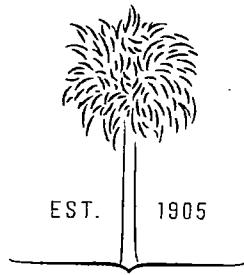


EXHIBIT 1



SOUTH CAROLINA DEPARTMENT OF
ARCHIVES & HISTORY

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DEC 29 2020

S.C. SUPREME COURT

3 March 2020

Mr. John Dykeman #245443
Perry Correctional Institution Q-2B 216
430 Oaklawn Road
Pelzer, SC 29669

Dear Mr. Dykeman:

I checked the following act that you requested but could not locate a visible impression of the Great Seal: 1993 Act No. 184.

Sincerely,

A handwritten signature in cursive script that reads 'Steven D. Tuttle'.

Steven D. Tuttle
Deputy Director
Archives & Records Management

South Carolina Legislative Council

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S.C. SUPREME COURT

Exhibit 2



DAVID H. WILKINS, CHAIRMAN
SPEAKER OF THE HOUSE OF REPRESENTATIVES

GLENN F. McCONNELL
CHAIRMAN, SENATE JUDICIARY COMMITTEE
THE SENATE

JAMES H. HARRISON
CHAIRMAN, HOUSE JUDICIARY COMMITTEE
THE HOUSE OF REPRESENTATIVES

ROBERT L. PEELER
PRESIDENT OF THE SENATE

JIM MILES
SECRETARY OF STATE

STATE HOUSE, FIRST FLOOR
AND
DENNIS BUILDING, SUITE 434
1000 ASSEMBLY STREET
P.O. BOX 11489, COLUMBIA, S.C. 29211-1489
TELEPHONE: (803) 734-2145
FAX: (803) 734-2425

October 21, 2002

Mr. Spencer Hewitt
Secretary of State's Office
Edgar Brown Building
Columbia, South Carolina 29211

Dear Spencer:

You asked us recently to help locate the original of H.4323 of 1994 (Ratification Number 585 of 1994 and Act Number 7 of 1995) which became law on January 12, 1995, without the signature of the Governor. As we indicated in our telephone conversation, the Governor's office sends acts directly to the Secretary of State's office without transmitting them back through any office of the General Assembly. It is our best guess if you have no record of it that the original was lost during the changeover from the Campbell administration to the Beasley administration in January 1995, especially since the Governor didn't sign it. We asked Steve Tuttle at Archives to go through the boxed materials of these administrations, and he indicated that after doing so the original of this act could not be found. We did not check with Governor Hodges' office but it may be worth trying to follow up there although this would be a long shot.

In order that you can have a record of this act in the Secretary of State's office, we have prepared a duplicate from the computer files maintained by Legislative Printing. This is the same procedure we follow from time to time when bills are misplaced while under the consideration of the General Assembly. This should provide you with a sufficient record of what was ratified by the General Assembly and what became law without the signature of the Governor. If we can be of further help, please let us know.

Very truly yours,

Stephen T. Draffin

STD/gjk
Enc.

STEPHEN T. DRAFFIN
CODE COMMISSIONER AND DIRECTOR

M. HOPE BLACKLEY

RECORDED

INDEXED

Exhibit 3

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S.C. SUPREME COURT

Section 16-1-57. A person convicted of an offense for which the term of imprisonment is contingent upon the value of the property involved must, upon conviction for a third or subsequent offense, be punished as prescribed for a Class B felony.

Violent crimes defined

SECTION 3. Section 16-1-60 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

"Section 16-1-60. For purposes of definition under South Carolina law a violent crime includes the offenses of murder (Section 16-3-10); criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first and second degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-1-420); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-30); armed robbery (Section 16-11-330); drug trafficking as defined in Sections 44-53-370(c) and 44-53-375(C); arson in the first degree (Section 16-11-140(A)); burglary in the first degree (Section 16-11-311); and burglary in the second degree (Section 16-11-312(B)), engaging a child for a sexual performance (Section 16-3-810); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses."

