

RECEIVED

Jul 08 2026

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

Appellate Case No. _____
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.

MOTION TO EXPEDITE

Appellant Tonya Winbush moves to expedite consideration of this election dispute and respectfully requests entry of a scheduling and briefing order like the Order filed in Odom v. Town of McBee Election Comm’n et al., Appellate Case No. 2019-000147 (filed Feb. 6, 2019).

On April 7, 2026, the City of Anderson held municipal elections including an election for City Council Seat 5. Winbush defeated her opponent, Respondent Darryl Thompson, by a margin of two to one. Thompson filed a vague two-sentence protest claiming Winbush “may” not live in Seat 5. Respondent Anderson Municipal Election Commission and its commissioners, Respondents David Ford, Clara Humphrey, and Renee Fields-York, (collectively, the

“Commission”) broke the law by failing to follow the procedure set forth in S.C. Code Ann. § 5-15-130 and asked the attorney for Respondent City of Anderson to investigate Winbush’s residency. Without taking the oath or any cross-examination, the City attorney made a presentation of “information” the City gathered to bolster (in its view) the speculative protest.

On April 17, 2026, the Commission issued a Decision citing this so-called evidence to invalidate the will of the voters based on the false conclusion that it “appears” Winbush did not reside in Seat 5 when she filed.

On April 27, 2026, Winbush filed a notice of appeal and appeal of the Decision raising five grounds to reverse or vacate. Under (then-)South Carolina Code § 5-15-140,¹ Winbush’s appeal “shall act as a stay of further proceedings pending the appeal.”

On May 5, 2026, the Circuit Court held a hearing on the appeal. The matter was taken under advisement.

Seven weeks later, on June 30, 2026, Winbush’s counsel sent email correspondence to Chambers (**Exhibit A**) inquiring as to whether there was any additional information the parties could provide to assist the Circuit Court in reaching a ruling, explaining:

As Your Honor knows, this dispute concerns the outcome of the April 7, 2026, Election for City Council Seat 5. Under South Carolina Code Section 5-15-40, members of city council serve four-year terms with the retiring incumbent’s term ending today, which will leave the residents of Seat 5 without representation until this dispute is resolved.

On July 7, 2026, the Circuit Court issued a five-sentence Form 4 Order affirming the Decision. Winbush has appealed.

¹ Amended by 2026 S.C. Acts 213.

This Court has routinely expedited the resolution of election law disputes. See, e.g., Odom, supra; Anderson v. S.C. Election Comm’n, 397 S.C. 551, 559, 725 S.E.2d 704, 708 (2012); Willis v. Wukela, 379 S.C. 126, 128, 665 S.E.2d 171, 172 (2008); George v. Mun. Election Comm’n of City of Charleston, 335 S.C. 182, 184 n.1, 516 S.E.2d 206, 207 n.1 (1999). It should likewise do so here. There are only two possible results to this dispute. Either the Decision and Order should be overturned with an order that Winbush’s victory be certified so she can be sworn in to serve (and she should), or the City must hold another election. *In either case*, the citizens of Seat 5 will remain without representation in the meantime.

For these reasons, this motion should be granted, and the Court should enter a briefing and scheduling order like the one in Odom to expedite disposition of this dispute.

Respectfully submitted,

s/Christopher P. Kenney
Christopher P. Kenney (SC Bar No. 100147)
CHRIS KENNEY LAW
Post Office Box 1377
2191 Pickens St., Suite 304 (29201)
Columbia, SC 29202
(803) 546-3695
cpk@chriskenny.law

ATTORNEY FOR APPELLANT
TONYA WINBUSH

July 8, 2026
Columbia, South Carolina.