

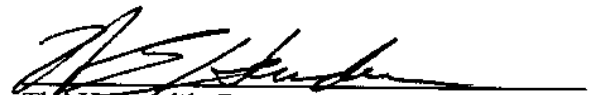


Municipal Election Commission. Within forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with 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.

The South Carolina Supreme Court has declared that the “only relief the Commission may order is a ‘a new election as to the parties concerned.’ S.C. Code Ann. § 5-15-130 (2004). The Circuit court does not have the authority to order any further relief.” Armstrong v. Atlantic Beach Municipal Election Commission, 380 S.C. 47 (2008). *See also* Broadhurst v. City of Myrtle Beach Election Commission, 342 S.C. 373 (2000) (“In authorizing a ‘new election’ pursuant to § 5-15-130, we conclude the General Assembly intended to provide the electorate with a second opportunity to express its will through an election once a municipal election commission invalidates the original election”).

The Court finds that the MEC correctly determined that it was bound by § 5-15-130 and by the clear and uncontroverted Supreme Court precedent in ordering a new election. For the foregoing reasons, IT IS ORDERED that the appeal by Mr. Odom is hereby DENIED>

**AND IT IS SO ORDERED.**

  
The Honorable Roger E. Henderson  
Circuit Court Judge, Fourth Judicial Circuit

Date: November 8, 2018