EXHIBIT
1

ELECTRONICALLY FILED - 2020 Nov 13 1:58 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD	)	
Glenn Odom	)	Case No: 2020-CP-13-0732
Plaintiff,	)	
vs.	)	**ORDER ON PLAINTIFF'S REQUEST FOR WRIT OF PROHIBITION AND WRIT OF MANDAMUS**
McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon	)	
Defendants,	)	

This matter comes before the Court on Plaintiff's motion for a Writ of Prohibition and Writ of Mandamus. Plaintiff filed a Complaint and exhibits in support of his position. Defendants Charles Short, Charles Sutton, and Hewitt Dixon filed memoranda in opposition. The Court held oral argument on the motion on November 10, 2020.

I. Factual Background

The Town of McBee held a general election for two seats on Town Council and the Office of Mayor on September 1, 2020. On September 3, 2020, the Town of McBee Election Commission ("MEC") held the provisional ballot hearing as required under S.C. Code Ann. § 7-13-830 for provisional ballots and absentee ballots that were challenged on election day.

At the conclusion of the provisional ballot hearing on September 3, 2020, the MEC certified the election results for mayor to be that Glenn Odom received 213 votes and Charlie Short received 203 votes. Two additional votes were cast for write in candidates. For the town council seats, the MEC certified that James Linton received 211 votes, Robbie Liles received 201 votes, Charlie Sutton received 191 votes, Hewitt O. Dixon received 175 votes, and Dawn Boykin received 34 votes. One additional vote was cast for a write in candidate.

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Later on September 3, 2020, counsel for Charles Short, Charles Sutton, and Hewitt Dixon ("Protestants") filed a formal contest of the election results under S.C. Code Ann. § 5-15-130. On September 4, 2020, a hearing on Protestants contest was started, but, with the consent of the parties, was continued to September 25, 2020.

The continuation of the contest hearing was rescheduled from September 25, 2020 to October 13, 2020 after counsel for Protestants requested a continuance under the Supreme Court's Administrative Order granting legislative selection, which counsel for Plaintiff objected to.

The continuation of the contest hearing was again rescheduled from October 13, 2020 to October 23, 2020 after one of the members of the MEC had a personal matter arise that prevented attendance at the continuation of the contest hearing. Plaintiff objected to this continuance.

Counsel for the Protestants then requested the continuation of the contest hearing be moved from October 23, 2020 to November 13, 2020 after Protestants' counsel indicated that their handwriting expert would be unavailable for the hearing. Plaintiff's counsel objected to this continuance as well. The MEC agreed to this continuance both to allow the Protestants' expert to testify at the continuation of the hearing and to allow a newly appointed member to get up to speed on the issues being presented.

On October 30, 2020, Plaintiff filed the present request for a Writ of Prohibition and Writ of Mandamus, requesting this Court issue an order prohibiting the MEC from violating statutory election laws of South Carolina and to order the MEC to certify Glenn Odom as the winner of the mayoral election and to certify James Linton and Robert Liles as the winners.

II. Legal Standard

"Mandamus is somewhat of a hybrid proceeding. It is not a suit in tort, nor is it a suit in contract; it is not strictly a law case, nor is it one in equity. It is based on the theory that an officer

charged with a purely ministerial duty can be compelled to perform that duty in case of refusal." *Lombard Iron Works & Supply Co. v. Town of Allendale*, 187 S.C. 89, 95–96, 196 S.E. 513, 516 (1938). Whether to issue a writ of mandamus lies within the sound discretion of the trial court, and an appellate court will not overturn that decision unless the trial court abuses its discretion. *Jolly v. Marion Nat'l Bank*, 267 S.C. 681, 685–86, 231 S.E.2d 206, 208 (1976); *Linton v. Gaillard*, 203 S.C. 19, 23, 25 S.E.2d 896, 898 (1943). An abuse of discretion arises where the trial court was controlled by an error of law or where its order is based on factual conclusions that are without evidentiary support. *Charleston County School Dist. v. Charleston County Election Com'n*, 336 S.C. 174, 179-80, 519 S.E.2d 567, 570 (1999) (citing *Tri–County Ice and Fuel Co. v. Palmetto Ice Co.*, 303 S.C. 237, 242, 399 S.E.2d 779, 782 (1990)). In reviewing a decision on a mandamus petition, an appellate court will not disturb the factual findings of the trial court when those findings are supported by any reasonable evidence. *Id.* (citing *De Pass v. Broad River Power Co.*, 173 S.C. 387, 395, 176 S.E. 325, 328 (1934)).

