwarded. Okay.

15 MS. HINES: That's correct.

16 MR. MCIVER: Okay. And -- do you
17 have a picture ID of anything?

18 MS. HINES: Yes. I have my
19 license.

20 CHAIRMAN MONTGOMERY: Let us see
21 that.

22 MR. MCIVER: I'm asking for your
23 picture in -- in the event that I just want to
24 make sure the two are the same.

25 MS. HINES: This has my Pawleys

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1 Island address on there. I need to update it.

2 CHAIRMAN MONTGOMERY: When did you
3 decide to retire and establish a residence?

4 MS. HINES: July -- July of 2023.

5 CHAIRMAN MONTGOMERY: July of 2023.
6 Okay.

7 MS. HINES: Thank you.

8 CHAIRMAN MONTGOMERY: Okay. I'll
9 entertain a motion that we approve this ballot or
10 disapprove the ballot.

11 MR. MCIVER: Mr. Chairman, I vote
12 that we approve or disapprove the ballot for
13 Julianna Hines.

14 MS. HINES: Julianna Hines.

15 MR. MCIVER: Julianna Hines.

16 CHAIRMAN MONTGOMERY: I'll second
17 that.

18 Those in favor of approving the
19 ballot, let it be known by saying yes. I say
20 yes.

21 MS. GORE: Yes.

22 CHAIRMAN MONTGOMERY: Ken.

23 MR. MCIVER: No.

24 CHAIRMAN MONTGOMERY: You say no.
25 Okay. Motion is carried. Two yes and one no.

1 Elaine, Miss Elaine Finney. And,

2 Irene, you may go first.

3 UNIDENTIFIED VOICE: Excuse me.

4 Irene was not the Challenger.

5 MS. J. GORE: It was me.

6 CHAIRMAN MONTGOMERY: I'm sorry.

7 I'm sorry. I didn't look at the bottom. My
8 apologies.

9 MS. ARMSTRONG: I didn't hear the
10 name.

11 MS. J. GORE: But you know, I want
12 to make a statement before you get here.

13 CHAIRMAN MONTGOMERY: Okay.

14 MS. J. GORE: I already know how
15 this is going to go, and you're going to approve
16 her for staying here. So, I'm going to say that
17 I withdraw my challenge. She lives here.

18 Since you say she live here 'cause
19 everything that's going through here today,
20 you're going to say whether they live here or not
21 that she live here.

22 If anybody here lives here out of
23 this whole bunch, it's going to be them two right
24 there. So, Miss Elaine, I take my challenge from
25 you.

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1 CHAIRMAN MONTGOMERY: Jacqui --

2 MS. J. GORE: Yes, sir.

3 CHAIRMAN MONTGOMERY: -- what about
4 Attorney Finney? Jerry? It's the same thing?

5 MS. ARMSTRONG: I have that.

6 MS. J. GORE: She has that. Like I
7 said, you're going to approve everything that's
8 on your list anyway. So, them all will do --
9 'cause that's what you're going to do anyway, and
10 y'all have a good day.

11 CHAIRMAN MONTGOMERY: All right.
12 Okay. Elaine, you want to say anything?
13 (Commissioners and Attorney consult.)

14 MR. MCIVER: I'm sorry. I couldn't
15 hear you. If she's withdrawing the challenge,
16 then what do we do?

17 MR. BURCHSTEAD: If she's
18 withdrawing it, then, you know, I think we -- the
19 vote counts but just ask for the record whether
20 Miss Finney wants to say anything.

21 CHAIRMAN MONTGOMERY: She wants to
22 say anything. That's what I want.

23 UNIDENTIFIED VOICE: I'm Ian
24 Douglas; and I'm counsel for Elaine Finney, and
25 she has nothing to say.

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1 MR. BURCHSTEAD: For the record,
 2 the challenge is withdrawn; and the vote counts.
 3 CHAIRMAN MONTGOMERY: Right.
 4 That's what we're going to -- so, we don't have
 5 to vote on it? We have to vote on it?
 6 MR. BURCHSTEAD: Well, yeah. Yeah.
 7 CHAIRMAN MONTGOMERY: Still have to
 8 vote. Okay. I'll entertain a motion that we
 9 approve Elaine Finney's ballot or disapprove.
 10 MR. MCIVER: Mr. Chairman, I put
 11 in -- I think a -- a motion that we vote on the
 12 qualifications to vote in the Town of Atlantic
 13 Beach for Elaine Finney.
 14 CHAIRMAN MONTGOMERY: I'll second
 15 that.
 16 Okay. Those in favor of approving
 17 this ballot, say aye.
 18 MR. MCIVER: Aye.
 19 CHAIRMAN MONTGOMERY: Aye.
 20 Caroline?
 21 MS. GORE: No.
 22 CHAIRMAN MONTGOMERY: Okay. Motion
 23 is carried.
 24 Jerry Finney. Attorney Finney and,
 25 Irene, I got that right this time. You got the

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1 Challenger, Irene.
 2 MS. ARMSTRONG: I think it's a
 3 Jerry Finney, is it Jr. and Sr. and a Colleen
 4 that you have those? But since Miss Gore -- full
 5 watch for Miss Gore, if she's withdrawn, then I'm
 6 going to withdraw what I have for the Finneys.
 7 CHAIRMAN MONTGOMERY: Okay. All
 8 right. Let the record state that Miss Irene
 9 withdraw her -- withdrew her -- withdrew her
 10 objection.
 11 MS. ARMSTRONG: And just for the
 12 record, they are legal with the 4 percent.
 13 Whenever it was initially pulled, it was not. It
 14 was at 6 percent; but since then, since a few
 15 months ago, it's been to the 4 percent. So,
 16 everything looks in order.
 17 CHAIRMAN MONTGOMERY: Okay. Very
 18 good. Very good. Jerry, you want to say
 19 anything?
 20 UNIDENTIFIED VOICE: Ian Douglas,
 21 once again, for Attorney Jerry Finney, Sr., since
 22 the challenge has been withdrawn, we think the
 23 should vote count. Thank you.
 24 CHAIRMAN MONTGOMERY: I entertain a
 25 motion that --

1 MS. ARMSTRONG: Do you still have
 2 this withdrawn? You don't need to --
 3 CHAIRMAN MONTGOMERY: If it was
 4 withdrawn, we don't need it, no.
 5 MR. MCIVER: Mr. Chairman, I make a
 6 motion that we vote on the eligibility to vote in
 7 the Town of Atlantic Beach for Jerry Leo Finney.
 8 CHAIRMAN MONTGOMERY: I'll second
 9 that motion.
 10 All those in favor, say aye.
 11 MR. MCIVER: Aye.
 12 CHAIRMAN MONTGOMERY: Aye.
 13 Miss Gore.
 14 MS. GORE: No.
 15 CHAIRMAN MONTGOMERY: Motion is
 16 carried. Okay. That completes the absentee
 17 ballots. What we have here?
 18 MS. ARMSTRONG: You have another
 19 one.
 20 CHAIRMAN MONTGOMERY: Mail in.
 21 Okay.
 22 (Commissioners and Attorney consult.)
 23 CHAIRMAN MONTGOMERY: Caroline
 24 Cooper.
 25 MS. ARMSTRONG: You've already done

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1 them.
 2 CHAIRMAN MONTGOMERY: Oh, yeah.
 3 Okay.
 4 MR. BURCHSTEAD: These are the mail
 5 ins. Let me just see if the voter is here.
 6 CHAIRMAN MONTGOMERY: Michael
 7 Graves. Wait. That's the witness. Michael
 8 Graves. And I think --
 9 UNIDENTIFIED VOICE: Terrance
 10 Graves.
 11 CHAIRMAN MONTGOMERY: Huh?
 12 UNIDENTIFIED VOICE: Terrance.
 13 CHAIRMAN MONTGOMERY: Terrance.
 14 I'm sorry. Okay.
 15 (Commissioners and Attorney consult.)
 16 CHAIRMAN MONTGOMERY: Is he here?
 17 Mr. Booker, I think you represent Terrance
 18 Graves?
 19 MR. BOOKER: Yes.
 20 MR. BURCHSTEAD: And the
 21 challenge -- is there a challenge?
 22 CHAIRMAN MONTGOMERY: We don't have
 23 a challenge. I don't see --
 24 UNIDENTIFIED VOICE: Yes. I
 25 already challenged that on Tuesday.

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1 CHAIRMAN MONTGOMERY: Okay. Yeah.

2 And that's the one I told you. Okay. Okay. You

3 made them --

4 MS. ARMSTRONG: Yes. I don't have

5 anything on him, other than I think that's

6 Mr. Booker's grandson.

7 CHAIRMAN MONTGOMERY: Yeah.

8 MS. ARMSTRONG: But that, you know,

9 that's -- as far as the residency, I didn't know

10 that he had a grandson living with him so --

11 CHAIRMAN MONTGOMERY: Okay. I

12 remember you did the other night. Okay. Booker.

13 MS. ARMSTRONG: I wasn't aware of

14 that.

15 CHAIRMAN MONTGOMERY: Okay. Right.

16 MR. BOOKER,

17 having been first duly sworn, provided the

18 following statements:

19 MR. BOOKER: Good afternoon. I

20 have documentation for my grandson. He's

21 registered to vote here, and he lives with my

22 wife and me. He's registered, and I have his

23 voter registration and ID card; and I also have

24 some of his financial statements from the bank.

25 CHAIRMAN MONTGOMERY: Okay.

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1 MR. BOOKER: You'd like to see

2 them?

3 CHAIRMAN MONTGOMERY: Yeah, uh-huh.

4 MR. BURCHSTEAD: Thank you. And

5 for the record, we're looking at a Chapter 11

6 voter registration card from Terrance Graves

7 listing an address 304 29th Avenue South,

8 Atlantic Beach, registration date August 15,

9 2023; a -- a voter identification card for

10 Terrance M. Graves; and some financial

11 correspondence addressed to Terrance M. Graves at

12 the 304 29th Avenue South address in Atlantic

13 Beach. And we're not marking these as exhibits,

14 but we're reviewing them for the determination.

15 CHAIRMAN MONTGOMERY: Okay. And

16 where is your grandson?

17 MR. BOOKER: He's in --

18 CHAIRMAN MONTGOMERY: I know. He

19 goes -- is attending school, college?

20 MR. BOOKER: Yeah.

21 UNIDENTIFIED VOICE: He is in

22 Atlanta.

23 CHAIRMAN MONTGOMERY: You got

24 another question? Thank you, Mr. Booker.

25 MR. BURCHSTEAD: Do y'all have any

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1 questions for him?

2 CHAIRMAN MONTGOMERY: No. I'll

3 entertain a motion that we approve this ballot or

4 disapprove.

5 MR. MCIVER: Mr. Chairman, I seek a

6 motion that we vote on the ballot of Terrance

7 Graves.

8 CHAIRMAN MONTGOMERY: Terrance

9 Graves. Okay. I'll second that motion.

10 Okay. Those in favor of approving

11 the ballot, say yes. I say yes. Or no?

12 MR. MCIVER: Yes.

13 MS. GORE: Yes.

14 CHAIRMAN MONTGOMERY: Okay. That's

15 yes. It's unanimous. Motion is carried. Ballot

16 is approved. Okay.

17 (Commissioners and Attorney consult.)

18 CHAIRMAN MONTGOMERY: I don't think

19 we -- I don't think we have any challengers on

20 this, but I'll just call the name. Corrine

21 Cooper.

22 UNIDENTIFIED VOICE: Carlisle.

23 CHAIRMAN MONTGOMERY: Carlisle.

24 I'm sorry. Carlisle Cooper.

25 MS. FINNEY: She's the daughter of

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1 Traci Cooper.

2 CHAIRMAN MONTGOMERY: Are you here?

3 MS. J. GORE: You already approved

4 the mom and daddy. So, don't the kids go with

5 the mom and daddy by you?

6 CHAIRMAN MONTGOMERY: No, not --

7 MS. J. GORE: I'm just saying

8 those -- she's working with me, and that's what

9 I'm telling you. They approved those. You may

10 as well let those go through.

11 MR. BURCHSTEAD: We just say, you

12 know. We're going to keep it, you know. Based

13 on the evidence of the challenger right here, but

14 just see if anybody's challenging and who's the

15 challenger.

16 CHAIRMAN MONTGOMERY: That's what

17 I'm asking.

18 MR. BURCHSTEAD: Okay.

19 CHAIRMAN MONTGOMERY: Are you the

20 challenger on this matter? You -- you gave

21 evidence, but you don't want to speak to this

22 again?

23 MS. ARMSTRONG: Well, I'm getting

24 confused because I thought when the Finneys was

25 up, they went through all of those.

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1 MR. MCIVER: No. We were taking
2 one at a time.
3 CHAIRMAN MONTGOMERY: One at a
4 time.
5 MS. ARMSTRONG: Okay. So, those
6 are -- no, I don't have any objections 'cause, I
7 mean, it applies to the children what Miss Finney
8 information she gave on Traci, apparently.
9 CHAIRMAN MONTGOMERY: Yeah, right.
10 Okay. And -- and these are a mail-in ballot, a
11 mail-in ballot. Okay.
12 MR. MCIVER: Mr. Chair, I seek a
13 motion that we vote whether or not Carlisle
14 Cooper is a resident to vote in Atlantic Beach.
15 CHAIRMAN MONTGOMERY: I'll second
16 that motion.
17 Those in favor, say yes. Opposed
18 no.
19 MR. MCIVER: Yes.
20 CHAIRMAN MONTGOMERY: Yes.
21 Miss Gore.
22 MS. GORE: Yes.
23 CHAIRMAN MONTGOMERY: Yes. Motion
24 is carried.
25 Noble Cooper, III. Same thing. He

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1 isn't here. Yeah. It's the same.
2 MR. MCIVER: Give me one second.
3 CHAIRMAN MONTGOMERY: Okay.
4 MS. ARMSTRONG: Again, the other --
5 same question is if the information that
6 Miss Finney gave for Traci applies to --
7 CHAIRMAN MONTGOMERY: Applies to
8 this.
9 MS. ARMSTRONG: So, was that --
10 yeah.
11 CHAIRMAN MONTGOMERY: And we -- we
12 viewed that information already so we -- we apply
13 to it.
14 MS. ARMSTRONG: Oh, you're opening
15 all the ballots now so --
16 CHAIRMAN MONTGOMERY: Okay. But
17 this is Noble Cooper now. You've given
18 information --
19 MS. ARMSTRONG: Those are the
20 children.
21 (Commissioners and Attorney consult.)
22 CHAIRMAN MONTGOMERY: Are you
23 withdrawing the challenge?
24 MS. ARMSTRONG: I just want -- I'm
25 trying to keep up with you there because I

1 thought we'd gone past it.
2 CHAIRMAN MONTGOMERY: No. These
3 are ballots. We haven't dealt with these yet,
4 Noble Cooper, III. We're doing them one by one.
5 So, you had -- you said your information on all
6 three, what you passed in. We're doing it one by
7 one.
8 MS. ARMSTRONG: All the -- all the
9 Coopers' name was in that information I gave.
10 CHAIRMAN MONTGOMERY: Right. That
11 you gave.
12 MS. ARMSTRONG: Right.
13 CHAIRMAN MONTGOMERY: I understand
14 that.
15 MS. ARMSTRONG: But I still -- I
16 still stick with my comments in my paper that
17 that house is not prepared, and nobody's lived in
18 it. It's a new construction.
19 CHAIRMAN MONTGOMERY: Right.
20 MS. ARMSTRONG: It doesn't have a
21 CO.
22 CHAIRMAN MONTGOMERY: Right.
23 MS. ARMSTRONG: It doesn't have a
24 CO.
25 CHAIRMAN MONTGOMERY: Right. And

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1 that's what I'm asking you. You applying that
2 information to --
3 MS. ARMSTRONG: Yes. That's what I
4 have and the information that you have up here.
5 MR. BURCHSTEAD: That's previously
6 been marked as Exhibit No. 08.
7 MS. ARMSTRONG: Yes.
8 MR. BURCHSTEAD: And just for the
9 record, do you just want to reference Exhibit
10 No. 08?
11 MS. ARMSTRONG: Yes.
12 MR. BURCHSTEAD: Okay. Are you
13 withdrawing your challenge or --
14 MS. ARMSTRONG: No. I'm not
15 withdrawing my challenge.
16 MR. BURCHSTEAD: Okay.
17 CHAIRMAN MONTGOMERY: She's not
18 withdrawing it.
19 MR. BURCHSTEAD: Okay.
20 CHAIRMAN MONTGOMERY: Okay. We
21 have the information on Noble Cooper, III, just
22 as we did the other, Irene, you know.
23 MR. MCIVER: Mr. Chairman, I seek a
24 motion that we -- on the eligibility --
25 MS. FINNEY: I'd like to be heard,

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1 please.
2 CHAIRMAN MONTGOMERY: Okay. Go
3 ahead.
4 MS. FINNEY: This is in
5 relationship to Noble P. Cooper, III. I have his
6 registration information that was dated October
7 the 5th, 2023, with the address of 3207 South
8 Ocean Boulevard, Atlantic Beach, South Carolina
9 29582.
10 I have his student ID, which
11 verifies that he is a student at Brown University
12 in Rhode Island; and then I also have Brown
13 University where his permanent address is listed
14 as 3207 South Ocean Boulevard, Atlantic Beach,
15 South Carolina 29582.
16 CHAIRMAN MONTGOMERY: Okay.
17 MS. FINNEY: So, we will show it to
18 you but not keep it.
19 MR. FINNEY: May I approach?
20 MR. MCIVER: I had a quick question
21 for you. So, with Carlisle Cooper, did you --
22 MS. FINNEY: I have the same
23 information.
24 MR. MCIVER: Okay. So, you're
25 representing Carlisle Cooper.

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1 MS. FINNEY: All the Coopers.
2 MR. MCIVER: Well, I'm -- doing
3 them -- I'm just writing them one at a time.
4 That's for Noble --
5 MS. FINNEY: For Carlisle Cooper, I
6 have a voter registration information dated
7 October the 5th, 2023, with a registration
8 address, 3207 South Ocean Boulevard, Atlantic
9 Beach, South Carolina 29582.
10 I have a student ID, which expires
11 12/31/2024, at American University in Washington,
12 D.C.; and then I also have documentation for
13 American University that lists her permanent
14 address as 3207 South Ocean Boulevard Atlantic
15 Beach, South Carolina 29582.
16 MR. BURCHSTEAD: And for the
17 record, all the information just identified by --
18 by Miss Elaine Finney is being reviewed by the
19 Municipal Electoral Commission.
20 CHAIRMAN MONTGOMERY: Thank you.
21 MR. MCIVER: So, this is on --
22 we're doing --
23 CHAIRMAN MONTGOMERY: Noble.
24 MR. MCIVER: Yes. Okay.
25 CHAIRMAN MONTGOMERY: Okay. Sir,

1 thank you.
2 MR. FINNEY: Thank you.
3 MR. MCIVER: Mr. Chairman, I seek a
4 motion that we vote on the eligibility for Noble
5 Cooper, III, to be eligible to vote in the Town
6 of Atlantic Beach.
7 CHAIRMAN MONTGOMERY: I'll second
8 that motion.
9 Those in favor of the motion say
10 yes.
11 MR. MCIVER: Yes.
12 MS. GORE: Yes.
13 CHAIRMAN MONTGOMERY: Yes. No one
14 say no. Motion is carried.
15 We getting close. We'll do some
16 tallying. Watts. William George Palm is the
17 witness. Is Watts in here? It looks like Watts.
18 120 Daniel Drive. Oh, this is Jack Finney, Jr.
19 MS. FINNEY: Yes. That's his
20 school address. That's his school address. I
21 have his permit.
22 MR. BURCHSTEAD: Let's -- let's be
23 clear what we're -- we're talking about. There's
24 a -- there's a ballot with a -- a voter signature
25 that is hard to discern.

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1 MS. FINNEY: He has bad
2 handwriting.
3 MR. BURCHSTEAD: But it has a
4 witness, William George Palmer, Jr.
5 MS. FINNEY: That's his roommate in
6 college.
7 MR. BURCHSTEAD: Well, we don't
8 have for the record who we're talking about here.
9 But the -- okay. It came from Jerry Finney, Jr.?
10 CHAIRMAN MONTGOMERY: Yeah.
11 MR. BURCHSTEAD: Is this Jerry
12 Finney, Jr.?
13 MS. FINNEY: Yes.
14 MR. BURCHSTEAD: Okay. Just ask
15 whether he's here. It looks like he's not.
16 CHAIRMAN MONTGOMERY: He's not
17 here. Elaine, you want to speak?
18 MS. FINNEY: Yes. But I have a
19 question. She reviewed -- she withdrew her
20 challenges for all of the Finneys. So, do you
21 still need to go through this as well?
22 CHAIRMAN MONTGOMERY: No.
23 MR. BURCHSTEAD: Ask --
24 MS. FINNEY: Let's put it on the
25 record.

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1 MR. BURCHSTEAD: Put everything on
2 the record.
3 CHAIRMAN MONTGOMERY: Put it on the
4 record, yeah.
5 (Commissioners and Attorney consult.)
6 CHAIRMAN MONTGOMERY: Clarify. Is
7 she walking out? Are you withdrawing -- Irene,
8 are you withdrawing your challenge to --
9 MS. ARMSTRONG: I thought we'd
10 taken care of the Finneys.
11 MR. BURCHSTEAD: Make sure she
12 makes it clear for the record.
13 CHAIRMAN MONTGOMERY: This is Jerry
14 Finney, Jr. We don't know -- so you're
15 withdrawing --
16 MS. ARMSTRONG: So, that it's --
17 who do we -- who did Jacqui rescind for?
18 MS. FINNEY: All of them.
19 MS. ARMSTRONG: Was it the father?
20 MS. FINNEY: All of them.
21 MS. J. GORE: I said the mother and
22 the father.
23 MS. ARMSTRONG: You said the
24 children?
25 MS. J. GORE: I said the mother and

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1 the father.
2 MS. ARMSTRONG: Oh, I said that
3 too. Yeah, I did. I did. Because I didn't feel
4 that they were children. They're in -- they're
5 in college?
6 CHAIRMAN MONTGOMERY: Yeah. Well,
7 it comes from Clemson, South Carolina. That's
8 Clemson in college.
9 MS. ARMSTRONG: Is that the
10 college? They're in college?
11 MR. BURCHSTEAD: We'll --
12 CHAIRMAN MONTGOMERY: You just give
13 us the information, yeah.
14 MS. ARMSTRONG: Yeah, well, you
15 have it.
16 (Commissioners and Attorney consult.)
17 CHAIRMAN MONTGOMERY: Okay. You've
18 given us -- okay.
19 MS. ARMSTRONG: Yeah. It's -- I
20 don't have --
21 CHAIRMAN MONTGOMERY: Okay. Great.
22 Elaine.
23 MS. FINNEY: And I'm presenting to
24 you not to keep his driver's license, which was
25 issued May 17, 2023, with an address for Jerry

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1 Leo Finney, Jr., 3106 Seaview Street, Atlantic
2 Beach, South Carolina 29582; along with his
3 registration to vote, which is dated
4 September 26, 2023, Jerry Leo Finney, Jr., 3106
5 Seaview Street, Atlantic Beach, South Carolina,
6 29582; and documentation from Clemson with his
7 local address, 120 Daniel Drive, Apartment 22,
8 Clemson, South Carolina 29631. That's at Clemson
9 University. And his permanent address 3106
10 Seaview Street, Atlantic Beach, South Carolina
11 29582.
12 CHAIRMAN MONTGOMERY: Thank you,
13 Mrs. Finney.
14 MR. BURCHSTEAD: Thank you. For
15 the record, we are reviewing a copy of the
16 driver's license provided by Miss Finney as to
17 Jerry Leo Finney, Jr., showing Atlantic Beach
18 address; a copy of a voter registration card
19 showing the same thing; and what appears to be a
20 printout from a website showing a local address
21 in Clemson but the permanent address being at
22 Seaview Street in Atlantic Beach.
23 And for the record, the Municipal
24 Election Commission is reviewing the information.
25 CHAIRMAN MONTGOMERY: When people

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1 have been here for a while, we call it 2nd
2 Avenue.
3 MS. FINNEY: Okay. Like Front
4 Street.
5 CHAIRMAN MONTGOMERY: Yeah. But
6 Seaview and North Myrtle Beach has Seaview so --
7 you know.
8 Okay. Thank you. I'll entertain a
9 motion that we approve this ballot or disapprove.
10 MR. MCIVER: Mr. Chairman, I seek a
11 motion that we move -- that we vote on the
12 residency for the voting in Atlantic Beach for
13 Jerry Finney, Jr.
14 CHAIRMAN MONTGOMERY: Okay. It's
15 been moved and properly seconded that we vote to
16 approve or disapprove the ballot of Jerry Finney,
17 Jr. He goes to Clemson. Those in -- those in
18 favor say yes.
19 MR. MCIVER: Yes.
20 CHAIRMAN MONTGOMERY: Yes.
21 MS. GORE: No.
22 CHAIRMAN MONTGOMERY: Opposed no.
23 We have one no and two yes's. Motion is carried.
24 Colleen, Mr. -- that's correct?
25 Did I get it right?

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1 MS. FINNEY: Yes.

2 CHAIRMAN MONTGOMERY: Okay.

3 Colleen T. Finney. Irene. Is the same, Irene.

4 It's Colleen T. Finney. Same thing?

5 MS. ARMSTRONG: Same. You've got

6 my package up there. They're the children, yes.

7 It's the same.

8 CHAIRMAN MONTGOMERY: Okay. All

9 right. Elaine, you may proceed.

10 MS. FINNEY: Okay. I have

11 documentation for Colleen, driver's license,

12 Colleen Theresa Finney, 3106 Seaview Street,

13 Atlantic Beach, South Carolina 29582, issued

14 12/21/2018; voter registration, Colleen T.

15 Finney, 3106 Seaview Street, Atlantic Beach,

16 South Carolina 29582, registered date March 22,

17 2023; and a printout from her online at the

18 University of Missouri in Columbia, Missouri,

19 with her permanent address, 3106 Seaview Street,

20 Atlantic Beach, South Carolina 29582, Horry

21 County.

22 CHAIRMAN MONTGOMERY: Thank you.

23 MR. BURCHSTEAD: Thank you. And

24 for the record, the records just identified by

25 Miss Elaine Finney show a copy of a driver's

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1 license from Colleen Finney with a -- an address

2 on 3106 Seaview Street in Atlantic Beach; a copy

3 of a South Carolina voter registration card

4 registered March 22, 2023, same address; and a

5 copy of what looks like a printout from

6 University of Missouri showing the same address.

7 And all these records are being

8 reviewed by the Municipal Election Commission.

9 MS. FINNEY: You can catch Colleen

10 on TV tonight. She plays volleyball at

11 University of Missouri. They're playing Texas

12 A&M.

13 CHAIRMAN MONTGOMERY: ESPN?

14 MS. FINNEY: ESPN Plus. 7 o'clock.

15 I mean, not tonight. Tomorrow night. 7 p.m.

16 CHAIRMAN MONTGOMERY: Okay. Good.

17 Good. Very good. Okay. Thank you. You may --

18 MR. MCIVER: Mr. Chairman, I seek a

19 motion that we vote on the voter registration of

20 eligibility of Colleen Finney in the Town of

21 Atlantic Beach.

22 CHAIRMAN MONTGOMERY: I'll second

23 that motion.

24 It's been moved and properly

25 seconded that we vote on the eligibility to vote

1 in Atlantic Beach for Colleen Finney on that

2 question. Those in favor of the motion, say yes.

3 MR. MCIVER: Yes.

4 CHAIRMAN MONTGOMERY: Yes.

5 MS. GORE: No. Oppose.

6 CHAIRMAN MONTGOMERY: Opposed is

7 one. Motion is carried.

8 Glynes Cheatham.

9 MS. CHEATHAM: Right here.

10 CHAIRMAN MONTGOMERY: Okay. Irene.

11 MS. ARMSTRONG: Okay. Yeah,

12 that's -- that's every once in a while neighbor

13 down the street. That's Glynes Cheatham. That's

14 located at -- her address she's claiming at 401

15 32nd Avenue South in Atlantic Beach. Glynes has

16 her beach home there, second home. She's never

17 really permanently lived on -- at the residence

18 on a permanent basis, but she's in and out

19 occasionally because her home is under rental

20 management company; and it's rented out when

21 she's not here.

22 She has a 4 percent status on her

23 home. It's a 6 percent status and not a

24 4 percent. So, I'm confused as to how is it not

25 4 percent if it's a residential or primary

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1 residential property? Why is it 6 percent?

2 And that's my only -- only issue

3 here with that; and for the most part, anyway,

4 for most of them, that has been my concern,

5 that that 4 percent versus a 6 percent and then

6 6 percent versus 4 percent. 6 percent

7 establishes that it's a -- it's a nonresidential

8 property. 6 percent. And 4 percent confirms

9 that it is residential.

10 So, if you're familiar with the --

11 the homes in the town, whenever I see a

12 6 percent, all I see is a -- a profit-producing

13 entity because most of them have business

14 licenses in the town to operate those vacation

15 homes as businesses. So, how did that ever

16 become your primary residence right now? Take

17 that up there.

18 CHAIRMAN MONTGOMERY: Well, Irene,

19 you and I discussed this the other day. You

20 recall. You talking about the Homestead

21 Exemption Act --

22 MS. ARMSTRONG: No. Not homestead.

23 CHAIRMAN MONTGOMERY: Yeah. Well,

24 I won't -- I want to say something because

25 this -- this has nothing to do with voter

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1 registration. That's my point. I told you that
 2 the other day.
 3 MS. ARMSTRONG: Oh, yeah, oh, yeah.
 4 Well, see this information isn't just for this
 5 room and these eyes and ears.
 6 CHAIRMAN MONTGOMERY: Okay. Yeah.
 7 Well, you and I had that discussion. You
 8 remember.
 9 MR. BURCHSTEAD: And just for the
 10 record, Miss Armstrong has provided a number of
 11 documents on -- indicates above it's on Glynys E.
 12 Cheatham, G-L-Y-N-E-S, E. Cheatham,
 13 C-H-E-A-T-H-A-M. I'm marking this as the next
 14 exhibit, Exhibit No. 13, for the record.
 15 (Exhibit No. 13 was marked for
 16 identification.)
 17 CHAIRMAN MONTGOMERY:
 18 Miss Cheatham, you may come. Be sworn in.
 19 GLYNES CHEATHAM,
 20 having been first duly sworn, provided the
 21 following statements:
 22 CHAIRMAN MONTGOMERY: You may
 23 proceed.
 24 MS. CHEATHAM: Okay. So, I have my
 25 South Carolina driver's license here; and my name

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1 is Glynys Elaine Cheatham. And my address is 401
 2 32nd Avenue, Atlantic Beach, South Carolina
 3 2958024. Also, I have my state voter
 4 registration verification dated 8/31/2023, and my
 5 license was issued on 8/31/2023.
 6 CHAIRMAN MONTGOMERY: Thank you.
 7 May we see them?
 8 MS. CHEATHAM: Yes, sir.
 9 MR. BURCHSTEAD: And for the
 10 record, Miss Cheatham has provided a driver's
 11 license, as she indicated, showing a record of --
 12 that an address of 401 32nd Avenue South at
 13 Atlantic Beach and a voter registration card
 14 showing the same address that was issued, as she
 15 indicated, issued on 8/31/2023. And the
 16 Municipal Election Commission is reviewing these
 17 documents.
 18 CHAIRMAN MONTGOMERY: Thank you,
 19 Miss Cheatham.
 20 MS. CHEATHAM: Thank you.
 21 CHAIRMAN MONTGOMERY: All right.
 22 I'll entertain a motion we approve Miss Cheatham
 23 ballot or disapprove.
 24 MR. MCIVER: Mr. Chairman, I seek a
 25 motion that we determine the eligibility of the

1 vote of Atlantic Beach by Glynys Cheatham.
 2 CHAIRMAN MONTGOMERY: I'll second
 3 that motion.
 4 Are there questions? None. Those
 5 in favor of the motion, say yes.
 6 MR. MCIVER: Yes.
 7 CHAIRMAN MONTGOMERY: Yes. No?
 8 MS. GORE: Yes.
 9 CHAIRMAN MONTGOMERY: Yes?
 10 MS. GORE: Yes.
 11 CHAIRMAN MONTGOMERY: Okay. Yes.
 12 Motion is carried.
 13 That's the last one. Okay.
 14 (Commissioners and Attorney consult.)
 15 CHAIRMAN MONTGOMERY: Okay. All
 16 right. Okay. Now we have to do -- to tally. We
 17 have two ballots that mark witness so we don't --
 18 MR. BURCHSTEAD: No, we don't --
 19 CHAIRMAN MONTGOMERY: We don't do
 20 anything with those --
 21 MR. BURCHSTEAD: -- do anything
 22 with those, without the witness. Two absentee
 23 ballots without the witness.
 24 CHAIRMAN MONTGOMERY: Two absentee
 25 ballots, we don't do anything with that. Okay.

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1 Are we ready to tally the votes; correct? That's
 2 next thing; right?
 3 MR. BURCHSTEAD: That's it.
 4 CHAIRMAN MONTGOMERY: Been a long
 5 morning. Won't be long after we get these
 6 tabbed.
 7 MR. MCIVER: Mr. Chairman, which
 8 one do you want to, sort of, count first? These
 9 or these, or does it matter?
 10 CHAIRMAN MONTGOMERY: Does it
 11 matter, counselor?
 12 MR. BURCHSTEAD: Doesn't matter.
 13 CHAIRMAN MONTGOMERY: Okay.
 14 Doesn't matter.
 15 MR. MCIVER: I'm just going to read
 16 for -- and you take tally of however.
 17 CHAIRMAN MONTGOMERY: Yeah, you
 18 need to take tally. I'm going do the same thing.
 19 So, there won't be making a mistake.
 20 MR. MCIVER: Mayor: Josephine
 21 Isom. Council: Jacqui Gore, John Swinson.
 22 Mayor: John David. Council:
 23 Jerry Finney, Carla Taylor.
 24 Mayor: John David. Council:
 25 Jerry Finney, Carla Taylor.

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1 Mayor: John David. Council:
 2 Jerry Finney, Carla Taylor.
 3 Mayor: John David. Council:
 4 Jerry Finney, Carla Taylor.
 5 Mayor: Josephine Isom. Council:
 6 Jacqui Gore, Shawn Swinson.
 7 Mayor: John David. Council:
 8 Jerry Finney, Carla Taylor.
 9 Mayor: John David. Council:
 10 Jerry Finney, Carla Taylor.
 11 Mayor: John David. Council:
 12 Jerry Finney, Carla Taylor.
 13 Mayor: John David. Council:
 14 Jerry Finney, Carla Taylor.
 15 Mayor: John David. Council:
 16 Jerry Finney, Carla Taylor.
 17 Mayor: John David. Council Carla
 18 Finney --
 19 CHAIRMAN MONTGOMERY: Jerry Finney.
 20 MR. MCIVER: Jerry Finney, Carla
 21 Taylor. And that's all I have for this stack.
 22 MR. BURCHSTEAD: Okay.
 23 CHAIRMAN MONTGOMERY: Okay. Where
 24 the other stack?
 25 MR. MCIVER: Or do y'all want to

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1 see what you got?
 2 MR. BURCHSTEAD: No. Let's do all
 3 of them. You mixed them up; right?
 4 MR. MCIVER: Yeah. And he just
 5 asked if I mixed them up, and I did.
 6 (Commissioners and Attorney consult.)
 7 MR. MCIVER: Mayor: John David.
 8 Council: Jerry Finney, Carla Taylor.
 9 Mayor: John David. Council, Carla
 10 Taylor and Jerry Finney. Did I say that right?
 11 Mayor: John David. Council:
 12 Jerry Finney, Carla Taylor.
 13 Mayor: John David. Council:
 14 Jerry Finney, Carla Taylor.
 15 Mayor: John David. Council:
 16 Jerry Finney, Carla Taylor.
 17 Mayor: John David. Council:
 18 Jerry Finney, Carla Taylor. And that's all I
 19 have.
 20 (Commissioners and Attorney consult.)
 21 CHAIRMAN MONTGOMERY: Okay. Go
 22 back through it.
 23 MR. MCIVER: Mayor: John David.
 24 Council: Jerry Finney, Carla Taylor.
 25 Mayor: John David. Council:

1 Jerry Finney, Carla Taylor.
 2 Mayor: John David. Council:
 3 Jerry Finney, Carla Taylor.
 4 Mayor: John David. Council:
 5 Jerry Finney, Carla Taylor.
 6 Mayor: John David. Council:
 7 Jerry Finney, Carla Taylor.
 8 Mayor: John David. Council:
 9 Jerry Finney, Carla Taylor.
 10 Mayor: Josephine Isom. Council:
 11 Jacqui Gore, Shawn Swinson.
 12 Mayor: John David. Council:
 13 Jerry Finney, Carla Taylor.
 14 Mayor: John David. Council:
 15 Jerry Finney, Carla Taylor.
 16 Mayor: John David. Council:
 17 Jerry Finney, Carla Taylor.
 18 Mayor: John David. Council:
 19 Jerry Finney, Carla Taylor.
 20 Mayor: Josephine Isom. Council:
 21 Jacqui Gore, Shawn Swinson.
 22 Mayor: John David. Council:
 23 Jerry Finney, Carla Taylor.
 24 Mayor: John David. Council:
 25 Jerry Finney, Carla Taylor.