Mandatory minimum terms

SECTION 4. Section 16-11-330 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

Section 16-11-330. (A) A person convicted for the crime of robbery while armed with a pistol, Dirk, slingshot, metal knuckles, razor, or other deadly weapon must be imprisoned for a mandatory minimum term of not less than ten years nor more than thirty years, no part of which may be suspended or probation granted. A person convicted under the provisions of this subsection is not eligible for parole until he has served at least seven years of his sentence.

(B) A person under the age of twenty-one sentenced under the provisions of Chapter 19 of Title 24 (Youthful Offenders Act) convicted of armed robbery shall receive and serve a minimum sentence of at least three years, no part of which may be suspended. The person is not eligible for parole or probation until he has served a three-year minimum sentence.

(C) A person between the ages of twenty-one and twenty-five, who is convicted of armed robbery, may not be sentenced under the provisions of Chapter 19 of Title 24 (Youthful Offenders Act).

N. HOPE BLACKLEY

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CLERK OF COURT

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South Carolina Great Seal Missing From Over 100 Laws, Suit Filed

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S.C. SUPREME COURT

No bill shall have the force of law until it has had the Great Seal of the State affixed to it, the state constitution says.



COLUMBIA, SC — After The Associated Press reported that more than 100 South Carolina laws were missing the state's Great Seal, a Greenville attorney on Monday filed the first legal challenge seeking confirmation that a pair of tort reform bills passed in 2005 and 2011 have it. If not, attorney Joshua Hawkins said the laws would be invalid because the state constitution requires the mark for acts to officially become law.

According to the state constitution, "No bill or joint resolution shall have the force of law until it ... has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives."

While state law doesn't specifically assign the task to the secretary of state, the office has traditionally performed the duty and legislators assumed it was still doing so. Rep. Joshua Putnam, who is challenging Secretary of State Mark Hammond in next year's GOP primary, told the AP he made the discovery while researching ways the secretary's office could be more efficient and better use technology.

Hawkins' lawsuit seeks class-action status for any other plaintiffs affected by what he called "the gross negligence of the Secretary of State."

Hammond said he expected hearings and legal challenges, and that, moving forward, he'd make sure the seal were on all acts. Rep. Gary Clary, a longtime judge and current state lawmaker, said it seemed unlikely the seal's misapplication would upend years of legislation but that plenty of lawsuits would be filed.

Subscribe

Clary also said he expects lawmakers will debate after they reconvene in January before settling on clarifying instructions on how the application of the seal should be handled.

Attorney General Alan Wilson's office confirmed to the AP it received a request from Putnam on Monday to interpret the state constitution's requirement that South Carolina's seal must be affixed to legislation before it officially becomes law. Attorney General opinions are nonbinding and are merely advisory.

By MEG KINNARD, Associated Press

Photo credit: Mèg Kinnard/Associated Press

Update II

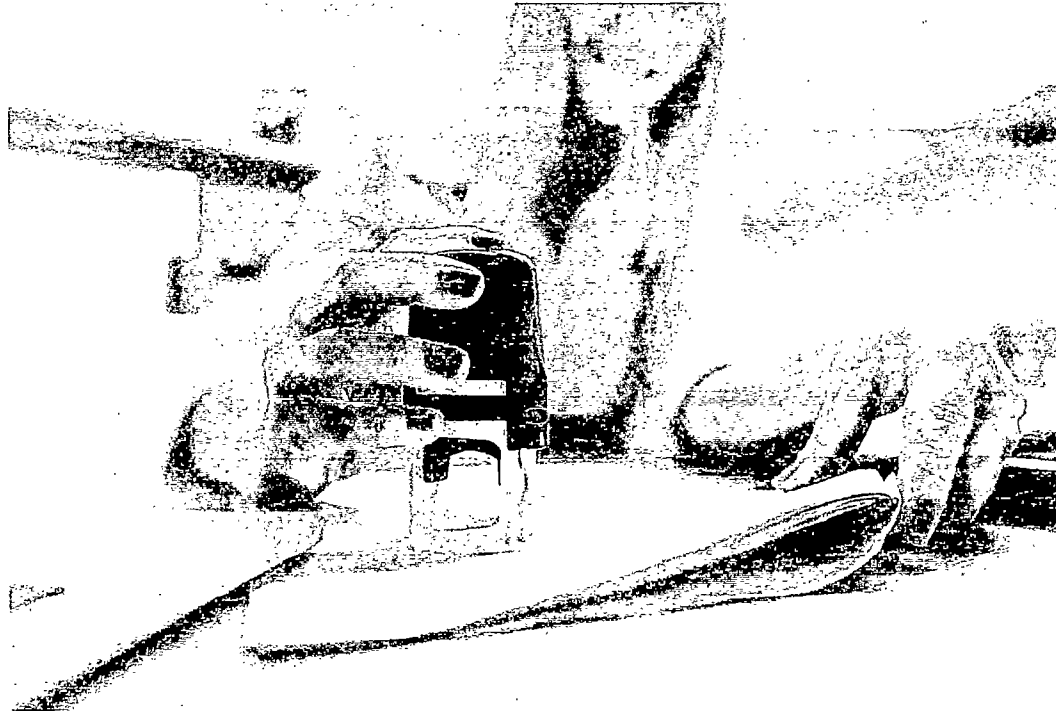
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DEC 29 2020