III. Discussion

"[T]o obtain a writ of mandamus requiring the performance of an act, the applicant must show (1) a duty of the opposing party to perform the act, (2) the ministerial nature of the act, (3) the applicant's specific legal right for which discharge of the duty is necessary, and (4) a lack of any other legal remedy." *Charleston County School Dist. v. Charleston County Election Com'n*, 336 S.C. 174, 179-80, 519 S.E.2d 567, 570 (1999).

In the present case, Plaintiff contends that the MEC violated S.C. Code Ann. § 5-15-130 by failing to hold and complete the contest hearing on September 25, 2020. S.C. Code Ann. § 5-15-130 requires the MEC to hold a hearing on the contest within 48 hours of receipt of the notice. Plaintiff agrees that the hearing commenced on September 4, 2020- less than 24 hours after the

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MEC received the notice of contest- and that he consented to continue the hearing until September 25, 2020. He argues that rescheduling the continuation of the hearing after September 25, 2020 is a violation of S.C. Code Ann. § 5-15-130 because the underlying purpose of S.C. Code Ann. § 5-15-130 is to expeditiously finalize protested elections.

Counsel for the Protestants and the MEC argue that Plaintiff has not exhausted his legal remedies and that Plaintiff must appeal the MEC's decision on the contest hearing to the Circuit Court as outlined under S.C. Code Ann. § 5-15-140 and that the decision to continue the hearing was not ministerial as the decision to continue the hearing called into question the individual judgment of the members of the MEC.

In *Cole v. Town of Atlantic Beach Election Com'n*, the South Carolina Supreme Court noted that the 48 hour requirement in S.C. Code Ann. § 5-15-130 was to "expeditiously finalize protested municipal elections in the interest of realizing voters' will and seamlessly transitioning governmental offices." 393 S.C. 264, 274, 712 S.E.2d 440, 446 (2011). It went on to note that "insubstantial deviations from [the 48 hour provision] would not ordinarily require this Court to nullify a protest hearing decision." *Id.*

The Court agrees that Plaintiff has not exhausted his legal remedies in this case. The MEC has continued the hearing to November 13, 2020. Plaintiff has the right to attend this continuation of the contest hearing, present evidence, cross examine witnesses, and appeal the MEC's decision should the MEC rule against him. While the delay from September 25, 2020 to November 13, 2020 is troublesome to the Court, this delay does not constitute a substantial deviation from S.C. Code Ann. § 5-15-130.

With that said, the Plaintiff cannot obtain a legal remedy if the continuation of the contest hearing is rescheduled time and again. As the South Carolina Supreme Court stated in *Cole*, the

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import of S.C. Code Ann. § 5-15-130 is to resolve municipal election contests expeditiously. While it appears to the Court there have been legitimate reasons for rescheduling the continuation of the contest hearing to date, further delays would constitute a substantial deviation from S.C. Code Ann. § 5-15-130 and deprive Plaintiff of any other legal remedy.

IV. Conclusion

Based on the foregoing, the Court hereby DENIES Plaintiff's motion for a Writ of Prohibition and Writ of Mandamus with the caveat that if the MEC fails to hold the continuation of the contest hearing on November 13, 2020 as planned, the Court will enter a subsequent order granting Plaintiff's Motion for a Writ of Prohibition and Mandamus.

IT IS SO ORDERED.