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1 Mayor: John David. Council:
 2 Jerry Finney, Carla Taylor.
 3 Mayor: John David. Council:
 4 Jerry Finney, Carla Taylor.
 5 Mayor: John David. Council:
 6 Jerry Finney, Carla Taylor.
 7 Mayor: John David. Council:
 8 Jerry Finney, Carla Taylor. And that's restated.
 9 (Commissioners and Attorney consult.)
 10 CHAIRMAN MONTGOMERY: May I have
 11 your attention, ladies and gentlemen. We have a
 12 result. I shall read each one. John David --
 13 the Mayor's race.
 14 (Commissioners and Attorney consult.)
 15 CHAIRMAN MONTGOMERY: I'm sorry.
 16 The mayor's race. We have John David and
 17 Josephine Isom, two people for mayor's race.
 18 Okay. John David 65, Josephine Isom 64. Those
 19 are the total vote.
 20 The council's race, the Jacqueline
 21 Gore 71, Jerry Finney 62, Shawn Swinson 48, Carla
 22 Taylor 69.
 23 So, since there's less than
 24 1 percent, we're going to do a recount. As it is
 25 now, the winner -- winners are Carla Taylor and

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1 Jacqueline Gore. So, we're going to decide when
 2 the recount will be, I guess. We'll try to do it
 3 today. We'll get together and decide when we do
 4 the recount.
 5 (Commissioners and Attorney consult.)
 6 CHAIRMAN MONTGOMERY: Okay. Okay.
 7 I'm sorry. I need to get back to the agenda.
 8 It's been a confusing day. Okay.
 9 Next on the agenda, I'm going to
 10 public time. Irene, okay. Go ahead. We have
 11 public time.
 12 MS. ARMSTRONG: Eric, I think, Eric
 13 Lewis, Eric Lewis. Do you have information, the
 14 challenged ballots that Eric Lewis did? Do you
 15 have those challenged ballots?
 16 CHAIRMAN MONTGOMERY: We already
 17 decided that, Irene.
 18 MS. ARMSTRONG: I know, but he
 19 wasn't here so --
 20 CHAIRMAN MONTGOMERY: Right. Yeah,
 21 we decided that. Anything else from the public?
 22 (Commissioners and Attorney consult.)
 23 MR. MCIVER: Mr. Chairman, are we
 24 still open on the public time?
 25 CHAIRMAN MONTGOMERY: Yes. This is

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1 public time.
 2 MS. ARMSTRONG: Yeah. I have
 3 another question.
 4 CHAIRMAN MONTGOMERY: Okay.
 5 MS. ARMSTRONG: What do you guys do
 6 if there's two write-in votes for the mayor?
 7 MR. BURCHSTEAD: These are the --
 8 CHAIRMAN MONTGOMERY: They didn't
 9 have any witnesses. Those are the only two votes
 10 that we didn't count. They don't have a witness
 11 signature. But no witness.
 12 MS. ARMSTRONG: So, you didn't open
 13 those?
 14 CHAIRMAN MONTGOMERY: No.
 15 MS. ARMSTRONG: That's not them
 16 then. The one that the mayor had two vote counts
 17 that you counted. Yeah, you did find those.
 18 (Commissioners and Attorney consult.)
 19 CHAIRMAN MONTGOMERY: Are there any
 20 comments? We're going close -- to close. Okay.
 21 Mr. Hennessy, you got -- I forgot your name.
 22 UNIDENTIFIED VOICE: Again, to the
 23 election commission and those that -- the
 24 challenger and the challengers today, I would
 25 just like to say on behalf of the State of South

1 Carolina NAACP, I could be -- I am pleased at the
 2 process that was used today.
 3 And I'm not here for or against,
 4 but what I am for is to make sure that voters and
 5 voting rights is adhered to and not
 6 disenfranchised.
 7 I'm sitting here as a soldier today
 8 and an NAACP representative and it -- it came to
 9 mind that when soldiers overseas and in other
 10 places, even college students, and their vote can
 11 be challenged, even in their absence when they
 12 can't respond for themselves, I have some
 13 concerns about that, that that law, not to the
 14 commissioner, but to the attorney here and you
 15 represent the commission at the State -- that
 16 that might be need to be looked at.
 17 'Cause I think we'll be talking
 18 about that from an NAACP perspective, also from
 19 the State level. Because soldiers fight for the
 20 democracy; and if their vote is challenged and in
 21 their absence has to be thrown out, I have a
 22 problem with that. And that's why -- and not
 23 that you did that today. It's just that I think
 24 it need to be looked at from the State election
 25 commissioner.

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1 That's -- that's all my comment. I
 2 appreciate the process and what y'all have done
 3 today. God bless you.
 4 CHAIRMAN MONTGOMERY: Thank you for
 5 coming. I have some problem with some of the
 6 laws too. We have to -- as a matter of fact, I
 7 tell people all the time. Call the legislature.
 8 They blame us for a lot of things. We have to do
 9 what the law says. We don't write laws. They do
 10 that in Columbia. So, I agree with you on
 11 certain things.
 12 (Commissioners and Attorney consult.)
 13 CHAIRMAN MONTGOMERY: Okay. We're
 14 going to close public time. This is the end of
 15 the public time, and I'd like to make a
 16 statement.
 17 May I have your attention, please.
 18 Protest hearing will be held 2 o'clock tomorrow,
 19 if we have any. But you guys get -- most of you
 20 know the procedure. You must get that letter to
 21 me by 7 o'clock tonight, or you can give it to me
 22 now; and I'll set up a protest hearing. And you
 23 can bring down or whatever, you know.
 24 So, and if we don't have a protest
 25 hearing, that'll be fine. If anybody has any

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1 questions, we will set that hearing up.
 2 The next thing and the man has
 3 raised, there is a majority. The law says if
 4 it's less than 1 percent, you must have a
 5 mandatory count; right?
 6 MR. BURCHSTEAD: Must have a
 7 mandatory recount.
 8 CHAIRMAN MONTGOMERY: Recount.
 9 MR. BURCHSTEAD: Neither candidate
 10 has the majority of the vote because of the two
 11 write-ins.
 12 CHAIRMAN MONTGOMERY: Right.
 13 Neither candidate has the majority because of the
 14 two write-ins. So, we will probably have a
 15 runoff; and we're going to do a recount also.
 16 But in the -- in the council race, Carla Gore --
 17 Jacqui Gore and Carla Taylor are the --
 18 MR. BURCHSTEAD: Jacqui Gore and
 19 Carla Taylor pending the recount.
 20 CHAIRMAN MONTGOMERY: Pending the
 21 recount. Okay. And they have --
 22 MR. MCIVER: Did you state when
 23 we're doing the recount?
 24 CHAIRMAN MONTGOMERY: No. I -- we
 25 got to agree on it.

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1 MR. MCIVER: Okay. When do we want
 2 to --
 3 CHAIRMAN MONTGOMERY: I want to get
 4 some lunch.
 5 (Commissioners and Attorney consult.)
 6 CHAIRMAN MONTGOMERY: And the
 7 recount will be done at 10 o'clock tomorrow.
 8 Okay. If nothing else, I'll entertain a motion
 9 for adjournment. Anything else commissioner?
 10 Counsel?
 11 MR. BURCHSTEAD: (Shakes head.)
 12 CHAIRMAN MONTGOMERY: Okay. I'll
 13 entertain a motion to adjourn.
 14 MR. MCIVER: Mr. Chairman, I seek a
 15 motion that we exit the meeting. We adjourn this
 16 meeting.
 17 CHAIRMAN MONTGOMERY: I'll second
 18 that motion. Approved for second and removal.
 19 MR. MCIVER: Yes.
 20 CHAIRMAN MONTGOMERY: Those in
 21 favor, say yes.
 22 MR. MCIVER: Yes.
 23 MS. GORE: Yes.
 24 CHAIRMAN MONTGOMERY: Thank you for
 25 coming. We are adjourned.

(The hearing concluded at 1:24 p.m.)

- - -

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1 CERTIFICATE OF REPORTER
 2 STATE OF SOUTH CAROLINA
 3 COUNTY OF HORRY

3 I, Ronda K. Blanton, a Registered
 4 Professional Reporter and Notary Public for the
 5 State of South Carolina at Large, do hereby
 6 certify that the witnesses in the foregoing
 7 hearing were by me duly sworn to testify to the
 8 truth, the whole truth, and nothing but the truth
 9 in the within-entitled cause; that the
 10 proceedings in the foregoing hearing were taken
 11 at the time and location therein stated; that the
 12 testimony of all witnesses and all statements
 13 made at the time of the hearing were recorded
 14 stenographically by me and were thereafter
 15 transcribed by computer-aided transcription; that
 16 the foregoing is a full, complete, and true
 17 record of the hearing and of all statements made
 18 at the time of the hearing.

19 I further certify that I am neither related
 20 to nor counsel for any party to the cause pending
 21 or interested in the events thereof.
 22 Witness my hand, I have hereunto affixed my
 23 official seal on November 27, 2023, at Myrtle
 24 Beach, Horry County, South Carolina.

17 Ronda K. Blanton
 18 NCRA REGISTERED PROFESSIONAL
 19 REPORTER, RPR
 20 Notary Public,
 21 State of South Carolina at Large
 22 My Commission expires:
 23 May 15, 2028.

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DIANE T. HILL

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 609 30TH AVE SOUTH, ATLANTIC BEACH SC 29582

MRS. HILL HAS LIVED IN ATLANTIC BEACH FOR SOME 8 TO 10 YEARS, HOWEVER NEVER CHANGED HER NORTH CAROLINA CAR TAG TO SOUTH CAROLINA. IT WAS FOUND THAT MRS. HILL'S PRIMARY ADDRESS IS ACCUTALLY IN THE STATE OF NORTH CAROLINA 702 BELLTOWN RD. HAVELOCK NC 28532 THE ADDRESS REFLECTING WHERE HER CAR IS REGISTRETED TO AND WHERE HER HUSBAND LEORARD HILL RESIDE ASWELL.

HOW COULD MRS. HILL OBTAIN A SOUTH CAROLINA VOTER REGISTRATION STATUS A WITH NORTH CAROLINA DRIVERS LICENSE AND PLACE OF PRIMARY RESIDENECE; HAVING NEVER APPLIED FOR A PRIMARY RESIDENCE STATUS IN SOUTH CAROLINA.
THIS IS ILLEGAL IN BOTH NORTH AND SOUTH CAROLINA (RIGHTFULLY CHALLENGED)



Horry County ONLINE TAX PAYMENT

Record Information

Notice #: 199580223

Status: Paid

Date Paid: 10/10/23

Issue Date: 09/30/22

Tax Information

Name: HILL LEONARD E & DIANE T

Address:
PO BOX 5403NORTH MYRTLE BEACH SC
29597

Tax Year: 2022

District/Levy: 590 / 204.

City/Levy: AB / 084.5

Total Appraisal: 84,238

Total Assessed: 5,050

Assessment	Land	Building
Ratio:	Appraisal:	Appraisal:
6%	57,558	26,680

Property Information

Record Type: Real Estate

Map Number: 1560319059

PIN: 35716040005

Acres: .16

Description: LT 69ATL BCH AD#23-06662

Taxes

County Tax: \$1,030.20

City Tax: \$426.73

Fees: \$89.40

ROA 139

Residential Exemption:	\$0.00
Homestead Exemption:	\$0.00
Other Exemptions:	\$0.00
Local Option Credit:	\$0.00
Penalty:	\$231.95
Cost:	\$100.00
Total Taxes:	\$1,878.28
Total Paid: \$1,878.28	



ROA 141

NyHIM
NADIYAH D. VAUGHAN

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 2812 S. OCEAN BLVD. ATLANTIC BEACH, SC 20982

NADIYAH AND HIS WIFE, ERICA VAUGHAN BUILT A VACATION BEACH RENTAL HOME IN ATLANTIC BEACH IN 2022. THE HOME IS NOT THEIR PRIMARY RESIDENT ALTHOUGH HE HAS STATED SO ON A VOTER REGISTRATION APPLICATION.

THE VAUGHAN'S BEACH HOME IS ASSESSED AT A 6% COUNTY RATIO WHICH MEAN IT'S A 2ND HOME AND NOT AT 4% RESIDENT RATIO.

THE VAUGHANS BEACH VACATION HOME IS ALSO UNDER A RENTAL CONTRACT WITH A BEACH VACATION MANAGEMENT COMPANY AND HAS BEEN ISSUED A LICENSES BY THE TOWN OF ATLANTIC BEACH TO OPERATE AS A FOR PROFIT BUSINESS.

WHILE HUSBAND, NADIYAH D. VAUGHAN CLAIMS ADDRESS IN ATLANTIC BEACH IS HIS PRIMARY RESIDENT HIS (WIFE) ERICA VAUGHAN CLAIM RESIDENCY AT THEIR 2418 Pimpernel Dr., Waldorf, MD 20603

IN SOUTH CAROLINA RESIDENCY LAW, THE HUSBAND AND WIFE CAN NOT BOTH CLAIM PRIMARY RESIDENTS IN MULTIPLE STATES AT THE SAME TIME.

(See all attachments)

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other place as my legal residence)". It further states

whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

The Vaughan's have committed election fraud and questionable other wrong doings



Horry County ONLINE TAX PAYMENT

Record Information

Notice #: 351601233

Status: Unpaid

Issue Date: 09/28/23

Tax Information

Name: VAUGHAN R NAIM ETAL

Address: 2418 PIMPERNEL DRWALDORF MD 20603

Tax Year: 2023

District/Levy: 590 / 207.5

City/Levy: AB / 084.5

Total Appraisal: 239,590

Total Assessed: 14,380

Assessment Ratio:	Land Appraisal:	Building Appraisal:
6%	239,590	0

Property Information

Record Type: Real Estate

Map Number: 1560326036

PIN: 39201020699

Acres:	.17
Description:	LT 14ATLANTIC BEACH
Taxes	
County Tax:	\$2,983.85
City Tax:	\$1,215.11
Fees:	\$59.04
Residential Exemption:	\$0.00
Homestead Exemption:	\$0.00
Other Exemptions:	\$0.00
Local Option Credit:	\$0.00
Total Taxes:	\$4,258.00
Balance Due:	\$4,258.00

Penalty Information

Date:	Amount Due:
01/16/24	\$4,385.74
02/02/24	\$4,683.80
03/16/24	\$4,896.70

Atlantic Oasis | Luxurious Atlantic Beach 2nd Row House | Pool

reservations.elliottrealty.com/house/atlantic-oasis/

ATLANTIC OASIS

2812 SOUTH OCEAN BLVD - North Myrtle Beach - Atlantic Beach

Location: 2nd Row

Area: Atlantic Beach

Reservations: 843-273-1223

Summer Check-in: Sat

Bedrooms: 6

Sleeps: 22

Bathrooms: 6 full / 1 half

Parking Passes: 6



NOTICE! We rent to families and responsible adults only. No house parties. Please see our other Rental Rules and Regulations.

- [Add To Beach Bag](#)
- [View Beach Bag](#)
- [Email a Friend](#)
- [Contact Us](#)

Description

Atlantic Oasis is a stunning vacation rental property located in the historic North Myrtle Beach neighborhood of Atlantic Beach – warmly referred to as the Black Pearl of the Grand Strand. Atlantic Beach is conveniently located minutes away from Barefoot Landing and boasts priceless ocean views and some of the area's newest modern beach homes. For more information about Atlantic Beach, SC - Please [click here](#).

Just steps away from the ocean, this vacation rental is the perfect escape from the hustle and bustle of everyday life. As you enter the property, you will instantly feel a sense of tranquility and relaxation. With six comfy bedrooms and 11 beds, Atlantic Oasis is perfect for extended families of 20+ or couples and friend group getaways of 10-12. Adults will relish time spent rocking away on one of the three decks, and kids will love playing Xbox while watching movies on the double TV set up in the bunk room.

We believe no one should have to cook while on vacation, but for those who desire to, this kitchen has everything you need - all modern appliances, a 48" stove and refrigerator, ample countertop space, two dishwashers, and all necessary utensils for your convenience. Once dinner is done, retreat to the ground floor family room for a movie or game night.

If backyard fun is what you are after, look no further than the backyard oasis, equipped with an outdoor kitchen, 75-inch TV, and sound system, ample room for corn hole, pickleball, and putting practice on the rear lawn, and plenty of room for the water babies to splash around in the pool and tan on the sun-deck. The oversized hot tub fits up to 10 people, so there is no shortage of places to unwind.

SPOILER ALERT: The Owner's Suite is to die for! Do yourself a favor and volunteer to make the booking to get first dibs on the private ocean-view deck.

Please Note: We rent to families only.

House parties, loud noises and extra vehicles are prohibited - violation of this will result in eviction.

Rates

Start Date	End Date	Daily Price	Weekly Price
11/06/23	11/17/23	\$1,250	\$6,250
11/18/23	11/24/23	\$1,320	\$6,600
11/25/23	03/22/24	\$1,250	\$6,250
03/23/24	04/05/24	\$1,430	\$7,149
04/06/24	05/03/24	\$1,250	\$6,250
05/04/24	05/10/24	\$1,696	\$8,480
05/11/24	05/17/24	\$1,855	\$9,275
05/18/24	05/31/24	\$2,016	\$10,080
06/01/24	06/07/24	\$2,168	\$10,841
06/08/24	06/14/24	\$2,221	\$11,107
06/15/24	06/28/24	\$2,528	\$12,638
06/29/24	07/05/24	\$2,806	\$14,032
07/06/24	07/19/24	\$2,551	\$12,756
07/20/24	08/02/24	\$2,285	\$11,425
08/03/24	08/09/24	\$2,230	\$11,150
08/10/24	08/23/24	\$2,189	\$10,943
08/24/24	09/06/24	\$1,785	\$8,926
09/07/24	11/22/24	\$1,250	\$6,250
11/23/24	11/29/24	\$1,444	\$7,219
11/30/24	01/03/25	\$1,250	\$6,250

Note: Rates above are rental rates prior to addition of taxes and fees. Rental rates are subject to change and may increase or decrease depending on availability. Existing reservations with prepayment are excluded.

Map

Guest Reviews

Avg. Rating:

[Submit a Guest Review](#)

Lynn Thomas, Louisville KY

09/17/2023

Lynn Thomas, Louisville KY writes:

Atlantic Oasis is a beautiful home. It's light and bright and very comfortable. We had 5 couples with kids and grandkids and the rooms were a perfect set up! The openness of the kitchen to living room was fantastic and having a second game room/family room for the kids was even better! The elevator helped, tremendously, for getting all the groceries up to the kitchen. We had a couple rain days and we all still swam in the gorgeous pool and sat in the hot tub for hours. The best part: close enough to the beach that we didn't have to pack up the entire group every time someone wanted to head to the beach. Sunrise and sunset walks were the favorite times for the younger mamas and dads as well as the grandparents! We'll stay again for sure!

Julie

07/08/2023

Julie writes:

Lovely, well-appointed home. Lots of space. Good location.

The Washington's

05/26/2023

The Washington's writes:

Beautiful beach house. We had a wonderful time. The home had everything you needed; from family games to a huge kitchen. There was plenty of space for everyone. I highlyly recommend this home for your Myrtle Beach vacation.

The Johnson's , Duluth, GA

05/25/2023

The Johnson's , Duluth, GA writes:

This was the most beautiful beach house I've ever stayed. There was no detailed of this house that went unnoticed. The home provided everything you would need to have an awesome time. There were games for the young and old. The kitchen was just gorgeous with plenty of space to accommodate everyone. The balconies views and comfort from each level just made you want to stay outside. The outdoor patio was amazing with the lounge area and flat screen tv and grilling area. The pool was heated to a perfect 80 degrees and the jacuzzi was at 90 degrees. JUST PERFECT!!! The master suite with the balcony overlooking the ocean was just breath taking!!! I am definitely going to return to this location to just enjoy and relax again.

Dr. Wednesday Jones, Stafford, VA

05/18/2023

Dr. Wednesday Jones, Stafford, VA writes:

This house was simply beautiful. The attention to detail that went into this home made you feel just like that, at home. The beds are extremely comfortable. The Master bedroom is like a dream come true. The balcony allows you to enjoy your morning coffee while listening to the waves. And, you don't have to go downstairs to the kitchen to get your coffee or night caps. There is a coffee and wine bar in the master bedroom. I really cannot even explain the bathroom. It's a must see. It's like stepping into a spa. The soaking tub just takes you away like Callgon. It's not just the Master Bedroom that is beautiful. All bedrooms are beautiful. And, location location, 1 minute walk to the Beach. The kids will love it too. Games/smart TV's galore

Lloyd nichols

05/15/2023

Lloyd nichols writes:

Awesomeness

Sylvia Hampton Virginia

05/11/2023

Sylvia Hampton Virginia writes:

The house was absolutely gorgeous. The kitchen was and dining area is very spacious and accommodating. The bedrooms are larger than most. The out door patio and pool area is private and accommodating as well. The Primary suite with the balcony is breathtaking! The owner has provided everything we could possibly require. The description of the property was everything and more.

Camille Johnson. Washington DC

05/04/2023

Camille Johnson. Washington DC writes:

If you want to treat yourself, take my advice and book this home. Absolutely beautiful! Despite being a large 3 story home with the capacity to accommodate 20+ guests, the home has a cozy, airy beachfront vibe with an unobstructed view of North Myrtle Beach. It is fully stocked with everything you need for a comfortable retreat. The owners suite and bathroom is to die for! My family and I can't wait to visit next year. And we will only be staying in the Atlantic Oasis.

We rent to families and responsible adults only. No house parties. Please see our other Rental Rules and Regulations. This information though deemed accurate is not guaranteed, it is subject to errors, omissions, change of price, or withdrawal without notice.

All prices and/or descriptions are subject to change. Although every precaution is taken, errors in prices and/or descriptions do occur on our web site and in printing. We reserve the right to correct any such error.

Save This Property

Save to an Existing Vacation

You have no current vacation(s). Please use the form on the right to create one!

Create a New Vacation

KG DIVINE

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST

@ 3108 SEAVIEW ST. ATLANTIC BEACH, SC

KG DIVINE CLAIMS RESIDENCY IN ATLANTIC BEACH AT ABOVE ADDRESS WHILE HIS WIFE JAYE DIVINE, CLAIMS RESIDENCY AT THEIR PHILADELPHIA HOME. — —

THE DEVINE ARE RECEIVING A TAX RATIO OF 4% ON THEIR VACATION BEACH RENTAL HOME, AND BEEN ISSUED A BUSINESS LICENSE FROM THE TOWN OF ATLANTIC BEACH TO OPERATE THE HOME AS A FOR PROFIT BUSINESS WHICH SHOULD ACTUALLY BE ASSESSED AT FOR A 6% RATIO. THE DIVINES OPPERATE THEIR RENTAL BUSINESS THROUGH A SELF MANAGED WEBSITE.

THE DIVINES VACATION HOME, SINCE BUILT IN 2017 HAS NEVER BEEN OCCUPIED BY EITHER OR ANY MEMBER OF THEIR FAMILY AS A PRIMARY RESIDENT.

THE DIVINES PRIMARY RESIDENT IS LOCATED AT

6419 N. 11TH ST. PHIL, PA 19126

THE STATE OF SOUTH CAROLINA HAS A (RESIDENTIAL LAW) THAT PREHIBITS MARRIED COUPLES FORM CLAIMING PRIMARY RESIDENTACY'S IN MULTIPAL STATES AT THE SAME TIME.

(See all attached info)

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other place as my legal residence)". It further states

whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

The Divines appears to be committing tax evasion and voter fraud



TIMAJ G. DIVINE

**LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 3108 SEAVIEW ST. ATLANTIC BEACH, SC**

TIMAJ G. DIVINE IS THE SON (or) GRANDSON OF KG AND JAYE DEVINE AND HAS NEVER LIVES IN ATLANTIC BEACH, AND ONLY CLAIMING RESIDENACY TO EFFECT THE OUTCOME OF THE NOVEMBER 7, ELECTION, REGISTERING 2 DAYS BEFORE CUTOFF DEADLINE. TIMAJ HOLDS NO OWNERSHIP INTEREST IN THIS HOME.

THE STATE OF SOUTH CAROLINA HAS A RESIDENT LAW PRETAINING TO ADULT CHILDREN LIVING IN OR WITH THE PARENTS AND CLAIMING RESIDENTACY.

How to find the actual resident address for Timaj Divine? could it also be his parents address at 6419 N 11th St. Phil, Pa. 19126

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other place as my legal residence)". It further states whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Timaj Divine has committed voter fraud at the direction of his parents

JAMAR MCLAURIN

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 3108 SEAVIEW ST. ATLANTIC BEACH, SC

JAMAR MCLAURIN, CLAIM TO RESIDE AT THE SAME PRIMARY RESIDENT AS
KG DIVINE, JAYE DIVINE, AND TIMAJ DIVINE, AND PERHAPS IS A RELITIVE OR A MEMBER OF
THE DIVINE FAMILY.

JAMAR MCLAURIN HAS NEVER LIVED IN ATLANTIC BEACH AND HAS NO PROPERTY INTEREST
AT 3108 SEAVIEW ST. IN ATLANTIC BEACH.

IT IS BELIEVED THAT HE TOO HAS BEEN DIRECTED BY THE DIVINE SENIORS TO APPLY FOR
VOTER REGISTERTION IN ATLANTIC BEACH, LISTING THEIR ADDRESS AT 3108 SEAVIEW ST AS
HIS PRIMARY RESIDENT. JAMAR MCLAURIN'S PRIMARY ADDRESS COULD POSSIBLE BE THE
SAME AS THE DIVINE'S

6419 N. 11TH ST. PHIL, PA. 19126

THE ENTIRE DIVINE FAMILY HAS COMMITED VOTER FRAUD. THEY ALL TOOK THE FOLLOWING
OATH BEFORE SIGNING THE VOTER REGISTRATION APPLICATION.

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration
application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other
place as my legal residence)". It further states

whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law
shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Horry County

ONLINE TAX PAYMENT

Record Information

Notice #: 155943233

Status: Unpaid

Issue Date: 09/28/23

Tax Information

Name: DIVINE KNOWLEDGE GAHIB ETAL

Address: 3108 SEAVIEW STN MYRTLE BEACH SC 29582

Tax Year: 2023

District/Levy: 590 / 207.5

City/Levy: AB / 084.5

Total Appraisal: 598,630

Total Assessed: 23,950

Assessment Ratio:	Land Appraisal:	Building Appraisal:
4%	69,230	529,400

Property Information

Record Type: Real Estate

Map Number: 1560316036

PIN: 39201010137

Acres: .17

Description: LT 32ATLANTIC BEACH PEARL

Taxes

County Tax: \$4,969.63

City Tax: \$2,023.78

Fees: \$89.40

Residential Exemption: \$2,828.50

Homestead Exemption: \$0.00

Other Exemptions: \$0.00

Local Option Credit: \$0.00

Total Taxes: \$4,254.31

Balance Due: **\$4,254.31**

Penalty Information

Date:	Amount Due:
01/16/24	\$4,381.94
02/02/24	\$4,679.74
03/16/24	\$4,892.46

7

**CARLISLE COOPER, NOBLE P. COOPER JR., NOBLE P. COOPER III, AND
TRACI Y. COOPER**

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 3207 S OCEAN BLVD, Atlantic Beach, South Carolina, 29582
AS ALL THEIR PRIMARY RESIDENT.

AT THE ABOVE ADDRESS LOCATION IS THE CONSTRUCTION OF AN INCOMPLETE UNINHABITED HOUSE
BEING BUILT? PRIOR TO THIS NEW CONSTRUCTION NO MEMBER OF THE COOPER FAMILY HAS EVER
LIVED IN OR CLAIMED ATLANTIC BEACH AS THEIR PRIMARY RESIDENT. HORRY COUNTY ASSESSORS
HAS PROPERTY ASSESSED AT 6% RATIO AND NOT A 4% RESIDENTIAL RATIO. (SEE ATTACHED TAX INFO)

(PUBLIC RECORDS REFLECT) THE COOPER'S PRIMARY RESIDENT IS LOCATED AT TWO LOCATIONS

120 STONEBROOK DR., BLYTHEWOOD, SC 29016
AND;

CAROL J COOPER ETAL
2202 PINEHURST RD. COLUMBIA, SC 2920

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration
application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other
place as my legal residence)". It further states

whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law
shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

THE COOPER'S ARE COMMITTING VOTER FRAUD



Horry County ONLINE TAX PAYMENT

Record Information

Notice #: 138404223

Status: Paid

Date Paid: 01/09/23

Issue Date: 09/30/22

Tax Information

Name: COOPER CAROLE J ETAL

Address: 2202 PINEHURST RDCOLUMBIA SC 29204

Tax Year: 2022

District/Levy: 590 / 204.

City/Levy: AB / 084.5

Total Appraisal: 683,740

Total Assessed: 41,020

Assessment Ratio:	Land Appraisal:	Building Appraisal:
6%	594,640	89,100

Property Information

Record Type: Real Estate

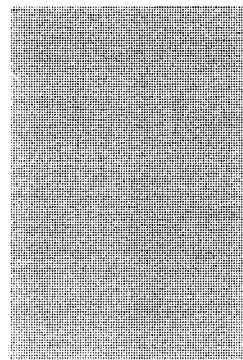
Map Number: 1560315033

PIN:	39201040008
Acres:	.21
Description:	SECT LT 1ATLANTIC BEACH PEARL
Taxes	
County Tax:	\$8,368.08
City Tax:	\$3,466.19
Fees:	\$89.40
Residential Exemption:	\$0.00
Homestead Exemption:	\$0.00
Other Exemptions:	\$0.00
Local Option Credit:	\$0.00
Total Taxes:	\$11,923.67
Total Paid:	\$11,923.67

Download

Full screen

Print



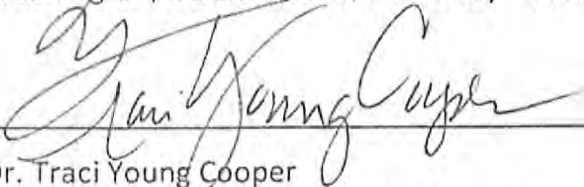
ELECTRONICALLY FILED - 2024 Apr 24 2:52 PM - HORRY - COMMON PLEAS - CASE#2024CP2602537

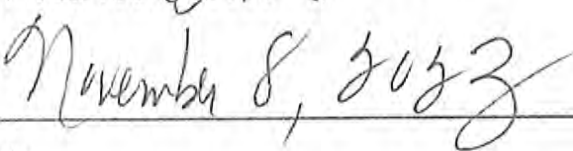
DECLARATION of PROXY

I, **Traci Young Cooper**, resident of Atlantic Beach, South Carolina (3207 S. Ocean Boulevard – Atlantic Beach, SC 29582), have retained Attorney Jerry Leo Finney (Finney Law Firm) as my proxy for the Atlantic Beach Mayoral and Town Council Election Provisional Ballot Hearing scheduled for Thursday, November 9, 2023 at 10 am.

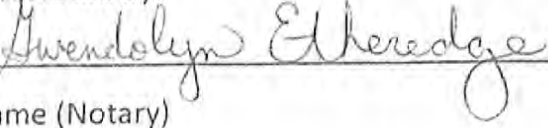
Attorney Jerry L. Finney has been procured as the designated proxy during my absence (due to bereavement) for all matters related to this hearing inquiry and review. Attorney Finney's services have been procured for an undisclosed rate pursuant to his client fee scale.

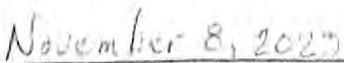
Attorney Finney has also been procured to serve as proxy for my minor children (Carlisle Carrington Cooper), and (Noble Percival Cooper, III). Their representation is also included under this proxy service agreement. Carlisle and Noble are unable to attend the hearing due to being enrolled out-of-state in college and graduate school (American University – Washington, DC and Brown University – Providence, Rhode Island *respectively*).

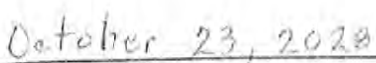

 Dr. Traci Young Cooper


 Date

Witnessed by:


 Name (Notary)


 Date


 Notary Commission





November 1, 2023
Account Number: 8349 21 018 0012468
Security Code: 5215
Service At: 3207 S OCEAN BLVD
NORTH MYRTLE BEACH SC 29582-4752

Have questions about your bill?
Visit us at Spectrum.net/billing
Or, call us at 1-855-70-SPECTRUM (1-855-707-7328)

Summary Service from 11/01/23 through 11/30/23
details on following pages

Previous Balance	102.01
Payments Received -Thank You!	-58.97
Past Due Balance - Due Now	\$43.04
Spectrum TV™	9.99
Spectrum Internet™	4.99
Spectrum Voice™	4.99
Other Charges	10.00
One-Time Charges	8.95
Taxes, Fees and Charges	4.12
Current Charges Due By 11/18/23	\$43.04
Total Due	\$86.08

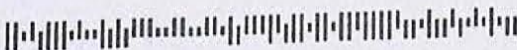
ACTION REQUIRED: ACCOUNT STATUS DELINQUENT

Your account is now in a delinquent status. The total delinquent amount is due immediately and must be paid to avoid collections activity including, potential service suspension. If you resume service after disconnection due to nonpayment, your past due balance, along with first month of service and a reconnection fee will be required.



4145 S. FALKENBURG RD RIVERVIEW FL 33578-8652
8349 2100 NO RP 01 11022023 NNNNNYNN 01 004585 0018

DR N P COOPER
120 STONEBROOK DR APT 6-G
BLYTHEWOOD SC 29016-8719



834921018001246800086082

NEWS AND INFORMATION

NOTE. Taxes, Fees and Charges listed in the Summary only apply to Spectrum TV and Spectrum Internet and are detailed on the following page. Taxes, Fees and Charges for Spectrum Voice are detailed in the Billing Information section.

Terms and Conditions Update: Our standard terms and conditions for Spectrum Residential Services will be updated effective December 3, 2023. To obtain a copy, visit Spectrum.com/newterms or call 1-800-892-4357 to request a paper copy be mailed to your home.

Important Notice to Our Customers: Your account is past due. To avoid collection activity, including service suspension, payment of your balance is due immediately. If disconnected, your past due balance, first month of service, and a reconnect fee will be required. Payments made at a Third-Party Payment location will be delayed. Call Spectrum at 1-888-901-0294 to avoid a service interruption.

Seasonal Discount Your account was placed on a discounted seasonal plan. During this time, all of your Spectrum services will have limited availability. Once your seasonal plan expires, all of your Spectrum services will be automatically restored. Your account will be updated to reflect the appropriate rate after the expiration of your seasonal plan.

Stay protected with Spectrum Security! Spectrum is dedicated to keeping you and your family safe online. Visit Spectrum.net/securitycenter for tools and solutions to keep your personal information secure.

November 1, 2023

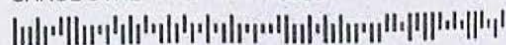
DR N P COOPER

Account Number: 8349 21 018 0012468
Service At: 3207 S OCEAN BLVD
NORTH MYRTLE BEACH SC 29582-4752

Total Due	\$86.08
Amount you are enclosing	\$

Please Remit Payment To:

SPECTRUM
PO BOX 6030
CAROL STREAM IL 60197-6030



ELECTRONICALLY FILED - 2024 Apr 24 2:52 PM - HARRY - COMMON PLEAS - CASE#2024CP2602537





WOODS VILLAS MOTEL REGISTRATION CARD

DATE IN: 3-3-23 ROOM NO. 213

NAME: Derrick Mayes

CURRENT ADDRESS 120 Christy Way

CITY: little river STATE SC ZIP CODE 29566

PHONE #: 843-353-7494 NUMBER IN PARTY 1

MAKE/MODEL VEHICLE _____

LICENSE#/STATE 090368226

SIGNATURE: Derrick Mayes

NOTICE TO GUESTS: THIS PROPERTY IS PRIVATELY OWNED AND MANAGEMENT RESERVES THE RIGHT TO REFUSE SERVICE TO ANYONE, AND WILL NOT BE RESPONSIBLE FOR ACCIDENTS OR INJURY TO GUESTS OR FOR LOSS OF MONEY, JEWELRY OR VALUABLES OF ANY KIND.

