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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
CAMPAIGN TO ELECT ELDER J. JOHNSON, III and ELDER J. JOHNSON, III, individually,	)	C/A No. 2020-CP-10-
	)	
Plaintiffs,	)	
	)	
v.	)	<b>SUMMONS</b>
	)	
CHARLESTON COUNTY BOARD OF VOTER REGISTRATION & ELECTIONS, CHARLESTON COUNTY DEMOCRATIC PARTY, S.C. DEMOCRATIC PARTY, SOUTH CAROLINA ELECTION COMMISSION, DEON TEDDER & DEON TEDDER FOR SC HOUSE, LLC.,	)	
	)	
Defendants.	)	

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at their office at 3 Morris Street, Suite A, PO Box 21624, Charleston, South Carolina 29413 within thirty (30) days after the service hereof, exclusive of the day of such service; and, if you fail to appear and defend by filing an Answer to the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

**MCLEOD LAW GROUP, LLC**  
P.O. Box 21624  
3 Morris Street, Ste. A  
Charleston, SC 29403  
(843) 277-6655

/s/ W. Mullins McLeod, Jr.  
W. Mullins McLeod, Jr. (SC Bar No.: 14148)

and

/s/ Thomas S. Tisdale  
Thomas S. Tisdale, 5584  
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105 Broad Street, Third Floor  
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*Attorneys for Plaintiff*

June 24, 2020  
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
CAMPAIGN TO ELECT ELDER J. JOHNSON, III and ELDER J. JOHNSON, III, individually,	)	C/A No. 2020-CP-10-
	)	

Plaintiffs,

v.

**DECLARATORY JUDGMENT AND  
MOTION FOR EMERGENCY  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
PURSUANT TO RULE 65, SCRPC**

CHARLESTON COUNTY BOARD OF  
VOTER REGISTRATION & ELECTIONS,  
CHARLESTON COUNTY DEMOCRATIC  
PARTY, S.C. DEMOCRATIC PARTY,  
SOUTH CAROLINA ELECTION  
COMMISSION, DEON TEDDER & DEON  
TEDDER FOR SC HOUSE, LLC.,

Defendants.

Plaintiff Elder J. Johnson, III (hereinafter “Johnson”) complaining of the above-captioned Defendants Charleston County Board of Voter Registration & Elections (hereinafter CCVRE), Charleston County Democratic Party (hereinafter CCDP), Dorchester County Board of Voter Registration & Elections (hereinafter DCVRE), Dorchester County Democratic Party (hereinafter DCDP), South Carolina Democratic Party (hereinafter SCDP), South Carolina Election Commission (hereinafter State Election Commission), would allege and show unto this Honorable Court as follows:

**Parties and Jurisdiction**

1. Plaintiff is a resident and citizen of Charleston County, South Carolina.
2. More specifically, Plaintiff is a resident and valid elector for South Carolina House District 109, located in North Charleston, South Carolina and within Charleston County and files this verified petition accompanied with the attached Affidavit. See Exhibit A, Affidavit of Elder James Johnson, III.
3. Defendant Charleston County Board of Voter Registration & Elections is a government entity that has which conducts elections and registers electors in Charleston County,

South Carolina. Christine Varnado is the Chairperson and Joseph L. Debney is the Executive Director.

4. Defendant Charleston County Democratic Party is a county committee of the South Carolina Democratic Party certified by the South Carolina Election Commission and the Charleston County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in primary, general and special elections in the County of Charleston. The Chairperson of the Charleston County Democratic Party is Colleen Condon.

5. Defendant Dorchester County Board of Voter Registration & Elections is a government entity that has which conducts elections and registers electors in Dorchester County, South Carolina. Queen Bowman is the Chairperson and Todd Billman is the Executive Director.

6. Defendant Dorchester County Democratic Party is a county committee of the South Carolina Democratic Party certified by the South Carolina Election Commission and the Dorchester County Board of Elections and Voter Registration to nominate candidates for offices to be voted on in primary, general and special elections in the County of Dorchester. The Chairperson of the Dorchester County Democratic Party is Sean Wilson.

7. South Carolina Democratic Party is a duly organized entity charged with running the state Democratic Party and certifying individuals running for political office. The Chairperson of the South Carolina Democratic Party is Trav Robertson and Jay Parmley is the Executive Director.