_____
The Honorable Roger E. Henderson

_____, 2020

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Chesterfield Common Pleas

Case Caption: Glenn Odom VS Mcbee Municipal Election Commission , defendant, et al

Case Number: 2020CP1300732

Type: Order/Other

So Ordered

s/Roger E. Henderson 2754

EXHIBIT
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ELECTRONICALLY FILED - 2020 Nov 20 9:47 AM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD	)	
Glenn Odom	)	Case No: 2020CP1300785
Plaintiff,	)	
vs.	)	**ORDER**
McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon	)	
Defendants,	)	

COMES NOW the Municipal Election Commission ("MEC") of the Town of McBee, upon the timely Petitions of Candidate for Mayor of the Town of McBee, Mr. Charles Short, and candidates for Town Council Charles Sutton and Hewitt Dixon (collectively "Protestants"), alleging multiple instances of misconduct and illegal activity regarding the Town of McBee Council election held on September 1, 2020. The Commission, after accepting the Petitions and conducting a full hearing and investigation, finds that Protestants have established the necessary proof that sufficient illegalities occurred during said election. The Commission further finds that Protestants have made the requisite showing that the outcome of the election was affected by such improper and/or illegal conduct and are therefore entitled to a new election as a matter of law, as more fully set forth below.

1. **Background**

The Town of McBee held an election for two seats on its Town Council and for the office of Mayor on September 1, 2020. The final certified results for Town Council were as follows: James Linton: 211; Robbie Liles: 201; Charlie Sutton: 191; Hewitt Dixon: 174; Dawn Boykin:

34; Write-In: 1. The final certified results for Mayor were Glenn Odom 213 and Charlie Short 203. There were also 2 write-in votes. Therefore, the Commission certified that Mr. Linton and Mr. Liles had won the two seats on Town Council, and the Commission certified that Mr. Odom had won the race for Mayor.

Of the 418 votes counted for mayor, 168, or 35% of the total votes, were cast by absentee ballot. Of the 250 ballots cast in person at the polling place on election day, Mr. Short earned 184 votes, or 73.6% of those votes. However, of the 168 absentee ballots cast, Mr. Odom earned 147 of those votes, which represents 87.5% of the total absentee ballots cast for Mayor. This decisive margin for Mr. Odom in the absentee voting delivered him the victory in the Mayor's race by a margin of ten (10) votes. These Petitions protesting the election then followed.

2. <u>Evidence</u>

At the hearing in this matter, which was duly noticed and timely held in accordance with S.C. Code §5-15-130, substantial evidence was admitted confirming that a sufficient number of ballots should not have been counted such that a new election must be held. The evidence showed the following facts:

1. Sydney Baker, an employee of an entity that was either owned or directed by candidate Glenn Odom, requested, witnessed, or assisted in the completion of between 10 and up to 28 of the votes delivered by absentee ballot as part of her alleged unpaid work on Glenn Odom's campaign.

2. Testimony by David Milligan that 5 voters did not reside in the location where their tax records were located based on interviews with voters.

3. Testimony by handwriting expert Jeffrey Taylor that the absentee voter oath signatures of Melvin Murphy, Robert T. Elkins, Michael Williams, and Rayshawn Bravia (Bracey) were likely not their own and that the signatures of Caroline Stevens and Ryan Roberts did not match with their signatures on file with the DMV.

4. Testimony by Elizabeth Murphy that she voted for her incapacitated husband, Melvin Murphy, pursuant to his wishes

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5. Testimony by Michael Williams, Rayshawn Bracey, and June Wright that the signatures on their absentee ballots was, in fact, their signatures.

6. Elizabeth Murphy and June Wright obtained assistance of Sydney Baker to request their absentee ballots.

3. Findings of Fact and Conclusions of Law

a. Sydney Baker Improperly Requested 28 Absentee Ballots in Violation of S.C. Code Ann. § 7-15-330.

S.C. Code Ann. § 7-15-330 requires that absentee ballots be requested either by the voter or by a member of the voter's immediate family. It further prohibits paid members of a candidate's campaign staff from requesting absentee ballots. S.C. Code Ann. § 7-15-330. ("A person requesting an application for a qualified elector as the qualified elector's authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative.")

Sydney Baker ("Baker") testified that she is the lab director at the Alligator Rural Water Authority in McBee, South Carolina. She also testified that while Glenn Odom used to be the general manager at Alligator, he is no longer affiliated with the entity. She admitted that she went door to door as a volunteer for the Glenn Odom campaign and provided assistance in requesting absentee ballots for voters. As part of this, she estimated she helped to request 10 to 15 absentee ballots. She further admitted to assisting in the filling out of 10 to 15 absentee ballots and witnessing 10 to 15 absentee ballots. Baker further testified that she was an unpaid volunteer of the Odom campaign and that she used her personal iPad and personal printer to provide the assistance to the voters.