DAYS OCCUPIED						
S	M	T	W	T	F	S

RATE _____ DATE 3-3-23

TOTAL _____ CHECKOUT DATE _____

TAX (if any) _____

AMOUNT PAID _____

JULIANNA HINES

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 3103 S OCEAN BLVD, ATLANTIC BEACH, SC 29582

THE HOME AT THIS LOCATION IS AN OLD BEACH HOUSE FORMALLY OWNED BY
DR. CORNELIUS BECK, JULIANNA HINES WAS HIS WIFE.
THE BECK FAMILY NEVER USED THE HOME IN ATLANTIC BEACH AS A PRIMARY RESIDENT.
HOWEVER' PRESENTLY; BECKS, YOUNG ADULT DAUGHTER OCCUPIES THE HOME AS A
PRIMARY RESIDENT AND NOT HER MOTHER, JULIANNA HINES.
THE BEACH HOUSE IN ATLANTIC BEACH IS ASSESSED AT A 6% RATIO WHICH MEANS A 2ND
HOME AND NOT A PRIMARY RESIDENT.

HINES, PRIMARY RESIDENT IS LOCATED IN MARYLAND OR GEORGETOWN COUNTIES.

(See all attachments)

Please reference;

South Carolina voter registration and elections code of law

Section 7-25-20 (offense against the election laws) printed at the bottom of the voter registration
application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other
place as my legal residence)". It further states
whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law
shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Julianna Hines, is committing election fraud, this is not her primary resident



Horry County

ONLINE TAX PAYMENT

Record Information

Notice #: 200023223

Status: Paid

Date Paid: 01/09/23

Issue Date: 09/30/22

Tax Information

Name: HINES JULIANNA

Address: 3103 FIRST AVE SNORTH MYRTLE BEACH SC 29582

Tax Year: 2022

District/Levy: 590 / 204.

City/Levy: AB / 084.5

Total Appraisal: 343,930

Total Assessed: 20,640

Assessment Ratio:	Land Appraisal:	Building Appraisal:
6%	290,630	53,300

Property Information

Record Type: Real Estate

Map Number: 1560317005

PIN:	39201010147
Acres:	.18
Description:	SECT LT 18ATLANTIC BEACH PEARL
Taxes	
County Tax:	\$4,210.56
City Tax:	\$1,744.08
Fees:	\$89.40
Residential Exemption:	\$0.00
Homestead Exemption:	\$0.00
Other Exemptions:	\$0.00
Local Option Credit:	\$0.00
Total Taxes:	\$6,044.04
Total Paid: \$6,044.04	

Glynes E. Cheatham

LISTED ON ATLANTIC BEACH VOTER REGISTRATION LIST
@ 401 32ND AVE SO IN ATLANTIC BEACH

Glynes Cheatham has never resided in Atlantic Beach at this address location on a permanent basis. In fact the home is a vacation for profit beach rental, under management by a vacation rental company. The home is also assessed by Horry County Assessors at a 6% ratio, a (second) home rate and not at 4% residential ratio. The home has a town issued business license for operation as a beach rental business.

Review:

- (1) THE HOME IS A VACATION 2ND HOME, A FOR PROFIT BEACH RENTAL
- (2) THE HOME IS UNDER MANAGEMENT BY A LOCAL VACATION RENTAL COMPANY
- (3) Horry County Assessment Ratio of Home is 6% and not at 4% Residential Ratio
- (4) THE HOME HAS BEEN ISSUED A BUSINESS LICENSE BY THE TOWN OF ATLANTIC BEACH TO OPERATE AS A FOR PFOFIT BUSINESS.

PRIMARY ADDRESS:

GLYNES CHEATHAM, PRIMARY RESIDENT IS LOCATED AT
415 N. 23RD ST. RICHMOND, VA. 23223 (AND NOT IN ATLANTIC BEACH)
(SEE ATTACHED TOWN AND COUNTY DOCUMENTS)

Please reference;

South Carolina voter registration and elections code of laws

Section 7-25-20 offense against the election laws- located at the bottom of the voter registration application. It reads;

(The address listed on application is my only legal place of residence, and I claim no other place as my legal residence)". It further states
whosoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Glynes claim of residence in Atlantic Beach are false, in spite of reading the above oath before signing voter application.



Horry County

ONLINE TAX PAYMENT

Record Information

Notice #: 130771223

Status: Paid

Date Paid: 12/11/22

Issue Date: 09/30/22

Tax Information

Name: CHEATHAM GLYNES E

Address: 415 N 23RD STRICHMOND VA 23223

Tax Year: 2022

District/Levy: 590 / 204.

City/Levy: AB / 084.5

Total Appraisal: 403,577

Total Assessed: 24,220

Assessment Ratio:	Land Appraisal:	Building Appraisal:
6%	54,177	349,400

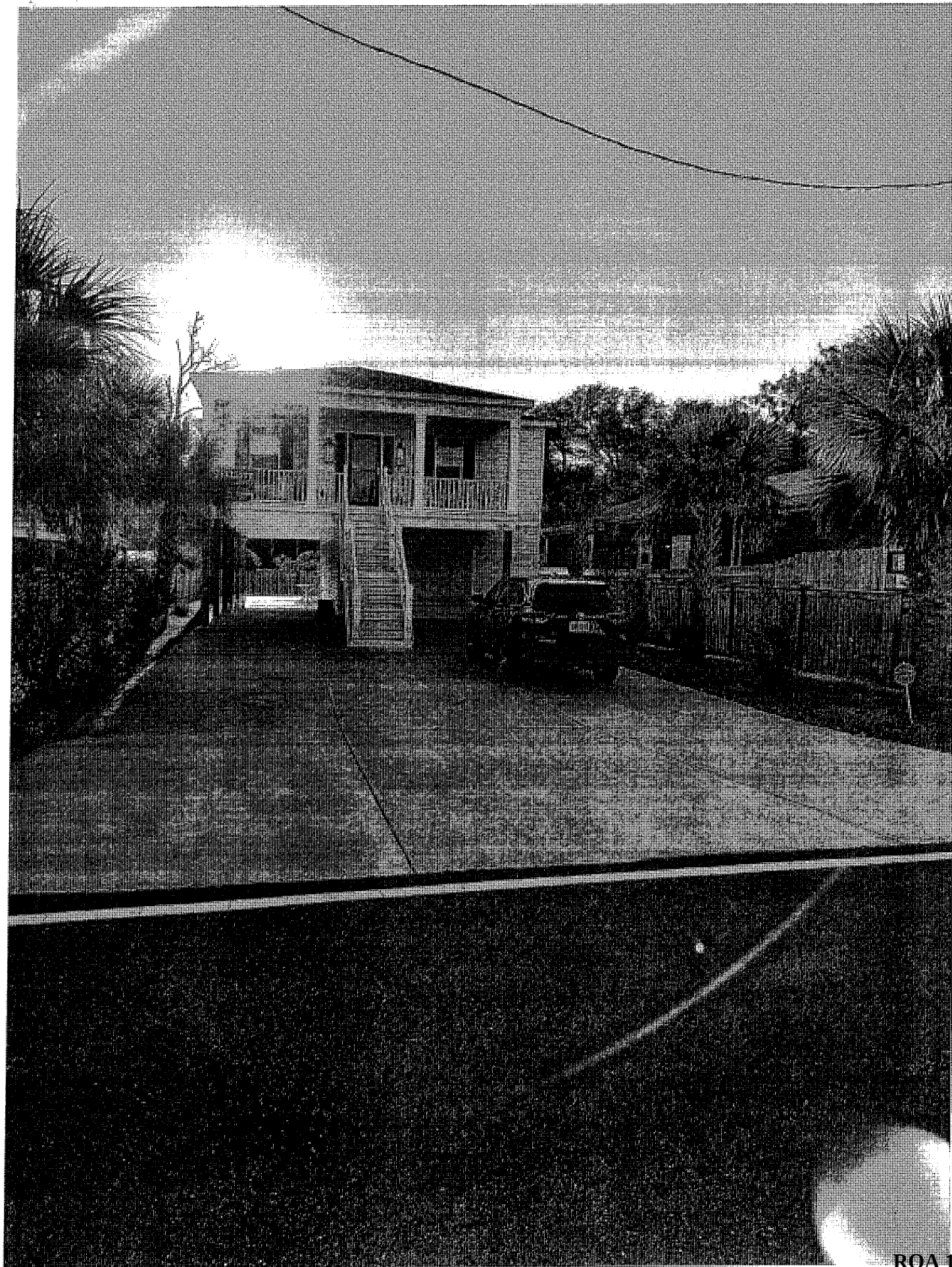
Property Information

Record Type: Real Estate

Map Number: 1560315041

PIN:	39201010139
Acres:	.16
Description:	SECT LT 39ATLANTIC BEACH PEARL
Taxes	
County Tax:	\$4,940.88
City Tax:	\$2,046.59
Fees:	\$89.40
Residential Exemption:	\$0.00
Homestead Exemption:	\$0.00
Other Exemptions:	\$0.00
Local Option Credit:	\$0.00
Total Taxes:	\$7,076.87
Total Paid:	\$7,076.87

ELECTRONICALLY FILED - 2024 Apr 24 2:52 PM - HORRY - COMMON PLEAS - CASE#2024CP2602537

**ROA 170**

EXHIBIT

“B”

Appeal

November *9th*, 2023

Town of Atlantic Beach Board of Elections Commission

John David

Re: Town of Atlantic Beach
2023 Election for Mayor

Dear Sir/Madame:

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

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

With kind regards, I am

Sincerely,

Josephine Isom
Josephine Isom

Enclosure

4:43 pm

Reginald M. Jones
11-9-2023

FRAUDULENT REGISTERED VOTERS LISTED ON ATLANTIC BEACH VOTERS LIST

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

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

EXHIBIT

“C”

TOWN OF ATLANTIC BEACH TOWN COUNCIL EMERGENCY CALLED MEETING

Friday, November 10, 2023

12:30 p.m.

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



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

APPEARANCES

COUNCIL MEMBERS:

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

ADMINISTRATION:

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

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Executive Session	4
General Session	5
Certificate	11



EMERGENCY MEETING

3

1 Call to Order:

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

8 **CLERK:** Councilman Edward Campbell?

9 **COUNCILMAN CAMPBELL:** Here.

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

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

12 **CLERK:** Councilwoman Jacqueline Gore?

13 **COUNCILWOMAN GORE:** Here.

14 **CLERK:** Mayor Jake Evans?

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

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

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

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

24 **CLERK:** Councilman Edward Campbell?

25 **COUNCILMAN CAMPBELL:** Yea.



EMERGENCY MEETING

4

1 CLERK: Mayor Pro Tem Josephine Isom?

2 MAYOR PRO TEM ISOM: Yea.

3 CLERK: Councilwoman Jacqueline Gore?

4 COUNCILWOMAN GORE: Yea.

5 CLERK: Mayor Jake Evans?

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

7 Executive Session:

8 (Executive Session.)

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

12 COUNCILWOMAN GORE: So moved.

13 MAYOR PRO TEM ISOM: Second.

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

18 CLERK: Councilman Edward Campbell?

19 COUNCILMAN CAMPBELL: Yea.

20 CLERK: Mayor Pro Tem Josephine Isom?

21 MAYOR PRO TEM ISOM: Yea.

22 CLERK: Councilwoman Jacqueline Gore?

23 COUNCILWOMAN GORE: Yea.

24 CLERK: Mayor Jake Evans?

25 MAYOR EVANS: Yea. The motion is granted.



EMERGENCY MEETING

5

General Session:

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



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ROA 179

EMERGENCY MEETING

6

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



EMERGENCY MEETING

7

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



EMERGENCY MEETING

8

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



EMERGENCY MEETING

9

1 COUNCILWOMAN GORE: So moved.

2 MAYOR PRO TEM ISOM: Second.

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

7 CLERK: Councilman Edward Campbell?

8 COUNCILMAN CAMPBELL: Nay.

9 CLERK: Mayor Pro Tem Josephine Isom?

10 MAYOR PRO TEM ISOM: Yea.

11 CLERK: Councilwoman Jacqueline Gore?

12 COUNCILWOMAN GORE: Yea.

13 CLERK: Mayor Jake Evans?

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

16 COUNCILWOMAN GORE: So moved.

17 MAYOR PRO TEM ISOM: Second.

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

20 CLERK: Councilman Edward Campbell?

21 COUNCILMAN CAMPBELL: Yea.

22 CLERK: Mayor Pro Tem Josephine Isom?

23 MAYOR PRO TEM ISOM: Yea.

24 CLERK: Councilwoman Jacqueline Gore?

25 COUNCILWOMAN GORE: Yea.



EMERGENCY MEETING

10

1 **CLERK:** Mayor Jake Evans?

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

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

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

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

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

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

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CERTIFICATE

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

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

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



Carla S. Dominick
Court Reporter

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



EXHIBIT

“D”



COLUMBIA P.O. Drawer 7788• Columbia, SC 29202
1900 Barnwell St., Columbia, SC 29201 P 803.771.4400 F 803.779.0016

MYRTLE BEACH P.O. Box 3646• Myrtle Beach, SC 29578
2103 Farlow St., Myrtle Beach, SC 29577 P 843.448.1008 F 843.448.1533

CHARLESTON P.O. Box 21203•Charleston, SC 29413
235 Magrath Darby Boulevard, Mt. Pleasant, SC 29464 P 843.805.6550 F 843.805-6599

www.RichardsonPlowden.com

REPLY TO: Columbia
jdickey@richardsonplowden.com
Direct Dial: (803) 576-3715

January 5, 2024

VIA ELECTRONIC MAIL

The Honorable Governor Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

Re: Town of Atlantic Beach November 7, 2023 Municipal Election

Dear Governor McMaster:

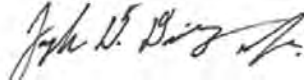
As legal counsel for the Town of Atlantic Beach, I am contacting you to humbly request that your office direct the S.C. Election Commission ("SEC" or "Commission") to take over the administration of the November 7, 2023 Town of Atlantic Beach Municipal Election proceedings. This request is being made with the consent and approval of the Town and both Town Mayoral candidates Josephine Isom and John David by and through their respective attorneys.

Our request arises out of the irregularities that have occurred leading up to the November 7, 2023 Municipal Elections, and continuing to date. These irregularities include, but are not limited to, allegations of voter fraud, alleged illegal and improper conduct by a municipal election official, and various legal actions that are now pending before the Supreme Court of South Carolina.

The Town has tried to address these issues by contacting law enforcement agencies to request investigations and by taking lawful action to cure alleged improper and/or illegal acts by Town officials. All of these issues have impacted the perceived integrity of the election process and the Town only seeks to move forward ethically, legally, and without reasonable doubt. To do so, it is the Town and interested parties' collective opinion that having the SEC intervene to administer the certification of the November 7, 2023 Municipal Election and all subsequent proceedings related to that election will provide assurance and confidence to the Town, the candidates, and the citizens that election integrity will be maintained and that the Town of Atlantic Beach can continue to be committed to fair, honest, and legitimate operations moving forward.

I am happy to meet with your office to discuss this matter in more detail and hope that you can assist the Town by directing the SEC to administer the election proceedings. Please feel free to contact my office with any questions or to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph D. Dickey, Jr.", written in a cursive style.

Joseph D. Dickey, Jr.

cc: Trey Walker, Chief of Staff (via email only)
 Thomas Limehouse, Esq., Chief Legal Counsel (via email only)
 Howard Knapp, Executive Director, S.C. Election Commission (via email only)
 Thomas Nicholson, Esq., General Counsel, S.C. Election Commission (via email only)
 Benjamin Quattlebaum, Town Manager, Town of Atlantic Beach (via email only)
 Kenneth Davis, Esq., Attorney for Candidate Josephine Isom (via email only)
 Ian Duggan, Esq., Attorney for Candidate John David (via email only)

EXHIBIT

“E”



HENRY McMASTER
GOVERNOR

OFFICE OF THE GOVERNOR

THOMAS A. LIMEHOUSE, JR.
CHIEF LEGAL COUNSEL

WM. GRAYSON LAMBERT
CHIEF DEPUTY LEGAL COUNSEL
SENIOR LITIGATION COUNSEL

ERICA W. SHEDD
DEPUTY LEGAL COUNSEL

January 10, 2024

VIA EMAIL ONLY

Joseph D. Dickey, Jr., Esquire
Richardson Plowden & Robinson, P.A.
1900 Barnwell Street
Columbia, South Carolina 29201
jddickey@richardsonplowden.com

RE: *November 7, 2023 Town of Atlantic Beach Municipal Election*

Dear Mr. Dickey:

On behalf of the Office of the Governor ("Office"), thank you for your January 5, 2024 letter, in your capacity as counsel for the Town of Atlantic Beach ("Town"), requesting that Governor McMaster take certain action in connection with the above-referenced matter. Please allow this correspondence to serve as the Office's response to your letter and the Town's request.

Based on a review of your recent letter, the Town is requesting, with the consent of counsel for the two mayoral candidates, that Governor McMaster direct the State Election Commission ("SEC") "to take over the administration of the November 7, 2023 Town of Atlantic Beach Municipal Election proceedings," based on "irregularities that have occurred leading up to the November 7, 2023 Municipal Elections, and continuing to date." According to your letter, "[t]hese irregularities include, but are not limited to, allegations of voter fraud, alleged illegal and improper conduct by a municipal election official, and various legal actions that are now pending before the Supreme Court of South Carolina." Your letter notes that "[a]ll of these issues have impacted the perceived integrity of the election process and the Town only seeks to move forward ethically, legally, and without reasonable doubt." To that stated end, your letter submits that "it is the Town and interested parties' collective opinion that having the SEC intervene to administer the certification of the November 7, 2023 Municipal Election and all subsequent proceedings related to that election will provide assurance and confidence to the Town, the candidates, and the citizens that election integrity will be maintained and that the Town of Atlantic Beach can continue to be

committed to fair, honest, and legitimate operations moving forward.”

As an initial matter, the Town of Atlantic Beach’s complicated history with conducting municipal elections is, unfortunately, well documented. *See, e.g., Cole v. Town of Atl. Beach Election Comm’n*, 393 S.C. 264, 267 & n.1, 712 S.E.2d 440, 442 & n.1 (2011) (“This Court has unfortunately become familiar with the Town of Atlantic Beach’s municipal elections, and the disputes that inevitably accompany them.” (collecting cases)); Exec. Order No. 2012-03 (Mar. 16, 2012) (“These controversies have highlighted problems in the Town’s electoral process . . .”). The Town’s repeated inability to conduct such elections in compliance with South Carolina law is equal parts embarrassing and inexcusable. Notwithstanding the foregoing, for the distinct reasons detailed below, the Governor cannot direct the SEC to “take over the administration” of this election or otherwise intervene in the ongoing election dispute at this time.

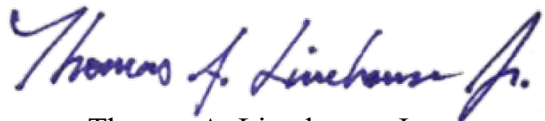
First, neither the South Carolina Constitution nor the South Carolina Code of Laws authorizes the Governor to intervene in (or direct the SEC to assume control of) an uncertified municipal election. Indeed, your recent letter does not suggest otherwise or cite any legal authority to justify the stated request for gubernatorial action. The closest provision is section 7-13-1170 of the South Carolina Code of Laws, but that section grants the Governor the authority to “order an election or a new election to be held” only when: (1) “any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed” or (2) “if for any reason the election is declared void by competent authority.” S.C. Code Ann. § 7-13-1170. Only in those specified circumstances, when such “facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held.” *Id.*; *see also Att’y Gen. Op.*, 2018 WL 5096184, at *5 (S.C.A.G. Oct. 4, 2018) (“With respect to Section 7-13-1170, . . . it must be determined whether there was ‘neglect’ or ‘refusal’ in failing to hold the election . . . or there must have been a declaration ‘for any reason’ that any election was declared ‘void’ by ‘competent authority.’”); *Att’y Gen. Op.*, 1979 WL 43260, at *2 (S.C.A.G. Oct. 16, 1979) (“Therefore, there has been no refusal or failure to hold an election that would authorize the Governor to call an election pursuant to § 7-13-1170.”). Based on the information provided to the Office, neither statutory prerequisite to gubernatorial action applies with respect to the Town’s November 7, 2023 election. The Town held an election, and no competent authority has declared it void. Absent additional information or subsequent developments, for the Governor to direct the SEC to intervene at this stage would violate his constitutional duty to faithfully execute the laws of this State. *See* S.C. Const. art. IV, § 15.

Second, it is the Office’s understanding that one of the mayoral candidates recently filed a petition for original jurisdiction and motion for emergency relief, which asked the South Carolina Supreme Court to address the Town’s November 7, 2023 municipal election. *See David v. Town of Atl. Beach*, No. 2023-001778 (S.C.). Although the South Carolina Supreme Court apparently declined to exercise original jurisdiction and review this matter in the first instance—denying the petition and motion in a brief order earlier today—one or more of the parties may file the same or similar lawsuit in circuit court (if they haven’t already done so) or contest a future decision by the Town’s municipal elections commission. *See* Rule 245(a), SCACR (“The Supreme Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in

the first instance, without material prejudice to the rights of the parties.”). In view of the respect due a coequal branch of government and the constitutionally mandated separation of powers, *see* S.C. Const. art. I, § 8, the Governor will not usurp the Judicial Branch’s authority or interfere with pending or anticipated proceedings involving an election dispute. Just as the Governor does not have the authority to order a new election, the Governor does not have the authority to assume a judicial role and effectively decide (or direct the SEC to assume control of) a contested matter that is the subject of ongoing litigation.

I understand and appreciate your client’s apparent desire to resolve the outstanding issues and lingering uncertainty associated with the Town of Atlantic Beach’s recent municipal election. I trust you will understand, however, that the Office cannot accommodate your request for Governor McMaster to end this embarrassing episode (and litigation related to the same) by resorting to a procedure that is not authorized by state law. The Office will continue to monitor any relevant judicial proceedings. If and when gubernatorial action is necessary and appropriate, Governor McMaster will promptly consider the same. Regardless, going forward, absent the General Assembly addressing this issue on a statewide level, the Town should transfer the authority for conducting municipal elections to the Horry County Board of Voter Registration and Elections pursuant to section 5-5-145 of the South Carolina Code of Laws. The residents of Atlantic Beach should have confidence in the Town’s ability to conduct municipal elections, and unfortunately, the Town has not been able to provide it.

Very truly yours,

A handwritten signature in blue ink that reads "Thomas A. Limehouse Jr." The signature is fluid and cursive, with the first name and last name clearly legible.

Thomas A. Limehouse, Jr.
Chief Legal Counsel

cc: Mr. Howard Knapp, Executive Director
State Election Commission

Thomas Nicholson, Esquire, General Counsel
State Election Commission

Kenneth Davis, Esquire
Counsel for Mayoral Candidate Josephine Isom

Ian Duggan, Esquire
Counsel for Mayoral Candidate John David

EXHIBIT

“F”



Town of Atlantic Beach

717 30th Avenue South
Atlantic Beach, SC 29582
Mailing Address: PO Box 5285
North Myrtle Beach, SC 29597
Phone: 843 663-2284 Fax: 843-663-0601

Town Council

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

Special Called Meeting Town of Atlantic Beach Municipal Election Commission Wednesday, March 20, 2024 10:00 a.m.

The Municipal Election Commission of the Town of Atlantic Beach, South Carolina will meet on Wednesday, March 20, 2024 at 10:00 a.m. The meeting will be held at the Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina.

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

1. Call to Order
2. Establishment of Quorum
3. Confirmation of Compliance with the Freedom of Information Act
4. Appointment of Acting Chair
5. Adoption of Agenda
6. Administration of Oaths
7. Executive Session
 - (a) Receipt of legal advice regarding Agenda for Election Contest filed by Josephine Isom regarding the November 7, 2023, Town of Atlantic Beach Municipal Election – S.C. Code 30-4-70(A)(2)
 - (b) Legal Briefing of Matters Protected by the Attorney-Client Privilege – S.C. Code 30-4-70(A)(2)
8. Matters Requiring a Vote as a Result of Executive Session
9. Confirmation of Certification of November 7, 2023, Town of Atlantic Beach Municipal Election
10. Election Contest filed by Josephine Isom regarding the November 7, 2023, Town of Atlantic Beach Municipal Election

- (a) Confirmation of notice to affected parties
 - (b) Statement and presentation by contestant
 - (c) Statement and presentation by other affected parties
 - (d) Receipt of other testimony and evidence relative to the contest
 - (e) Executive Session/Legal Briefing if needed of Matters Protected by the Attorney-Client Privilege – S.C. Code 30-4-70(A)(2)
 - (f) Matters Requiring a Vote as a Result of Executive Session
 - (g) Public deliberation and decision on issues raised in contest
 - (i) Findings of fact
 - (ii) Decision of the issues
 - (iii) Authorization to issue written order
11. Adjournment

EXHIBIT

“G”

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
843-762-6294
WWW.CLARKBOLEN.COM

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

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EXAMINATION

WITNESSES:

JOSEPHINE ISOM

By Mr. Davis 17
By Mr. Duggan 25

IRENE ARMSTRONG

By Mr. Davis 45
By Mr. Duggan 54

CERTIFICATE OF REPORTER 103

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

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Page 7

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?

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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

Page 8

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

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Page 11

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.

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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 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.

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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

Page 13

Page 15

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

Page 14

Page 16

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 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 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.

25

Page 17

Page 19

1 DIRECT EXAMINATION
 2 BY MR. DAVIS:
 3 Q. Can you state your name and full address
 4 for the record?
 5 A. Josephine --
 6 MR. DAVIS: Do you mind if she's
 7 seated? Please be seated. Probably easier. Sit
 8 and we pass the mic, if you don't mind me
 9 sitting.
 10 CHAIRMAN MCIVER: That's fine, yes,
 11 sir.
 12 Q. Okay. Can you state your name and full
 13 address for the record?
 14 A. Josephine H. Isom. I live at 901 29th
 15 Avenue, Atlantic Beach.
 16 MR. SCOTT: Do you mind repeating
 17 that into the mic.
 18 A. Josephine H. Isom. I reside at 901 29th
 19 Avenue, Atlantic Beach.
 20 Q. And how long have you resided there?
 21 A. Ever since 1962.
 22 Q. And how many times have you -- have you
 23 voted consistently in Atlantic Beach elections
 24 since that time?
 25 A. Yes, I have.

Page 18

1 Q. And did you have an occasion to review
 2 local property tax records and other building
 3 records regarding a number of people who voted in
 4 the November '23 election?
 5 A. Yes, I have.
 6 Q. And this is of your -- this is from your
 7 own review of those records? You got the
 8 information from your own review of those
 9 records?
 10 A. I gathered the information from my own
 11 view of records.
 12 Q. And I think you -- you previously
 13 submitted some documentation through counsel to
 14 the commission, and it was provided to the
 15 attorney for Mr. David?
 16 A. Yes, I think so. I don't know if they
 17 was given to Mr. David. I can't answer that.
 18 Q. Okay. In your protest, you identified a
 19 number of people who -- residents you believe
 20 were not properly determined?
 21 A. Right.
 22 Q. And among those being Carlisle Cooper;
 23 Noble Cooper, Jr.; Noble Cooper, III; and Traci
 24 Cooper?
 25 A. Yes.

1 Q. And what did your review of the records
 2 show?
 3 A. That the house is under construction.
 4 There's no CO on that house, and the records show
 5 that they did live in Columbia.
 6 Q. Okay.
 7 A. And they did not -- they had 4 percent
 8 in Columbia, not in Horry County.
 9 Q. And in Horry County what is it showing?
 10 A. Just property owner at 6 percent --
 11 Q. 6 percent.
 12 A. -- on the property.
 13 Q. That's from your review of the record,
 14 you provided the information for review?
 15 A. Yes.
 16 Q. And you asked that the Cooper records be
 17 accepted as Exhibit 1?
 18 A. Yes.
 19 (Commissioner and Attorney consult.)
 20 CHAIRMAN MCIVER: And just for the
 21 record, we -- we have the packet here. Are you
 22 going by each person individually first, one by
 23 one, and then cross-examined by the respondent?
 24 MR. DAVIS: Whatever the
 25 commission's pleasure.

Page 20

1 CHAIRMAN MCIVER: Okay. And so
 2 just for keeping up, I got your packet here. So,
 3 you're starting off for the 1 through 19 and I
 4 think -- so --
 5 MR. SCOTT: I think the question,
 6 for clarity, that he's seeking is you asked for a
 7 certain portion of the information submitted to
 8 the -- considered an exhibit, and he's just
 9 wanting to clarify on where that can be found in
 10 the packet with specificity.
 11 MR. DAVIS: Okay. Okay. It is
 12 identified --
 13 CHAIRMAN MCIVER: I don't have them
 14 numbered, but I think it's right after a list.
 15 MR. DAVIS: There's a business --
 16 there's a list of voters and immediately after
 17 that the voter registration list.
 18 CHAIRMAN MCIVER: Just so on advice
 19 of counsel, so for the record, you're going to be
 20 talking about all 19, and this -- this pamphlet
 21 that we have here, you're going to submit this
 22 whole thing for -- for -- in the record; is that
 23 correct?
 24 MR. DAVIS: Yes, sir.
 25 CHAIRMAN MCIVER: Okay.

Page 21

Page 23

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

Page 22

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 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.

Page 24

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, Glynes

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

Page 25

Page 27

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.

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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 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

Page 28

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

Page 29

Page 31

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?

Page 30

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?

Page 32

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?

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Page 35

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.

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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

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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

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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

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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 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

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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 --

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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

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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 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.

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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,

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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

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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 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.

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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

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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.

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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 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 Glynes 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

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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.

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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.

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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 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

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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:

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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

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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 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

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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.

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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

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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 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 --

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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	Page 65	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.	Page 67
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	Page 66	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	Page 68

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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.

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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 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

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

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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

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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 tiled 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 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.

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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

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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

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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

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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.

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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

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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 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 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.

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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

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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 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

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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.

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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

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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 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.

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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

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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,

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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 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.

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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.

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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.

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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 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.

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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

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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

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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.)
18 ---
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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.

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EXHIBIT

“H”



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

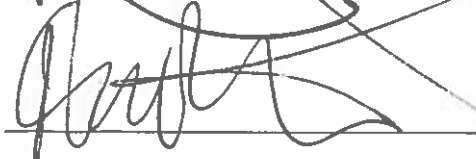
Jerry Finney 62

Shaun Swinson 48

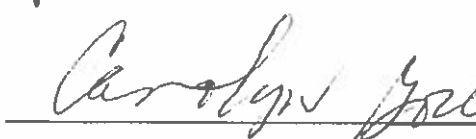
Municipal Election Commissioners



Dated: April 3, 2024



Dated: April 3, 2024



Dated: April 3, 2024

EXHIBIT

“I”

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.

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

EXHIBIT

“J”

From: Dickey, Joseph <JDickey@hsblawfirm.com>

Sent: Monday, April 15, 2024 4:50 PM

To: k3840@sc.rr.com

Cc: 'benjamin.quattlebaum@aol.com' <benjamin.quattlebaum@aol.com>; 'C.D. Rhodes' <cdrhodes@popeflynn.com>; 'rtyson@robinsongray.com' <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

I appreciate your response Mr. McIver. We've provided our opinion regarding the matters to all interested parties and all are free to do as they see fit in light of the same.

Joseph



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](#) | [Blog](#)

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>; 'rtyson@robinsongray.com' <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", "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.

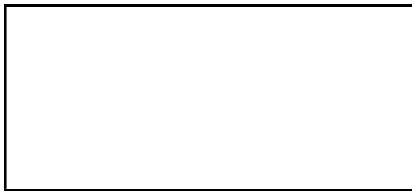
In addition, it has been brought to my attention that the Town is improperly engaging in public meetings and other business via email. Whether seated or not, the Town using email, personal or Town provided, to conduct Town business and make decisions related to the Town is illegal under FOIA (assuming 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



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

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EXHIBIT

“K”

EXHIBIT K

FINAL EXHIBIT INDEX

TO

PETITIONER JOHN W. DAVID'S NOTICE OF MOTION

AND MOTION TO INTERVENE

EXHIBIT	DESCRIPTION
A	Transcript of November 9, 2023, Municipal Election Commission Hearing with All <u>Available</u> Attachments
B	Josephine Isom November 9, 2023, Appeal Letter to MEC
C	Transcript of November 10, 2023, Town Council Meeting
D	January 5, 2024, Letter from Attorney Joseph Dickey to the Honorable Henry McMaster
E	January 10, 2024, Letter from Governor's Office to Attorney Dickey
F	March 20, 2024, Municipal Election Commission Meeting Agenda
G	Transcript of April 3, 2024, Municipal Election Commission Hearing
H	April 3, 2024, Municipal Election Commission Canvass Sheet and Certification of Candidates
I	April 15, 2024, Attorney Dickey Letter to Municipal Election Commission
J	Emails Relating to April 15, 2024, Attorney Dickey Letter
K	Index of Exhibits

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Josephine Isom,

Appellant,

vs.

Town of Atlantic Beach Municipal Election
Commission,

Respondent.

IN THE COURT OF COMMON PLEAS

FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-26-02537

**APPELLANT JOSEPHINE ISOM'S
MEMORANDUM OF LAW IN SUPPORT
OF APPELLANT'S APPEAL**

INTRODUCTION

Appellant Josephine Isom (“Appellant” or “Isom”), by and through her undersigned counsel, hereby submits this Memorandum of Law in support of her appeal filed pursuant to S.C. Code Ann. § 5-15-140, challenging the decision of the Town of Atlantic Beach (“Town”) Municipal Election Commission (“Commission”) to order a new election for the position of Mayor. Rather than order a new election, the Commission should have declared Appellant the winner of the election based upon the exclusion of challenged ballots determined by the Commission to be fraudulent. Appellant requests this Court to determine that Appellant is the winner in the election for the position of Mayor or remand to the Commission for a determination that Appellant is the winner.

FACTS

Appellant was one of two candidates for the position of Mayor in the Town’s general election held on November 7, 2023, along with John David (“David”). (Exhibit A, p.1 ¶1) When votes were counted the night of the election, Isom received sixty-two (62) votes and David

received forty-nine (49) votes. Nineteen (19) votes were not counted and were set aside for a provisional ballots hearing. Id. A provisional ballots hearing was held on November 9, 2023. At the the provisional ballots hearing, held on November 9, 2023, in which eighteen (18) votes were accepted, and one provisional ballot was excluded. Id. As a result of the provisional ballots hearing, David's vote total increased by sixteen (16) votes and Isom's vote total increased by two (2) votes. Thus, vote totals were David sixty-five (65) votes and Isom sixty-four (64) votes.

On November 9, 2023, Isom timely filed a protest of the election results, challenging the inclusion of nineteen (19) ballots. (Exhibit B, 11/9/23.) Fifteen (15) of the challenged ballots protested by Isom were identical to those received at the provisional ballots hearing. After a number of delays not directly related to Isom's protest, the Commission held a hearing on Isom's protest on April 3, 2024. (Exhibit A, p.4 ¶1) At the hearing, Isom withdrew challenges to five (5) of the ballots, resulting in fourteen (14) remaining votes challenged. (Exhibit A, p.5 fn. 3) The Commission determined that each of the fourteen (14) votes were cast fraudulently and declined to include the votes in the final count. No party has appealed that ruling. (Exhibit A, p.9 ¶1). Instead of certifying Isom as the winner with the excluded votes, the Commission instead ordered a new election on the basis that the challenged ballots were commingled and thus not distinguishable from the remaining ballots. Id. Isom appeals the decision to order a new election. (Exhibit C)

LEGAL STANDARD

In election cases, the Court has authority to correct errors of law; however, review does not extend to findings of fact unless those findings are wholly unsupported by the evidence. George v. Municipal Election Comm'n of Charleston, 335 S.C. 182, 516 S.E.2d

206 (1999). The Court will employ every reasonable presumption to sustain a contested election, and will not set aside an election due to mere irregularities or illegalities unless the result is changed or rendered doubtful. Cole v. Town of Atl. Beach Election Comm'n, 393 S.C. 264, 271-272.

ARGUMENT

This Court Should Reverse the Error of the Municipal Election Commission and Declare Isom The Winner Rather Than Order A New Election

Instead of certifying Isom as the winner after the exclusion of fraudulent ballots, the Commission instead ordered a new election on the basis that the votes were commingled, and therefore, not distinguishable. The Commission's order cites the case of Odom v. Town of McBee Municipal Election Commission, 427 S.C. 305, 831 S.E.2d 429 (2019), for the proposition that if fraudulent votes are commingled, then the remedy is to order a new election. However, the Commission's use of Odom is misplaced, as the Odom case actually stands for the proposition that a new election should be ordered only if the results cannot otherwise be determined. Specifically, the Court found

“[S]ection 5-15-130 plainly requires a new election only when the Commission's decision "invalidates the election." The statute required the Commission to "decide the issues raised," and one of the issues raised by Odom's contest was whether the four votes should be counted. When the Commission decided the votes were legally cast, the Commission should have decided the votes should be counted.”

Odom, at 434 (internal quotations omitted). The Odom court distinguished Odom from three other cases¹ “in which there was no way to tell for whom the disputed votes were cast; consequently, the only conceivable conclusion was that the results of the election were in doubt, and the only remedy in those cases was a new election.”

In this case, as in Odom, the results are ascertainable. While Odom itself was a “vote-inclusion” case, the logic of Odom also applies in a “vote-exclusion” case, as the results can be ascertained by reviewing the actual factual record of the case.