8. Article III, Section 7 of the South Carolina Constitution provides that the circuit court shall be a general trial court with original jurisdiction in civil matters and courts shall have jurisdiction over matters seeking an injunction.

9. Jurisdiction and venue in this Court are proper.

#### **Facts and Allegations**

10. Plaintiff Johnson seeks the Democratic Party's nomination for the office of South Carolina House of Representatives District 109. He timely filed for this office and appeared as a

candidate on the June 9, 2020 primary ballot wherein Mr. Johnson garnered more votes than any other candidate (39%) on the Democratic Primary Ballot for District 109.

11. Because no candidate received a majority of votes cast on June 9, 2020 a run-off election was held on June 23, 2020 between Mr. Johnson and Candidate Tedder.

12. Deon Tedder (hereinafter “Tedder”) is not and was not a valid elector for SC House District 109 at the time of the election and at the time of the run-off.

13. Tiffany Spann-Wilder filed an action with the Election Board challenging whether Mr. Tedder was a valid elector for SC House District 109.

14. Certification of voter registration is the exclusive jurisdiction of the Electoral Board pursuant to S.C. Code Ann. § 7-5-230. See Exhibit B, Final Order dated June 11, 2020 (“It is clear from this stature that the Election Board has the sole jurisdiction to determine in the first instance the legal qualifications for registered voters.”).

15. A full hearing on the merits was held by the Election Board on May 29, 2020. Mr. Tedder was represented by legal counsel and was provided a full and fair opportunity to present any and all evidence to establish his residency and prove the validity of his voter registration. Mr. Tedder failed to show residency for voter registration in SC House District 109.

16. On June 11, 2020, the Charleston County Board of Voter Registration and Elections entered a Final Order on this issue. Exhibit B. The CCBVRE determined Deon Tedder “fails to meet the qualifications set forth in S.C. Code Section 7-5-120 for his change of voter registration address.” Exhibit B.

17. In other words, the Election Board determined Deon Tedder was not a registered voter of SC House District 109.

18. As such, Deon Tedder was not a valid elector for SC House District 109 at the time of the election and run-off.

19. On June 23, 2020, the South Carolina Election Commission sent a letter to Mr. Tedder notifying Mr. Tedder that his voter registration certificate “has been removed from the active voter registration list based on the Final Order of the Board of Voter Registration and Elections for Charleston County.” See Exhibit C. The Election Commission notes, “you thus fail to meet the qualifications for registration . . . .” Exhibit C.

20. Mr. Tedder has been removed from the voter rolls and is disqualified and prohibited in participating in the election to represent SC House District 109.

21. Article III, Section 7 of the South Carolina Constitution sets forth the constitution requirements to serve in the General Assembly of South Carolina.

22. Section 7 states, “No person is eligible for a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the district in which he may be chosen.” S.C. Const. Art. III, § 7.

**For a First Cause of Action**  
**Declaratory Judgment**

23. Plaintiffs reincorporate and reallege each of the above allegations as is set forth verbatim herein.

24. Deon Tedder is not constitutionally qualified to represent SC House District 109, because Mr. Tedder was not a valid elector for that district at the time of the election and run-off.

25. Pursuant to S.C. Code Ann. § 15-53-20, Plaintiffs seek a declaration from this Honorable Court that Deon Tedder, candidate for SC House District 109, does not meet and did not meet at the time of the election the Constitutional requirements to serve as a member of the South Carolina General Assembly and represent SC House District 109.

26. Plaintiff respectfully requests this Honorable Court enter an Order finding, as a matter of law, Mr. Tedder is not qualified under the South Carolina Constitution to represent SC House District 109, Mr. Tedder is not qualified to be the Democratic nominee in the general election for SC House District 109, and Mr. Tedder is not qualified to serve in the General Assembly of South Carolina.

**For a Second Cause of Action**  
**Injunctive Relief and Emergency Temporary Restraining Order**

27. Plaintiffs reincorporate and reallege each of the above allegations as is set forth verbatim herein.

28. Plaintiff Johnson received the most votes during the Democratic primary for SC House District 109, but Plaintiff was forced to enter a run-off with Mr. Tedder as no candidate received more than fifty percent of the total vote.