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Evidence was presented in the hearing that Odom was still the current manager at Alligator. A printout of the Alligator webpage on the date of the hearing indicated that Odom was still the general manager of Alligator. Furthermore, Baker admitted that she had only occasionally passed Odom at the office at Alligator.

The MEC does not find Baker's testimony to be credible. The MEC is well familiar with Baker's relationship with Odom. The September, 2016 election was overturned by the MEC, in part, because Baker, who Odom admitted in that hearing was an employee of his at Odom & Associates, delivered 35 to 45 absentee ballots in that election. (Exhibit 1, 2).

Furthermore, Baker's testimony that Odom was no longer involved with Alligator was impeached through Alligator's website, which Baker admitted was part of her responsibility to update. The MEC does not believe that Baker was not paid by Odom in some form or fashion for her volunteer work to apply for, assist in the filling out of, or in the witnessing absentee ballots in the election. Nor does it believe that Baker utilized her own iPad and printer to assist in her work for the Odom campaign.

The MEC finds, therefore, that Baker was a paid volunteer with the Odom campaign and that Baker applied for at least 10 and up to 28 absentee ballots in the September 1, 2020 election. Because Baker, as a paid member of Odom's campaign staff requested absentee ballots for up to 28 voters, and the difference in the mayoral election was 10 votes and a total of 28 votes from Linton's 211 to Dixon's 175 in the town council election, this renders the result of the election doubtful and a new election must take place.

b. The Remaining Ballots Were Properly Cast

As noted above, testimony was presented that five individuals did not reside at the address listed on their property tax records. It was not made clear to the MEC that the tax

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records were where these individuals claimed their residence in order to vote in the election. Additionally, the testimony by the investigator that these individuals did not reside at the address listed on their property tax form is inadmissible hearsay under Rule 802 of the South Carolina Rules of Evidence. This testimony was, therefore, not considered by the MEC, and the MEC finds that these ballots were properly cast.

Of the six individuals that Jeffrey Taylor testified that had questionable signatures, three appeared and testified that the signatures on their ballots were, in fact, their own. This called into question the veracity of Taylor's opinion that the other three signatures were improper. Furthermore, Taylor could only state that it was "unlikely" that four of the signatures were improper and could only state the other two signatures challenged did not match the DMV signature. While concerning, the MEC does not believe Taylor's testimony alone was sufficient to indicate that the six ballots with questionable signatures were improperly cast.

Finally, while June Wright testified that she cast a ballot for her incapacitated husband, Melvin Wright, she further testified that she filled out the ballot as he directed and stated that she had a power of attorney for him. This testimony was uncontroverted, and the MEC found Wright to be a credible witness. As such, Melvin Wright's ballot was not improperly cast.

4. <u>Conclusion</u>

Having considered all of the evidence and the reliability of witnesses, the MEC is convinced Odom manipulated and abused the political process in McBee in ways specifically intended and designed to illegally dilute the voting strength Short supporters. The record reflects that Odom, acting through Baker, engaged in improper conduct and committed blatant violations of state election laws for the purpose of diluting the votes of his opponent's supporters.

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"The right to vote includes the right to have one's ballot counted. This includes the right to not have one's ballot diluted by the casting of illegal ballots or weighting of one ballot more than another." Welch v. McKenzie, 592 F.Supp. 1549, 1557-58 (S.D.Miss.1984) (citing Reynolds v. Sims, 377 U.S. 533, 554-55, 84 S. Ct. 1362, 1377-78, 12 L. Ed. 2d 506 (1964)).

Therefore, the MEC finds that a new election for two Council seats and for the Office of Mayor must occur for the Town of McBee. The largest margin of victory in these races was Twenty-Eight (28) votes, and the MEC has declared Twenty-Eight (28) votes were improperly cast. Therefore, "this renders the result of the election doubtful and a new election must take place as to the parties concerned." Armstrong v. Atlantic Beach Mun. Elec. Comm., 668 S.E.2d 400 (S.C. 2008); see also S.C. Code § 5-15-130.

IT IS SO ORDERED.

McBee Municipal Election Commission[1]

s/Linda Sterling
Linda Sterling, Chairwoman

s/David Vanden Berg
David Vanden Berg, Commissioner

Date: November 19, 2020

[1] Commissioner Pam Sullivan resigned shortly before the hearing, Commissioners Sterling and Vanden Berg were present, provided for a quorum, and properly presided over the hearing.