Here, the Commission determined that each of the fourteen (14) votes challenged by Isom were cast fraudulently and declined to include the votes in the final count. As stated above, when votes were counted the night of the election, Isom received sixty-two (62) votes and David received forty-nine (49) votes. Following the provisional ballots hearing, the vote totals were David sixty-five (65) votes and Isom sixty-four (64) votes. Consequently, at most, two (2) of the fourteen (14) challenged votes were cast for Isom, meaning at least the other twelve (12) votes were cast for David. Construed in the light most favorable to David, Isom’s vote total would be reduced to sixty-two (62) and David’s vote total would be reduced to fifty-three (53), meaning that Isom should be declared the winner.

Even if the Court accepts the Commission’s determination that the ballots challenged by Isom were not absolutely identical to the provisional ballots, Isom should still be declared the winner because there was overlap in Isom’s protest challenges with fifteen (15) of the nineteen (19) provisional ballot challenges, meaning there were four (4) ballots for which there was not

¹ See Broadhurst v. City of Myrtle Beach Election Comm’n, 342 S.C. 373, 381-82, 537 S.E.2d 543, 547 (2000); Easler v. Blackwell, 195 S.C. 15, 19, 10 S.E.2d 160, 162 (1940); and Gecy v. Bagwell, 372 S.C. 237, 239, 245, 642 S.E.2d 569, 570, 573 (2007)

overlap. Even if each of the four (4) ballots that did not overlap were excluded from Isom's total, Isom would still have fifty-eight (58) votes to David's fifty-three (53).

CONCLUSION

Based upon the facts of this case, Appellant seeks an order of the Court remanding this case to the Municipal Election Commission and ordering it to exclude the fourteen (14) challenged votes from the vote totals of the candidate(s) for whom the votes were cast, construed in the light most favorable to David, with the results of the election to then be declared accordingly with Isom as the winner.

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Kenneth A. Davis

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Tierney F. Goodwyn (SC Bar #102035)

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Attorneys for Respondent Josephine Isom

October 29, 2024
Columbia, South Carolina

Exhibit A

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

STATE OF SOUTH CAROLINA

TOWN OF ATLANTIC BEACH

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

Case No: 2024-CP-26-02537

DECISION

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

2024 MAY 16 P 1:15

FILED
HORRY COUNTY

INTRODUCTION AND PROCEDURAL HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DECISION ON ISOM'S ELECTION PROTEST

Based on the above findings of fact, the testimony presented by Isom and Armstrong, the exhibits admitted into evidence, the arguments of counsel, and other relevant evidence presented at the hearing and discovered after the Election, the MEC finds that the following individuals were not residents of the Town of Atlantic Beach pursuant to S.C. Code Ann. § 5-7-20 and § 7-2-20 and therefore were not qualified to vote in the Election: Carlisle Cooper; Noble Cooper, Jr.; Noble Cooper III; Traci Cooper; Glynes Cheatham; K.G. Divine; Timaj G. Divine; Jamar McLaurin; Julianna Hines; Nadiyah Vaughan; Erika Vaughan; Naim Vaughan; Diane Hill; and Marvirstine Briggs-Fisher. The MEC further finds that the votes cast by the above-listed 14 individuals were fraudulently cast in the Election and therefore declines⁹ to include these votes in the final count for the Mayoral Election for the Town of Atlantic Beach, South Carolina. *See Broadhurst v. City of Myrtle Beach Election Commission*, 342 S.C. 373, 382 (2000) ("In determining whether an irregularity in the conduct of an election is sufficient to render the result doubtful, 'the rule deducible from the decisions is that all illegally cast ballots shall be deducted from the total number counted for the declared winning candidate, and that all rejected (uncounted), legal ballots shall be added to the total number counted for the declared losing candidate.'" (citing *Easter v. Blackwell*, 195 S.C. 15, 19 (1940))

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

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

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

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

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

Kenneth McIver, Commissioner

Derrick Stevens, Commissioner

Carolyn Gore, Commissioner

Attest:

Cheryl Pereira, Town Clerk

(SEAL)

Exhibit B

Appeal

November 9th 2023

Town of Atlantic Beach Board of Elections Commission

John David

Re: Town of Atlantic Beach
2023 Election for Mayor

Dear Sir/Madam:

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

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

With kind regards, I am

Sincerely,

Josephine Isom
Josephine Isom

Enclosure

4:43 PM

Seal
11-9-2023

REHEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2023 NOV 16 10 12 AM

FILED
HORRY COUNTY, SC

Exhibit C

STATE OF SOUTH CAROLINA

COUNTY OF HorryJosephine Isom

Plaintiff(s)

vs.

Town of Atlantic Beach ^{Election}
Defendant(s)Submitted By: Josephine IsomAddress: 901 29th Ave S., Atlantic Beach

Mailing address

P.O. Box 1071

N. Myrtle Beach, SC 29598

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024 CP - 26 - 2537

SC Bar #:

Telephone #: 843 457-5082

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____ Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) ☐ Previous Notice of Intent Case # 20 -NI- _____ ☐ Notice/ File Med Mal (230) ☐ Other (299) _____ Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____ Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) _____ ☐ Sexual Predator (510) ☐ Permanent Restraining Order (680) ☐ Interpleader (690)	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☐ Other (399) _____ Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Incapacitated Adult Settlement (790) ☐ Other (799) _____	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____ Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☒ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999)

Submitting Party Signature:

Josephine Isom

Date:

April 12, 2024

STATE OF SOUTH CAROLINA

COUNTY OF HorryJosephine Isom
APPELLANT(S)VS.
Town of Atlantic Beach
Election Commissioners.
RESPONDENT(S)2024 CP 2602537
COMMON PLEAS CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

The plaintiff/defendant (circle one), Josephine Isom 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 AM 11:35
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Dated:

April 12, 2024

Josephine Isom
Appellant (or his attorney)

April 11, 2024

Josephine Isom
901 29th Ave
Atlantic Beach, SC 29582

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

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

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.

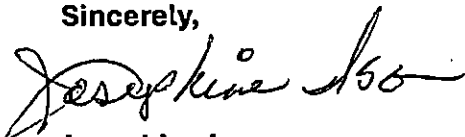
The Chairman, Mr. McIver stated that there were 13 votes considered **FRAUDULENT ballots**. These were thrown out of the election. This would affect the number of votes in the Mayor and Council race; therefore, I am requesting a recount of all the ballots.

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

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-26-02537

Josephine Isom,	)	
	)	
Appellant,	)	
	)	
v.	)	INTERVENOR JOHN DAVID'S
	)	MOTION IN OPPOSITION TO
Town of Atlantic Beach Municipal	)	APPELLANT JOSEPHINE
Election Commission,	)	ISOM'S APPEAL
	)	
Respondent.	)	

Intervenor¹ John David respectfully submits this Memorandum in Opposition to Appellant Josephine Isom's appeal of the April 3, 2024, decision of the Town of Atlantic Beach Municipal Election Commission ("MEC") regarding the November 7, 2023, mayoral election ("Mayoral Election").

To be sure, John David disagrees with the conduct of the MEC in handling this election. Even still, this Court should reject Isom's appeal and uphold the decision of the MEC to invalidate the Mayoral Election and call for a new election because i.) there were adequate grounds in the MEC's record to support the MEC's factual findings; ii.) the MEC correctly applied S.C. Code Ann. § 5-15-130 and other law in making its decision; iii.) there was no evidentiary support presented to the MEC for Isom's foundational factual contention; and iv.) there are no other grounds supporting Isom's position that this Court should unilaterally declare her the winner of the Mayoral Election.

¹ On April 12, 2024, Appellant filed her appeal. On April 24, 2024, John David filed his Motion to Intervene. While understanding his intervention motion remains pending, John David files this brief today so as not to unduly delay or prejudice the adjudication of this case and is thus referred to herein as "Intervenor."

FACTUAL & PROCEDURAL BACKGROUND

To place Isom's appeal in its proper context, it is appropriate to first provide the Court with a brief factual recitation. The most recent Town of Atlantic Beach Mayoral Election occurred on November 7, 2023. At the polls, several voters' ballots were challenged based on the voter's residency. This was perhaps unsurprising given that "[n]early every Atlantic Beach municipal election held in recent history has found its way [to the Supreme Court]." *Cole v. Town of Atl. Beach Election Comm'n*, 393 S.C. 264, 275, 712 S.E.2d 440, 446 (2011); *see also Isom v. Town of Atl. Beach Mun. Election Comm'n*, No. 2024-MO-004, 2024 WL 181168 (S.C. Jan. 17, 2024) (rejecting protest challenge by Appellant Josephine Isom's son to the residency qualifications of Intervenor John David).

In any event, S.C. Code Ann. § 7-13-830 provides the MEC with the authority to resolve such challenges to "provisional ballots" cast in an election. On November 9, 2023, the MEC held a hearing to resolve these challenges and received testimony and other evidence as required under S.C. Code Ann. § 7-13-830. ("At the [provisional ballot hearing] the [MEC] must hear all objections to these votes [i.e., provisional ballots], and when no person appears or offers evidence before the meeting to sustain an objection made at the polls, the ballot is no longer a provisional ballot. When the challenger appears or produces witnesses or evidence in support of the challenge, the authority in charge must proceed to hear and determine the question. Its decision is final.").

At the beginning of the November 9, 2023, provisional ballot challenge hearing, the-then Chairman of the MEC, Joe Montgomery, opened the proceedings by stating:

You may have seen an article in the Sun News this morning be [*sic*] declaring certain winners. Well, nothing is official. Nothing. And I say that through tonight. Nothing is official until today. After we certify the election today, that will be official. . . .

Exhibit 5(f) to the Town of Atlantic Beach's Record of Proceedings ("ROP") at 3:11-16.²

At the conclusion of the November 9, 2023, hearing, the challenge to each provisional ballot "was decided in favor of the voter[s]" and the provisional ballots were "mingled, and counted and the totals added to the previously counted regular ballot total" as § 7-13-830 requires. See *id.* at 110:3-5. In other words, all the the votes cast in the Mayoral Election (including the previously challenged, now intermingled provisional ballots) were counted and the MEC determined that John David received 65 votes and Josephine Isom received 64. *Id.* at 112:18. As the record reflects, this was the only count of the votes ever conducted by the MEC. The MEC recessed and scheduled a hearing for the next day, November 10, 2023, to re-count the votes as S.C. Code Ann. § 7-17-280 requires, and certify the election. *Id.* at 118.³

Later on the afternoon of November 9, 2023, Josephine Isom filed a written notice challenging the results of the Mayoral Election. See ROP, Exh. 1; see also S.C. Code Ann. § 5-15-130 ("Within forty-eight hours after the closing of the polls, any candidate may contest the result of the election as reported . . . by filing a written notice of such contest . . ."). Therefore, state law required the MEC to "[w]ithin forty-eight hours after the filing of" Isom's protest, "conduct a hearing on the contest, decide the issues raised, file its report together with all recorded and testimony and exhibits . . . notify the parties concerned of the decisions made, and when the decision invalidates the election the [Town] [C]ouncil shall order a new election as the parties concerned." S.C. Code Ann. § 5-15-130.

But rather than conduct a hearing on Isom's appeal within the forty-eight hours contemplated by § 5-15-130, the Town of Atlantic Beach needlessly delayed proceedings relating

² Filed on May 16, 2024, apparently by Appellant Josephine Isom.

³ S.C. Code Ann. § 7-17-280 requires a mandatory recount of votes when, like here, the results are less than 1% apart.

to the November 7, 2023, election, and as a result no recount or certification of the election results has yet occurred. As further detailed in John David's April 24, 2024, motion to intervene, the Town Council of Atlantic Beach first "dissolved" the MEC. After Town Council acknowledged it was without power to do so, several weeks later it dismissed the Chair of the MEC, Joe Montgomery, without cause or due process, in favor of a replacement putative "commissioner," Derrick Stevens, who was appointed without the required quorum of Town Council.

These unlawful acts resulted in unnecessary delays and were but the latest attempt by some in the Town of Atlantic Beach "to interfere with the full and fair expression of the voters' choice." *Cole*, 393 S.C. at 275, 712 S.E.2d at 446.

Even still, once reconstituted with a different membership, the MEC finally held another hearing on April 3, 2024, to resolve Isom's protest of the election's results that she filed late on November 9, 2023. In this April 3, 2024, hearing, the MEC reached a decision, later memorialized in a written ruling on or about May 2, 2024, (ROP, Exh. 6, i.e. the "MEC Decision"), ruling that several ballots for the November 7, 2023, Mayoral Election were cast by those "not residents in the Town of Atlantic Beach and therefore not qualified to vote in the Election." *See id.* at 9-10.

Accordingly, the MEC "decline[d] to include those votes in the final count for the Mayoral Election" Even so, because "[t]he ballots cast . . . were inextricably commingled with the other remaining and validly cast ballots in the Election" and "[b]ecause the challenged [and later rejected] provisional ballots d[id] not entirely overlap with the voters challenged by Isom" the MEC concluded "that the prior stated results of the Election are, in the least, significantly doubtful, and are likely to be completely inaccurate." *Id.*

As such, the MEC "declare[d] the [Mayoral] Election invalid and request[ed] that Town Council order a special election, specific to Mayoral Candidates Josephine Isom and John David, as soon as such a special election can be scheduled in accordance with state law." *Id.*

On April 12, 2024, Josephine Isom filed her appeal and asked that she “be declared the winner of the Election for the Town of Atlantic Beach.” ROP, Exh. 1.

STANDARD OF REVIEW

S.C. Code Ann. §5-15-140 provides that “[w]ithin ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas.” “The circuit court, in this situation, is by statute an appellate court.” *Butler v. Town of Edgefield*, 328 S.C. 238, 248, 493 S.E.2d 838, 843 (1997).

In considering an appeal from an election commission, “[t]he circuit court, sitting in an appellate capacity, does not conduct a *de novo* hearing or take testimony. The circuit court must examine the decisions for errors of law, but it must accept the factual findings of the commission unless they are wholly unsupported by the evidence.” *Taylor v. Town of Atl. Beach Election Comm’n*, 363 S.C. 8, 14, 609 S.E.2d 500, 503 (2005). “If there is any evidence that supports the commission’s finding, [a reviewing court] must uphold the finding.” *Odom v. McBee Mun. Election Comm’n*, 440 S.C. 367, 372, 891 S.E.2d 663, 665 (2023) (“*Odom II*”) (citing *Odom v. Town of McBee Election Comm’n*, 427 S.C. 305, 307, 831 S.E.2d 429, 430 (2019) (“*Odom I*”).

ANALYSIS

Isom’s appeal should be denied. The MEC’s May 2, 2024, Decision “invalidate[d] the election.” While John David disagrees with many of the factual and legal conclusions set forth by the MEC in its May 2, 2024, Decision, they are not “wholly unsupported by the evidence.” *Taylor*, 363 S.C. at 14, 609 S.E.2d at 503. Far from it, the MEC’s decision to “invalidate the election” is supported by a lengthy factual record, and its detailed analysis and explanation for its ruling is outlined in a 10-page Decision.

Nor can it be said the MEC erred in applying the law in reaching its ruling to invalidate the election and call for a new election for the mayoral seat. Late on November 9, 2023, Isom protested

the results of the election under S.C. Code Ann. § 5-15-130. Isom's protest asserted that several ballots were not cast by "resident[s] of the Town of Atlantic Beach." ROP, Exh. 1.

In its Decision, the MEC largely agreed with the allegations set forth in Isom's appeal in rejecting votes cast by those the MEC ultimately concluded were not residents of Atlantic Beach. However, the MEC also correctly noted that "the challenged provisional ballots" rejected by the MEC were "inextricably commingled with the other remaining and validly cast ballots in the [Mayoral] Election." MEC Decision at 9.

This is because "[a]fter reviewing the evidence," in its earlier provisional ballot hearing on November 9, 2023, "the MEC denied each challenge to the provisional ballots" and "commingled the challenged provisional ballots with the remaining ballots to determine the final Election Count." *Id.* Moreover, as further support for its decision, the MEC noted that the votes it rejected "d[id] not entirely overlap with the voters challenged by Isom." *Id.* Accordingly, the MEC Decision correctly observed that it was impossible to distinguish rejected ballots from the "intermingled" and still valid remaining ballots. *Id.* at 9-10.

Still, even though the valid votes could not be segregated from the "invalid" votes, in calling for a new decision, the MEC correctly applied the Supreme Court's holding in *Broadhurst v. City of Myrtle Beach Election Comm'n*, that "[i]n determining whether an irregularity in the conduct of an election is sufficient to render the result doubtful, the rule deducible from the decisions is that all illegally cast ballots shall be deducted from the total number counted for the declared winning candidate . . ." Decision at 9 (citing *Broadhurst v. City of Myrtle Beach Election Comm'n*, 342 S.C. 373, 382, 537 S.E.2d 543, 547 (2000)).

In *Broadhurst*, the Supreme Court ordered a new election where due to an electronic vote machine malfunction "[t]here was no way to tell for which candidate(s)" 231 votes had been cast. *Odom I*, 427 S.C. at 314, 831 S.E.2d at 433 (citing *Broadhurst*, 342 S.C. at 378, 537 S.E.2d at

545). The Supreme Court of South Carolina has upheld the invalidation of a questionable election and calling for a new election in at least two other cases.

In *Gecy v. Bagwell*, [the Supreme Court] invalidated a Simpsonville City Council election in which two candidates sought one open seat. 372 S.C. 237, 239, 245, 642 S.E.2d 569, 570, 573 (2007). A total of 858 votes were cast. *Id.* at 239, 642 S.E.2d at 570. Of that sum, two votes were illegally cast. *Id.* at 240, 642 S.E.2d at 570. The original winner received 430 votes, the original second-place finisher received 427 votes, and one vote was cast for a write-in candidate. *Id.* at 239, 642 S.E.2d at 570. The winner was required to receive a majority of the votes cast to be elected. *Id.* at 240, 642 S.E.2d at 570. With the two illegal votes being set aside, a total of 856 legal votes were cast, thereby requiring the winner to have received at least 429 votes. **Because the two illegal votes had not been identified and separated from the legal votes, there was no way to tell for which candidate(s) the two illegal votes had been cast; it was therefore possible the winner received only 428 votes out of the 856 legal votes cast, which was exactly 50% and not a majority.** *See id.* Because this would have resulted in the top finisher not receiving the required majority of the votes cast, we held the outcome of the election was in doubt, invalidated the election, and ordered a new election. *Id.* at 242-43, 642 S.E.2d at 571-72.

Odom I, 427 S.C. at 312–13, 831 S.E.2d at 433 (emphasis added).⁴

Similarly, in *Easler v. Blackwell* after “consider[ing] the closeness of the vote tally . . . [and] because **there was no way to determine for whom the illegal votes had been cast**” the Supreme Court concluded “the election must be invalidated and a new election held.” *Odom I*, 427 S.C. at 313, 831 S.E.2d at 433 (citing *Easler v. Blackwell*, 195 S.C. 15, 19-23, 10 S.E.2d 160, 162-64 (1940) (emphasis added)).

As solitary legal support for her position, Appellant Isom relies on the Supreme Court’s ruling in *Odom I*. In *Odom I*, the Supreme Court overturned an election commission’s decision to invalidate an election and order a new election. In *Odom I* “[four] people attempting to vote were

⁴ In *Gecy*, like here, the candidate’s protest was filed “[a]fter a hearing to determine the validity of provisional ballots,” but by the time of the protest in *Gecy* “a mandatory recount pursuant to S.C. Code Ann. § 7-17-280” had already taken place. *Gecy*, 372 S.C. at 239, 642 S.E.2d at 570.

challenged as nonresidents of” the Town of McBee, South Carolina. *Odom I*, 427 S.C. at 308, 831 S.E.2d at 430. “During a called meeting after the election, the [McBee Election] Commission decided to not count these votes.” *Id.* at 308, 831 S.E.2d 429, 431.⁵ The McBee Election Commission determined Odom lost by three votes. Odom timely protested asserting that “the four votes should be counted.” *Id.* at 309, 831 S.E.2d at 431.

Following a hearing on Odom’s protest, the McBee Election Commission found that the “four voters were eligible to vote in the election.” And that, “[b]ecause adding the four votes to the total for [Odom] would have changed the election” the McBee Election Commission “invalidate[d]” the election and called for a new election under S.C. Code § 5-15-130. *Odom I*, 427 S.C. at 309, 831 S.E.2d at 431.

But, meanwhile, the four challenged votes remained sealed, not counted, and in the possession of the McBee Election Commission. *Odom I*, 427 S.C. at 308, 831 S.E.2d at 431. On appeal, “the sole issue” before the Supreme Court was “whether the four votes should now be unsealed and counted or whether the election should be invalidated and a new election held.” *Odom I*, 427 S.C. at 310, 831 S.E.2d at 432.

In *Odom I*, the Supreme Court observed that “the plain language of [S.C. Code Ann. §] 5-15-130 required the Commission to convene a hearing and ‘decide the issues raised’ in the contest.” The Supreme Court continued,

The “issues raised” in Odom’s contest were (1) whether the four voters who cast the challenged votes were truly eligible to vote and, (2) if they were, whether their votes should be counted. However, the Commission decided only the first of those two issues when it determined the four voters were eligible to vote; instead of then deciding whether it was feasible to count the four votes—which were sealed, set aside, and available for counting—the Commission skipped that inquiry . . .

⁵ The Court noted that “the reasoning behind this decision [not to count these four votes] is not in the record but is irrelevant to the issues before us.” *Id.*

Odom I, 427 S.C. at 311, 831 S.E.2d at 432.

In overturning the McBee Election Commission's decision to invalidate the results and call for a new election, the Supreme Court relied on the fact that the "four [previously challenged] votes were placed in envelopes, the envelopes were sealed, and the envelopes were set aside and delivered to the [McBee Election] Commission [and remained] available for counting." *Odom I*, 427 S.C. at 314, 831 S.E.2d at 434.

In distinguishing its holding in *Odom I* from its prior rulings in *Easler*, *Gecy*, and *Broadhurst*, the Supreme Court observed that "all three of those cases involved elections in which **there was no way to tell for whom the disputed votes were cast; consequently**, the only conceivable conclusion was that the results of the election were in doubt, and **the only remedy in those cases was a new election.**" *Id.* (emphasis added).

Here, like in *Easler*, *Gecy*, and *Broadhurst*, the MEC concluded, as the facts plainly reflect, that there was no way to segregate the disputed votes from the remaining, still valid votes. And, further distinguishing *Odom I*, here, the MEC did not "skip" the question of whether it was "feasible to count" the remaining, valid votes in reaching its ultimate conclusions. Instead, the MEC squarely addressed this issue in its 10-page Decision and found that the "fraudulently cast" votes were "inextricably commingled with the other remaining and validly cast ballots" and "[b]ecause the challenged provisional ballots d[id] not entirely overlap with the voters challenged by Isom" the election was declared invalidated. MEC Decision at 9. There was ample evidence in the record to support this conclusion. That the MEC exercised its "only remedy," *Odom I*, 427 S.C. at 314, 831 S.E.2d at 434, in the face of these well documented facts is a decision that this Court should not disturb.

Cole v. Town of Atl. Beach Election Comm'n, 393 S.C. 264, 712 S.E.2d 440 (2011) provides one additional instance of the Supreme Court overturning an election commission's decision to

invalidate the results of an election. But, the Supreme Court’s ruling in *Cole* does not aid Isom here. In *Cole*, the Supreme Court’s decision to overrule the MEC’s invalidation on an election was based on extensive delay and “astonishing” misconduct by those within Town leadership “who worked diligently to obstruct the . . . election process.” *Id.* at 275, 712 S.E.2d at 446. There, because of such misconduct and appurtenant delay, the Supreme Court “vacate[d] the MEC’s decision to de-certify and order a new election, and conclude[d] **that the original certification of the election . . . should be restored.**” 393 S.C. at 275, 712 S.E.2d at 446. (emphasis added).⁶

But, unlike in *Cole*, here there has been no “certification of the election.” *Id.*⁷ Instead, to putatively discern the results of the Mayoral Election, Isom’s brief purports to rely solely on “votes . . . counted on the night of the election,” Isom Brief at 4, which perhaps is a reference to “news media report[ing]” from the day of the Election predicting her to win “with 56% of the votes.” Isom Appeal at 3.

But South Carolina law provides that it is the “Municipal Election Commission” that “shall . . . supervise and conduct all municipal, special and general elections” and the MEC and the MEC alone is granted the authority to “declare the results” of an election. S.C. Code Ann. § 5-15-100— as MEC Chairman Montgomery correctly remarked on November 9, 2023, under South Carolina law “[n]othing is official” until the MEC says it is. ROP, Exh. 5(f) at 3:11-16.

⁶*Cole* has other similarities that bear noting. That case, like here, was spurred on a protest by Josephine Isom asserting that “voting irregularities merited overturning the election.” 393 S.C. at 264, 712 S.E.2d at 443. And there, like here, significant delays contributed to Isom and others remaining in their incumbent seats on Town Council during a time-consuming appellate process. *See id.* at 273, 712 S.E.2d at 445. At the conclusion of *Cole*, the Supreme Court threatened “sanctions if the election laws of this State continue to be blatantly disregarded” in Atlantic Beach, *Id.* at 275, 712 S.E.2d at 446, but apparently this admonition has fallen largely on deaf ears.

⁷ Indeed, as noted above, the only arguably “official” tabulation of the votes by the MEC here determined that John David secured 65 votes, to Isom’s 64. *See* ROP, Exhibit 5(f) at 112:18.

But, even assuming *ex arguendo* that Isom’s purported “unofficial” evidence could legally constitute a “certification of the election” (which in, truth, it cannot) Isom does not (because she cannot) cite to any evidence in the MEC’s lengthy record supporting her errant position. Accordingly, her argument is “wholly unsupported by the evidence,” *Taylor*, 363 S.C. at 14, 609 S.E.2d at 503, and her appeal should be denied.

Isom’s failure to provide the MEC with such evidence—after she had nearly six months to prepare from the date of her initial protest (November 9, 2023) until the MEC hearing on her protest on April 3, 2024—is telling. Like in almost any appeal, an “appellant bears the burden of convincing an appellate court,” like this Circuit Court, here “with an adequate record for review.” *Jackson v. Jackson*, 432 S.C. 415, 426, 853 S.E.2d 344, 350 (Ct. App. 2020). And, this Court “may not consider issues which were not raised to the [MEC].” *Armstrong v. Atl. Beach Mun. Election Comm’n*, 380 S.C. 47, 49, 668 S.E.2d 400, 401 (2008) (citing *Taylor*, 363 S.C. 8, 609 S.E.2d 500 (2005)). Moreover, in resolving disputed elections in the Town of Atlantic Beach in the past, the South Carolina Supreme Court has already specifically ruled that when a Circuit Court sits in an appellate capacity, its consideration of “media reports . . . not presented to the [MEC] in the election protest” is “improper[].” *Id.*

In sum, because Isom does not (because she cannot) cite to *any* evidentiary support for her fundamental factual contention (and this Court may not consider materials not presented to the MEC below), on these grounds, Isom’s appeal should be denied.

Outside of S.C. Code Ann. § 5-15-130, there are no other legal grounds to support Isom’s appeal here. “In South Carolina, the right to contest an election exists only under our constitutional and statutory provisions, and ‘the procedure proscribed by statute must be strictly followed.’” *Odom I*, 427 S.C. at 307-308, 831 S.E.2d at 430 (quoting *Taylor v. Roche*, 271 S.C. 505, 509, 248 S.E.2d 580, 582 (1978)); *see also* S.C. Const. art. II, § 10 (“The General Assembly shall . . .

establish procedures for contested elections, and enact other provisions necessary to the fulfillment and integrity of the election process.”). Statutes which are in derogation of the common law must be strictly construed. *See Doe v. Brown*, 331 S.C. 491, 496, 489 S.E.2d 917, 920 (1997); *see also Armstrong*, 380 S.C. at 49, 668 S.E.2d at 401 (in hearing a municipal election appeal, a circuit court is constrained by S.C.Code Ann. § 5–15–130 and “does not have the authority to order any further relief.”).

In closing, South Carolina provides that the Mayor of the Town of Atlantic Beach “shall be elected.” S.C. Code Ann. § 5-9-20, and the South Carolina Constitution “provides for a representative form of democracy.” *Joytime Distributors & Amusement Co. v. State*, 338 S.C. 634, 642, 528 S.E.2d 647, 651 (1999). For too long already, the will of the voters in the November 7, 2023, Mayoral Election has been denied.

Responsibility for this unfortunate situation is borne by many, but the MEC’s decision to render a ruling invalidating the November 7, 2023, and ordering a new election is supported by the law and facts. Accordingly, Isom’s appeal should be denied.

CONCLUSION

For these reasons, this Court should deny Josephine Isom's appeal and affirm the MEC's decision to invalidate the election and call for a new election and grant such other and further relief as is just and proper.

Respectfully submitted,

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ATTORNEYS FOR INTERVENOR

JOHN DAVID

October 29, 2024

Columbia, South Carolina

1 STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
2 COUNTY OF HORRY * TRANSCRIPT OF RECORD

3 -----X
JOSEPHINE ISOM, *

4 Plaintiff, *

5 vs. *

* Case No. 2024-CP-26-02537

6 TOWN OF ATLANTIC BEACH *
7 MUNICIPAL ELECTION COMMITTEE, *

8 Defendant. *

9 -----X

October 30, 2024

10
11 B E F O R E:

12 The Honorable William Seals, Presiding Judge

13 A P P E A R A N C E S:

14 Kenneth Davis, Esq.

Attorney for the Plaintiff

15 Ian Duggan, Esq.

16 Attorney for Defendant Mr. David

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22
23 Recorded by: Webex

24 Transcribed by: Bobbi Fisher, RPR
25 SC Official Court Reporter III

I N D E X

DESCRIPTION	PAGE
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E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)[Transcription]	Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

THE COURT: All right. Good afternoon, everybody.

MR. DUGGAN: Good afternoon, Your Honor. This is Ian Duggan on behalf of Mr. David.

I just wanted to note at the onset, I understand we have several folks in the waiting room who are interested in observing the proceedings.

THE COURT: Okay. If you can help me out with who they are, we'll let them in.

MR. DUGGAN: I am -- let me see. I just clicked on the participants. Sir, I believe all of them are the names I recognize.

THE COURT: Okay. So pretty much everybody else, is what you're saying?

MR. DUGGAN: Yes, Your Honor.

THE COURT: All right. If you'll check on the names and tell me if I'm missing somebody.

MR. DUGGAN: The pro se parties, Your Honor, I don't recognize. This just populated a new list. I'm sorry; I was perhaps looking at the wrong --

THE CLERK: Sir, those are the pro se people that are here in the courtroom.

THE COURT: All right. Anybody else we're missing, Mr. Duggan?

MR. DUGGAN: Your Honor, none that I see that we're

1 missing.

2 THE CLERK: -- different cases.

3 MS. BERNARD: Can you guys see me?

4 THE COURT: Who's talking?

5 MR. DAVID: Mr. Rob Tyson, Nicole Ziege, Lamar Campbell,
6 Rob Tyson, and Molly Fare. They're all Atlantic Beach. Carla
7 Taylor. Linda Tetum. Jessica Strongfellow. And Kenneth.
8 And Emily Mesaw is a reporter. And McKayla Evans.

9 THE COURT: Okay. Does it look like we have everybody
10 in?

11 MR. RIGLER: Your Honor, this is Todd Rigler. I don't
12 think I'm in on this one. I think I'm farther down the
13 motions roster.

14 THE COURT: All right. We'll be glad to have you in on
15 this one if you'd like.

16 MR. RIGLER: I will respectfully decline.

17 THE COURT: All right.

18 MR. DUGGAN: (Indiscernible), Todd.

19 MS. BERNARD: Can you guys see me?

20 THE COURT: Yes. All right. If everybody will turn on
21 your cameras.

22 MS. BERNARD: I'm a little confused.

23 MR. DUGGAN: Ms. Bernard, I don't know that you're here
24 on the Atlantic Beach matter. I'm sorry.

25 MS. BERNARD: No, I'm not.

1 THE COURT: All right. We're going to move you back to
2 the waiting room.

3 MR. DUGGAN: Thank you very much for your indulgence,
4 Your Honor. Let me know if you have -- cruise the names -- if
5 we have everybody. If we don't, we'll let them in.

6 MR. DUGGAN: Thank you, Your Honor.

7 MR. DAVID: They still don't have Lamar Campbell, Nicole
8 Ziege, Carla Taylor, McKayla Evans, Molly --

9 MS. TAYLOR: Carla Taylor is on.

10 THE COURT: I think we have everybody.

11 All right. We're ready to proceed whenever you are.

12 MR. DUGGAN: Your Honor, we have two motions pending.

13 One is Mr. David's motion to intervene. I have not seen any
14 opposition to that motion. We have already filed a
15 substantive brief on the appeal, but I'd be glad to speak
16 briefly, I guess, as an initial matter on that.

17 THE COURT: And that's Mr. Davis's motion; is that
18 correct?

19 MR. DUGGAN: No, Your Honor. The motion to intervene,
20 Mr. David's motion to intervene.

21 THE COURT: Okay. I'll be glad to hear from you.

22 MR. DUGGAN: Your Honor, I would just start, I guess, and
23 ask Mr. Davis if there's any opposition. I don't -- I spoke
24 with him earlier today. I didn't ask the direct question, but
25 I understand he would likely consent.

1 MR. DAVIS: Right. We have opposition to the extent that
2 Mr. Duggan plans to go to anything beyond the grounds for
3 appeal from Ms. Isom. So, I think it's a very narrow appeal,
4 which is as to the remedy from the Election Commission. The
5 remedy from the Election Commission was to order a new
6 election, and Ms. Isom believes that the number suggests that
7 she should be declared the winner. Anything -- to the extent
8 that Mr. David, through Mr. Duggan -- Mr. Duggan, intends to
9 go into matters beyond the remedy, any factual findings which
10 have not been appealed -- you know, to the extent he exceeds
11 the scope of Ms. Isom's appeal and tries to do a back-door
12 appeal by Mr. David, then we oppose it; but, otherwise, we
13 have no issue with it.

14 THE COURT: Okay. So, it sounds like you consent to the
15 motion to intervene.

16 MR. DAVIS: Yes, sir.

17 THE COURT: All right. Well, let's go ahead and hear the
18 appeal.

19 MR. DAVIS: May it please the Court?

20 THE COURT: Yes, sir.

21 MR. DAVIS: I'm Kenneth Davis in the law firm of Boykin
22 and Davis in Columbia, and we're joined by our client,
23 Ms. Josephine Isom, who is present and on the video.

24 And Ms. Isom, along with Mr. John David, were both
25 candidates for the position of mayor in the November 7, 2023,

1 Town of Atlantic Beach election. When votes were counted the
2 night of the election, Ms. Isom had 62 votes, Mr. David had 49
3 votes. There were 19 votes that were not counted, and they
4 were set aside for a provisional ballots hearing.

5 A provisional ballots hearing was held on November 9th,
6 and one vote was excluded and 18 votes were accepted. When
7 the provisional ballots were counted, the results changed such
8 that Mr. David got 16 of the provisional ballots, Ms. Isom got
9 two, and the results went from 62/49 in favor of Isom, they
10 went to 65/64 in favor of Mr. David.

11 Ms. Isom then filed a timely protest of the election
12 results, and I don't think that's a matter that's in doubt
13 here, and then she identified 19 ballots. For various other
14 reasons, there were some matters that were attended to by the
15 Election Commission, and the hearing on her protest, over the
16 objections of Ms. Isom, were not scheduled until April of
17 2024. At that hearing, the Commission heard evidence
18 regarding the residents of the ballots challenged by Ms. Isom.
19 And Ms. Isom -- and as a result of that protest, 14 ballots
20 were excluded from the election.

21 Rather than declare Ms. Isom the winner, the Commission
22 ordered a new election. I mean, what's clear is no party has
23 appealed the exclusion of those 14 ballots, and no party has
24 appealed the timeliness of Ms. Isom's protest, and I think the
25 record is pretty clear that Ms. Isom's protest was timely.

1 And, again, Ms. Isom accepted the factual findings of the
2 Commission, but she appealed because she took issue because,
3 based upon her understanding of the factual records, she
4 should have been declared the winner.

5 The Odom case, which I think we both -- Odom vs. Town of
6 McBee Municipal Election Commission, I think, cited by both
7 Ms. Isom and then Mr. Duggan and Mr. David, says we would
8 stand for the proposition that if the winner can be determined
9 based upon the facts, then the prerogative of the Commission
10 is to declare the winner; i.e., as the Court said,
11 specifically Section 5-50-130, "plainly requires a new
12 election only when the Commission's decision invalidates the
13 election. The statute required that the Commission to decide
14 the issues raised, and one of the issues raised by Odom's
15 contest was whether four votes should be counted. When the
16 Commission decided the votes were legally cast, the Commission
17 should have decided the votes should be counted."

