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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from the
COURT OF COMMON PLEAS, ANDERSON COUNTY
The Honorable R. Lawton McIntosh, Circuit Judge

Case No. 2026-CP-04-001100

Tonya Winbush.....Appellant,

v.

City of Anderson, South Carolina;
Anderson Municipal Election Commission;
David Ford, Clara E. Humphrey, and Renee
Fields-York, in their Official Capacities as
Municipal Election Commissioners;
and Darryl Thompson.....Respondents.

NOTICE OF APPEAL

Appellant Tonya Winbush hereby appeals the Form 4 Order of the Honorable R. Lawton McIntosh, Circuit Judge, dated July 7, 2026, which affirms the April 17, 2026, Decision of the Anderson Municipal Election Commission overturning the result of the April 7, 2026, Election for City Council Seat 5. A copy of the Order (**Exhibit A**) and Decision (**Exhibit B**) are attached.

Review is sought pursuant to S.C. Code Ann. § 14-8-200(b)(5) and Rule 203(d)(1)(A)(iv) of the South Carolina Appellate Court Rules.

[signature page follows]

Respectfully submitted,

s/Christopher P. Kenney
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ATTORNEY FOR APPELLANT
TONYA WINBUSH

July 8, 2026
Columbia, South Carolina.

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S.C. SUPREME COURT

Exhibit A

Form 4 Order of

Judge R. Lawton McIntosh,

dated July 7, 2026

CASE NO. 2026 CP-04-01100

CITY OF ANDERSON, DEFENDANT, ET AL
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant
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☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other

☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

ACCORDINGLY, THE ANDERSON MUNICIPAL ELECTION COMMISSION IS AFFIRMED.

This order $\boxtimes$ ends $\square$ does not end the case.

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Anderson Common Pleas

Case Caption: Tonya Winbush VS City Of Anderson , defendant, et al

Case Number: 2026CP0401100

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Exhibit B
April 17, 2026, Decision of the
Anderson Municipal Election Commission

CITY OF ANDERSON	)	
MUNICIPAL ELECTION COMMISSION	)	DECISION
	)	
RE: Protest of April 7, 2026	)	
<u>Election – Seat 5</u>	)	

This matter was heard by the Municipal Election Commission on April 14, 2026, pursuant to a protest filed by Darryl Thompson, a candidate for Seat 5. Present at the hearing were Daryl Thompson, pro se, Tonya Winbush and her attorney, Brooke Ennis. Also present were Rame Campbell and J. Franklin McClain, attorneys for the City of Anderson.

Mr. Thompson testified that the protest was based upon information he had received that Ms. Winbush was not a resident of Seat 5 when she filed for the election. He introduced into evidence a deed signed by Ms. Winbush dated March 12, 2026 and recorded March 26, 2026. The deed conveyed the property at 741 Kings Road to Ms. Winbush as Trustee of a revocable trust. The grantee's address on the deed is 741 King Street, which is not in the city.

Ms. Winbush testified that prior to filing for election she had relocated to 309 Morris Lane which is located in Seat 5. She presented copies of a lease of the Morris Lane property, and an application for water service at the Morris Lane property.

Pursuant to a request of the Commission at the time the protest was filed, the City attorneys investigated the matter and presented a notebook containing documents relevant to the issue. These documents included the deed described above, the county Auditor's records showing that the King Street property continues to be assessed as the residence of Ms. Winbush, reregistration of automobiles owned by Ms. Winbush dated February 27, 2026 and registered at the King Street address; bills showing the lack of water using at 3099 Morris Lane from January to April; Driver's License with SCDMV shows her address to be 741 Kings Road.

Section 38-3 of the Anderson City Code provides that candidates "seeking office from a particular district shall be a resident of the district at the time they offer for election." In addition, S.C. Code Section 7-5-610 requires residence within the corporate limits for thirty days previous to the election.

Based upon the evidence submitted, it appears that Ms. Winbush had not abandoned her residence and domicile at 741 Kings Road at the time she filed to run, or thereafter.

It is therefore the decision of the Municipal Election Commission that the election of Ms. Winbush to Seat 5 is invalidated.

April 17, 2026



David Ford
Chairman