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STATE OF SOUTH CAROLINA	)	MUNICIPAL ELECTION COMMISSION
	)	
TOWN OF McBEE	)	
John Campolong, Charlie Sutton, and Marilyn Fields,	)	
	)	
Protestants,	)	**ORDER**
	)	
v.	)	
	)	
Glenn Odom, Bea Bolton, and Sherry Knight,	)	
	)	
Respondents.	)	

2016 SEP 20 PM 3 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD CO., S.C.

This matter comes before the Town of McBee Municipal Election Commission ("Commission") upon the timely Petitions of Candidate for Mayor of the Town of McBee, Mr. John Campolong, and candidates for Town Council Charlie Sutton and Marilyn Fields (collectively "Petitioners"), alleging multiple instances of misconduct and illegal activity regarding the Town of McBee Council election held on September 6, 2016. The Commission, after accepting the Petitions and conducting a full hearing and investigation, finds that Petitioners have established the necessary proof that sufficient illegalities occurred during said election. The Commission further finds that Petitioners have made the requisite showing that the outcome of the election was affected by such improper and/or illegal conduct and are therefore entitled to a new election as a matter of law, as more fully set forth below.

Finding of Facts

1. Background

The Town of McBee held an election for two seats on its Town Council and for the office of Mayor on September 6, 2016. The final certified results for Town Council were as follows: Bea Bolton 208 votes, Sherry Knight 194 votes, Charlie Sutton 185 votes, and Marilyn Fields

Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

169 votes. The final certified results for Mayor were Glenn Odom 200 votes, and John Campolong 192 votes. Therefore, the Commission certified that Ms. Bolton and Ms. Knight had won the two seats on Town Council, and the Commission certified that Mr. Odom had won the race for Mayor.

Remarkably, of the 392 votes that were counted in the election for Mayor, 121 of those votes, or 31% of the total votes, were cast by absentee ballot. Typically, the Chesterfield County Election Commission prints enough absentee ballots for each election in the Town of McBee to ensure that up to 15% of the Town's citizens on the active voter registration rolls may vote absentee if they desire. For this election, there were 636 active voters on the voter registration list, so approximately 95 absentee ballots were printed.

At no point in the Town's recorded history prior to this election have more than 15% of the active registered voters cast absentee ballots. However, in this election, the Chesterfield County Election Commission had to print more absentee ballots, because nearly 20% of the active registered voter list (121 of 636) cast absentee ballots. Of the 263 ballots cast in person at the polling place on election day, Mr. Campolong earned 170 votes, or 65% of those votes. However, of the 121 absentee ballots cast, Mr. Odom earned 107 of those votes, which represents 88% of the total absentee ballots cast for Mayor. This decisive margin for Mr. Odom in the absentee voting delivered him the victory in the Mayor's race by a margin of eight (8) votes. These Petitions protesting the election then followed.

2. <u>Evidence</u>

At the hearing in this matter, which was duly noticed and timely held in accordance with S.C. Code §5-15-130, substantial evidence was admitted confirming that a sufficient number of

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ballots should not have been counted such that a new election must be held. The evidence showed the following facts:

1. Four (4) people who cast ballots in this election were not legal residents of the Town of McBee voting precinct and thus not eligible to vote pursuant to S.C. Code § 7-5-120(A)(3), and their votes should not have been counted.

2. Eight (8) people who cast ballots in this election were not properly registered to vote in the Town of McBee as required by S.C. Code §§ 7-5-110 and 7-7-910(A), and their votes should not have been counted.

3. The votes of Forty-seven (47) other people who cast absentee ballots in this election were procured by improper and/or fraudulent registration in violation of S.C. Code §§ 7-15-330, 7-15-385 and 7-25-20, and their votes should not have been counted.

In addition, uncontroverted evidence was introduced confirming that a paid employee of the business owned by Respondent Odom witnessed and/or returned absentee ballots for Fifty-two (52) people who cast absentee ballots. Respondent Odom testified that he did not direct his employee to engage in such campaign work, and he also testified that he was unaware his employee was doing such campaign work. Respondent Odom further testified that if his employee did engage in campaign work, she did so on her own time and in an unpaid status. However, based on all of the evidence and the totality of the circumstances, the Commission specifically found that the testimony of Respondent Odom was unreliable and not credible.