18 The Odom case on its face was a vote inclusion case;
19 however, this case is a vote exclusion case where the
20 Commission clearly excluded votes on the record. And if we go
21 back to that record, in paragraph 3 of the findings of fact
22 from the Commission, the Commission clearly said that, on the
23 night of the election, the results were 62/49 in favor of
24 Ms. Isom, with 19 votes in the provisional ballot box. Okay?

25 And so -- but then after the provisional ballots were

1 then included, Ms. Isom only picked up two more votes and
2 Mr. David picked up 16 more votes. Okay. So, we go then to
3 the protest hearing where the Commission decided that 14 votes
4 were invalid based upon registration residency issues.

5 So, we know from the record that Ms. Isom only picked up
6 two votes from that provisional ballot tally. She had 62 on
7 the night of the election and then 64 from the provisional
8 ballots, so we know she picked up two at most. There were
9 only two candidates. So, that means, logically, Mr. David
10 picked up the other 12. And so, if we back out those 14 votes
11 from 65/64, we get Ms. Isom with 62 -- by taking away the two
12 votes that she got from the provisional ballot back, when we
13 exclude the 12 ballots from Mr. -- that Mr. David picked up,
14 he now had 53 votes.

15 So, we have a tally of 62/53, so we have an ascertainable
16 winner. And in those circumstances, we believe the Odom case
17 stands for the proposition that the Commission [indiscernible]
18 this Court should declare Ms. Isom the winner because you can
19 factually determine the winner from the record. It's not so
20 in all cases. There are some cases where the balance is so
21 commingled that you don't -- you're not able to do it. But
22 this is that rare case where you can actually determine the
23 winner from the factual record.

24 And, on that basis, we ask that the Court apply the Odom
25 case, which was a vote inclusion case, and also apply it in a

1 vote exclusion case, which is this case. Exclude the 12 that
2 Mr. David clearly got from the provisional ballots, exclude
3 the two that Ms. Isom got from the provisional ballots. And
4 instead of 65/64, we go to 62 Isom/53 David. With an
5 ascertainable winner, we believe that Ms. Isom should be
6 declared the winner.

7 And so, under the Odom case, we believe that the Court
8 should determine Ms. Isom the winner or, in the alternative,
9 remand the case for the Election Commission for proceedings
10 consistent with exclusion of those ballots that we can clearly
11 identify from the vote tally and make a determination as to
12 whether Ms. Isom is the winner.

13 Thank you, Your Honor.

14 THE COURT: All right. Mr. Duggan?

15 MR. DUGGAN: Good afternoon, Your Honor. I don't see
16 Mr. Green hear, who I understand is counsel for the Town. I
17 saw him this morning and I spoke with him yesterday afternoon
18 about this hearing today. I just wanted to bring that to the
19 Court's attention. I have asked my paralegal -- I have sent
20 her an email and asked her to reach out to his office, but I
21 just wanted to point that out.

22 THE COURT: We don't see him in the lobby.

23 MR. DUGGAN: Oh, okay. Your Honor, I'll be glad to
24 proceed.

25 This is an appellate matter. As the Court is aware, this

1 is not an evidentiary hearing. The complete record is before
2 the Court now that it can and should consider. The appeal
3 here is narrow, and I agree with Mr. Davis that this is a
4 question of what the proper relief should be -- the proper
5 action, I guess I should say, that the MEC should have taken.

6 Mr. David significantly disagrees with so much of what
7 has occurred now over the last year in the Town of Atlantic
8 Beach. I saw a news article -- some reporting last evening or
9 this morning. One of the State election officials referred to
10 this whole affair as "completely unacceptable and
11 embarrassing," and we would agree with that, which I think
12 makes our posture here today and in our brief submitted to the
13 Court yesterday afternoon so much more credible when we say
14 that we agree with the decision of the Municipal Election
15 Commission of Atlantic Beach to direct a new election here, to
16 invalidate the mayoral election that occurred on November 7th,
17 2023, and the correct fix -- the correct way ahead is that
18 that decision be upheld and that a new mayoral election take
19 place on the schedule that the law provides.

20 Of course that will actually have to be ordered by the
21 Town Council under the Code, but we trust that, once this
22 Court issues a ruling, they'll follow up as is proper.

23 The fundamental disagreement here is one of both law and
24 fact, though. Ms. Isom's counsel refers to this counts on
25 election night. And as I understand Mr. Davis's posture, that

1 is, in his estimation, what gives us the before that we can
2 compare an after to. I know what is in the decision of the
3 MEC, that ten-page decision that he appended to his motion,
4 which was already in the record proceedings given to the Court
5 back in May, if I recall correctly -- what I don't see is any
6 evidence of what that count was. That is nowhere in the
7 record. I have searched through the transcript. I have
8 searched through the attachments. I would be glad to hear
9 from Mr. Davis, but that count is nowhere in the record except
10 for that one or two sentences mentioned in the decision.
11 There's no evidence of it.

12 The MEC, of course, did not meet on November 7th at all.
13 They met on November 9th. And after ruling on the provisional
14 ballot challenges, the Municipal Election Commission's count
15 was that Mr. David received 65 votes and Ms. Isom received 64
16 votes. That is, as far as the evidence is concerned, the only
17 count -- and that's cited in our brief, the transcript where
18 that takes place -- the only count that has occurred. And
19 once that count did occur, that very close result, all of
20 these votes were intermingled. I'm sorry; the votes were
21 intermingled and then counted.

22 And so our position here is, when you have an only an
23 official count of 65, 64, really the only count backed up by
24 the evidence here, there is no way to ascertain whether those
25 provisional ballots were cast for Ms. Isom or Mr. David. And,

1 therefore, under the three cases that we cited, this Court
2 should affirm the MEC's ruling to hold a new election.

3 Certainly, I understand the Supreme Court's ruling that,
4 for purposes of analyzing whether Ms. Isom would have won, we
5 have to assume that those votes would have been cast for her.
6 I don't disagree with that point, but what we have here is a
7 different posture, which is the last and only vote we had was
8 Mr. David being in the lead.

9 Because the vote was so close, we would have had to have
10 a mandatory recount. That never took place. There's no --
11 whatever this count is that I understand that Mr. Davis is
12 referring to is media reports of the count, but that is not
13 the way we conduct elections in any jurisdiction in this
14 country, by relying on media reports of polling. We have a
15 process in place to ensure that those counts are looked at in
16 an official fashion, and it is the Municipal Election
17 Commission, under the code, that has the exclusive authority
18 to certify and claim the results of an election. That just
19 didn't take place here.

20 The only count that occurred found Mr. David as the
21 winner. And so, for Ms. Isom to assert that this Court
22 possesses the authority to just declare her the winner, it's
23 completely without factual or legal support. You know, this
24 is a very fundamental principle, I won't belabor, but we elect
25 mayors in this state, and this Court, with all respect, is

1 simply not in a position to appoint an elected official.

2 This is a very important case. I hate that it's come to
3 this point a year on and we still have this open resolution,
4 but I think it's very important to the Court to respect and
5 adhere to the law. It was a very low standard that the
6 Municipal Election Commission had to meet. There had to be
7 some evidence in the record for the decisions that they made.

8 And, Your Honor, as much as it pains me to say it,
9 there's no reason for this Court to disturb the Election
10 Commission's ruling. This has taken long enough. We look
11 forward to a new election with these two candidates for the
12 mayoral seat, and we'll see who wins at the ballot box,
13 because that's the place where this dispute should be decided.

14 THE COURT: All right. Anybody want to respond to that?

15 MR. DAVIS: Your Honor, Kenneth Davis again for Ms. Isom.

16 What we have to go by is the findings of fact that are in
17 the record which have not been appealed; i.e., again, what
18 that last argument of Mr. Duggan was, it sounded like a
19 back-door attempt to appeal the findings of fact of the
20 Commission. And the Commission looked at its records and
21 determined that, the night of the election, the vote tally was
22 62/49. That number didn't come -- those numbers didn't come
23 out of -- didn't come out of air. When you add 62 and 49
24 together, you get 111; right? When you add the 19 provisional
25 ballots, you get 130. When you add the 65 plus the 64 plus

1 the one that was excluded at the provisional ballot hearing,
2 you get 130.

3 The Commission made a finding of fact when looking at its
4 records that, on the night of the election, what was counted
5 on November 7th, it was 62/49. So, this notion about media
6 reports, I mean, the media may have reported it, but there was
7 a count done of the non-provisional ballots on the night of
8 and that's indicated on page 1 of the order of the Municipal
9 Election Commission. It is reiterated on page 5 of the order
10 in paragraph 3 that the poll managers initially determined --
11 not the news media -- the poll managers initially determined
12 that, excluding the provisional ballots, Isom received 62
13 votes and David received 49 votes. But there's no reliance
14 upon media reports. This is the Commission looking at the
15 reports of the poll managers, the parties who are appointed to
16 manage the election. They reported on the night of November
17 7th it was 62/49, not based on newspaper sources.

18 While it may have been reported in the newspaper, those
19 numbers were reported by the poll managers, who are a part of
20 the process. And when you look at that 62/49, it went to
21 65/64 after the provisional ballots. When we back out from
22 the 65/64, at most, Isom got two. We take two away from 64,
23 she has 62. When we back out the 12 from the 65, Mr. David
24 has 53, which 62/53 -- the Odom case says, if you have an
25 ascertainable winner, you declare the winner.

1 And so, this notion that there's no factual finding on
2 what the vote was on the November 7th, I think it's misplaced,
3 because the unappealed order that Mr. David had a chance to
4 appeal should he chosen to -- and he did not -- he could have
5 appealed that 62/49 finding of fact. He could have appealed
6 the 14 excluded voters' finding of fact. He did not.

7 And, again, to the extent that, you know, this
8 intervention is sought to revisit matters that are matters of
9 fact, I ask that it not be considered and we go by the finding
10 of fact of the Commission as reported by the poll managers in
11 the Town of Atlantic Beach that, on November 7th, it was
12 62/49.

13 And when we do the math, by the exclusion, we believe
14 that Ms. Isom should be declared the winner, 62/53.

15 Thank you, Your Honor.

16 THE COURT: Let me ask you: If the MEC made those
17 findings, why did they order a new election?

18 MR. DAVIS: We believe it to be an error. That's why we
19 did the appeal. We noted our exception to the new election on
20 the record at the hearing. I mean, so we don't represent the
21 Commission. We, you know, are one of the candidates before
22 the Commission. We agreed with their findings of fact and
23 their exclusion of votes, but we disagreed with their remedy.
24 And so, you know, that's why we're here today challenging --
25 we're not challenging any action of Mr. David. We're

1 challenging the action of the Commission to order a new
2 election when they had the factual record available to
3 determine the winner.

4 THE COURT: What was their reason for ordering a new
5 election?

6 MR. DAVIS: None was cited. I mean, other than what's in
7 the order. They mentioned the word "commingling," but, again,
8 commingling doesn't work -- the Odom case says you don't deal
9 with commingling when you can know -- when you can know from
10 the numbers who the winner is. Like, see, Odom was a vote --
11 that same notion of commingling was addressed in the Odom
12 case, but the Court said you don't look at commingling when
13 you know who the -- when you can look at the numbers and make
14 a ruling.

15 And there were four votes in the Odom case, and the
16 Court, you know, set aside the commingling notion and counted
17 four votes and declared a winner. In this case, there are 14
18 votes that are being excluded that we can determine from the
19 findings of fact of the Commission that Ms. Isom got two,
20 David got 12 from provisional ballots. When you back those
21 numbers out, we get back to 62/53. In the light most --
22 that's in the light most favorable to Mr. David.

23 The most mathematically and logically Ms. Isom could have
24 got from provisional ballots was two. If there were 14
25 excluded, Mr. David, mathematically and logically, got 12.

1 When you take 64 minus 2, you get 62. When you take 65 minus
2 12, you get 53. That's what the Odom case stands for, a
3 notion of.

4 And so, again, we ask -- we don't know why they made
5 their decision, but it's clearly ascertainable -- we're not
6 hear to argue why the Commission made its decision. What
7 we're saying is that the Commission was wrong on that one --
8 that's only one appeal issue in this case: the remedy employed
9 by the Commission when it should have declared a winner.

10 And we ask again that the Court exclude the votes.
11 Either the Court exclude the votes based upon the math
12 available and declare Ms. Isom the winner or remand to the
13 Commission with the instruction to include the votes and
14 determine a winner in its normal processes.

15 Thank you, Your Honor.

16 THE COURT: All right. Mr. Duggan, any response?

17 MR. DUGGAN: I'll be brief, Your Honor.

18 In Odom, four votes were segregated in sealed envelopes
19 and maintained in a protected fashion during the course of the
20 entire appeal. I covered this around page 8 of my briefing,
21 laying out the facts. And the Supreme Court sent that case
22 back to the Municipal Election Commission because, plainly,
23 those four votes in that case could have made the difference.
24 And they simply were not counted. They determined that those
25 ballots were lawfully cast. The question there was should

1 they actually count them. And the Supreme Court says yes.
2 Yes, we have them here. They have been sitting in some safe
3 some place for the last couple of years. Go ahead and count
4 them and figure out what to do.

5 That's an entirely distinguishable situation from what we
6 have here. Yes, Your Honor, we did not appeal this, but that
7 doesn't mean that we can't point out why Ms. Isom has not met
8 her burden in seeking to overturn the Election Commission's
9 ruling. Presumably, in making its ruling, the Election
10 Commission understood that South Carolina Code 5-15-100 gives
11 the Election Commission the authority to supervise and conduct
12 all municipal, special, and general elections, and that that
13 same statute provides it with the exclusive authority to
14 declare the results of an election.

15 There is no evidence of what the polling was. I see that
16 finding of fact, Your Honor. In my opening statement here, I
17 asked Mr. Davis to point out where those poll numbers were in
18 the record. They simply are not. And as such, that finding
19 of fact is just not supported by the Election Commission. But
20 that's sort of besides the point, because even if it did
21 exist, it wasn't official. And all of these other cases, we
22 had a declaration by the Election Commission of who the winner
23 was. Here, we have that in part, but it was so close and
24 because of the town council's astonishing efforts to dissolve
25 the Election Commission the day after these votes were

1 counted, we were never able to get to that mandatory recount.

2 But the only kind of votes that have occurred in this
3 case is 65/64. Subsequent to that act, the Election
4 Commission threw out several additional votes, but sitting
5 here today, we do not know how many of those votes were for
6 Ms. Isom and how many were for Mr. David. It is impossible
7 for us to know why because, following the initial count -- the
8 initial provisional ballot hearing, all of those votes were
9 put together in the same pot. So, we don't know which ones to
10 pull out here.

11 I appreciate the arithmetic that Mr. Davis has gone to,
12 but we do not have a reliable before to compare this after to.
13 Not just a reliable one; we do not have a before. There is no
14 evidence in the record or how this initial vote was taken
15 place. We act -- in South Carolina with our protest law, we
16 have to act strictly in accordance with the laws, as this
17 Court has previously pointed out in a prior ruling dealing
18 with Atlantic Beach elections. This is at the bottom of page
19 11. We have to strictly follow the law.

20 The Election Commission detailed its ruling. It
21 explained why it was unable to declare the winner of this
22 race, and as such, it invalidated the election and called for
23 a new election. That is the course this Court should follow.
24 A new election should take place without delay in Atlantic
25 Beach so that we can move on from this torrid affair.

1 THE COURT: All right. I will take it under advisement
2 and let y'all know something by the end of today. Thank
3 you-all.

4 MR. DUGGAN: Thank you, Your Honor. Have a good
5 afternoon, sir.

6 THE COURT: You too.

7 MR. DAVIS: Thank you, Your Honor.

8 THE COURT: Thank you.

9 (The above matter concluded.)
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CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: Isom v. Town of Atlantic Beach MEC

2024-CP-26-02537

DATE OF HEARING: 10/30/24

COURT REPORTER/MONITOR: Webex

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

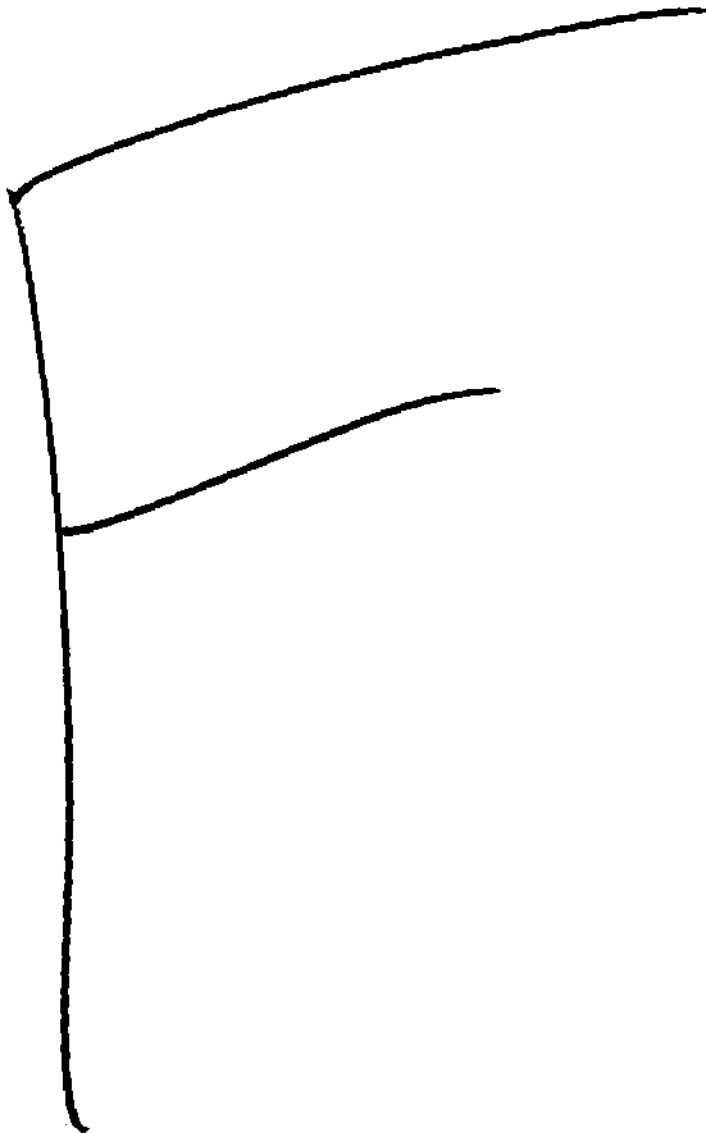
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Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 12/13/24

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CERTIFICATION OF ELECTION
NOVEMBER 9, 2023
TOWN OF ATLANTIC BEACH

TIME: 10 AM

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

REPORTED BY: RONDA K. BLANTON, RPR
CLARK BOLEN COURT REPORTING
CHARLESTON, SC 29422
871-262-6294
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PROCEEDINGS

CHAIRMAN MONTGOMERY: I'm calling
this certification meeting to order. It's

10 o'clock. Everybody please have a seat so we
can get started moving forward.

Okay. If we're done with the
preliminaries, we're going to get started.

First, I want to welcome everybody to this
certification meeting. Our purpose today is to
certify the election.

You all may have seen an article in
the Sun News this morning be declaring certain
winners. Well, nothing is official. Nothing.

And I say that through tonight. Nothing is
official until today. After we certify the
election today, that will be official.

Our determination is final. After
this, if you're not pleased, you go to court.
With our decision, that's what the law says is
final.

I want to introduce Miss Caroline
Gore a commissioner, Kenneth McIver, and
Mr. Michael Burchstead. Am I getting it?

MR. BURCHSTEAD: Yes, sir.

CHAIRMAN MONTGOMERY: He's our

attorney. You saw the other attorney the other
night, and they called Michael. Michael is an
expert. So, we'll see today and --

MR. BURCHSTEAD: I don't call
myself an expert here, but I appreciate the
endorsement. Thank you.

CHAIRMAN MONTGOMERY: And the court
reporter -- I forgot your name -- but she was
here last year. What's your name?

THE REPORTER: Ronda Blanton.

CHAIRMAN MONTGOMERY: Ronda. Okay.
Thank you.

We're going to go in executive
session at this time, and the purpose of going
into executive session is to discuss legal
matters. Michael will give us advice on certain
legal matters, and I don't know how long we'll
be. I'll try to make it as quick as possible,
and we appreciate your patience.

MR. MCIVER: I seek a motion to --

CHAIRMAN MONTGOMERY: Yes. You
second?

MS. GORE: Yes.

CHAIRMAN MONTGOMERY: Okay. You
move and second. We'll go into executive

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1 session. Those in favor say aye. Opposed nay.

2 Motion is carried.

3 (Commission goes into executive session
4 at this time.)

5 CHAIRMAN MONTGOMERY: Ladies and
6 gentlemen, I want to thank you all for being so
7 patient; and, Ken, I will entertain a motion we
8 go back to general session.

9 MR. MCIVER: Mr. Chairman, I seek a
10 motion that we come out of executive session.

11 MS. GORE: Second it.

12 CHAIRMAN MONTGOMERY: Moved and
13 seconded. We come out of executive session and
14 go to general sessions. Raise a question? Those
15 in favor say aye.

16 MR. MCIVER: Aye.

17 CHAIRMAN MONTGOMERY: Those in
18 favor say aye.

19 MS. GORE: Aye.

20 CHAIRMAN MONTGOMERY: This is for
21 commissioners. That's all right, Jack. You used
22 to doing it. That's fine. That's fine.

23 And the purpose of -- well,
24 actually already we discussed in executive
25 session. He gave us legal advice regarding this

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1 election, and we need a lot of that. Thank you,
2 Mike.

3 MR. BURCHSTEAD: Yes.

4 CHAIRMAN MONTGOMERY: Okay. Where
5 are we? Okay. Cheryl changing on me. I told
6 her to put prayer. She put a moment of silence.
7 So, I'm going to pray anyway, if that's all
8 right.

9 MR. MCIVER: Prayer is always a
10 good thing.

11 CHAIRMAN MONTGOMERY: Yeah. I'm
12 going to pray. Let us pray.

13 Heavenly Father, we ask your
14 blessing on those of us who are serving here
15 today. We ask you to guide and direct us as we
16 conduct business germane to the Town of Atlantic
17 Beach. These blessings we ask in your name.
18 Amen.

19 Somebody is challenging me on
20 this -- getting on me. That's your prerogative.
21 We have -- we don't have no old business. No old
22 business. New business. The purpose of our
23 being here today, challenged ballots.

24 Okay. Michael, the first one.

25 MR. BURCHSTEAD: This.

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1 (Commissioners and Attorney consult.)

2 CHAIRMAN MONTGOMERY: This one.

3 Okay. Miss Fisher -- Miss Fisher present?

4 MS. BRIGGS-FISHER: Right here.

5 CHAIRMAN MONTGOMERY: Okay. Thank
6 you, Miss Fisher. And is Miss Armstrong present?

7 MS. ARMSTRONG: Here.

8 CHAIRMAN MONTGOMERY: Okay. Both
9 are here. Miss Armstrong, you may present your
10 evidence. Now, you got to be sworn in; right?

11 MS. ARMSTRONG: Yes, the record,
12 just why -- what's indicates on the ballot as so
13 why it was challenged.

14 CHAIRMAN MONTGOMERY: I'm sorry.

15 It's residents. That's the challenge. And most
16 of them are residents. Most of them, what you
17 see up here are residents. Well, that's what
18 we're going to deal with today. So, should she
19 be sworn in?

20 MR. BURCHSTEAD: Yes.

21 CHAIRMAN MONTGOMERY: Okay. You
22 have to be sworn in.

23 IRENE ARMSTRONG,
24 having been first duly sworn, provided the
25 following statements:

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1 CHAIRMAN MONTGOMERY: Okay.
2 Miss Armstrong, you may present your evidence.

3 MS. ARMSTRONG: Okay. If I may,
4 first of all, say thank you to commissioners. I
5 thank you for all your hard work. Good morning
6 to each of you. And just for a comment for the
7 public chairman, if I can, before I get started.

8 CHAIRMAN MONTGOMERY: Sure.

9 MS. ARMSTRONG: Never in my longest
10 dreams did I would ever think that I would find
11 myself on the other side of the spectrum of a
12 voter's right. It's saddens me deeply. It
13 saddens me deeply 'cause I've been here for over
14 12 years, 60 years in this community. This is
15 the first time ever I've had to do this ever.

16 But you know what? There's a
17 right, and there's a wrong. There's truth, and
18 there's the other; and there's honesty. But at
19 the end of the day, it is your integrity that
20 completes your foundation.

21 The sadness is beyond measure, like
22 I said; and I'm truthful about that 'cause I work
23 with everybody, but some things having going on
24 and going on whole long. And that's okay.

25 People are who they are. You can't change that.

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1 So -- but we have to be respectful
2 and just move forward and work with each other in
3 spite of all this. You know, you guys -- you're
4 my black families, my --
5 UNIDENTIFIED VOICE: This is at the
6 end.
7 CHAIRMAN MONTGOMERY: You have to
8 talk to us.
9 MS. ARMSTRONG: I said -- I will.
10 CHAIRMAN MONTGOMERY: Don't talk to
11 anybody else. Don't --
12 MS. ARMSTRONG: I stand corrected.
13 CHAIRMAN MONTGOMERY: Okay. And
14 Irene sort of getting -- you challenge her
15 ballots.
16 MS. ARMSTRONG: I'm getting to
17 that. I just wanted to make an opening of what I
18 have to the right to do that.
19 CHAIRMAN MONTGOMERY: All right.
20 Please, y'all.
21 UNIDENTIFIED VOICE: Hold up. We
22 want peace in here. Peace in here. Peace in
23 here.
24 CHAIRMAN MONTGOMERY: Okay.
25 Michael, we don't want any comments from the

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1 audience. No comments from the audience. We
2 just want to hear the witness and -- and the
3 voter. Please don't make any comments.
4 MS. ARMSTRONG: Commissioner, I'm
5 talking to you now.
6 CHAIRMAN MONTGOMERY: Yes. Talk to
7 us.
8 MS. ARMSTRONG: Exactly. I do
9 apologize for that.
10 CHAIRMAN MONTGOMERY: You're right.
11 MS. ARMSTRONG: But I always stand
12 on principle conviction and the law. That's
13 important to me. That is truth to power. I make
14 no apology for this position I'm in today;
15 however, it still breaks my heart 'cause I
16 believe in what I know in my heart is right. I
17 live here. I see it. I know what I'm doing here
18 and how I find myself here, and it's unfortunate.
19 But it is -- it is the reality of
20 it. It is the reality of it. So, you don't, you
21 know, folks have just really, really kind of just
22 know what's going on.
23 CHAIRMAN MONTGOMERY: What's your
24 evidence, Irene?
25 UNIDENTIFIED VOICE: Thank you.

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1 MS. ARMSTRONG: All right.
2 CHAIRMAN MONTGOMERY: Don't
3 comment, please.
4 MS. ARMSTRONG: Want to say this
5 position that I am in today will be everybody's
6 weapon in this town because they have a right to
7 do what I've done. Exactly. I'm going to -- can
8 I give the commissioners what I have?
9 CHAIRMAN MONTGOMERY: Yeah, yeah.
10 MS. ARMSTRONG: Okay, Mrs. Gore.
11 And I'll just go through it 'cause, you know,
12 whenever you get to it; but everything that
13 contains in this folder here is pretty much
14 our -- I will show you. I will show you. And I
15 forget the attorney name.
16 CHAIRMAN MONTGOMERY: Well, we're
17 dealing with Miss Fisher now.
18 MS. ARMSTRONG: I know. She's in
19 there. She's in there.
20 MR. BURCHSTEAD: Well, for the
21 purpose of the record, I mean, we'll mark
22 whatever you have as an exhibit. Let's -- let's
23 keep it to the person -- the vote at issue.
24 MS. ARMSTRONG: At the time.
25 Right. Each time. So, I can pull it out of

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1 here.
2 CHAIRMAN MONTGOMERY: Yes, right.
3 MS. ARMSTRONG: I can pull it out
4 of here and to give it to you.
5 CHAIRMAN MONTGOMERY: You can give
6 it to us.
7 MR. BURCHSTEAD: You can give it to
8 all of us. We'll mark -- we'll mark whatever you
9 give us as an exhibit, and we'll attach it to the
10 transcript. But to keep the record clean, let's
11 stick to the -- the pertinent challenge on the
12 voters.
13 CHAIRMAN MONTGOMERY: It's this
14 one.
15 MS. ARMSTRONG: So, this is just --
16 you don't want to take this now until after this.
17 CHAIRMAN MONTGOMERY: No.
18 MR. BURCHSTEAD: No. Well,
19 anything that you have to present regarding
20 Miss Briggs-Fisher would, you know, we're hearing
21 that now.
22 MS. ARMSTRONG: No problem. I just
23 need to -- I appreciate it.
24 Miss Briggs-Fisher is listed for
25 the voter's registration listed Atlantic Beach at

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1 the address of 400 32nd Avenue South, a beach
2 house located at this -- at Miss Briggs'
3 address -- she states that it's her primary
4 residence.

5 Miss Fisher purchased the house in
6 2020 and renovated it to market it as a vacation
7 home rental and has been issued a business
8 license for the Town of Atlantic Beach to operate
9 it as such.

10 Fisher's Horry County assessment
11 rate of 6 percent and -- which means it is a
12 second home, which never been registered for a
13 residential home or as a business 'cause you have
14 a business license to operate it.

15 Fisher's real residence is
16 located -- is located at 108 Oakmoss Trail in
17 Holly Hill, North Carolina. Miss Fisher
18 purchased her home in 2020. If this is her
19 primary residence, her driver's license is still
20 North Carolina. It's still the North Carolina.
21 So, you get these -- is this what you guys want?

22 CHAIRMAN MONTGOMERY: Yeah. That's
23 what we want, your evidence. Okay. We'll
24 receive that as evidence.

25 MS. ARMSTRONG: You want me to keep

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1 it or --

2 CHAIRMAN MONTGOMERY: No. We get
3 it.

4 MR. BURCHSTEAD: No. We get it.
5 We're going to receive it as an exhibit. We
6 need --

7 MS. ARMSTRONG: You want me to keep
8 it over here until you're finished?

9 CHAIRMAN MONTGOMERY: No. Give us
10 that now, Irene.

11 MS. ARMSTRONG: Okay. I'm asking.

12 CHAIRMAN MONTGOMERY: We're dealing
13 with her. Give to --

14 MR. BURCHSTEAD: And --

15 CHAIRMAN MONTGOMERY: Okay. Thank
16 you. We'll do the same for the others.

17 MS. ARMSTRONG: Okay. No problem,
18 just tell me.

19 MR. BURCHSTEAD: For the record,
20 we're going to mark this document provided by
21 Miss Armstrong as an exhibit; and we're going to
22 attach it to the transcript.

23 (Exhibit No. 01) was marked for
24 identification.)

25 CHAIRMAN MONTGOMERY: Okay. Thank

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1 you. Now, we'll hear from Miss Fisher, if you
2 deny it, Miss Fisher. State your full name for
3 the record, please.

4 MS. BRIGGS-FISHER: It's
5 Marvirstine Briggs-Fisher.

6 MARVIRSTINE Y. BRIGGS-FISHER
7 having been first duly sworn, provided the
8 following statements:

9 MS. BRIGGS-FISHER: Good morning.

10 My name is Dr. Marvirstine Briggs-Fisher. I
11 my primary residence is 400 32nd Avenue South in
12 Atlantic Beach, South Carolina. I have a South
13 Carolina driver's license.

14 CHAIRMAN MONTGOMERY: We need to
15 see that. Do you have that?

16 MS. BRIGGS-FISHER: I do. I have
17 a --

18 CHAIRMAN MONTGOMERY: Let me see
19 everything you've brought.

20 MS. BRIGGS-FISHER: Okay.

21 CHAIRMAN MONTGOMERY: Show it to
22 me. We need to see it.

23 MS. BRIGGS-FISHER: (Complies with
24 request.)

25 CHAIRMAN MONTGOMERY: I should have

Page 16

1 told you that to start with. Go ahead.

2 Miss Fisher, you may proceed.

3 MS. BRIGGS-FISHER: That's what I
4 wanted to present. I have a South Carolina
5 driver's license as well as a --

6 CHAIRMAN MONTGOMERY: You may
7 proceed.

8 MS. BRIGGS-FISHER: South Carolina
9 voter's ID card.

10 CHAIRMAN MONTGOMERY: Just stand
11 there. Don't -- don't make comments in the
12 audience. Just stand there, Miss Fisher. We'll
13 conduct the hearing. Just stand there.

14 Miss Fisher, come ahead.

15 (Commissioners and Attorney consult.)

16 CHAIRMAN MONTGOMERY: Would you
17 read the relevant information. When it was
18 dated -- when you received it, what's on that
19 driver's license?

20 MR. BURCHSTEAD: The information
21 pertinent to the residency challenge, for the
22 record.

23 CHAIRMAN MONTGOMERY: For the
24 residency challenge for the record.

25 MS. BRIGGS-FISHER: The date is --

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1 CHAIRMAN MONTGOMERY: That's your
2 attorney?
3 MS. BRIGGS-FISHER: Yes.
4 CHAIRMAN MONTGOMERY: Okay. That's
5 fine.
6 MS. BRIGGS-FISHER: The date of
7 this issue was October 2, 2023. The address is
8 stated as 400 32nd Avenue South, Atlantic Beach,
9 South Carolina 29582.
10 CHAIRMAN MONTGOMERY: Okay. And it
11 is a South Carolina driver's license.
12 MS. BRIGGS-FISHER: Yes.
13 CHAIRMAN MONTGOMERY: Okay. Well,
14 state that for the record.
15 MS. BRIGGS-FISHER: It's a South
16 Carolina driver's license.
17 CHAIRMAN MONTGOMERY: Read what's
18 on that voter registration card you have also.
19 MS. BRIGGS-FISHER: The name on the
20 card is Marvirstine Briggs-Fisher. The address
21 is 400 32nd Avenue South, Atlantic Beach, South
22 Carolina. The registration date is 12/15/2022.
23 Date of birth 6/1/73.
24 CHAIRMAN MONTGOMERY: Thank you,
25 Dr. Fisher. Bring it back. So, I didn't show it

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1 to him. Thank you very much. Unless you have
2 something else?
3 MS. BRIGGS-FISHER: I do not.
4 CHAIRMAN MONTGOMERY: Okay. Thank
5 you. Okay. We'll decide on this one now, after
6 each one; right?
7 (Commissioners and Attorney consult.)
8 CHAIRMAN MONTGOMERY: Okay. You
9 all brought evidence from Miss Marvirstine --
10 MS. BRIGGS-FISHER: Marvirstine
11 Briggs-Fisher.
12 CHAIRMAN MONTGOMERY: Marvirstine
13 Briggs-Fisher. Thank you. Marvirstine
14 Briggs-Fisher. She has a South Carolina driver's
15 license, and she showed that she had -- she lived
16 on 32nd Avenue.
17 Oh, yeah. And she has been here
18 for more than 30 days. The law requires that you
19 be -- to be here 30 days to -- to register to
20 vote. She's been here longer than that. Any
21 comment from the commission?
22 MR. MCIVER: I just want the Chair
23 to double-check with the attorney that we're
24 going by Section 1 -- Section 7-1-25, which
25 establishes domicile; and there are certain

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1 provisions that the law allows. There's 11 of
2 them but not limited to.
3 So, just to clarify with the
4 attorney that these 11 items is not all
5 encompassing, not limited to. So, we are using
6 these items that's established by the law to
7 determine domicile; is that correct?
8 MR. BURCHSTEAD: We're -- South
9 Carolina Code 7-1-25 addresses domicile, and you
10 know, I would say, you know -- that that's
11 the standard as far as determining domicile,
12 what's set forth in the statute.
13 MR. MCIVER: Okay. Okay.
14 CHAIRMAN MONTGOMERY: Ms. Gore.
15 MS. ARMSTRONG: Do I have any
16 comments or --
17 CHAIRMAN MONTGOMERY: No. No.
18 We -- we've finished. We're moved on.
19 MS. ARMSTRONG: So, you guys don't
20 address the North Carolina tag?
21 (Commissioners and Attorney consult.)
22 CHAIRMAN MONTGOMERY: Right. We've
23 heard your testimony, Irene. We appreciate it.
24 MS. ARMSTRONG: Thank you.
25 CHAIRMAN MONTGOMERY: Let's go on

Page 20

1 the --
2 MS. GORE: No.
3 CHAIRMAN MONTGOMERY: I'll
4 entertain a motion that -- I'll entertain a
5 motion that we approve this vote or reject this
6 vote. Ken.
7 MR. MCIVER: Mr. Chairman, I just
8 go ahead and defer the voters, the challenger
9 that presented, we just make a decision, yes or
10 no, by our votes. I make a motion for that.
11 CHAIRMAN MONTGOMERY: Okay. You
12 made a motion -- those in favor of -- of
13 approving the vote, say yes.
14 MR. MCIVER: Aye.
15 CHAIRMAN MONTGOMERY: I say yes.
16 MS. GORE: Yes.
17 CHAIRMAN MONTGOMERY: Okay. And no
18 one said no. Okay. So, we'll accept this. It's
19 been approved.
20 Okay. So, now we can open this
21 ballot; right?
22 MR. BURCHSTEAD: Yes.
23 UNIDENTIFIED VOICE: Excuse me.
24 Can I speak? Can I speak?
25 CHAIRMAN MONTGOMERY: No. No. You

Page 21

1 have to wait for us to come to you. We're going
2 to the next ballot now. We've got 18 of them.
3 18.

