



The Supreme Court of South Carolina

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July 29, 2016

The Honorable James I. Davis
Clerk of Court, Lee County
PO Box 387
Bishopville SC 29010-0387

REMITTITUR

Re: Edward Byrd v. Craig Nesbit
Lower Court Case No. 2015CP3100134
Appellate Case No. 2016-000299

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CHIEF DEPUTY CLERK

CC: Melvin Wayne Cockrell, III, Esquire
Sarah Crawford Campbell, Esquire
William E. Hopkins, Jr., Esquire
Joseph Clay Hopkins, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Edward Byrd, Ken Currie, Mike Morrow and Willie Mae
Muldrow, Appellants,

v.

Craig Nesbit and John Y. Latimer, Respondents,

Appellate Case No. 2016-000299

Appeal From Lee County
George C. James Jr., Circuit Court Judge

Memorandum Opinion No. 2016-MO-024
Heard May 17, 2016 – Filed July 13, 2016

AFFIRMED

Melvin Wayne Cockrell, III and Sarah Crawford
Campbell, both of Cockrell Law Firm, P.C., of
Chesterfield, for Appellants.

William E. Hopkins Jr. and Joseph Clay Hopkins, both of
Hopkins Law Firm, LLC, of Pawleys Island, for
Respondents.

PER CURIAM: This case arises from the Bishopville Municipal Election Commission's decision to invalidate a May 2015 city council election. Edward Byrd, Ken Currie, Mike Morrow, and Willie Mae Muldrow—winning candidates in the election—appeal the circuit court's order affirming the Commission's decision, arguing the circuit court should have reversed the Commission's finding that votes were counted in secret in violation of article II, section 1 of the South Carolina Constitution. We affirm pursuant to Rule 220(b)(1), SCACR, and the following authorities: S.C. Const. art. II, § 1 ("All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret."); S.C. Code Ann. § 5-15-120 (2004) ("Immediately upon the closing of the polls at any municipal election, the managers shall count publicly the votes cast . . ."); *Gecy v. Bagwell*, 372 S.C. 237, 241, 642 S.E.2d 569, 571 (2007) ("In municipal election cases, we review the judgment of the circuit court upholding or overturning the decision of a municipal election commission to correct errors of law. The review does not extend to findings of fact unless those findings are wholly unsupported by the evidence."); *McKnight v. Smith*, 182 S.C. 378, 383, 189 S.E. 361, 363 (1937) ("The law provides . . . that the managers of an election shall publicly count the votes; and persons desiring to see such count are not required to seek or receive permission from any one to do so.").

AFFIRMED.

PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.