29. Plaintiff has standing to bring the present action as he will suffer irreparable harm if the election results of the run-off are certified and Mr. Tedder is deemed the Democratic candidate for SC House 109. There is no adequate remedy at law in the present action.

30. Plaintiff is informed and believes that the election results of the run-off will be certified, and Mr. Tedder will be declared the Democratic nominee unless an emergency temporary restraining order is granted prohibiting as such until the merits of the present action may be heard.

31. The injury to Plaintiffs is that Mr. Tedder will be illegally and unconstitutionally declared the Democratic nominee foreclosing Plaintiff Johnson, a valid elector and the candidate with most votes during the primary, to proceed to the general election or serve this district. In addition, if votes cast for a constitutionally disqualified candidate then thousands of Democratic Primary voters will be disenfranchised. This result will leave SC House District 109 without a Democratic candidate for that seat in the general election.

32. Plaintiff believes that irreparable loss and harm will result if the emergency temporary restraining order is not granted before this action may be served on opposing parties.

33. Plaintiff Johnson is likely to succeed on the merits of this action, because Mr. Tedder was at no time relevant herein a valid elector for SC House 109 and therefore constitutionally disqualified to represent the district in the General Assembly pursuant to Article III, Section 7 set forth above.

34. Plaintiffs are entitled to an emergency temporary restraining order and preliminary injunction prohibiting the South Carolina Election Commission, the Charleston County Board of Voter Registration and Elections, and the Dorchester County Board of Voter Registration and Elections from certifying any votes cast for Mr. Tedder, certifying the results of the run-off election between Plaintiff Johnson and Mr. Tedder, and from certifying Mr. Tedder as a valid candidate for SC House District 109.

35. Plaintiffs are entitled to an emergency temporary restraining order and preliminary injunction prohibiting the Charleston County Democratic Party, the Dorchester County Democratic Party, and the South Carolina Election Commission from certifying any votes cast on June 23, 2020 for Mr. Tedder and/or certifying Mr. Tedder as the winner of the June 23, 2020 primary election due to his constitutional disqualification for same.

36. The interests of justice and the interests of the democratic process itself require entering a temporary restraining order such that a fraud may not be perpetuated on the voters of this important district.

37. Plaintiff is entitled to a permanent injunction to be entered after the emergency temporary restraining order on the merits of the present action.

WHEREFORE, Plaintiffs seek a temporary restraining order and preliminary injunction pursuant to Rule 65 of the South Carolina Rules of Civil Procedure, and a declaratory judgment order against all Defendants that Deon Tedder does not meet the constitutional requirements to serve SC House District 109 in the General Assembly and that votes cast for Mr. Tedder cannot be certified as a matter of law. Plaintiffs request such other and further relief this Honorable Court deems just and proper, including costs and attorney fees of the present action.

Respectfully Submitted,

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/s/ W. Mullins McLeod, Jr.  
W. Mullins McLeod, Jr. (SC Bar No.: 14148)

and

/s/ Thomas S. Tisdale  
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*Attorneys for Plaintiff*

June 24, 2020  
Charleston, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON ) **AFFIDAVIT OF ELDER JAMES JOHNSON, III**  
 )

Personally appeared before me Elder J. Johnson, who being duly sworn deposes and states:

1. My name is Elder James Johnson, III, I am a resident of Charleston County, more particularly 2931 Baker Avenue, North Charleston South Carolina, and am over eighteen (18) years of age and legally competent to provide this affidavit.

2. South Carolina House of Representatives District 109 is a district which spans parts of Charleston and Dorchester County located within the State of South Carolina. Further, District 109 represents on average 37,301 residents.

3. In addition to being registered to vote in District 109 I am also a candidate for that public office. On June 9, 2020 I received more votes than any other candidate who appeared on the Democratic Primary ballot.

4. I did not, however, receive a majority of the votes cast on June 9, 2020 and therefore a runoff was conducted on June 23, 2020 between myself and Deon Tedder. I voted in both the June 9, 2020 election and in yesterday's run-off election.

5. As of the execution of this affidavit the results from yesterday's primary run-off election have not yet been certified by the Charleston County, Dorchester County or State of South Carolina Election Commissions.