4 UNIDENTIFIED VOICE: But won't you
5 know how she voted?

6 CHAIRMAN MONTGOMERY: No. We will
7 know how she voted. You won't know.

8 UNIDENTIFIED VOICE: But should you
9 know how a person votes?

10 CHAIRMAN MONTGOMERY: Yeah. We got
11 to. We got to count the vote.

12 UNIDENTIFIED VOICE: But doesn't
13 that deny the confidentiality of that person's
14 vote, unless they're all put together and then
15 counted?

16 CHAIRMAN MONTGOMERY: Okay.
17 That's --

18 UNIDENTIFIED VOICE: Responsible
19 for our own.

20 (Commissioners and Attorney consult.)

21 CHAIRMAN MONTGOMERY: Okay. I'm
22 sorry. Miss Hill. He's providing -- I don't
23 need any comment from the audience.

24 UNIDENTIFIED VOICE: I'm sorry.

25 CHAIRMAN MONTGOMERY: We're

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1 following the statute, and I have to go --

2 UNIDENTIFIED VOICE: I apologize.

3 CHAIRMAN MONTGOMERY: -- to go with
4 what he says. I'm not a lawyer. He is. I don't
5 need any comments. But I read -- based on what I
6 read, he's correct.

7 MR. MCIVER: Just, again -- I'm
8 sorry. Mr. Chairman, I have a question.

9 CHAIRMAN MONTGOMERY: Don't justify
10 it. Just move on.

11 MR. MCIVER: No. But what I want
12 to say is that -- what I want to say is that
13 we're going to have two stacks here. Two stacks

14 here. Ones that we reject and ones that we vote.

15 CHAIRMAN MONTGOMERY: Yes.

16 MR. MCIVER: We'll go from there,
17 and then we'll just sort of comingle the votes in
18 so that the person's integrity of who they voted
19 is kept secret.

20 UNIDENTIFIED VOICE: Exactly.

21 MR. MCIVER: Keep the piles
22 separate until we are ready to canvas. We'll
23 just keep the files separate and keeping the
24 voters' intention.

25 (Commissioners and Attorney consult.)

Page 23

1 CHAIRMAN MONTGOMERY: Okay. If
2 it's not accepted, we don't even open the ballot.

3 Okay. Go ahead.

4 MR. MCIVER: The next voter we're
5 looking at --

6 CHAIRMAN MONTGOMERY: I thought I
7 gave you.

8 MR. MCIVER: You --
9 CHAIRMAN MONTGOMERY: Oh, okay.

10 Okay. The next person we have -- let's see
11 Was Vaughan Erika. Come on up, Miss Erika.

12 MS. E. VAUGHN: Good morning.

13 CHAIRMAN MONTGOMERY: No, no, no.

14 Miss, I should have said, I just want to know

15 you're here. It's not time for that yet. So,

16 you're here. I'm sorry. You're here. And the

17 challenger is Miss Armstrong. Okay. Okay. The

18 challenger goes first.

19 Miss Armstrong, you may proceed.

20 MS. ARMSTRONG: Do you have a

21 voters' registration list? 'Cause I didn't find

22 her name on the voters' registration list, and

23 there is a Nadiyah Vaughn. Is that -- is that

24 what's on your voters' registration list?

25 (Commissioners and Attorney consult.)

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1 CHAIRMAN MONTGOMERY: You have the
2 burden of -- you have the burden of proof, Irene.

3 MS. ARMSTRONG: Well, yeah. But we
4 need to know who we're talking about.

5 CHAIRMAN MONTGOMERY: Well, you
6 have the burden of proof. We don't have it.

7 MS. ARMSTRONG: Well, we have to

8 know who we're talking about because she's not on

9 the voters' registration list. It's her

10 daughter.

11 CHAIRMAN MONTGOMERY: Well, you
12 have the burden of proof.

13 MS. ARMSTRONG: Okay. So, this is

14 Nadiyah Vaughn is listed on Atlantic Beach

15 voters' registration list. And it's

16 H-A-D-I-Y-A-H. V-A-U-G-H-A-N. Nadiyah is -- is

17 the daughter. It's the daughter of Erika and

18 Naim R. Vaughn. A home that was just built in

19 Atlantic Beach in '22. The house is not their

20 primary residence, although Mr. Vaughan stated on

21 his -- on -- well, Nadiyah stated on her --

22 CHAIRMAN MONTGOMERY: Irene, you

23 don't have any evidence on this current --

24 MS. ARMSTRONG: I'm getting to --

25 do I have time to --

Page 25

1 CHAIRMAN MONTGOMERY: Yeah, you
2 have time.

3 MS. ARMSTRONG: You said I have it
4 here. I have it here, but I've got to --

5 CHAIRMAN MONTGOMERY: Okay. Take
6 your time.

7 MS. ARMSTRONG: Stated on the
8 voters' registration application that the address
9 located at 2418 -- excuse me. Not 2418. At the
10 address listed at 2812 South Ocean Boulevard was
11 the primary address.

12 But, in fact, they have a business
13 license to operate as a business 'cause it's a
14 beach vacation rental home; and the husband
15 claims the 4 percent here, and the wife claims
16 4 percent at their residence -- their primary
17 residence at 2418 Pimpernel Drive in Waldorf,
18 Maryland. So, that's what I'm finding here.

19 So, help me understand how these
20 folks get to vote when they have a primary
21 address in another state; and it's two of them.
22 One votes here, and one votes in another state at
23 a 4 percent.

24 That's what -- and here is the
25 house, and they have a business license from the

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1 Town of Atlantic Beach; and they do business here
2 through the rental of this property, this
3 vacation rental home. It's not their primary
4 residence.

5 So, here is the evidence of that;
6 and I think you need to figure out which name is
7 which 'cause this is the daughter, the 18-year-
8 old daughter.

9 (Commissioners and Attorney consult.)

10 MS. ARMSTRONG: And legal residence
11 status is impacted if a property is rented more
12 than 14 days during the calendar year.

13 CHAIRMAN MONTGOMERY: Okay. Thank
14 you, Irene. Now, Miss, you may --

15 MR. BURCHSTEAD: Well --

16 MS. ARMSTRONG: You can address
17 that.

18 MR. BURCHSTEAD: Is this the
19 evidence presented?

20 MS. ARMSTRONG: Yes. Yes.

21 MR. BURCHSTEAD: And we will -- we
22 will mark this as **Exhibit No. 02**. There's two
23 separate -- actually, there are two separate
24 pieces of paper that were handed up or two
25 separate documents with multiple pages handed up

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1 by Miss Armstrong. We will actually mark this --
2 it appears to be information on Nadiyah Vaughan,
3 N-A-D-I-Y-A-H. And we will mark this as Exhibit
4 **No. 02**.

5 **Exhibit No. 02** was marked for
6 identification.)

7 MR. BURCHSTEAD: And there is
8 piece of paper that generally is discussing legal
9 resident status and -- and what purports to be
10 the applicable law, and we will mark this as
11 **Exhibit No. 03**.

12 **Exhibit No. 03** was marked for
13 identification.)

14 CHAIRMAN MONTGOMERY: Thank you,
15 Michael.

16 Okay. Miss Vaughan, you may
17 proceed.

18 ERIKA VAUGHN,
19 having been first duly sworn, provided the
20 following statements:

21 CHAIRMAN MONTGOMERY: You may
22 proceed.

23 MS. E. VAUGHN: What would you like
24 to know?

25 CHAIRMAN MONTGOMERY: Oh, anything

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1 you want to tell me to support your -- your
2 evidence for residency.

3 MS. E. VAUGHN: Well, my residence
4 is 2812 South Ocean Boulevard.

5 CHAIRMAN MONTGOMERY: Driver's
6 license, you have that with you?

7 MS. E. VAUGHN: I have my South
8 Carolina voter registration card. As a backup
9 I -- Photo I.D., I also have a military ID.

10 CHAIRMAN MONTGOMERY: Okay.

11 MS. E. VAUGHN: For proof of
12 residency I have, again, a voter registration
13 card and a utility bill.

14 (Commissioners and Attorney consult.)

15 CHAIRMAN MONTGOMERY: What
16 address -- what address on those documents?

17 MS. E. VAUGHN: 2812 South Ocean
18 Boulevard.

19 (Commissioners and Attorney consult.)

20 CHAIRMAN MONTGOMERY: When was your
21 voter registration card issued?

22 MS. E. VAUGHN: August 31, 2023.

23 (Commissioners and Attorney consult.)

24 CHAIRMAN MONTGOMERY: What other
25 evidence on those documents pertinent to the

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1 residential challenge?

2 MS. E. VAUGHN: Other than my
3 residence? What else would be pertinent?

4 CHAIRMAN MONTGOMERY: Well, do you
5 have any other evidence on those documents
6 pertinent to the residential challenge? You
7 don't have anything, that's --

8 MS. E. VAUGHN: So, it has my
9 address, which I'll repeat, 2812 South Ocean
10 Boulevard. Would you like to see?

11 (Commissioners and Attorney consult.)

12 CHAIRMAN MONTGOMERY: Yeah. We
13 want to see it.

14 MS. E. VAUGHN: (Complies with
15 request.)

16 MR. BURCHSTEAD: And for the
17 record, Miss Vaughn, is presenting --

18 MS. ARMSTRONG: What's her first
19 name?

20 MR. BURCHSTEAD: Erika Vaughn.

21 MS. ARMSTRONG: And what's the name
22 we're discussing?

23 MR. BURCHSTEAD: We're stating the
24 record. I have a voter registration card for
25 everybody to review. I have a utility -- it

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1 appears to be a utility bill dated November 8,
2 2023, with an address on 2812 South Ocean
3 Boulevard, Atlantic Beach, South Carolina 29582.
4 I will mark this -- we're going to accept this as
5 an exhibit, the utility bill, and mark this as
6 **Exhibit No. 04**.

7 **(Exhibit No. 04)** was marked for
8 identification.)

9 MR. BURCHSTEAD: And what else do
10 you have?

11 CHAIRMAN MONTGOMERY: Driver's
12 license. Oh, ID photo.

13 MR. BURCHSTEAD: Okay. And there's
14 a South Carolina -- looks like a South Carolina
15 voter identification card and -- and a -- a
16 driver's -- well, a military ID with
17 Miss Vaughan's name on it and -- and we're -- for
18 the record, the Municipal Election Commission is
19 reviewing these documents.

20 CHAIRMAN MONTGOMERY: Okay. Thank
21 you very much.

22 MS. E. VAUGHN: Thank you.

23 (Commissioners and Attorney consult.)

24 CHAIRMAN MONTGOMERY: Okay. You
25 don't have anything else to add, do you?

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1 MS. E. VAUGHN: No.

2 CHAIRMAN MONTGOMERY: No. She
3 doesn't have anything. Okay. We've seen
4 Miss Erika Vaughan record. I'll entertain a
5 motion that we accept this vote or reject this
6 vote. Please make your motion.

7 MR. MCIVER: Mr. Chairman, I seek a
8 motion that we vote on the status of Miss Erika
9 Vaughan, whether or not she is a resident or not
10 a resident.

11 CHAIRMAN MONTGOMERY: I'll second.
12 It's been moved and seconded.
13 Those in favor of approving Mr. Vaughan's vote as
14 a registered voter in Atlantic Beach, say aye.

15 MR. MCIVER: Aye.

16 MS. GORE: Aye.

17 CHAIRMAN MONTGOMERY: And I say
18 aye. Motion is carried. Okay.

19 Diane Hill is present, Miss Diane.
20 And, Irene, you challenge on this, too. So,
21 we'll hear from you.

22 MS. ARMSTRONG: Thank you,
23 Commissioner.

24 Diane Hill located -- listed on the
25 voters' registration list, voters' registration

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1 list of Atlantic Beach at 609 30th Avenue South,
2 Atlantic Beach, South Carolina.

3 Miss Hill has lived in Atlantic
4 Beach more than 8 to 10 years. More than 8 to 10
5 years; however, never changed her North Carolina
6 car tags to South Carolina in those periods of
7 time. It was found that Miss Hill's primary
8 address is actually in the State of North
9 Carolina at 702 Belltown Road, Havelock, North
10 Carolina 295 -- 28532.

11 The address reflected where
12 Miss Hill's car is registered, the North Carolina
13 license is registered, is where her husband is
14 located as well in North Carolina on Belltown
15 Road.

16 How could Miss Hill obtain a South
17 Carolina voter registration status here with
18 North Carolina driver's license that are active
19 and just been renewed and placed -- this could be
20 her place of primary residence having never
21 applied for a primary residence status in South
22 Carolina.

23 So, that's -- it sound like, you
24 know, this -- some work needs to be done here. I
25 don't -- I don't see where she will be legally

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1 registered to vote having a North Carolina
2 license tag that she had for over 18 years and
3 never changed that. How did she get a voter ID
4 with a North Carolina driver's license? You can
5 see here. I have that for you.

6 CHAIRMAN MONTGOMERY: Okay. We'll
7 take it. Thank you, Mike.

8 MR. BURCHSTEAD: And we have a
9 series of documents provided by -- by
10 Miss Armstrong regarding Diane T. Hill. We will
11 accept this as ~~Exhibit No. 05~~ and we will
12 include this in the record.
13 ~~(Exhibit No. 05)~~ was marked for
14 identification.)

15 CHAIRMAN MONTGOMERY: Thanks, Mike.
16 Okay. Miss Diane, you may --

17 DIANE T. HILL,
18 having been first duly sworn, provided the
19 following statements:

20 CHAIRMAN MONTGOMERY: You may
21 proceed.

22 MS. HILL: You are now a registered
23 voter in the State of South Carolina. To vote at
24 your polling place, you must present a South
25 Carolina voter registration card with photo.

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1 CHAIRMAN MONTGOMERY: Yeah. That's
2 fine. I was really surprised when I saw your
3 challenge.

4 MR. BURCHSTEAD: Go ahead. Say
5 anything you want to. For the record, could you
6 state that -- what you provided to the Municipal
7 Election Commission?

8 MS. HILL: I just provided my South
9 Carolina voter registration card with my official
10 photo on the card; and I can understand former
11 Mayor Montgomery's surprise because everybody in
12 this room who lives on this beach knows that I
13 have been living here since 2012, a resident
14 since 2012.

15 The fact that I own property
16 otherwise in other places is true, but I live
17 here. This is my home. I have worked on the
18 Beautification Committee. I attend Town
19 meetings. I was once a member of the -- what was
20 it? The board of -- I think it was the Board of
21 Permitting. I have served on boards in this Town
22 as a resident, and I have a number of utility
23 bills and bank statements to support my claim;
24 but, frankly, I don't think I need them. The
25 State of South Carolina says I am available and

1 registered to vote and have done so.

2 CHAIRMAN MONTGOMERY: Miss Hill,
3 your Atlantic Beach address is on this
4 registration card?

5 MS. HILL: Yes, sir, it is. I live
6 at 609 30th Avenue South, Atlantic Beach, South
7 Carolina 29582. Need I say more?

8 CHAIRMAN MONTGOMERY: I don't
9 have any --

10 MS. HILL: Thank you so much.

11 CHAIRMAN MONTGOMERY: You may get
12 your paper. I'll entertain a motion that we
13 accept Miss Diane's vote.

14 MR. MCIVER: Mr. Chairman, I move
15 that we vote on the -- whether or not we accept
16 Miss Diane Hill's eligibility to vote in Atlantic
17 Beach election.

18 CHAIRMAN MONTGOMERY: I'll second.

19 It's been moved and properly

20 second. All in favor, say yes.

21 MR. MCIVER: Yes.

22 MS. GORE: Yes.

23 CHAIRMAN MONTGOMERY: Approved.

24 Motion carried. Okay.

25 Naim Vaughan, I cannot pronounce --

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1 I know I'm mispronouncing your name. I think I
2 met you the other day.

3 MR. VAUGHN: Yes, sir.

4 CHAIRMAN MONTGOMERY: How do you
5 pronounce that?

6 MR. VAUGHN: Naim.

7 CHAIRMAN MONTGOMERY: Naim.

8 MR. VAUGHN: Okay. The dream if
9 you speak Spanish, it's el sueno.

10 CHAIRMAN MONTGOMERY: No, I took
11 French in college; and I've forgotten most of
12 that. Irene, is the challenger.

13 MS. ARMSTRONG: Yes, I --

14 CHAIRMAN MONTGOMERY: You can sit
15 down. I'm just calling your name. I've been
16 trying to call it, but know I mispronounced it.
17 Okay. Miss Irene, you may proceed.
18 And rather than to read for all, we've done
19 most them -- all of them.

20 MS. ARMSTRONG: Okay. Again, and
21 how is that spelled again? I have your
22 daughter's name on here. That's the only name I
23 have on my voters' registration list. What's the
24 spelling of -- of his name?

25 CHAIRMAN MONTGOMERY: The proof is

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1 on you, Irene.

2 UNIDENTIFIED VOICE: Y'all can't
3 spell the name for her. You gave it to her. You
4 can't give it to her.

5 CHAIRMAN MONTGOMERY: No.

6 MS. ARMSTRONG: I call this, Joe,
7 Chairman.

8 (Commissioners and Attorney consult.)

9 MS. ARMSTRONG: It's no problem.
10 It's no problem. Let me tell you what's going on
11 and -- 'cause this needs to be clarified.

12 CHAIRMAN MONTGOMERY: Okay. Just
13 give us the evidence.

14 MS. ARMSTRONG: This needs to be
15 clarified prior to -- before I go forward. This
16 is my fee for voters' registration in this. And
17 I'm always been under the impression that they
18 give it to you -- send it to you before, you
19 know, the election; and they did.

20 However, the parents' names are not
21 on here. Only the daughter. And so whenever the
22 challenge came about on Tuesday, you know, I
23 challenged the daughter; and now there's the
24 mother and the father. I don't see them on my
25 list. Do you have -- I mean, I called Conway

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1 today, this morning.

2 CHAIRMAN MONTGOMERY: Yeah. We
3 can't help you with that, Irene. You have to
4 present your evidence.

5 MS. ARMSTRONG: Well, I'm going to
6 do that; but I want to know the name of Naim and
7 I -- all right. Located on -- Naim Vaughan
8 listed on Atlantic Beach voter registration list
9 at 12 -- at 2812 South Ocean Boulevard, South
10 Carolina.

11 Naim and his wife Erika Vaughn own
12 a beach home in Atlantic Beach in 2022. The home
13 is not their primary residence, although he has
14 stated himself in a voter registration
15 application. The bond for each home is assessed
16 at 6 percent ratio, which means it is a second
17 home and not a 4 percent residential home.

18 The Vaughan's beach house also is
19 under a rental management contract with a Beach
20 Vacation Rental Company and has been issued a
21 business license by the Town of Atlantic Beach or
22 in the process thereof. They have to have
23 something there in town hall with the business
24 license.

25 While husband, Naim Vaughan, claims

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1 that the address in Atlantic Beach is their
2 primary residence, the wife, Erika Vaughan,
3 claims residency at 2418, again, Pimpernel Drive
4 in Waldorf, Maryland at zip 20603. The South
5 Carolina residency law says the husband and a
6 wife cannot both claim a 4 percent status in one
7 state and then the wife in another.

8 I have the rental home that the
9 rental home that they -- that the Vaughns have
10 is not a primary home. It's a rental vacation
11 home. It's not their primary residence by no
12 stretch of the imagination. It is not. There's
13 a bunch of reviews throughout this that shows it
14 is not, a bunch of reviews where the guests live
15 in this home all through the year here.

16 CHAIRMAN MONTGOMERY: Okay. You
17 may present the evidence. Thank you.

18 MR. BURCHSTEAD: And, you know, for
19 the record, the Municipal Election Commission was
20 handed a series of papers about Mr. Vaughan and
21 his residency. I am going to -- we are going to
22 accept this and mark it as **Exhibit No. 06** for the
23 record.

24 **(Exhibit No. 06)** was marked for
25 identification.)

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1 CHAIRMAN MONTGOMERY: Anything
2 else, Irene?

3 MS. ARMSTRONG: No.

4 CHAIRMAN MONTGOMERY: Okay. You
5 may, if you wish, Mr. Vaughan. Let's clarify the
6 spelling of your name.

7 MR. VAUGHN: Naim, N-A-I-M, Vaughn,
8 V-A-U-G-H-A-N.

9 NAIM R. VAUGHN,
10 having been first duly sworn, provided the
11 following statements:

12 CHAIRMAN MONTGOMERY: You may
13 proceed.

14 MR. VAUGHN: All right. My name is
15 Naim Vaughan. I have three proofs of evidence.

16 CHAIRMAN MONTGOMERY: Okay.

17 MR. VAUGHN: One is my South
18 Carolina voter identification card. I have my
19 South Carolina driver's license, and I have my
20 military ID card.

21 (Commissioners and Attorney consult.)

22 CHAIRMAN MONTGOMERY: What those
23 records show that relates to your residence? Is
24 your address -- read off your address and
25 everything for the record.

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1 MR. VAUGHN: My South Carolina
2 driver's license, it says 2812 South Ocean
3 Boulevard, Atlantic Beach, South Carolina.

4 CHAIRMAN MONTGOMERY: Okay. When
5 was it issued? When was it issued?

6 MR. VAUGHN: I don't -- I can't
7 remember. Okay. August 30, 2023.

8 (Commissioners and Attorney consult.)

9 CHAIRMAN MONTGOMERY: Okay. You
10 have two other documents. What's on the other
11 two?

12 MR. VAUGHN: My South Carolina
13 voter identification card. It doesn't have the
14 address on it but --

15 CHAIRMAN MONTGOMERY: What's the
16 third?

17 MR. VAUGHN: My military ID card.
18 I did 30 years of active duty Air Force, and I've
19 had no one challenge my -- anything that I, you
20 know, done in the military. I was a straight
21 shooter, and that's what it is.

22 CHAIRMAN MONTGOMERY: You don't
23 have any -- yeah. You don't have anything else
24 to add about the residence, do you, other than
25 what you have?

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1 MR. VAUGHN: Absolutely not.

2 CHAIRMAN MONTGOMERY: Okay. That's
3 good. Bring them forward. We'll let the
4 commission look at it and --

5 (Commissioners and Attorney consult.)

6 CHAIRMAN MONTGOMERY: Thank you,
7 sir. I'll entertain a motion that we approve
8 Mr. Naim vote.

9 MR. MCIVER: Mr. Chairman, I seek a
10 motion that we vote on the legality of the voting
11 in Atlantic Beach, yes or no.

12 CHAIRMAN MONTGOMERY: Okay. I'll
13 second that.

14 Those in favor say yes. Those in
15 favor of approving this vote, make this vote
16 active, approve this vote, say, yes.

17 MR. MCIVER: Yes.

18 MS. GORE: Yes.

19 CHAIRMAN MONTGOMERY: Yes.

20 Oppose say no. Motion is cared.

21 This is Divine -- hey. Okay.

22 Again, make sure you're here. I didn't see you.
23 Irene Armstrong.

24 Okay. Irene, you may proceed.

25 MS. ARMSTRONG: Okay. K. G. Divine

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1 located on Atlantic Beach -- Atlantic Beach
2 voters' list at 3108 Seaview Street, Atlantic
3 Beach, South Carolina. Divine claims residency

4 at the home address of -- of -- on second.
5 Chairman. Update this.

6 Yes. The Divines are receiving a
7 4 percent rate according to -- according to the

8 process of getting residency -- receiving a
9 4 percent rate. Divines' vacation home -- built

10 their vacation home in 2017. It has never been
11 occupied by either of the Divines as a primary

12 residence.

13 The Divines' primary resident is
14 located at 6419 North 11th Street, Philadelphia,
15 Pennsylvania. The State of South Carolina has a
16 law because I think Mr. Divine is registered
17 here. His wife is not, but they're married and
18 not divorced. The wife lives at the residence in
19 Philadelphia and Divine husband is here.

20 So, there's state law that states
21 that whenever a husband and wife live in two
22 separate states, they both cannot receive a
23 4 percent tax break; and that is the point of --
24 of my challenge here today with that, you know,
25 residency.

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1 And it's -- it's the same with
2 the -- it's coming behind Divine or is Divine
3 or -- I think. Yes. And it's a -- it's a rental
4 home. The Divines have a rental vacation home
5 that they rent south of the property as well, you
6 know. How can that be primary?

7 CHAIRMAN MONTGOMERY: Well, let me
8 ask. Attorney just showed me this and reread it.

9 I read it before. That the husband and wife can
10 live in separate domiciles. It's just -- but we
11 don't need to get into that. We can't.

12 (Commissioners and Attorney consult.)

13 CHAIRMAN MONTGOMERY: Right. We
14 don't need to get into that.

15 Okay. We're ready for you.

16 MR. DIVINE: Good morning.

17 CHAIRMAN MONTGOMERY: Good morning.

18 MR. MCIVER: Hold on one second.

19 Miss Irene, can we get the information for that?

20 MS. ARMSTRONG: Yes.

21 (Commissioners and Attorney consult.)

22 CHAIRMAN MONTGOMERY: Do you have
23 anything else to add?

24 MS. ARMSTRONG: No, not other than
25 that. I know, you know --

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1 CHAIRMAN MONTGOMERY: Okay. Give
2 us the evidence.

3 MS. ARMSTRONG: The 4 percent, I
4 know there's a legal there. It's just a matter
5 of clarifying that.

6 CHAIRMAN MONTGOMERY: Okay. Mark
7 this as an exhibit.

8 MR. BURCHSTEAD: Thank you. And,
9 for the record, this is a series of documents
10 on -- it's handwritten at the top KG Divine. At
11 least spelled here D-I-V-I-N-E, and we are going
12 to mark this. This has been provided to us from
13 Miss Armstrong. We are going to mark this as
14 Exhibit No. 07.

15 (Exhibit No. 07) was marked for
16 identification.)

17 KNOWLEDGE GAHIB DIVINE,
18 having been first duly sworn, provided the
19 following statements:

20 CHAIRMAN MONTGOMERY: Okay. Now,
21 spell your name for the record. Spell it.

22 MR. DIVINE: Okay. Knowledge,
23 K-N-O-W-L-E-D-G-E. Middle name Gahib, G-A-H-I-B.
24 Last name Divine, D-I-V-I-N-E.

25 CHAIRMAN MONTGOMERY: Thank you,

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1 sir.

2 MR. DIVINE: Yes, sir. Good
3 morning, commission.

4 CHAIRMAN MONTGOMERY: Good morning.

5 MR. DIVINE: My legal residence is
6 at 3108 Seaview Street in Atlantic Beach, South
7 Carolina 29582. I have -- I'm reading from my
8 driver's license right now, and this was issued
9 in 2019. So, I have been voting here in this
10 building for five years.

11 I have nowhere else in the United
12 States that I can vote but in Atlantic Beach.
13 And to address the issues of where I live or
14 where my wife lives, those issues, I think, may
15 be tax issues; but I don't think they have
16 anything to do with my right to vote. So, with
17 that, I'm going to bring up my evidence.

18 CHAIRMAN MONTGOMERY: Thank you,
19 sir.

20 MR. BURCHSTEAD: And, for the
21 record, we are looking at a South Carolina
22 driver's license and a South Carolina voter
23 identification card.

24 MR. DIVINE: With photo, yeah.

25 MR. BURCHSTEAD: With photo on

1 both.

2 MR. DIVINE: And this is my -- a
3 letter from the IRS to my home at --

4 CHAIRMAN MONTGOMERY: We went
5 through this two years ago.

6 MR. DIVINE: Yeah.

7 CHAIRMAN MONTGOMERY: All right.
8 Thank you, sir. You don't have anything else to
9 add, do you?

10 MR. DIVINE: No, that's it. And
11 thank you, Commissioner.

12 CHAIRMAN MONTGOMERY: Thank you.

13 MR. DIVINE: Thank you.

14 CHAIRMAN MONTGOMERY: Thank you.

15 Okay. And I'll entertain a motion
16 that we vote on this ballot, approve or
17 disapprove.

18 MR. MCIVER: Mr. Chairman, I -- I'm
19 going to entertain a motion that we approve or
20 disapprove the ballot in question from K. G.
21 Divine.

22 CHAIRMAN MONTGOMERY: I'll second
23 that.

24 Been moved and properly seconded.

25 Let me vote on this ballot. Those in favor of

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1 approving the ballot, let it be known by saying
2 yes.

3 MR. MCIVER: Yes.

4 MS. GORE: Yes.

5 CHAIRMAN MONTGOMERY: I say yes.
6 Those who disapprove say no.

7 Ballot is approved so it will be counted.

8 Miss Jean Anne -- it's Ira?

9 UNIDENTIFIED VOICE: Rhymer.

10 CHAIRMAN MONTGOMERY: Rhymer.

11 Okay. I'm sorry.

12 Okay. Irene, you are here. You
13 may proceed.

14 MS. ARMSTRONG: Huh?

15 CHAIRMAN MONTGOMERY: You may
16 proceed. Wait a minute.

17 MS. ARMSTRONG: With what?

18 CHAIRMAN MONTGOMERY: Okay.

19 MS. ARMSTRONG: With what?

20 CHAIRMAN MONTGOMERY: No. I'm

21 sorry. I'm sorry, Irene. It's Eric Lewis. I'm
22 sorry. My apologies. I didn't look at the box.
23 Eric. Is Eric here? Eric Lewis? Eric isn't

24 here.

25 UNIDENTIFIED VOICE: No challenge.

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1 CHAIRMAN MONTGOMERY: No challenge.

2 UNIDENTIFIED VOICE: No challenge.

3 CHAIRMAN MONTGOMERY: The voter's

4 here. John, I don't need your comment.

5 (Commissioners and Attorney consult.)

6 CHAIRMAN MONTGOMERY: For the

7 record, you may come forward.

8 MS. RHYMER: Sir?

9 CHAIRMAN MONTGOMERY: You may come

10 forward, just for the record, 'cause the

11 challenger isn't here.

12 MS. ARMSTRONG: She's handicapped.

13 CHAIRMAN MONTGOMERY: Oh, I'm

14 sorry. If you don't want --

15 MR. BURCHSTEAD: Can we -- can we

16 swear her in from there?

17 CHAIRMAN MONTGOMERY: You can stay

18 back there. I'm sorry.

19 JEAN ANNE RHYMER,

20 having been first duly sworn, provided the

21 following statements:

22 CHAIRMAN MONTGOMERY: I'm sorry.

23 I'll just take it.

24 MS. RHYMER: It's my driver's

25 license and mail.

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1 CHAIRMAN MONTGOMERY: Yeah. I'm

2 sorry.

3 MS. RHYMER: That's okay.

4 MR. BURCHSTEAD: Thank you.

5 And, for the record, we were

6 presented a driver's license from Miss Rhymer

7 with an Atlantic Beach address and a --

8 information from what appears to be an insurer,

9 some mailing also with an Atlantic Beach address

10 and -- is there anything else?

11 MR. MCIVER: I'm sorry. I'm just a

12 little confused. Is it Eric Lewis that you

13 mentioned? Who are we --

14 CHAIRMAN MONTGOMERY: Eric is the

15 challenger. He isn't here so we're talking with

16 the --

17 MR. MCIVER: Okay.

18 CHAIRMAN MONTGOMERY: Yeah, let

19 them look at it. This is the evidence. This is

20 her evidence. We're just doing this for the

21 record 'cause the challenger isn't here. So,

22 we're doing it for the record.

23 Thank you, Miss Rhymer. Would you

24 like to say anything? You don't have to.

25 MS. RHYMER: No.

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1 CHAIRMAN MONTGOMERY: Okay. All

2 right. We'll entertain a motion that we approve

3 Miss Rhymer's vote by -- I'll entertain a motion.

4 MR. MCIVER: Mr. Chairman, I make a

5 motion that we vote on the eligibility of Jean

6 Rhymer, yes or no.

7 CHAIRMAN MONTGOMERY: I'll second.

8 Okay. Those in favor of the motion, say -- those

9 in favor of approving the ballot, say yes.

10 MR. MCIVER: Yes.

11 MS. GORE: Yes.

12 CHAIRMAN MONTGOMERY: And I say

13 yes.

14 Those opposed say no. Motion is

15 carried, and ballot is approved. Thank you,

16 Miss Rhymer.

17 MS. RHYMER: Thank you.

18 CHAIRMAN MONTGOMERY: Dr. Traci

19 Cooper, I know she isn't here. But -- okay.

20 I -- right. I'll call for you, Elaine, when we

21 get to the challenger. Irene, this is Dr. Traci

22 Cooper.

23 MS. ARMSTRONG: Yes. Okay. Well,

24 it's -- it's also Noble P., Jr., and Noble others

25 in the family that I will be addressing in one.

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1 CHAIRMAN MONTGOMERY: Okay.

2 MS. ARMSTRONG: Listed on the

3 voters' registration list, there are Cooper

4 Carlisle, Cooper Noble, Noble and Traci at 3207

5 South Ocean Boulevard, Atlantic Beach, South

6 Carolina, as their primary residence.

7 Well, this home is -- is under

8 construction. It's incomplete. It has never had

9 anyone lived in it permanently because it -- it

10 did not exist. However, before this, there was

11 another home; but no one ever lived in that home,

12 as we all know, here in this town.

13 So, for -- to make claims of -- to

14 living in a home that you're -- that you're a

15 resident that is incomplete, it's under

16 construction, that was the purpose of my

17 challenging that -- that home.

18 And it is also under that 6 percent

19 and not 4 percent residency Horry County tax

20 ratio, and there's two address locations for this

21 family: 120 Stonebrook Drive in Blythewood,

22 South Carolina, and then the other of Miss Carol

23 L. Cooper, who is the name of record -- is the

24 name of record of this property in Conway,

25 Miss Carol J. Cooper; and she's not one of the

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1 parties here on the list. And she's at 2202
2 Pinehurst, North Carolina. I mean, South
3 Carolina.

4 So the commission, the reason I
5 challenge this vote because the home doesn't have
6 a CO. It's not -- it's incomplete. So, how do
7 you claim a residence is yours if it -- if
8 it's -- you've never lived in it? It's not
9 completed and hasn't been completely built?

10 And this was -- has been -- if they
11 registered to vote, I don't know when; but still
12 that's beside the point. It's a house that has
13 never been occupied because it's incomplete.
14 Today construction workers are still there; and,
15 yeah, I have a picture of it here.

16 CHAIRMAN MONTGOMERY: Okay.

17 MS. ARMSTRONG: And that speaks to
18 all the conclusion on that.

19 CHAIRMAN MONTGOMERY: Okay. You
20 can present your evidence.

21 MR. BURCHSTEAD: For the record, we
22 have a -- a series of papers provided by
23 Miss Armstrong. At -- at the top of it, it
24 indicates it relates to Carlisle Cooper, Noble P.
25 Cooper, Jr., Noble P. Cooper, III, and Traci V.

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1 Cooper. And this -- we'll mark as Exhibit
2 ~~No. 08~~.

3 ~~(Exhibit No. 08)~~ was marked for
4 identification.)

5 CHAIRMAN MONTGOMERY: Okay. Let me
6 say this, then you can proceed.

7 Dr. Traci Cooper isn't here because
8 she had a funeral she had to attend to. I called
9 you about that, Mike. I called you about. And
10 Elaine is going to present the evidence.

11 And I called Michael before, you
12 know. So, you may proceed.

13 MS. FINNEY: I'm Elaine Finney.

14 CHAIRMAN MONTGOMERY: You need to
15 be sworn in.

16 MS. FINNEY: Okay.

17 ELAINE FINNEY,
18 having been first duly sworn, provided the
19 following statements:

20 MS. FINNEY: Good morning. I have
21 a declaration of proxy. I, Traci Young Cooper,
22 resident of Atlantic Beach, South Carolina, 3207
23 South Ocean Boulevard, Atlantic Beach, South
24 Carolina 29582, have retained Attorney Jerry Leo
25 Finney of the Finney Law Firm as my proxy for the

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1 Atlantic Beach mayoral and town council election
2 provisional ballot hearing scheduled for
3 Thursday, November the 9th, 2023, at 10 a.m.

4 Attorney Jerry Finney has been
5 procured as the designated proxy during my
6 absence due to bereavement for all matters
7 related to this hearing, inquiry, and review.
8 Attorney Finney's services have been procured for
9 an undisclosed rate pursuant to his client fee
10 scale.

11 Attorney Finney has also been
12 procured for the property of my minor children,
13 Carlisle Cooper and Noble Percival Cooper, III.
14 Their representation is also included under this
15 proxy service agreement.

16 Carlisle and Noble are unable to
17 attend the hearing due to being enrolled out of
18 state in college and graduate school, American
19 University, Washington, D.C. and Brown University
20 Providence, Rhode Island, respectively.

21 And it's signed by Dr. Cooper on
22 November the 8th, 2023, and witnessed by
23 Gwendolyn Ethridge November the 8th, 2023, notary
24 commission October the 23rd, 2028.

