

EXHIBIT A

to

Notice of Appeal

Order Granting Appeal
Dated December 29, 2020

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHESTERFIELD)	CIVIL ACTION NO.: 2020-CP-13-00785
)	
Glenn Odom,)	
Plaintiff,)	
)	
v.)	ORDER
)	
McBee Municipal Election Commission,)	
Charles Short, Charles Sutton and Hewitt)	
Dixon,)	
Defendants.)	

This matter comes before the court on Glenn Odom’s appeal from the decision of the McBee Municipal Election Commission (MEC) ordering a new election for the Office of Mayor and Town Council of McBee. Glenn Odom was certified as the winning candidate for Mayor of McBee. James Linton and Robert Liles were certified by the MEC as winning members for Town Council. Charles Short, candidate for Mayor, Charles Sutton and Hewitt Dixon, candidates for Town Council, filed a protest of the election results.

A hearing on the protest was held on November 13, 2020. Testimony was taken and following the hearing on November 20, 2020, the MEC filed an order in which it overturned the results of the election and ordered a new election for Mayor and Town Council of McBee. The MEC gave as the basis for ordering a new election that Sydney Baker was a paid campaign volunteer for Mr. Odom and assisted in the filling out of at least ten (10) and up to twenty-eight (28) absentee ballots and had witnessed between ten (10) and up to twenty-eight (28) absentee ballots. The MEC, based on their finding, held that this finding rendered the results of the election invalid and ordered a new election.

On November 20, 2020, Mr. Odom filed his second amended notice of appeal for the decision of the MEC on the grounds that no evidence was introduced at the protest hearing of any violation of election laws nor was any evidence presented of any votes that were improperly cast or counted in the election. Mr.

Odom requested the court to declare him as being elected Mayor and James Linton and Robert Liles as Council Members for the Town of McBee.

A hearing on Mr. Odom's appeal was held on December 21, 2020. Based on the record in the case, the court finds that the facts as found by the MEC were wholly unsupported by the evidence, and the decision of the MEC is reversed. This matter is remanded to the MEC for it to deny the protest and it is ordered to certify Mr. Odom, Mr. Linton and Mr. Liles as the election winners.

The court's decision is based on a finding by the court that MEC's conclusion that Sydney Baker, a paid volunteer for Mr. Odom, admitted to assisting in filling out ten (10) to fifteen (15) absentee ballots and witnessing ten (10) to fifteen (15) ballots is false. The record in the case is devoid of any evidence supporting the MEC's conclusion. The evidence in the case is that Ms. Baker only assisted electors in making his or her own request for an absentee ballot. This finding is substantiated by the Absentee Voter Detail List submitted by Respondents during the hearing. The list verifies that the request for absentee ballots were made by the electors themselves except for four electors whose immediate families made the request. The evidence shows that Ms. Baker only transmitted, by email, the elector's request to the election commission. This finding is confirmed by the Absentee Voter Detail List.

The MEC found without any evidence that Ms. Baker was a paid volunteer of Mr. Odom's campaign staff. The only evidence in the record is that she was an unpaid volunteer. The MEC made its decision based on its disbelief of Ms. Baker's testimony and not on any facts introduced at the hearing. The Respondents attack Ms. Baker's testimony that Mr. Odom was no longer the general manager of her employer, Alligator Water Co., by providing a printout of Alligator Water's website which showed Mr. Odom was the general manager. Ms. Baker testified the website was outdated. The MEC also improperly used as a basis of the MEC's decision its decision from a 2016 election involving Mr. Odom which was not part of the record in this case. These findings were of no consequence since Ms. Baker had not done anything improper in assisting voters.

The Respondents contend that Ms. Baker by transmitting the voter's request for an absentee ballot violated S.C. Code Ann. § 7-15-330 (1976 as amended). Section § 7-15-330 sets forth the procedure for requesting an absentee ballot. The election commission has allowed applications by email in addition to by mail. In this case, the voter's request was transmitted by Ms. Baker's iPad to the election commission. Ms. Baker's actions did not violate § 7-15-330 as contended by Respondents.

Violation of Section 7-15-330 is a misdemeanor and upon conviction, a fine of not more than five hundred dollars or imprisonment for not more than three years is the penalty. There is no statutory authority for overturning an election based on a violation of S.C. Code Ann. § 7-15-330, even if there were one. The court finds there was no violation of §7-15-330.

For the forgoing reasons, it is ordered that the order of the MEC is reversed and the MEC is ordered to declare Glenn Odom, James Linton and Robbie Liles are elected as Mayor and Councilmen.

IT IS SO ORDERED.



Roger E. Henderson
Circuit Judge

December 29, 2020
Chesterfield, South Carolina

EXHIBIT B

to

Notice of Appeal

Order Denying Defendants'
Motion for Reconsideration
Filed January 21, 2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)
)
Glenn Odom,)
)
Plaintiff,)
)
v.)
)
McBee Municipal Election Commission,)
)
Charles Short, Sharles Sutton and Hewitt)
)
Dixon,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2020-CP-13-00785

**ORDER DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION**

This matter comes before the Court on defendants' Motion for Reconsideration of the Court's Order dated December 29, 2020 in which the Court overturned the Order of the McBee Election Commission which had ordered a new election for Office of Mayor and Council of the Town of McBee.

The Court, after considering the memorandum of Short, Sutton and Dixon and Odom's memorandum in opposition to the Motion for Reconsideration affirms the Court's Order dated December 29, 2020 and denies the defendants' Motion for Reconsideration. It is therefore,

ORDERED that the defendants' Motion for Reconsideration is denied.

IT IS SO ORDERED.



Roger E. Henderson
Circuit Judge

January 20, 2021
Chesterfield, South Carolina

2021 JAN 20 PM 11:19
Christy S. Gaddy
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.