#SealMageddon: Origins, Escalation

S.C. SUPREME COURT

The origins of South Carolina's latest (and greatest?) display of government incompetence ...



Yesterday, this news site broke open a scandal we're christening #SealMageddon

...

For those of you who missed our exclusive report, it boils down to this: For an undetermined period of time (rumored to be several years), South Carolina's Secretary of State Mark Hammond allegedly failed to perform his constitutional duty of affixing the "Great Seal" of the state onto acts and resolutions passed by the S.C. General Assembly.

This ministerial task - in which the state seal is physically "stamped" onto original acts and resolutions passed by the legislature - has fallen to the Secretary of State for as long as anyone in state government can remember.

Does the seal matter?

Yes ...

According to Article III, Section 18 of South Carolina's constitution ([.pdf](#)), "No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, ***has had the Great Seal of the State affixed to it***, and has been signed by the President of the Senate and the Speaker of the House of Representatives."

(Emphasis added).

In other words, "no seal, no law."

So ... *how did we get here?*

Good question ...

Multiple state legislators were briefed on the situation late Thursday after reporter Meg Kinnard of The Associated Press picked up this story and ran with it.

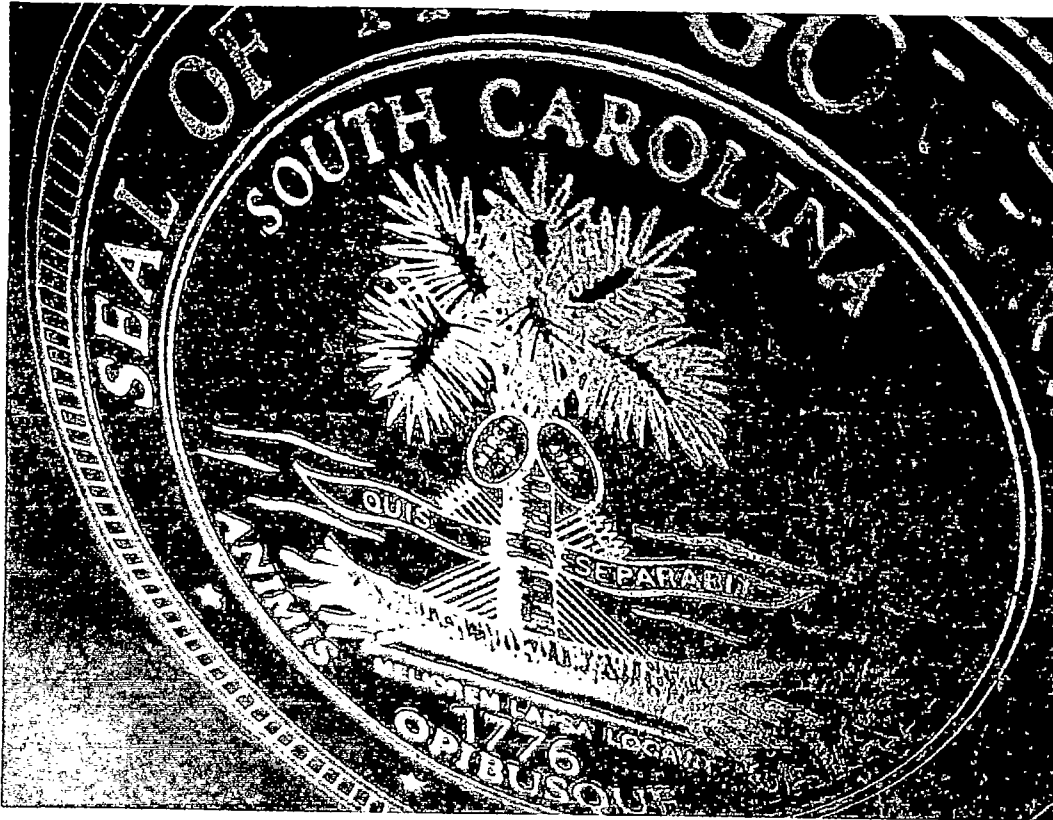
Apparently Kinnard's report – and our story preceding it – prompted mass panic within the legislative branch.