25 CHAIRMAN MONTGOMERY: Thank you.

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1 Elaine.

2 MS. FINNEY: And the proof
3 information as it relates to voting, anything
4 related to property is not in consideration for
5 voter registration.

6 I have Miss Cooper's driver's
7 license, which was issued 12/17/2021. The
8 address is 3207 South Ocean Boulevard, Atlantic
9 Beach, South Carolina 29582. I have her voter
10 registration, which was dated September the 19th,
11 2023, Horry County; and I also have a bill from
12 Spectrum with the service address 3207 South
13 Ocean Boulevard, North Myrtle Beach, South
14 Carolina 29582. And the date on this is November
15 the 1st, 2023.

16 I have voter information related to
17 Carlisle Cooper.

18 MR. FINNEY: May I approach?

19 CHAIRMAN MONTGOMERY: Yeah, sure,
20 yeah.

21 MR. FINNEY: (Complies with
22 request.)

23 CHAIRMAN MONTGOMERY: Thank you.

24 MR. BURCHSTEAD: For the record,
25 Jerry Finney approached and provided documents

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1 that appear to relate to Traci Cooper and the
2 residency issue; and I have a declaration -- a
3 document titled the Declaration of Proxy; and
4 this will be the exhibit, the next exhibit,
5 ~~Exhibit No. 09~~; is that right?

6 ~~(Exhibit No. 09)~~ was marked for
7 identification.)

8 MR. BURCHSTEAD: Thank you. I have
9 a Spectrum bill dated November 1, 2023, with an
10 address on 3207 South Ocean Boulevard for Dr. N.
11 P. Copper; and I'll mark this as the next Exhibit
12 ~~No. 10~~.

13 ~~(Exhibit No. 10)~~ was marked for
14 identification.)

15 MR. FINNEY: People have been
16 showing their driver's licenses.

17 MR. BURCHSTEAD: Sure.

18 MR. FINNEY: So, I would just
19 ask -- I was just showing you the driver's
20 license.

21 MR. BURCHSTEAD: Do you not want
22 the driver's license to be presented as an
23 exhibit?

24 MR. FINNEY: No one else's has as
25 an exhibit. So, I would say no.

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1 MR. BURCHSTEAD: Okay. Same thing
2 for the voter registration?

3 MR. FINNEY: Yes. Correct.

4 MR. BURCHSTEAD: Okay. Okay.

5 MR. FINNEY: Just so y'all could
6 see the address and see the voter registration
7 number.

8 MR. BURCHSTEAD: Thank you. For
9 the record, we've marked as ~~Exhibit No. 10~~ and
10 ~~Exhibit No. 10~~ and the -- and there's also a copy
11 of what appears to be a voter registration
12 notification. Name Traci Cooper with an address
13 on 3207 South Ocean Boulevard and a -- a South
14 Carolina driver's license showing the same
15 information that will be shown to the election
16 commission but not marked as exhibits and -- and
17 they're going to review the information now.

18 CHAIRMAN MONTGOMERY: You may
19 proceed. Do you have something else?

20 MR. FINNEY: That's all for Traci.

21 MS. FINNEY: That's all for Traci.
22 We have the two kids. Do you want that
23 information?

24 CHAIRMAN MONTGOMERY: No. We're
25 just working on this one right now.

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1 MS. FINNEY: That's it for Traci.

2 CHAIRMAN MONTGOMERY: Yes.
3 (Commissioners and Attorney consult.)

4 CHAIRMAN MONTGOMERY: What the
5 allegations are made about construction being
6 going on there 'cause I know you built -- she
7 built a beautiful house. She said nobody lives
8 there. Can you respond to that?

9 MS. FINNEY: Yes. She had a home
10 on that property for over 30 years. That home
11 was torn down, and they are in the middle of
12 construction; and that house is due to be
13 finished next month. And they plan to move into
14 there to make that their primary residence.

15 So, a dwelling has been on that
16 property for approximately 50 years in the Cooper
17 family; and they have owned that property for
18 over 50 years.

19 CHAIRMAN MONTGOMERY: Okay. I'm
20 very familiar with it. I just want it for the
21 record. Thank you.

22 Okay. Anything else with regard
23 to Traci?

24 MS. FINNEY: No, sir.

25 CHAIRMAN MONTGOMERY: Okay. As

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1 commissioner, I'll entertain a motion to approve
2 or disapprove Dr. Traci Cooper's vote.

3 MR. MCIVER: Mr. Chairman, I make a
4 motion that we approve or disapprove the ballot
5 for Traci Cooper.

6 CHAIRMAN MONTGOMERY: I'll second.
7 Those in favor of approving the ballot, say yes.
8 Opposed say no.

9 MR. MCIVER: Yes.

10 CHAIRMAN MONTGOMERY: Yes. Carol.

11 MS. GORE: Yes.

12 CHAIRMAN MONTGOMERY: Motion is
13 carried.

14 Derrick Myers, Mayes. Is he --

15 MS. ARMSTRONG: I think that was
16 with the Divines. What is the name again?

17 CHAIRMAN MONTGOMERY: Derrick
18 Mayes. Eric is the challenger, but is Derrick
19 here?

20 UNIDENTIFIED VOICE: No, he's not
21 here.

22 MS. ARMSTRONG: He's working.

23 UNIDENTIFIED VOICE: He's not here.
24 He's at work.

25 (Commissioners and Attorney consult.)

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1 CHAIRMAN MONTGOMERY: The
2 challenger is Eric Lewis, and he isn't present.
3 He's the challenger.

4 MR. MCIVER: So, is the voter here
5 you said?

6 CHAIRMAN MONTGOMERY: No. The
7 voter isn't here either.

8 (Commissioners and Attorney consult.)

9 CHAIRMAN MONTGOMERY: The
10 challenger didn't come. So, it's a presumptive
11 vote. So, what you all say? Vote on it?

12 MR. MCIVER: Yeah.

13 CHAIRMAN MONTGOMERY: Okay. Make a
14 motion.

15 MR. MCIVER: Mr. Chairman, I make a
16 motion that we vote on the -- approve the ballot
17 for Derrick Mayes.

18 CHAIRMAN MONTGOMERY: I'll second.
19 Has been moved and properly
20 seconded. We approve the ballot for Derrick
21 Myers or Mayes.

22 UNIDENTIFIED VOICE: Derrick Mayes.

23 CHAIRMAN MONTGOMERY: Derrick
24 Mayes. I'm sorry.

25 MR. BURCHSTEAD: Spelling is

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1 M-A-Y-E-S.

2 CHAIRMAN MONTGOMERY: Yeah,

3 M-A-Y-E-S. Those in favor say yes. Ken, did you
4 say yes?

5 MR. MCIVER: I -- I don't approve.

6 CHAIRMAN MONTGOMERY: Oh, you don't
7 approve. You vote no?

8 MR. MCIVER: I vote no.

9 CHAIRMAN MONTGOMERY: Okay.
10 Caroline.

11 MS. GORE: No.

12 CHAIRMAN MONTGOMERY: Okay. Stays
13 in the ballot.

14 UNIDENTIFIED VOICE: If I may, he
15 has --

16 MS. ARMSTRONG: He has --

17 CHAIRMAN MONTGOMERY: Yes, Dave.

18 MAYOR EVANS: He can't speak. He's
19 at work.

20 MR. BURCHSTEAD: Yeah. He can
21 speak.

22 CHAIRMAN MONTGOMERY: Oh, I didn't
23 know that, Jake. I didn't know that. I
24 couldn't --

25 MAYOR EVANS: He can't speak. He's

1 already voted.

2 CHAIRMAN MONTGOMERY: No. He can
3 speak. He can speak. We'll let him speak.

4 MAYOR EVANS: Yes, this is just his
5 voter registration where he lives in Woods
6 Villas.

7 CHAIRMAN MONTGOMERY: Yeah. I was
8 looking for Derrick. I didn't know you was
9 presenting that.

10 MAYOR EVANS: I'm the
11 landlord.

12 MR. BURCHSTEAD: Make sure he
13 sworn in.

14 JAKE EVANS:
15 having been first duly sworn, provided the
16 following statements:

17 MR. BURCHSTEAD: Could you just
18 state your name for the record?

19 MAYOR EVANS: I'm Mayor Evans,
20 mayor of the Town of Atlantic Beach; and Derrick
21 Mayes is a tenant at Woods Villas, and I am his
22 landlord. And he's at work today.

23 MR. BURCHSTEAD: Thank you. And
24 for the record, Mayor Evans provided a Woods
25 Villas motel registration card for Derrick Mayes;

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1 and I'm going to mark this as an exhibit, Exhibit

2 ~~No. 11.~~

3 ~~(Exhibit No. 11)~~ was marked for
4 identification.)

5 CHAIRMAN MONTGOMERY: Okay. You
6 may be seated.

7 MAYOR EVANS: Thank you.

8 CHAIRMAN MONTGOMERY: Come back.
9 Come back. I was trying -- we were discussing
10 the -- the motion that we're dealing with. Go
11 ahead and present your evidence.

12 MAYOR EVANS: No. That's all I
13 have.

14 CHAIRMAN MONTGOMERY: That's all?

15 MAYOR EVANS: Yeah, uh-huh.

16 (Commissioners and Attorney consult.)

17 CHAIRMAN MONTGOMERY: Yeah. He has
18 a Little River address. Can you --

19 MAYOR EVANS: That's the address he
20 had at check-in. As you can see, he checked in
21 on March 23.

22 CHAIRMAN MONTGOMERY: Okay. And
23 he's been at your place ever since; right?

24 MAYOR EVANS: Yes. He's been here
25 since March.

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1 CHAIRMAN MONTGOMERY: Since March?

2 MAYOR EVANS: Yes.

3 (Commissioners and Attorney consult.)

4 CHAIRMAN MONTGOMERY: Okay. How
5 often does -- how often he's seen? You see him
6 every -- every day or --

7 MAYOR EVANS: Yes. I see him every
8 day or every other day, yes.

9 MR. MCIVER: I just have a
10 question, Mr. Mayor. Did he provide you with any
11 type of documentation that he lives there himself
12 or, I mean, that his -- his driver's license or
13 anything? Do you have any other documents from
14 him on his behalf?

15 MAYOR EVANS: I don't have any -- I
16 have a copy of his driver's license that he used
17 when he checked in, but I think it's -- it's the
18 same thing that's on there. That's when he
19 checked in in March is all I have. When he
20 checked in in March. But, yeah, he's -- he's
21 been there since -- since March.

22 CHAIRMAN MONTGOMERY: Okay. Thank
23 you.

24 MAYOR EVANS: Of course, he has his
25 voter registration card and his ID that he

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1 presented on Tuesday when he actually voted.

2 CHAIRMAN MONTGOMERY: Right. Okay.
3 Mr. Mayor, thank you.

4 MAYOR EVANS: You're welcome.

5 CHAIRMAN MONTGOMERY: Okay. I
6 entertain a motion that we approve or disapprove
7 the --

8 MR. MCIVER: I think we made that
9 motion already, and we voted on how do we do
10 that? We made that motion for --

11 UNIDENTIFIED VOICE: Rescind it.

12 MR. BURCHSTEAD: I don't know that
13 there's a formality to it; but the motion was
14 made in error, not knowing that Mayor Evans was
15 here or someone was here to present on his
16 voter's behalf. So, you can reconsider the --
17 the prior decision; and you can take a new --
18 move for a new vote.

19 CHAIRMAN MONTGOMERY: Okay. I'll
20 ask the lawyer. I'll entertain a motion that we
21 take a new vote on this ballot.

22 MR. MCIVER: Mr. Chairman, I seek a
23 motion that we reconsider the vote for Derrick
24 Myers.

25 CHAIRMAN MONTGOMERY: Mayes.

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1 MR. MCIVER: Yeah.

2 CHAIRMAN MONTGOMERY: It look like
3 an E for -- but it's Mayes. Okay. I'll second
4 that.

5 Okay. Those in favor of approving
6 this vote, say aye.

7 (Commissioners and Attorney consult.)

8 CHAIRMAN MONTGOMERY: In favor of
9 reconsidering, say aye.

10 MS. GORE: Aye.

11 MR. MCIVER: Aye.

12 CHAIRMAN MONTGOMERY: Now we'll
13 come -- now we'll do the new motion. I'll
14 entertain a motion that we approve or disapprove
15 Mr. Mayes' vote.

16 MR. MCIVER: Mr. Chairman, I seek a
17 motion that we approve or disapprove the -- the
18 voter information here for Derrick Mayes.

19 CHAIRMAN MONTGOMERY: Okay. I'll
20 second that.

21 Are there questions?

22 MR. MCIVER: I do. I just want to,
23 again, just look at this. Give me one second.

24 (Pause in proceedings.)

25 CHAIRMAN MONTGOMERY: Okay. Are

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1 you ready to vote?

2 MR. MCIVER: Yes.

3 CHAIRMAN MONTGOMERY: Okay. I'll
4 entertain a motion that we approve --

5 MR. MCIVER: We did that already.

6 CHAIRMAN MONTGOMERY: We did that
7 all right. Okay. We did that already.

8 Those in favor of approving the
9 vote, say aye.

10 MR. MCIVER: Aye.

11 CHAIRMAN MONTGOMERY: I say aye.

12 MR. MCIVER: No. We're all ready
13 for discussion. We're just voting right now.

14 CHAIRMAN MONTGOMERY: Right. So
15 you're voting in --

16 MR. MCIVER: I vote that we
17 approve.

18 CHAIRMAN MONTGOMERY: I vote that
19 we approved. Carol.

20 MS. GORE: Yes.

21 CHAIRMAN MONTGOMERY: Okay. Motion
22 is carried.

23 Miss Vaughan. Nadiyah Vaughan, I
24 probably messed it up. That's your daughter?

25 MR. VAUGHN: Yes.

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1 CHAIRMAN MONTGOMERY: Okay.

2 This -- hold a second. Irene --

3 MS. ARMSTRONG: Yeah. It's still
4 in that information that I provided for you. Do
5 you have to have another exhibit?

6 MR. BURCHSTEAD: No, no.

7 MS. ARMSTRONG: You do? 'Cause
8 this is the daughter.

9 MR. BURCHSTEAD: Would this be
10 the -- if you could come here and look at this,
11 if you could reference -- this was previously
12 marked as **EXHIBIT No. 02**. Is this the
13 information you're referring to?

14 MS. ARMSTRONG: Yes. Yes. 'Cause
15 I have it here. I think I have it here. It's --

16 MR. BURCHSTEAD: Speak for the
17 record. Reference what you previously offered.

18 MS. ARMSTRONG: I will. I will.

19 MR. BURCHSTEAD: Say whatever you
20 want to say specifically on the record; and for
21 the record, the information packet that was
22 previously provided and is marked as Exhibit
23 **No. 02** is just going to be referenced. We're not
24 going to need to reference a new exhibit.

25 MS. ARMSTRONG: No, you're not; but

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1 what I was speaking earlier on is that on my
2 voters' registration list, I never did have Erika
3 Vaughan, nor did I have Naim. And I'm thinking
4 all the time that this Nadiyah was Naim.

5 So -- but that's the daughter, but
6 I didn't have her on my voters' registration
7 list. The father, nor the mother. So, all of
8 this is referenced to the daughter as well, you
9 know, with the vacation home 'cause she is a
10 18-year-old and probably a student.

11 CHAIRMAN MONTGOMERY: Okay. Now,
12 you may come. You may proceed.

13 MR. VAUGHN: All right. So, my
14 name is Naim Vaughan. Nadiyah Vaughan is my
15 daughter. She is a dependent of mine, and she is
16 in college at North Carolina A&T at the moment.

17 When she came to vote, she
18 presented all of the information -- all of the
19 necessary information needed. What I have with
20 me right now is her registration; and on her
21 registration, it has 2812 South Ocean Boulevard,
22 Atlantic Beach, South Carolina 29582. And the
23 registration date is 8/15/2023.

24 CHAIRMAN MONTGOMERY: Okay. May we
25 see that?

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1 MR. VAUGHN: I also have a copy of
2 her student ID.

3 CHAIRMAN MONTGOMERY: Okay. I know
4 that -- I called you -- when I called Michael
5 and -- 'cause she brought his daughter from A&T
6 college. She went back (cause she couldn't be
7 here.

8 MR. BURCHSTEAD: For the record, I
9 have what appears to be a photo copy of a student
10 ID for Nadiyah Vaughan from North Carolina A&T
11 State University. Expires June of 2028. And a
12 copy of a voter registration card for Nadiyah
13 Vaughan listing an address of 2812 South Ocean
14 Boulevard, Atlantic Beach, South Carolina 29582.
15 And would -- would you like to make this an
16 exhibit? Copy of the student ID?

17 MR. VAUGHN: Yes. But I would like
18 it -- I would like back though.

19 MR. BURCHSTEAD: Well, if we mark
20 this as an exhibit, we have to keep it. I mean,
21 we could -- we just read it in the record so --
22 okay. Thank you. Thank you.

23 MR. MCIVER: So, we're not going to
24 be able to look at the student ID?

25 MR. BURCHSTEAD: No. You can look

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1 at it. We're not going to put it in the
2 record --

3 CHAIRMAN MONTGOMERY: We're not
4 going to put it in the record.

5 MR. BURCHSTEAD: -- as an exhibit.

6 CHAIRMAN MONTGOMERY: Okay. Thank
7 you. Good to meet you.

8 Okay. I'll entertain a motion that
9 we approve Nadiyah Vaughan vote.

10 MR. MCIVER: Mr. Chairman, I seek a
11 motion that we discuss the ballot and to approve
12 or not the ballot for Nadiyah Vaughan.

13 CHAIRMAN MONTGOMERY: I'll second
14 that.

15 It is moved and seconded. We'll
16 vote on prevailing ballot for Nadiyah Vaughan.
17 Those in favor of approving the ballot, say yes.

18 MR. MCIVER: Yes.

19 MS. GORE: Yes.

20 CHAIRMAN MONTGOMERY: Yes.
21 Opposed no? Ballot approved.

22 Julianna Hines. Okay. All right.

23 Irene, you may go. You may proceed, Irene.

24 MR. BURCHSTEAD: She's here.

25 That's Miss Hines.

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1 CHAIRMAN MONTGOMERY: Yes. That's

2 Miss Hines, yes.

3 MR. BURCHSTEAD: Just state that
4 for the record.

5 CHAIRMAN MONTGOMERY: Miss Hines is
6 here. I'll call you when it's time. You may
7 proceed, Irene.

8 MS. ARMSTRONG: Okay. Julianna
9 Hines listed on Atlantic Beach voter registration
10 list at 3103 South Ocean Boulevard, Atlantic
11 Beach.

12 The home at this location is a
13 beach home, old beach home, only -- owned by the
14 former Dr. Cornelius Beck and Julianna Hines, his
15 wife. The Beck family never really used the home
16 as a primary residence; however, the young
17 daughter that occupies the home as her primary
18 residence and not her mother, Julianna Hines.

19 The beach house is in Atlantic
20 Beach assessed at 6 percent ratio, which means it
21 is a second home and not their primary home; and
22 I understand the voter registration listing says
23 it has to be your primary home at the time you
24 sign this voter registration application.

25 And you have -- that is an oath

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1 that you're taking when you say that on all of
2 these registers; and I failed to get that bit in,
3 that when you -- once you sign this voter
4 registration application, that is the last thing
5 you sign here, is that oath that the home is at
6 that primary time, in fact, is your primary
7 residence.

8 So, that's all that I have on that.
9 It is not Miss Julianna primary home. Like I
10 said, her daughter and her husband or -- lives at
11 the home now.

12 CHAIRMAN MONTGOMERY: Okay. Thank
13 you, Irene.

14 Miss Hines, you can come forward
15 and be sworn in.

16 MR. BURCHSTEAD: For the record,
17 we're accepting a packet of papers from
18 Miss Armstrong. It appears at the top to relate
19 to Julianna Hines; and I am marking this as the
20 next exhibit, Exhibit No. 12, for the record.

21 (Exhibit No. 12) was marked for
22 identification.)

23 JULIANNA HINES,
24 having been first duly sworn, provided the
25 following statements:

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1 CHAIRMAN MONTGOMERY: You may
2 proceed.

3 MS. HINES: My name is Julianna
4 Hines, and I reside at 3103 South Ocean
5 Boulevard. I have my voter's registration. I
6 have my electric bill. I have my water bills for
7 the last couple months. I retired in -- I
8 retired this year and decided to make this my
9 primary home.

10 CHAIRMAN MONTGOMERY: Okay. May we
11 see your evidence?

12 MS. HINES: (Come in with
13 request.)

14 MR. BURCHSTEAD: And can we keep
15 these? Or are these just for the court?

16 MS. HINES: I didn't know if you
17 needed copies.

18 MR. BURCHSTEAD: Okay. Well, just
19 for the record, what's being -- what is being
20 presented to us -- to the Municipal Election
21 Commission for Miss Hines, it's a -- what -- it
22 looks like it's a couple of energy bills from
23 Santee Cooper that have an address 3102 South
24 Ocean Boulevard, and then a -- and then a water
25 bill and -- and what -- for the record, could you

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1 just say what about this --

2 MS. HINES: It's 3103 South Ocean
3 Boulevard. There's two water bills right there.

4 MR. BURCHSTEAD: Okay. Two water
5 bills with a service location of 3103 South Ocean
6 Boulevard. We're not marking these as exhibits,
7 but I have actually three -- three water bills,
8 and this is for the review of the commission.

9 CHAIRMAN MONTGOMERY: Right. Now,
10 on this light bill, it's on Green Lane --

11 MS. HINES: That's where I lived
12 previously.

13 CHAIRMAN MONTGOMERY: Okay. Okay.
14 (Commissioners and Attorney consult.)

15 CHAIRMAN MONTGOMERY: How about the
16 Washington, D.C., address?

17 MS. HINES: I have another home in
18 D.C. I used to send my bills there.

19 CHAIRMAN MONTGOMERY: Okay. And
20 the voter register notification is Atlantic
21 Beach.

22 MR. BURCHSTEAD: Just for -- let me
23 read this into the record. For the record,
24 there's a State of South Carolina voter
25 registration card, indicates Julianna Hines. It

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1 lists a -- an address of 3103 South Ocean
2 Boulevard, Atlantic Beach, South Carolina 29582.

3 MR. MCIVER: Again, just for me,
4 'cause I -- I'm sorry. I didn't hear you. These
5 are in Pawleys Island?

6 MS. HINES: That's right. I lived
7 at Pawleys Island previously; but after I
8 retired, I decided to locate to the beach house.

9 MR. MCIVER: Okay. And then these
10 are the ones that are in Washington, D.C.?

11 MS. HINES: No, no. I just have a
12 house there. I used to have my tax bill --

13 MR. MCIVER: Just had the mail
14 forwarded. Okay.

15 MS. HINES: That's correct.

16 MR. MCIVER: Okay. And -- do you
17 have a picture ID of anything?

18 MS. HINES: Yes. I have my
19 license.

20 CHAIRMAN MONTGOMERY: Let us see
21 that.

22 MR. MCIVER: I'm asking for your
23 picture in -- in the event that I just want to
24 make sure the two are the same.

25 MS. HINES: This has my Pawleys

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1 Island address on there. I need to update it.

2 CHAIRMAN MONTGOMERY: When did you
3 decide to retire and establish a residence?

4 MS. HINES: July -- July of 2023.

5 CHAIRMAN MONTGOMERY: July of 2023.
6 Okay.

7 MS. HINES: Thank you.

8 CHAIRMAN MONTGOMERY: Okay. I'll
9 entertain a motion that we approve this ballot or
10 disapprove the ballot.

11 MR. MCIVER: Mr. Chairman, I vote
12 that we approve or disapprove the ballot for
13 Julianna Hines.

14 MS. HINES: Julianna Hines.

15 MR. MCIVER: Julianna Hines.

16 CHAIRMAN MONTGOMERY: I'll second
17 that.

18 Those in favor of approving the
19 ballot, let it be known by saying yes. I say
20 yes.

21 MS. GORE: Yes.

22 CHAIRMAN MONTGOMERY: Ken.

23 MR. MCIVER: No.

24 CHAIRMAN MONTGOMERY: You say no.
25 Okay. Motion is carried. Two yes and one no.

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1 Elaine, Miss Elaine Finney. And,
2 Irene, you may go first.

3 UNIDENTIFIED VOICE: Excuse me.

4 Irene was not the Challenger.

5 MS. J. GORE: It was me.

6 CHAIRMAN MONTGOMERY: I'm sorry.

7 I'm sorry. I didn't look at the bottom. Say
8 apologies.

9 MS. ARMSTRONG: I didn't hear the
10 name.

11 MS. J. GORE: But you know, I was
12 to make a statement before I get here.

13 CHAIRMAN MONTGOMERY: Okay.

14 MS. J. GORE: I already know how
15 this is going to go, and you're going to approve
16 her for staying here. So, I'm going to say that
17 I withdraw my challenge. She lives here.

18 Since you say she live here 'cause
19 everything that's going through here today,
20 you're going to say whether they live here or not
21 that she live here.

22 If anybody here lives here out of
23 this whole bunch, it's going to be them two right
24 there. So, Miss Elaine, I take my challenge from
25 you.

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1 CHAIRMAN MONTGOMERY: Jacqui --

2 MS. J. GORE: Yes, sir.

3 CHAIRMAN MONTGOMERY: -- what about
4 Attorney Finney? Jerry? It's the same thing?

5 MS. ARMSTRONG: I have that.

6 MS. J. GORE: She has that. Like I
7 said, you're going to approve everything that's
8 on your list anyway. So, them all will do --
9 'cause that's what you're going to do anyway, and
10 y'all have a good day.

11 CHAIRMAN MONTGOMERY: All right.

12 Okay. Elaine, you want to say anything?

13 (Commissioners and Attorney consult.)

14 MR. MCIVER: I'm sorry. I couldn't
15 hear you. If she's withdrawing the challenge,
16 then what do we do?

17 MR. BURCHSTEAD: If she's
18 withdrawing it, then, you know, I think we -- the
19 vote counts but just ask for the record whether
20 Miss Finney wants to say anything.

21 CHAIRMAN MONTGOMERY: She wants to
22 say anything. That's what I want.

23 UNIDENTIFIED VOICE: I'm Ian
24 Douglas; and I'm counsel for Elaine Finney, and
25 she has nothing to say.

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1 MR. BURCHSTEAD: For the record,
2 the challenge is withdrawn; and the vote counts.

3 CHAIRMAN MONTGOMERY: Right.
4 That's what we're going to -- so, we don't have
5 to vote on it? We have to vote on it?

6 MR. BURCHSTEAD: Well, yeah. Yeah.

7 CHAIRMAN MONTGOMERY: Still have to
8 vote. Okay. I'll entertain a motion that we
9 approve Elaine Finney's ballot or disapprove.

10 MR. MCIVER: Mr. Chairman, I put
11 in -- I think a -- a motion that we vote on the
12 qualifications to vote in the Town of Atlantic
13 Beach for Elaine Finney.

14 CHAIRMAN MONTGOMERY: I'll second
15 that.

16 Okay. Those in favor of approving
17 this ballot, say aye.

18 MR. MCIVER: Aye.

19 CHAIRMAN MONTGOMERY: Aye.
20 Caroline?

21 MS. GORE: No.

22 CHAIRMAN MONTGOMERY: Okay. Motion
23 is carried.

24 Jerry Finney. Attorney Finney and,
25 Irene, I got that right this time. You got the

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1 Challenger, Irene.

2 MS. ARMSTRONG: I think it's a
3 Jerry Finney, is it Jr. and Sr. and a Colleen
4 that you have those? But since Miss Gore -- full
5 watch for Miss Gore, if she's withdrawn, then I'm
6 going to withdraw what I have for the Finneys.

7 CHAIRMAN MONTGOMERY: Okay. All
8 right. Let the record state that Miss Irene
9 withdraw her -- withdrew her -- withdrew her
10 objection.

11 MS. ARMSTRONG: And just for the
12 record, they are legal with the 4 percent.
13 Whenever it was initially pulled, it was not. It
14 was at 6 percent; but since then, since a few
15 months ago, it's been to the 4 percent. So,
16 everything looks in order.

17 CHAIRMAN MONTGOMERY: Okay. Very
18 good. Very good. Jerry, you want to say
19 anything?

20 UNIDENTIFIED VOICE: Ian Douglas,
21 once again, for Attorney Jerry Finney, Sr., since
22 the challenge has been withdrawn, we think the
23 should vote count. Thank you.

24 CHAIRMAN MONTGOMERY: I entertain a
25 motion that --

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1 MS. ARMSTRONG: Do you still have
2 this withdrawn? You don't need to --

3 CHAIRMAN MONTGOMERY: If it was
4 withdrawn, we don't need it, no.

5 MR. MCIVER: Mr. Chairman, I make a
6 motion that we vote on the eligibility to vote in
7 the Town of Atlantic Beach for Jerry Leo Finney.

8 CHAIRMAN MONTGOMERY: I'll second
9 that motion.

10 All those in favor, say aye.

11 MR. MCIVER: Aye.

12 CHAIRMAN MONTGOMERY: Aye.
13 Miss Gore.

14 MS. GORE: No.

15 CHAIRMAN MONTGOMERY: Motion is
16 carried. Okay. That completes the absentee
17 ballots. What we have here?

18 MS. ARMSTRONG: You have another
19 one.

20 CHAIRMAN MONTGOMERY: Mail in.
21 Okay.

22 (Commissioners and Attorney consult.)

23 CHAIRMAN MONTGOMERY: Caroline
24 Cooper.

25 MS. ARMSTRONG: You've already done

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1 them.

2 CHAIRMAN MONTGOMERY: Oh, yeah.
3 Okay.

4 MR. BURCHSTEAD: These are the mail
5 ins. Let me just see if the voter is here.

6 CHAIRMAN MONTGOMERY: Michael
7 Graves. Wait. That's the witness. Michael
8 Graves. And I think --

9 UNIDENTIFIED VOICE: Terrance
10 Graves.

11 CHAIRMAN MONTGOMERY: Huh?

12 UNIDENTIFIED VOICE: Terrance.

13 CHAIRMAN MONTGOMERY: Terrance.

14 I'm sorry. Okay.

15 (Commissioners and Attorney consult.)

16 CHAIRMAN MONTGOMERY: Is he here?
17 Mr. Booker, I think you represent Terrance
18 Graves?

19 MR. BOOKER: Yes.

20 MR. BURCHSTEAD: And the
21 challenge -- is there a challenge?

22 CHAIRMAN MONTGOMERY: We don't have
23 a challenge. I don't see --

24 UNIDENTIFIED VOICE: Yes. I
25 already challenged that on Tuesday.

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1 CHAIRMAN MONTGOMERY: Okay. Yeah.

2 And that's the one I told you. Okay. Okay. You
3 made them --

4 MS. ARMSTRONG: Yes. I don't have
5 anything on him, other than I think that's
6 Mr. Booker's grandson.

7 CHAIRMAN MONTGOMERY: Yeah.

8 MS. ARMSTRONG: But that, you know,
9 that's -- as far as the residency, I didn't know
10 that he had a grandson living with him so --

11 CHAIRMAN MONTGOMERY: Okay. I
12 remember you did the other night. Okay. Booker.

13 MS. ARMSTRONG: I wasn't aware of
14 that.

15 CHAIRMAN MONTGOMERY: Okay. Right.

16 MR. BOOKER,
17 having been first duly sworn, provided the
18 following statements:

19 MR. BOOKER: Good afternoon. I
20 have documentation for my grandson. He's
21 registered to vote here, and he lives with my
22 wife and me. He's registered, and I have his
23 voter registration and ID card; and I also have
24 some of his financial statements from the bank.

25 CHAIRMAN MONTGOMERY: Okay.

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1 MR. BOOKER: You'd like to see
2 them?

3 CHAIRMAN MONTGOMERY: Yeah, uh-huh.

4 MR. BURCHSTEAD: Thank you. And
5 for the record, we're looking at a Chapter 11
6 voter registration card from Terrance Graves
7 listing an address 304 29th Avenue South,
8 Atlantic Beach, registration date August 15,
9 2023; a -- a voter identification card for
10 Terrance M. Graves; and some financial

11 correspondence addressed to Terrance M. Graves at
12 the 304 29th Avenue South address in Atlantic
13 Beach. And we're not marking these as exhibits,
14 but we're reviewing them for the determination.

15 CHAIRMAN MONTGOMERY: Okay. And
16 where is your grandson?

17 MR. BOOKER: He's in --

18 CHAIRMAN MONTGOMERY: I know. He
19 goes -- is attending school, college?

20 MR. BOOKER: Yeah.

21 UNIDENTIFIED VOICE: He is in
22 Atlanta.

23 CHAIRMAN MONTGOMERY: You got
24 another question? Thank you, Mr. Booker.

25 MR. BURCHSTEAD: Do y'all have any

1 questions for him?

2 CHAIRMAN MONTGOMERY: No. I'll
3 entertain a motion that we approve this ballot or
4 disapprove.

5 MR. MCIVER: Mr. Chairman, I seek a
6 motion that we vote on the ballot of Terrance
7 Graves.

8 CHAIRMAN MONTGOMERY: Terrance
9 Graves. Okay. I'll second that motion.

10 Okay. Those in favor of approving
11 the ballot, say yes. I say yes. Or no?

12 MR. MCIVER: Yes.

13 MS. GORE: Yes.

14 CHAIRMAN MONTGOMERY: Okay. That's
15 yes. It's unanimous. Motion is carried. Ballot
16 is approved. Okay.

17 (Commissioners and Attorney consult.)

18 CHAIRMAN MONTGOMERY: I don't think
19 we -- I don't think we have any challengers on
20 this, but I'll just call the name. Corrine
21 Cooper.

22 UNIDENTIFIED VOICE: Carlisle.

23 CHAIRMAN MONTGOMERY: Carlisle.

24 I'm sorry. Carlisle Cooper.

25 MS. FINNEY: She's the daughter of

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1 Traci Cooper.

2 CHAIRMAN MONTGOMERY: Are you here?

3 MS. J. GORE: You already approved
4 the mom and daddy. So, don't the kids go with
5 the mom and daddy by you?

6 CHAIRMAN MONTGOMERY: No, not --

7 MS. J. GORE: I'm just saying
8 those -- she's working with me, and that's what
9 I'm telling you. They approved those. You may
10 as well let those go through.

11 MR. BURCHSTEAD: We just say, you
12 know. We're going to keep it, you know. Based
13 on the evidence of the challenger right here, but
14 just see if anybody's challenging and who's the
15 challenger.

16 CHAIRMAN MONTGOMERY: That's what
17 I'm asking.

18 MR. BURCHSTEAD: Okay.

19 CHAIRMAN MONTGOMERY: Are you the
20 challenger on this matter? You -- you gave
21 evidence, but you don't want to speak to this
22 again?

23 MS. ARMSTRONG: Well, I'm getting
24 confused because I thought when the Finneys was
25 up, they went through all of those.

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1 MR. MCIVER: No. We were taking
2 one at a time.

3 CHAIRMAN MONTGOMERY: One at a
4 time.

5 MS. ARMSTRONG: Okay. So, those
6 are -- no, I don't have any objections 'cause, I
7 mean, it applies to the children what Miss Finney
8 information she gave on Traci, apparently.

9 CHAIRMAN MONTGOMERY: Yeah, right.
10 Okay. And -- and these are a mail-in ballot, a
11 mail-in ballot. Okay.

12 MR. MCIVER: Mr. Chair, I seek a
13 motion that we vote whether or not Carlisle
14 Cooper is a resident to vote in Atlantic Beach.

15 CHAIRMAN MONTGOMERY: I'll second
16 that motion.

17 Those in favor, say yes. Opposed
18 no.

19 MR. MCIVER: Yes.

20 CHAIRMAN MONTGOMERY: Yes.
21 Miss Gore.

22 MS. GORE: Yes.

23 CHAIRMAN MONTGOMERY: Yes. Motion
24 is carried.

25 Noble Cooper, III. Same thing. He

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1 isn't here. Yeah. It's the same.

2 MR. MCIVER: Give me one second.

3 CHAIRMAN MONTGOMERY: Okay.

4 MS. ARMSTRONG: Again, the other --
5 same question is if the information that
6 Miss Finney gave for Traci applies to --

7 CHAIRMAN MONTGOMERY: Applies to
8 this.

9 MS. ARMSTRONG: So, was that --
10 yeah.

11 CHAIRMAN MONTGOMERY: And we -- we
12 viewed that information already so we -- we apply
13 to it.

14 MS. ARMSTRONG: Oh, you're opening
15 all the ballots now so --

16 CHAIRMAN MONTGOMERY: Okay. But
17 this is Noble Cooper now. You've given
18 information --

19 MS. ARMSTRONG: Those are the
20 children.

21 (Commissioners and Attorney consult.)

22 CHAIRMAN MONTGOMERY: Are you
23 withdrawing the challenge?

24 MS. ARMSTRONG: I just want -- I'm
25 trying to keep up with you there because I

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1 thought we'd gone past it.