6. As a registered voter and a candidate for district 109 irreparable harm will occur to my campaign, to me as a voter and to the thousands of Democratic voters who participated in yesterday's election if the votes cast for Candidate Deon Tedder are certified by the Charleston County, Dorchester County or State of South Carolina Election Commissions.


7. More particularly, on May 29, 2020 the Board of Elections held a hearing where Candidate Tedder was represented by legal counsel and was given a full and fair opportunity to be heard in response to a challenge filed as to whether Candidate Tedder was a duly qualified elector in District 109.

8. On June 11, 2020 the Board of Voter Registration issued a final order which determined Candidate Tedder failed to meet the requirements set forth in S.C. Code Section 7-5-120. Further, on June 23, 2020 the South Carolina Election Commission notified Candidate Tedder that his voter registration certificate number in District 109 had been removed from the active voter registration list based upon the Election Board's June 11, 2020 final order.

9. As a result, I believe Candidate Tedder is disqualified to vote and is disqualified to serve as an elected representative in District 109 pursuant to the S.C. Constitution. Therefore, if this request sought herein is not granted irreparable injury will occur to me as a voter, to my

campaign for District 109 and most importantly to the thousands of Democratic voters in District 109.

  
Elder James Johnson, III

Sworn to and subscribed before me )  
this 24 day of June, 2020 )  
)  
)  
  
)  
Notary Public for South Carolina )  
My Commission Expires 10/10/23 )

<b>STATE OF SOUTH CAROLINA</b>	)	<b>BOARD OF VOTER REGISTRATION</b>
	)	<b>AND ELECTIONS FOR CHARLESTON</b>
<b>COUNTY OF CHARLESTON</b>	)	<b>COUNTY</b>
	)	
<b>Tiffany R. Spann-Wilder</b>	)	
	)	
<b>Challenger,</b>	)	<b>FINAL ORDER</b>
	)	
<b>v.</b>	)	
	)	
<b>Deon Tedder,</b>	)	
	)	
<b>Respondent.</b>	)	

BACKGROUND AND JURISDICTION

On May 20, 2020, the Board of Voter Registration and Elections of Charleston County (the "Election Board") received a written challenge to the qualifications of Deon Tedder ("Tedder") to run in the Democratic Party Primary Election for the State House seat for District 109 from Tiffany R. Spann-Wilder ("Spann-Wilder"), a registered voter in Charleston County. The challenge lays out the accusation that Tedder is not a resident of State House District 109, although Tedder is on the Democratic Party Primary ballot as a candidate for House District 109 in the June 9, 2020 Primary Election. Spann-Wilder brought the challenge pursuant to S.C. Code Section 2-1-40, and the requested relief was a determination that Tedder was not a qualified candidate for House District 109.

On May 29, 2020, a pre-hearing conference was conducted by the Election Board by means of a zoom conference, with the Election Board Chairman, Executive Director, Deputy Executive Director, and attorney, and the attorneys or parties to the voter registration challenge in attendance. At the pre-hearing conference, the Election Board, by its attorney, declared that State law provides no mechanism for a hearing to be conducted by the Election Board regarding the qualifications of Tedder as a candidate for the Democratic Party nomination for House District 109. In fact, the Election Board has no rôle in the determination of candidate qualifications. That rôle is exclusively within the province of the political parties, in this instance, the South Carolina State Democratic Party Executive Committee. See Section 7-13-40, S.C. Code Ann. (Cum. Supp. 2015). ("Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election

commission of the names of candidates to be placed on primary ballots.”) Consequently, the Election Board advised the parties at the pre-hearing conference that the challenge was to be heard by the Election Board pursuant to Section 7-5-230, S.C. Code Ann. (Cum. Supp. 2015) as solely a challenge to Tedder’s voter registration qualifications.

Subsequently, on May 28, 2020, Spann-Wilder submitted by email an Amended Challenge, which was further amended the same day, more directly challenging Tedder’s voter registration qualifications under S.C. Code Sections 7-5-120 and 7-5-230. Tedder, through his attorney, objected on May 28, 2020, and again at the beginning of the challenge hearing, to the Election Board hearing the amended challenge the morning following receipt of the amended challenges from Spann-Wilder.

Section 7-5-230 provides as follows:

Legal qualifications; challenges; proof of residency or domicile; appeals.

(A) The county boards of voter registration and elections to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

(B) When a challenge is made regarding the residence or domicile of an elector, the board must consider the provisions of Section 7-1-25(D).