According to these lawmakers – who were briefed on the matter by one of their colleagues – #SealMagedon has been a closely guarded secret in the state capital for the past three months. They told us the problem was discovered three months ago when a defendant representing themselves (i.e. *pro se*) in a criminal case decided to visit the S.C. Department of Archives and History ([SCDAH](#)).

The defendant apparently wanted to view the actual law they were being charged with in an effort to determine whether it had been properly filed.

Upon viewing the document, the defendant noticed the absence of the state seal and quickly made the constitutional connection. Shortly thereafter, they filed a motion to have the charges against them dismissed on the grounds that the law they were accused of violating wasn't constitutionally valid.

See where this is going?



(Via: FITSNews.com)

Not long thereafter, a local solicitor – alarmed by the potential implications of the situation – contacted legislators in an effort to determine why one of their laws had been filed without a seal affixed to it.

That's when the true dimensions of #SealMagedon came into focus, we're told.

Armed with the solicitor's concerns, top legislative staffers (and their bosses) quickly launched a discreet inquiry – at which point they realized Hammond's office had failed to affix the seal to *thousands of acts and resolutions* dating back for a period of up to ten years. This reportedly led to a vigorous debate between legislative and executive branch officials over whether Hammond was in fact responsible for performing this constitutional duty.

For several weeks this summer, we're told Hammond refused to accept responsibility for the situation – but ultimately acquiesced and acknowledged he had been

derelict in his duty. At this point, an effort was undertaken to “fix” the problem – although it’s not immediately clear how fruitful that fix has been.

Or whether retroactively applying the seal will create even bigger constitutional issues ...

We don’t yet have precise dates or an exact number of potentially impacted acts and resolutions, but this news site submitted a Freedom of Information Act (FOIA) request to the Secretary of State’s office yesterday seeking this information.

According to our sources, the Secretary of State is currently in possession of all acts and resolutions dating from 2005 to the present. Acts and resolutions from previous years are stored at SCDAH. A review of these acts and resolutions is currently being undertaken by state representative Joshua Putnam, who is running against Hammond in next spring’s GOP primary election for Secretary of State.

“There are several acts from his tenure here without the seal,” Putnam told us, adding that he was in the process of reviewing all of the documents currently in possession of SCDAH.

Hammond was elected in 2002 and took office in January of 2003. He is supposed to turn over all acts and resolutions to SCDAH after a period of five years, but apparently he hasn’t been doing that job either.

What happens next?

Good question ...

Lawmakers told us they have been presented with a solution to the problem – one that they hope to pass into law as soon as they reconvene in January.

As soon as we get additional information on that “solution,” we’ll pass it along to our readers ...

UPDATE: *This is getting serious ... Putnam has discovered over 100 acts or resolutions which did not receive the seal from Hammond’s first two years in office.*