2 CHAIRMAN MONTGOMERY: No. These
3 are ballots. We haven't dealt with these yet,
4 Noble Cooper, III. We're doing them one by one.
5 So, you had -- you said you had information on all
6 three, what you passed in. We're doing it one by
7 one.

8 MS. ARMSTRONG: All the ball the
9 Coopers' name was in that information I gave.

10 CHAIRMAN MONTGOMERY: Right. That
11 you gave.

12 MS. ARMSTRONG: Right.

13 CHAIRMAN MONTGOMERY: I understand
14 that.

15 MS. ARMSTRONG: But I still -- I
16 still stick with my comments in my paper that
17 that house is not prepared, and nobody's lived in
18 it. It's a new construction.

19 CHAIRMAN MONTGOMERY: Right.

20 MS. ARMSTRONG: It doesn't have a
21 CO.

22 CHAIRMAN MONTGOMERY: Right.

23 MS. ARMSTRONG: It doesn't have a
24 CO.

25 CHAIRMAN MONTGOMERY: Right. And

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1 that's what I'm asking you. You applying that
2 information to --

3 MS. ARMSTRONG: Yes. That's what I
4 have and the information that you have up here.

5 MR. BURCHSTEAD: That's previously
6 been marked as Exhibit No. 03.

7 MS. ARMSTRONG: Yes.

8 MR. BURCHSTEAD: And just for the
9 record, do you just want to reference Exhibit
10 No. 03?

11 MS. ARMSTRONG: Yes.

12 MR. BURCHSTEAD: Okay. Are you
13 withdrawing your challenge or --

14 MS. ARMSTRONG: No. I'm not
15 withdrawing my challenge.

16 MR. BURCHSTEAD: Okay.

17 CHAIRMAN MONTGOMERY: She's not
18 withdrawing it.

19 MR. BURCHSTEAD: Okay.

20 CHAIRMAN MONTGOMERY: Okay. We
21 have the information on Noble Cooper, III, just
22 as we did the other, Irene, you know.

23 MR. MCIVER: Mr. Chairman, I seek a
24 motion that we -- on the eligibility --

25 MS. FINNEY: I'd like to be heard,

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1 please.

2 CHAIRMAN MONTGOMERY: Okay. Go
3 ahead.

4 MS. FINNEY: This is in
5 relationship to Noble P. Cooper, III. I have his
6 registration information that was dated October
7 the 5th, 2023, with the address of 3207 South
8 Ocean Boulevard, Atlantic Beach, South Carolina
9 29582.

10 I have his student ID, which
11 verifies that he is a student at Brown University
12 in Rhode Island; and then I also have Brown
13 University where his permanent address is listed
14 as 3207 South Ocean Boulevard, Atlantic Beach,
15 South Carolina 29582.

16 CHAIRMAN MONTGOMERY: Okay.

17 MS. FINNEY: So, we will show it to
18 you but not keep it.

19 MR. FINNEY: May I approach?

20 MR. MCIVER: I had a quick question
21 for you. So, with Carlisle Cooper, did you --

22 MS. FINNEY: I have the same
23 information.

24 MR. MCIVER: Okay. So, you're
25 representing Carlisle Cooper.

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1 MS. FINNEY: All the Coopers.

2 MR. MCIVER: Well, I'm -- doing
3 them -- I'm just writing them one at a time.
4 That's for Noble --

5 MS. FINNEY: For Carlisle Cooper, I
6 have a voter registration information dated
7 October the 5th, 2023, with a registration
8 address, 3207 South Ocean Boulevard, Atlantic
9 Beach, South Carolina 29582.

10 I have a student ID, which expires
11 12/31/2024, at American University in Washington,
12 D.C.; and then I also have documentation for
13 American University that lists her permanent
14 address as 3207 South Ocean Boulevard Atlantic
15 Beach, South Carolina 29582.

16 MR. BURCHSTEAD: And for the
17 record, all the information just identified by --
18 by Miss Elaine Finney is being reviewed by the
19 Municipal Electoral Commission.

20 CHAIRMAN MONTGOMERY: Thank you.

21 MR. MCIVER: So, this is on --
22 we're doing --

23 CHAIRMAN MONTGOMERY: Noble.

24 MR. MCIVER: Yes. Okay.

25 CHAIRMAN MONTGOMERY: Okay. Sir,

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1 thank you.

2 MR. FINNEY: Thank you.

3 MR. MCIVER: Mr. Chairman, I seek a
4 motion that we vote on the eligibility for Noble
5 Cooper, III, to be eligible to vote in the Town
6 of Atlantic Beach.

7 CHAIRMAN MONTGOMERY: I'll second
8 that motion.

9 Those in favor of the motion say
10 yes.

11 MR. MCIVER: Yes.

12 MS. GORE: Yes.

13 CHAIRMAN MONTGOMERY: Yes. No one
14 say no. Motion is carried.

15 We getting close. We'll do some
16 tallying. Watts. William George Palm is the
17 witness. Is Watts in here? It looks like Watts.

18 120 Daniel Drive. Oh, this is Jack Finney, Jr.

19 MS. FINNEY: Yes. That's his
20 school address. That's his school address. I
21 have his permit.

22 MR. BURCHSTEAD: Let's -- let's be
23 clear what we're -- we're talking about. There's
24 a -- there's a ballot with a -- a voter signature
25 that is hard to discern.

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1 MS. FINNEY: He has bad
2 handwriting.

3 MR. BURCHSTEAD: But it has a
4 witness, William George Palmer, Jr.

5 MS. FINNEY: That's his roommate in
6 college.

7 MR. BURCHSTEAD: Well, we don't
8 have for the record who we're talking about here.
9 But the -- okay. It came from Jerry Finney, Jr.?

10 CHAIRMAN MONTGOMERY: Yeah.

11 MR. BURCHSTEAD: Is this Jerry
12 Finney, Jr.?

13 MS. FINNEY: Yes.

14 MR. BURCHSTEAD: Okay. Just ask
15 whether he's here. It looks like he's not.

16 CHAIRMAN MONTGOMERY: He's not
17 here. Elaine, you want to speak?

18 MS. FINNEY: Yes. But I have a
19 question. She reviewed -- she withdrew her
20 challenges for all of the Finneys. So, do you
21 still need to go through this as well?

22 CHAIRMAN MONTGOMERY: No.

23 MR. BURCHSTEAD: Ask --

24 MS. FINNEY: Let's put it on the
25 record.

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1 MR. BURCHSTEAD: Put everything on
2 the record.
3 CHAIRMAN MONTGOMERY: Put it on the
4 record, yeah.
5 (Commissioners and Attorney consult.)
6 CHAIRMAN MONTGOMERY: Clarify. Is
7 she walking out? Are you withdrawing -- Irene,
8 are you withdrawing your challenge to --
9 MS. ARMSTRONG: I thought we'd
10 taken care of the Finneys.
11 MR. BURCHSTEAD: Make sure she
12 makes it clear for the record.
13 CHAIRMAN MONTGOMERY: This is Jerry
14 Finney, Jr. We don't know -- so you're
15 withdrawing --
16 MS. ARMSTRONG: So, that it's --
17 who do we -- who did Jacqui rescind for?
18 MS. FINNEY: All of them.
19 MS. ARMSTRONG: Was it the father?
20 MS. FINNEY: All of them.
21 MS. J. GORE: I said the mother and
22 the father.
23 MS. ARMSTRONG: You said the
24 children?
25 MS. J. GORE: I said the mother and

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1 the father.
2 MS. ARMSTRONG: Oh, I said that
3 too. Yeah, I did. I did. Because I didn't feel
4 that they were children. They're in -- they're
5 in college?
6 CHAIRMAN MONTGOMERY: Yeah. Well,
7 it comes from Clemson, South Carolina. That's
8 Clemson in college.
9 MS. ARMSTRONG: Is that the
10 college? They're in college?
11 MR. BURCHSTEAD: We'll --
12 CHAIRMAN MONTGOMERY: You just give
13 us the information, yeah.
14 MS. ARMSTRONG: Yeah, well, you
15 have it.
16 (Commissioners and Attorney consult.)
17 CHAIRMAN MONTGOMERY: Okay. You've
18 given us -- okay.
19 MS. ARMSTRONG: Yeah. It's -- I
20 don't have --
21 CHAIRMAN MONTGOMERY: Okay. Great.
22 Elaine.
23 MS. FINNEY: And I'm presenting to
24 you not to keep his driver's license, which was
25 issued May 17, 2023, with an address for Jerry

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1 Leo Finney, Jr., 3106 Seaview Street, Atlantic
2 Beach, South Carolina 29582; along with his
3 registration to vote, which is dated
4 September 26, 2023, Jerry Leo Finney, Jr., 3106
5 Seaview Street, Atlantic Beach, South Carolina,
6 29582; and documentation from Clemson with his
7 local address, 120 Daniel Drive, Apartment 22,
8 Clemson, South Carolina 29634, that's at Clemson
9 University. And his permanent address 3106
10 Seaview Street, Atlantic Beach, South Carolina
11 29582.
12 CHAIRMAN MONTGOMERY: Thank you,
13 Mrs. Finney.
14 MR. BURCHSTEAD: Thank you.
15 the record, we are reviewing a copy of the
16 driver's license provided by Miss Finney as to
17 Jerry Leo Finney, Jr., showing Atlantic Beach
18 address; a copy of a voter registration card
19 showing the same thing; and what appears to be a
20 printout from a website showing a local address
21 in Clemson but the permanent address being at
22 Seaview Street in Atlantic Beach.
23 And for the record, the Municipal
24 Election Commission is reviewing the information.
25 CHAIRMAN MONTGOMERY: When people

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1 have been here for a while, we call it 2nd
2 Avenue.
3 MS. FINNEY: Okay. Like Front
4 Street.
5 CHAIRMAN MONTGOMERY: Yeah. But
6 Seaview and North Myrtle Beach has Seaview so --
7 you know.
8 Okay. Thank you. I'll entertain a
9 motion that we approve this ballot or disapprove.
10 MR. MCIVER: Mr. Chairman, I seek a
11 motion that we move -- that we vote on the
12 residency for the voting in Atlantic Beach for
13 Jerry Finney, Jr.
14 CHAIRMAN MONTGOMERY: Okay. It's
15 been moved and properly seconded that we vote to
16 approve or disapprove the ballot of Jerry Finney,
17 Jr. He goes to Clemson. Those in -- those in
18 favor say yes.
19 MR. MCIVER: Yes.
20 CHAIRMAN MONTGOMERY: Yes.
21 MS. GORE: No.
22 CHAIRMAN MONTGOMERY: Opposed no.
23 We have one no and two yes's. Motion is carried.
24 Colleen, Mr. -- that's correct?
25 Did I get it right?

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1 MS. FINNEY: Yes.
 2 CHAIRMAN MONTGOMERY: Okay.
 3 Colleen T. Finney. Irene. Is the same, Irene.
 4 It's Colleen T. Finney. Same thing?
 5 MS. ARMSTRONG: Same. You've got
 6 my package up there. They're the children, yes.
 7 It's the same.
 8 CHAIRMAN MONTGOMERY: Okay. All
 9 right. Elaine, you may proceed.
 10 MS. FINNEY: Okay. I have
 11 documentation for Colleen, driver's license,
 12 Colleen Theresa Finney, 3106 Seaview Street,
 13 Atlantic Beach, South Carolina 29582, issued
 14 12/21/2018; voter registration, Colleen T.
 15 Finney, 3106 Seaview Street, Atlantic Beach,
 16 South Carolina 29582, registered date March 22,
 17 2023; and a printout from her online at the
 18 University of Missouri in Columbia, Missouri,
 19 with her permanent address, 3106 Seaview Street,
 20 Atlantic Beach, South Carolina 29582, Horry
 21 County.
 22 CHAIRMAN MONTGOMERY: Thank you.
 23 MR. BURCHSTEAD: Thank you. And
 24 for the record, the records just identified by
 25 Miss Elaine Finney show a copy of a driver's

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1 license from Colleen Finney with a -- an address
 2 on 3106 Seaview Street in Atlantic Beach; a copy
 3 of a South Carolina voter registration card
 4 registered March 22, 2023, same address; and a
 5 copy of what looks like a printout from
 6 University of Missouri showing the same address.
 7 And all these records are being
 8 reviewed by the Municipal Election Commission.
 9 MS. FINNEY: You can catch Colleen
 10 on TV tonight. She plays volleyball at
 11 University of Missouri. They're playing Texas
 12 A&M.
 13 CHAIRMAN MONTGOMERY: ESPN?
 14 MS. FINNEY: ESPN Plus. 7 o'clock.
 15 I mean, not tonight. Tomorrow night. 7 p.m.
 16 CHAIRMAN MONTGOMERY: Okay. Good.
 17 Good. Very good. Okay. Thank you. You may --
 18 MR. MCIVER: Mr. Chairman, I seek a
 19 motion that we vote on the voter registration of
 20 eligibility of Colleen Finney in the Town of
 21 Atlantic Beach.
 22 CHAIRMAN MONTGOMERY: I'll second
 23 that motion.
 24 It's been moved and properly
 25 seconded that we vote on the eligibility to vote

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1 in Atlantic Beach for Colleen Finney on that
 2 question. Those in favor of the motion, say yes.
 3 MR. MCIVER: Yes.
 4 CHAIRMAN MONTGOMERY: Yes.
 5 MS. GORE: No. Oppose.
 6 CHAIRMAN MONTGOMERY: Opposed is
 7 one. Motion is carried.
 8 Glynese Cheatham.
 9 MS. CHEATHAM: Right here.
 10 CHAIRMAN MONTGOMERY: Okay, Irene.
 11 MS. ARMSTRONG: Okay. Yeah,
 12 that's -- that's every once in a while neighbor
 13 down the street. That's Glynese Cheatham. That's
 14 located at -- her address she's claiming at 401
 15 32nd Avenue South in Atlantic Beach. Glynese has
 16 her beach home there, second home. She's never
 17 really permanently lived on -- at the residence
 18 on a permanent basis, but she's in and out
 19 occasionally because her home is under rental
 20 management company; and it's rented out when
 21 she's not here.
 22 She has a 4 percent status on her
 23 home. It's a 6 percent status and not a
 24 4 percent. So, I'm confused as to how is it not
 25 4 percent if it's a residential or primary

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1 residential property? Why is it 6 percent?
 2 And that's my only -- only issue
 3 here with that; and for the most part, anyway,
 4 for most of them, that has been my concern,
 5 that that 4 percent versus a 6 percent and then
 6 6 percent versus 4 percent. 6 percent
 7 establishes that it's a -- it's a nonresidential
 8 property. 6 percent. And 4 percent confirms
 9 that it is residential.
 10 So, if you're familiar with the --
 11 the homes in the town, whenever I see a
 12 6 percent, all I see is a -- a profit-producing
 13 entity because most of them have business
 14 licenses in the town to operate those vacation
 15 homes as businesses. So, how did that ever
 16 become your primary residence right now? Take
 17 that up there.
 18 CHAIRMAN MONTGOMERY: Well, Irene,
 19 you and I discussed this the other day. You
 20 recall. You talking about the Homestead
 21 Exemption Act --
 22 MS. ARMSTRONG: No. Not homestead.
 23 CHAIRMAN MONTGOMERY: Yeah. Well,
 24 I won't -- I want to say something because
 25 this -- this has nothing to do with voter

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1 registration. That's my point. I told you that
2 the other day.
3 MS. ARMSTRONG: Oh, yeah, oh, yeah.
4 Well, see this information isn't just for this
5 room and these eyes and ears.
6 CHAIRMAN MONTGOMERY: Okay. Yeah.
7 Well, you and I had that discussion. You
8 remember.
9 MR. BURCHSTEAD: And just for the
10 record, Miss Armstrong has provided a number of
11 documents on -- indicates above it's on Glynes E.
12 Cheatham, G-L-Y-N-E-S, E. Cheatham,
13 C-H-E-A-T-H-A-M. I'm marking this as the next
14 exhibit, Exhibit No. 13, for the record.
15 Exhibit No. 13 was marked for
16 identification.)
17 CHAIRMAN MONTGOMERY:
18 Miss Cheatham, you may come. Be sworn in.
19 GLYNES CHEATHAM,
20 having been first duly sworn, provided the
21 following statements:
22 CHAIRMAN MONTGOMERY: You may
23 proceed.
24 MS. CHEATHAM: Okay. So, I have my
25 South Carolina driver's license here; and my name

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1 is Glynes Elaine Cheatham. And my address is 401
2 32nd Avenue, Atlantic Beach, South Carolina
3 2958024. Also, I have my state voter
4 registration verification dated 8/31/2023, and my
5 license was issued on 8/31/2023.
6 CHAIRMAN MONTGOMERY: Thank you.
7 May we see them?
8 MS. CHEATHAM: Yes, sir.
9 MR. BURCHSTEAD: And for the
10 record, Miss Cheatham has provided a driver's
11 license, as she indicated, showing a record of --
12 that an address of 401 32nd Avenue South at
13 Atlantic Beach and a voter registration card
14 showing the same address that was issued, as she
15 indicated, issued on 8/31/2023. And the
16 Municipal Election Commission is reviewing these
17 documents.
18 CHAIRMAN MONTGOMERY: Thank you,
19 Miss Cheatham.
20 MS. CHEATHAM: Thank you.
21 CHAIRMAN MONTGOMERY: All right.
22 I'll entertain a motion we approve Miss Cheatham
23 ballot or disapprove.
24 MR. MCIVER: Mr. Chairman, I seek a
25 motion that we determine the eligibility of the

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1 vote of Atlantic Beach by Glynes Cheatham.
2 CHAIRMAN MONTGOMERY: I'll second
3 that motion.
4 Are there questions? None. Those
5 in favor of the motion, say yes.
6 MR. MCIVER: Yes.
7 CHAIRMAN MONTGOMERY: Yes.
8 MS. GORE: Yes.
9 CHAIRMAN MONTGOMERY: Yes.
10 MS. GORE: Yes.
11 CHAIRMAN MONTGOMERY: Okay. Yes.
12 Motion is carried.
13 That's the last one. Okay.
14 (Commissioners and Attorney consult.)
15 CHAIRMAN MONTGOMERY: Okay. All
16 right. Okay. Now we have to do -- to tally. We
17 have two ballots that mark witness so we don't --
18 MR. BURCHSTEAD: No, we don't --
19 CHAIRMAN MONTGOMERY: We don't do
20 anything with those --
21 MR. BURCHSTEAD: -- do anything
22 with those, without the witness. Two absentee
23 ballots without the witness.
24 CHAIRMAN MONTGOMERY: Two absentee
25 ballots, we don't do anything with that. Okay.

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1 Are we ready to tally the votes; correct? That's
2 next thing; right?
3 MR. BURCHSTEAD: That's it.
4 CHAIRMAN MONTGOMERY: Been a long
5 morning. Won't be long after we get these
6 tabbed.
7 MR. MCIVER: Mr. Chairman, which
8 one do you want to, sort of, count first? These
9 or these, or does it matter?
10 CHAIRMAN MONTGOMERY: Does it
11 matter, counselor?
12 MR. BURCHSTEAD: Doesn't matter.
13 CHAIRMAN MONTGOMERY: Okay.
14 Doesn't matter.
15 MR. MCIVER: I'm just going to read
16 for -- and you take tally of however.
17 CHAIRMAN MONTGOMERY: Yeah, you
18 need to take tally. I'm going do the same thing.
19 So, there won't be making a mistake.
20 MR. MCIVER: Mayor: Josephine
21 Isom. Council: Jacqui Gore, John Swinson.
22 Mayor: John David. Council:
23 Jerry Finney, Carla Taylor.
24 Mayor: John David. Council:
25 Jerry Finney, Carla Taylor.

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1 Mayor: John David. Council:
 2 Jerry Finney, Carla Taylor.
 3 Mayor: John David. Council:
 4 Jerry Finney, Carla Taylor.
 5 Mayor: Josephine Isom. Council:
 6 Jacqui Gore, Shawn Swinson.
 7 Mayor: John David. Council:
 8 Jerry Finney, Carla Taylor.
 9 Mayor: John David. Council:
 10 Jerry Finney, Carla Taylor.
 11 Mayor: John David. Council:
 12 Jerry Finney, Carla Taylor.
 13 Mayor: John David. Council:
 14 Jerry Finney, Carla Taylor.
 15 Mayor: John David. Council:
 16 Jerry Finney, Carla Taylor.
 17 Mayor: John David. Council Carla
 18 Finney --
 19 CHAIRMAN MONTGOMERY: Jerry Finney.
 20 MR. MCIVER: Jerry Finney, Carla
 21 Taylor. And that's all I have for this stack.
 22 MR. BURCHSTEAD: Okay.
 23 CHAIRMAN MONTGOMERY: Okay. Where
 24 the other stack?
 25 MR. MCIVER: Or do y'all want to

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1 see what you got?
 2 MR. BURCHSTEAD: No. Let's do all
 3 of them. You mixed them up; right?
 4 MR. MCIVER: Yeah. And he just
 5 asked if I mixed them up, and I did.
 6 (Commissioners and Attorney consult.)
 7 MR. MCIVER: Mayor: John David.
 8 Council: Jerry Finney, Carla Taylor.
 9 Mayor: John David. Council, Carla
 10 Taylor and Jerry Finney. Did I say that right?
 11 Mayor: John David. Council:
 12 Jerry Finney, Carla Taylor.
 13 Mayor: John David. Council:
 14 Jerry Finney, Carla Taylor.
 15 Mayor: John David. Council:
 16 Jerry Finney, Carla Taylor.
 17 Mayor: John David. Council:
 18 Jerry Finney, Carla Taylor. And that's all I
 19 have.
 20 (Commissioners and Attorney consult.)
 21 CHAIRMAN MONTGOMERY: Okay. Go
 22 back through it.
 23 MR. MCIVER: Mayor: John David.
 24 Council: Jerry Finney, Carla Taylor.
 25 Mayor: John David. Council:

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1 Jerry Finney, Carla Taylor.
 2 Mayor: John David. Council:
 3 Jerry Finney, Carla Taylor.
 4 Mayor: John David. Council:
 5 Jerry Finney, Carla Taylor.
 6 Mayor: John David. Council:
 7 Jerry Finney, Carla Taylor.
 8 Mayor: John David. Council:
 9 Jerry Finney, Carla Taylor.
 10 Mayor: Josephine Isom. Council:
 11 Jacqui Gore, Shawn Swinson.
 12 Mayor: John David. Council:
 13 Jerry Finney, Carla Taylor.
 14 Mayor: John David. Council:
 15 Jerry Finney, Carla Taylor.
 16 Mayor: John David. Council:
 17 Jerry Finney, Carla Taylor.
 18 Mayor: John David. Council:
 19 Jerry Finney, Carla Taylor.
 20 Mayor: Josephine Isom. Council:
 21 Jacqui Gore, Shawn Swinson.
 22 Mayor: John David. Council:
 23 Jerry Finney, Carla Taylor.
 24 Mayor: John David. Council:
 25 Jerry Finney, Carla Taylor.

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1 Mayor: John David. Council:
 2 Jerry Finney, Carla Taylor.
 3 Mayor: John David. Council:
 4 Jerry Finney, Carla Taylor.
 5 Mayor: John David. Council:
 6 Jerry Finney, Carla Taylor.
 7 Mayor: John David. Council:
 8 Jerry Finney, Carla Taylor. And that's restated.
 9 (Commissioners and Attorney consult.)
 10 CHAIRMAN MONTGOMERY: May I have
 11 your attention, ladies and gentlemen. We have a
 12 result. I shall read each one. John David --
 13 the Mayor's race.
 14 (Commissioners and Attorney consult.)
 15 CHAIRMAN MONTGOMERY: I'm sorry.
 16 The mayor's race. We have John David and
 17 Josephine Isom, two people for mayor's race.
 18 Okay. John David 65, Josephine Isom 64. Those
 19 are the total vote.
 20 The council's race, the Jacqueline
 21 Gore 71, Jerry Finney 62, Shawn Swinson 48, Carla
 22 Taylor 69.
 23 So, since there's less than
 24 1 percent, we're going to do a recount. As it is
 25 now, the winner -- winners are Carla Taylor and

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1 Jacqueline Gore. So, we're going to decide when
2 the recount will be, I guess. We'll try to do it
3 today. We'll get together and decide when we do
4 the recount.

5 (Commissioners and Attorney consult.)

6 CHAIRMAN MONTGOMERY: Okay. Okay.
7 I'm sorry. I need to get back to the agenda.
8 It's been a confusing day. Okay.

9 Next on the agenda, I'm going to
10 public time. Irene, okay. Go ahead. We have
11 public time.

12 MS. ARMSTRONG: Eric, I think, Eric
13 Lewis, Eric Lewis. Do you have information, the
14 challenged ballots that Eric Lewis did? Do you
15 have those challenged ballots?

16 CHAIRMAN MONTGOMERY: We already
17 decided that, Irene.

18 MS. ARMSTRONG: I know, but he
19 wasn't here so --

20 CHAIRMAN MONTGOMERY: Right. Yeah,
21 we decided that. Anything else from the public?

22 (Commissioners and Attorney consult.)

23 MR. MCIVER: Mr. Chairman, are we
24 still open on the public time?

25 CHAIRMAN MONTGOMERY: Yes. This is

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1 public time.

2 MS. ARMSTRONG: Yeah. I have
3 another question.

4 CHAIRMAN MONTGOMERY: Okay.

5 MS. ARMSTRONG: What do you guys do
6 if there's two write-in votes for the mayor?

7 MR. BURCHSTEAD: These are the --

8 CHAIRMAN MONTGOMERY: They didn't
9 have any witnesses. Those are the only two votes
10 that we didn't count. They don't have a witness
11 signature. But no witness.

12 MS. ARMSTRONG: So, you didn't open
13 those?

14 CHAIRMAN MONTGOMERY: No.

15 MS. ARMSTRONG: That's not them
16 then. The one that the mayor had two vote counts
17 that you counted. Yeah, you did find those.

18 (Commissioners and Attorney consult.)

19 CHAIRMAN MONTGOMERY: Are there any
20 comments? We're going close -- to close. Okay.
21 Mr. Hennessy, you got -- I forgot your name.

22 UNIDENTIFIED VOICE: Again, to the
23 election commission and those that -- the
24 challenger and the challengers today, I would
25 just like to say on behalf of the State of South

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1 Carolina NAACP, I could be -- I am pleased at the
2 process that was used today.

3 And I'm not here for or against,
4 but what I am for is to make sure that voters and
5 voting rights is adhered to and not
6 disenfranchised.

7 I'm sitting here as a soldier today
8 and an NAACP representative and it -- it came
9 mind that when soldiers overseas and in other
10 places, even college students and their vote can
11 be challenged, even in their absence when they
12 can't respond for themselves, I have some
13 concerns about that, that that law, not to the
14 commissioner, but to the attorney here and you
15 represent the commission at the State -- that
16 that might be need to be looked at.

17 'Cause I think we'll be talking
18 about that from an NAACP perspective, also from
19 the State level. Because soldiers fight for the
20 democracy; and if their vote is challenged and in
21 their absence has to be thrown out, I have a
22 problem with that. And that's why -- and not
23 that you did that today. It's just that I think
24 it need to be looked at from the State election
25 commissioner.

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1 That's -- that's all my comment. I
2 appreciate the process and what y'all have done
3 today. God bless you.

4 CHAIRMAN MONTGOMERY: Thank you for
5 coming. I have some problem with some of the
6 laws too. We have to -- as a matter of fact, I
7 tell people all the time. Call the legislature.
8 They blame us for a lot of things. We have to do
9 what the law says. We don't write laws. They do
10 that in Columbia. So, I agree with you on
11 certain things.

12 (Commissioners and Attorney consult.)

13 CHAIRMAN MONTGOMERY: Okay. We're
14 going to close public time. This is the end of
15 the public time, and I'd like to make a
16 statement.

17 May I have your attention, please.
18 Protest hearing will be held 2 o'clock tomorrow,
19 if we have any. But you guys get -- most of you
20 know the procedure. You must get that letter to
21 me by 7 o'clock tonight, or you can give it to me
22 now; and I'll set up a protest hearing. And you
23 can bring down or whatever, you know.

24 So, and if we don't have a protest
25 hearing, that'll be fine. If anybody has any

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1 questions, we will set that hearing up.
 2 The next thing and the man has
 3 raised, there is a majority. The law says if
 4 it's less than 1 percent, you must have a
 5 mandatory count; right?
 6 MR. BURCHSTEAD: Must have a
 7 mandatory recount.
 8 CHAIRMAN MONTGOMERY: Recount.
 9 MR. BURCHSTEAD: Neither candidate
 10 has the majority of the vote because of the two
 11 write-ins.
 12 CHAIRMAN MONTGOMERY: Right.
 13 Neither candidate has the majority because of the
 14 two write-ins. So, we will probably have a
 15 runoff; and we're going to do a recount also.
 16 But in the -- in the council race, Carla Gore --
 17 Jacqui Gore and Carla Taylor are the --
 18 MR. BURCHSTEAD: Jacqui Gore and
 19 Carla Taylor pending the recount.
 20 CHAIRMAN MONTGOMERY: Pending the
 21 recount. Okay. And they have --
 22 MR. MCIVER: Did you state when
 23 we're doing the recount?
 24 CHAIRMAN MONTGOMERY: No. I -- we
 25 got to agree on it.

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1 MR. MCIVER: Okay. When do we want
 2 to --
 3 CHAIRMAN MONTGOMERY: I want to get
 4 some lunch.
 5 (Commissioners and Attorney consult.)
 6 CHAIRMAN MONTGOMERY: And the
 7 recount will be done at 10 o'clock tomorrow.
 8 Okay. If nothing else, I'll entertain a motion
 9 for adjournment. Anything else commissioner?
 10 Counsel?
 11 MR. BURCHSTEAD: (Shakes head.)
 12 CHAIRMAN MONTGOMERY: Okay. I'll
 13 entertain a motion to adjourn.
 14 MR. MCIVER: Mr. Chairman, I seek a
 15 motion that we exit the meeting. We adjourn this
 16 meeting.
 17 CHAIRMAN MONTGOMERY: I'll second
 18 that motion. Approved for second and removal.
 19 MR. MCIVER: Yes.
 20 CHAIRMAN MONTGOMERY: Those in
 21 favor, say yes.
 22 MR. MCIVER: Yes.
 23 MS. GORE: Yes.
 24 CHAIRMAN MONTGOMERY: Thank you for
 25 coming. We are adjourned.

(The hearing concluded at 1:24 p.m.)

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1 CERTIFICATE OF REPORTER
 2 STATE OF SOUTH CAROLINA
 3 COUNTY OF HORRY

3 I, Ronda K. Blanton, a Registered
 4 Professional Reporter and Notary Public for the
 5 State of South Carolina at Large, do hereby
 6 certify that the witnesses in the foregoing
 7 hearing were by me duly sworn to testify to the
 8 truth, the whole truth, and nothing but the truth
 9 in the within-entitled cause; that the
 10 proceedings in the foregoing hearing were taken
 11 at the time and location therein stated; that the
 12 testimony of all witnesses and all statements
 13 made at the time of the hearing were recorded
 14 stenographically by me and were thereafter
 15 transcribed by computer-aided transcription; that
 16 the foregoing is a full, complete, and true
 17 record of the hearing and of all statements made
 18 at the time of the hearing.

19 I further certify that I am neither related
 20 to nor counsel for any party to the cause pending
 21 or interested in the events thereof.
 22 Witness my hand, I have hereunto affixed my
 23 official seal on November 27, 2023, at Myrtle
 24 Beach, 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.

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2024 MAY 16 P 1:15

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HORRY COUNTY

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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
843-762-6294
WWW.CLARKBOLEN.COM

APPEARANCES

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

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EXAMINATION

WITNESSES:

JOSEPHINE ISOM

By Mr. Davis 17
By Mr. Duggan 25

IRENE ARMSTRONG

By Mr. Davis 45
By Mr. Duggan 54

CERTIFICATE OF REPORTER

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Horry County
2024 MAY 16 P 12:45
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

PROCEEDINGS

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 Ghunt,

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

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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?

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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, 68; 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

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CLERK OF COURTS
JERRY FINNEY

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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

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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.

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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

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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.

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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

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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,
14 trial de novo on the issue of the voter's
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

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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.

25

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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.

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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 the record?

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.

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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

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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 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.

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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, Glynes

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

Page 25

Page 27

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.

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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 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 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

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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?

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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?

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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.

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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?

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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

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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

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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

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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

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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 --

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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

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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 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 one,
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.

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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,

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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

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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 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.
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 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

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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.

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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.

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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 Glynes 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
26 Richmond, Virginia?

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.

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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.

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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?

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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

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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:

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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

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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 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 the
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 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.

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CLERK OF COURT

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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

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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 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: Yeah, 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 --

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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

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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

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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

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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.

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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

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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 and I
10 think this is an important point, and I'm going to
11 little bit out of order here; but, sir, I
12 will turn to page 112 of the transcript.

13 CHAIRMAN MCIVER: I could see
14 here. Hold on one second. (Consults 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.

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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

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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 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

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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 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.

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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

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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 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
8 my count; and when you've got it right, 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 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.

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FILED
Horry County
JAN 16 PM 4:40
CLERK OF COURT
JAN 16 PM 4:40
JAN 16 PM 4:40

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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

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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

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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
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

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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.

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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

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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

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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.

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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

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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 to 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.

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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.

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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.

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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

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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

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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.)

18 ---

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1 CERTIFICATE OF REPORTER
2 STATE OF SOUTH CAROLINA
3 COUNTY OF HORRY

3 I, Ronda K. Blanton, a Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby
6 certify that the witnesses in the foregoing
7 hearing were by me duly sworn to testify to the
8 truth, the whole truth, and nothing but the truth
9 in the within-entitled cause; that the
10 proceedings in the foregoing hearing were taken
11 at the time and location therein stated; that the
12 testimony of all witnesses and all statements
13 made at the time of the hearing were recorded
14 stenographically by me and were thereafter
15 transcribed by computer-aided transcription; that
16 the foregoing is a full, complete, and true
17 record of the hearing and of all statements made
18 at the time of the hearing.

19 I further certify that I am neither related
20 to nor counsel for any party to the cause pending
21 or interested in the events thereof.

22 Witness my hand, I have hereunto affixed my
23 official seal on April 15, 2024, at Myrtle Beach,
24 Horry County, South Carolina.

17 Ronda K. Blanton
18 NCRA REGISTERED PROFESSIONAL
19 REPORTER, RPR
20 Notary Public,
21 State of South Carolina at Large
22 My Commission expires:
23 May 15, 2028.

FILED
HORRY COUNTY
2024 MAY 16 P 12:46
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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 Horry County, SC

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Appeal

November 9th 2023

Town of Atlantic Beach Board of Elections Commission

John David

Re: Town of Atlantic Beach
2023 Election for Mayor

Dear Sir/Madame:

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

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

With kind regards, I am

Sincerely,

Josephine Isom
Josephine Isom

Enclosure

4:43 PM

11-9-2023

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Horry County, SC

2023 MAY 16 10 12 44

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FRAUDULENT REGISTERED VOTERS LISTED ON ATLANTIC BEACH VOTERS LIST

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

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

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Horry County, SC

2024 MAY 16 P 12:44

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2



Town of Atlantic Beach
717 30th Avenue South
Atlantic Beach, SC 29582
Mailing Address: PO Box 5285
North Myrtle Beach, SC 29597
Phone: 843 663-2284 Fax: 843-663-0601

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

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

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

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

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

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

I, the undersigned, Clerk of the Town of Atlantic Beach, South Carolina (Town),
HEREBY CERTIFY:

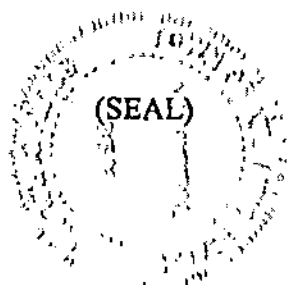
That the foregoing constitutes a true, correct, and verbatim copy of a Decision duly adopted by the Municipal Election Commission of the Town at a special meeting held on April 3, 2024, the original of which is duly entered in the permanent records of minutes of meetings of said Municipal Election Commission, in my custody as Clerk.

That said meeting was duly called, and all members of the Municipal Election Commission were notified of the same, and a majority of the members were present at said meeting and remained throughout the proceedings incident to the adoption of this Decision.

The meeting held on April 3, 2024, was a duly called special meeting of the Municipal Election Commission. As required by South Carolina Freedom of Information Act, a notice of said meeting (including the date, time, and place thereof, as well as an agenda) was posted prominently in the Town Hall of the Town and posted on the Town's public website at least twenty-four hours prior to said meeting. In addition, the local news media and all person requesting notification of meetings of the Town were notified of the same and were provided with a copy of the agenda at least twenty-four hours in advance of such meeting.

The Decision is now of full force and effect, and has not been modified, amended, or repealed.

IN WITNESS THEREOF, I have set my Hand and the Seal of the Town this 2nd day of May 2024.



Cheryl Pereira
Clerk, Town of Atlantic Beach, South Carolina

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