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the county board of voter registration and elections denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court.

It is clear from this statute that the Election Board has sole jurisdiction to determine in the first instance the legal qualifications for registered voters. The Election Board has a statutory duty to conduct the hearing within 10 days of receipt of the challenge.

The challenge was initially purported to be brought under S.C. Code Section 2-1-40. The Election Board, however, has no authority to adjudicate challenges to candidates or officeholders under that Code section. Nor does it have authority to adjudicate challenges to candidates or officeholders under any other statute. Accordingly, the Election Board treated the initial challenge and the subsequent amended challenges as a challenge of Tedder's qualifications for registration under S.C. Code Section 7-5-230. Because the Election Board made its intention clear during the pre-hearing conference that it would treat Spann-Wilder's challenge as one under S.C. Code Section 7-5-230 regardless of the code section cited in the initial challenge, the Chairman overruled Tedder's objection.

S.C. Code Section 7-5-230 expressly limits the Election Board to decide on whether the voter currently meets or fails to meet the voter registration qualifications set forth in S.C. Code Section 7-5-120. The Election Board does not have authority to provide opinions as to the voter registration status of Tedder as of any date other than the date of the hearing. The Election Board also notes that S.C. Code Section 7-5-240 allows an appeal from an adverse decision of the Election Board to the State Circuit Court only by the voter; the challenger has no right to appeal an adverse decision by the Election Board.

The Election Board's authority and jurisdiction is controlled by the recent decision of the State Supreme Court in Gantt, et al. v. Selph, et al., 423 S.C. 333, 814 S.E.2d 523 (S.C. 2018). The Election Board knows of no provision of State law granting authority to the Election Board to investigate and determine the qualifications of a candidate for election to the State House of Representatives. As the Supreme Court noted in Gantt, in the absence of such authority, it appears that the challenger must pursue the requested relief pursuant to the Declaratory Judgments Act in State Circuit Court.

#### HEARING

In compliance with that statutory duty, the Election Board conducted the hearing beginning at 10:00 a.m. on Friday, May 29, 2020, at its offices located at 4367 Headquarters Road, North Charleston, South Carolina. The Chairman of the Election Board presided over the

hearing and a quorum of the Election Board was present during the entire hearing. Samuel W. Howell, Esq., served as counsel to the Election Board.

Spann-Wilder, who is an attorney was also represented by co-counsel Yolanda Fair O'Neill, Esq. Tedder was represented by Mark A. Peper, Esq. and co-counsel Brenna Wiles, Esq. After hearing opening statements from the parties, the Chairman asked challenger Spann-Wilder if she desired to testify or otherwise introduce evidence. Spann-Wilder responded in the affirmative and then proceeded to present direct testimony under oath and introduced various documents as evidence in the hearing. Spann-Wilder was subjected to cross-examination by Mr. Peper and the Election Board.

Spann-Wilder's testimony and documentary evidence were primarily to the effect that:

1. Tedder's voter registration records indicate a change of residence for Tedder from 215 Promenade Vista, Charleston (the "Promenade Vista Residence"), to 2629 Orchid Avenue, North Charleston (the "Orchid Avenue Residence"), a property located within House District 109. The Promenade Vista Residence is not located in House District 109.
2. Property and utility records regarding various individuals at the Promenade Vista Residence and the Orchid Avenue Residence. None of the records is in Tedder's name.
3. The property tax records for 1755 Central Park Road, Unit 6209, Charleston, SC 29412-2850 (the "Central Park Residence") demonstrating that one of the owners of the property is Mr. Tedder's girlfriend, Jillian Broughton. The Central Park Residence is not located in House District 109.
4. Tedder's sublease agreement of the Orchid Avenue Residence with Edward Pasoquen was not signed by the landlord of the property, Conrex Properties.
5. South Carolina Department of Motor Vehicles records indicate that the Toyota Sequoia owned by Alana Lipscomb, Pasoquen's partner, is registered at the Orchid Avenue Residence.
6. Facebook post, including those made by Lipscomb announcing the birth of her son, Edward Pasoquen, III, on February 5, 2020.
7. North Carolina Division of Motor Vehicles records dated May 20, 2020 indicate that Tedder was a resident of Durham, North Carolina with a North Carolina

Drivers License issued on April 25, 2017, and an expiration date of April 26, 2025.

8. South Carolina Department of Motor Vehicles records indicate that Tedder was a resident of the Orchid Avenue Residence with a South Carolina Drivers License issued on May 14, 2020, and an expiration date of May 14, 2028. These records also indicate that Tedder surrendered a North Carolina Drivers License on May 14, 2020.
9. Cingular Wireless billing records for Tedder showing the Central Park Residence as his billing address through the period ended May 4, 2020.
10. In Tedder's initial Candidate Campaign Disclosure Report filed with the State Ethics Commission and dated April 10, 2020, Tedder disclosed that he made two contributions to his campaign; one on March 23, 2020, and the other on March 31, 2020. In this Report, he gives his address as the Central Park Residence for both contributions.
11. Spann-Wilder also testified as to the criminal record of Edward John Pasoquen, Jr., which includes documentation that Pasoquen pled guilty to financial transaction fraud, a crime of moral turpitude, as well as several charges and convictions for possession of illegal drugs. A copy of the history was introduced into evidence as Exhibit 11. This report states the Orchid Avenue Residence as one of Edward John Pasoquen's addresses.

On cross-examination by Tedder's attorney, Spann-Wilder admitted that she is the spouse of a candidate running in the Democratic Party Primary Election for State House of Representatives District 109. Spann-Wilder also testified on examination from the Board that Tedder received a financial remuneration from his earlier work with her law firm when Tedder was employed by her law firm. This remuneration was paid in January 2020 to Tedder at the Central Park Residence address.

Tedder did not attend the hearing. The sole evidence presented on behalf of Tedder was his Affidavit dated May 28, 2020. Tedder's Affidavit and attached documentary evidence was primarily to the effect that:

1. In August 2016, Tedder accepted employment in Charleston and moved from Columbia, South Carolina to the Promenade Vista Residence.

2. In November, 2017, Tedder moved in with his girlfriend at the Central Park Residence.
3. On February 28, 2020, Tedder moved to the Orchid Avenue Residence and entered into a sublease at that address with Edward Pasoquen.
4. On or about March 1, 2020, Tedder notified his employer that his primary residence had changed to the Orchid Avenue Residence.
5. Tedder's payroll statement for the period ended March 13, 2020, states the Orchid Avenue Residence as an address for Tedder.
6. On March 17, 2020, Tedder changed his voter registration residence address to the Orchid Avenue Residence.
7. On March 23, 2020, Tedder filed a Statement of Intention of Candidacy and Party Pledge for State House of Representatives District 109, using his office address of 3844 Leeds Avenue, North Charleston, SC 29405 as his address.
8. On May 14, 2020, Tedder obtained a South Carolina Drivers License showing the Orchid Avenue Residence as his residence.
9. Tedder does not own any real or personal property.

#### APPLICABLE LAW

S.C. Code Section 7-1-25 provides the statutory definition of "domicile" for purposes of voter registration. That section provides as follows:

(A) A person's residence is his domicile. "Domicile" means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile. (B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place. (C) For voting purposes, a spouse may establish a separate domicile.

S.C. Code Section 7-5-230(B) requires that "when a challenge is made regarding the residence or domicile of an elector, the board must consider the provisions of Section 7-1-25(D)." Section 7-1-25(D) provides as follows:

(D) For voting purposes, factors to consider in determining a person's intention regarding his domicile include, but are not limited to:

- (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 education 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 memberships 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.

#### CONCLUSION

The Board has considered all of the provisions of S.C. Code Section 7-1-25(D), as well as the other paragraphs of Section 7-1-25, in light of all the testimony and documentary evidence given during the hearing. The Board, however, finds that there is no testimony or other evidence regarding the basic definition of "domicile" as set forth in S.C. Code Section 7-1-25(A) and (B) as applied to Tedder. In particular, there is no testimony that Tedder considers the Orchid Avenue Residence his "domicile" where "he has the intention of returning when he is absent." Moreover, there is no testimony that when Tedder changed his voter registration address from the Promenade Vista Residence to the Orchid Avenue Residence that he abandoned the Promenade Vista Residence or the Central Park Residence and established the Orchid Avenue Residence as his new home, having a present intention to make the Orchid Avenue Residence his domicile with no present intention to leave the Orchid Avenue Residence. Consequently, the Board determines that the Orchid Avenue Residence is not Tedder's "domicile" in light of the conflicting evidence regarding his use of the Promenade Vista Residence, the Orchid Avenue Residence, and the Central Park Residence, and that Tedder fails to meet the qualifications set

forth in S.C. Code Section 7-5-120 for his change of voter registration address.

We Approve.

*Patricia C. ...*  
*Don ...*  
*Mary ...*  
*Charles E. Legue*

Charleston, South Carolina  
June 11, 2020

**SOUTH CAROLINA**  
ELECTION COMMISSION

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

---

MARCI ANDINO  
Executive Director

---

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Fax: 803.734.9366  
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June 23, 2020

Mr. Deon Tedder  
2629 Orchid Ave  
North Charleston, SC 29405

Dear Mr. Tedder:

PLEASE TAKE NOTICE that your voter registration certificate number 470394627 in Charleston County has been removed from the active voter registration list based on the Final Order of the Board of Voter Registration and Elections for Charleston County dated June 11, 2020. Pursuant to this Final Order, the Charleston County Board determined that your address of registration located at 2629 Orchid Avenue, Charleston, South Carolina is not your domicile for purposes of S.C. Code § 7-1-25, and that you thus fail to meet the qualifications for registration at this address for purposes of S.C. Code § 7-5-120.

Pursuant to S.C. Code § 7-5-240, you may appeal this determination within ten days' after written notice by filing a written notice of appeal with the Charleston County Board.

Please note that if you reside at another address within Charleston County you may update your registration with the Charleston County Board. If you reside at an address within another county, you must re-register to vote in your county of residence.

Sincerely,



Marci Andino  
Executive Director

ELECTRONICALLY FILED - 2020 Jun 24 3:45 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1002729

EVERY **VOTE** MATTERS.  
EVERY **VOTE** COUNTS.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
CAMPAIGN TO ELECT ELDER J. )  
JOHNSON and ELDER J. JOHNSON, )  
Individually, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CHARLESTON COUNTY BORAD OF )  
VOTER REGISTRATION & ELECTIONS, )  
CHARLESTON COUNTY DEMOCRATIC )  
PARTY, S.C. DEMOCRATIC PARTY, )  
SOUTH CAROLINA ELECTION )  
COMMISSION, DEON TEDDER & )  
DEON TEDDER FOR SC HOUSE, LLC )

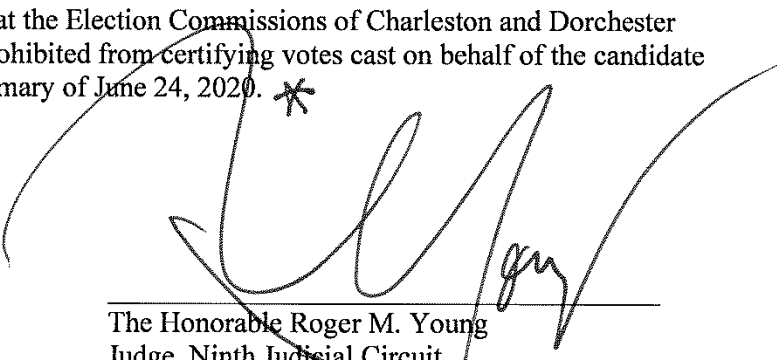
IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
C/A No.: 2020-CP-10- 2729

ORDER FOR  
TEMPORARY RESTRAINT

The Court has carefully considered the allegations of the Complaint in this matter as well as the Affidavit of Elder J. Johnson and hereby grants a temporary restraining order for the reasons requested.

It is hereby ordered that the Charleston County Courts grants this Temporary Restraining Order be served upon the Defendants named herein.

IT IS THE ORDER of the Court that the Election Commissions of Charleston and Dorchester Counties and South Carolina are prohibited from certifying votes cast on behalf of the candidate Deon Tedder in the Democratic Primary of June 24, 2020. \*



Charleston, SC  
June 24, 2020

The Honorable Roger M. Young  
Judge, Ninth Judicial Circuit.

*Py* A hearing on whether to extend the TRO  
Shall be held at the Charleston County  
Judicial Center at 11:00 AM ON Monday,  
July 29, 2020