Conclusions of Law

The Commission notes that the most striking fact about absentee voting in this election in McBee is the sheer volume of absentee ballots cast in relation to the number of qualified electors. In United States v. Ike Brown, 494 F.Supp.2d 440 (D.S.C. 2007), a case brought under the federal Voting Rights Act, the Government's expert testified without contradiction that in other jurisdictions, the normal rate of voting by absentee ballot in a given election ranges from

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around three to six percent. In McBee, however, the rate was thirty percent (30%), 50% higher than it was in the Ike Brown case. In that matter, the Court found as follows:

> It is highly unlikely that twenty percent or more of those on the voter rolls of Noxubee County are eligible to vote by absentee ballot. The Government's expert maintains, and the court would agree, that even taking into account that there could have been an exceptionally efficient "get out the vote" campaign at work here, this level of absentee voting "cannot happen except when you're generating absentee ballots on a fraudulent basis," for there is no "reasonable legal rationale that would account for this degree of difference." United States v. Ike Brown, 494 F.Supp.2d at 457

Similarly here, the Commission finds that it is highly unlikely that the volume of absentee votes cast in this election were proper and that this level of absentee voting cannot happen except when absentee ballots are being generated on a fraudulent basis. The matter before the Commission is reminiscent of the infamous case of United States v. Eugene Carmichael, 726 F.2d 158 (4th Cir. 1984), wherein former South Carolina State Senator Eugene Carmichael was convicted in 1981 of charges relating to an absentee ballot vote buying scheme in the 1980 Democratic primary election in Dillon County.

Having considered all of the evidence and the reliability of witnesses, the Commission is convinced that Respondent Odom manipulated and abused the political process in McBee in ways specifically intended and designed to illegally dilute the voting strength of Campolong supporters. The record reflects that Respondent Odom engaged in improper conduct and committed blatant violations of state election laws for the purpose of diluting the votes of his opponent's supporters.

"The right to vote includes the right to have one's ballot counted. This includes the right to not have one's ballot diluted by the casting of illegal ballots or weighting of one ballot more than another." Welch v. McKenzie, 592 F.Supp. 1549, 1557-58 (S.D.Miss.1984) (citing Reynolds v. Sims, 377 U.S. 533, 554-55, 84 S. Ct. 1362, 1377-78, 12 L. Ed. 2d 506 (1964)).

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Therefore, the Commission finds that a new election for two Council seats and for the Office of Mayor must occur for the Town of McBee. The largest margin of victory in these races was Twenty-five (25) votes, and the Commission has declared Fifty-nine (59) votes are not valid. Therefore, "this renders the result of the election doubtful and a new election must take place as to the parties concerned." Armstrong v. Atlantic Beach Mun. Elec. Comm., 668 S.E.2d 400 (S.C. 2008); see also S.C. Code § 5-15-130.

IT IS SO ORDERED.

McBee Municipal Election Commission[1]

Linda Sterling, Chairwoman

Lynn Dixon, Commissioner

Date: _____

[1] Commissioner Dale McCluney was unable to attend the hearing in this matter due to a work conflict. Nevertheless, Commissioners Sterling and Dixon were present, provided for a quorum, and properly presided over the hearing.

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STATE OF SOUTH CAROLINA
MUNICIPAL ELECTION COMMISSION
TOWN OF MCBEE

JOHN CAMPOLONG, CHARLIE
SUTTON, and MARILYN FIELDS,

Protestants,

vs.

GLENN ODOM, BEA BOLTON,
and SHERRY KNIGHT,

Respondents.
_____/

HEARING TO CHALLENGE ELECTION RESULTS
BEFORE THE MUNICIPAL ELECTION COMMISSION
ON SEPTEMBER 12-13, 2016
AT THE MCBEE TOWN HALL

APPEARANCES

FOR THE PROTESTANTS:

BOWERS LAW FIRM
1419 Pendleton Street
Columbia, South Carolina 29201
By: Karl S. Bowers, Jr., Esquire

FOR THE RESPONDENTS:

SPENCER LAW FIRM
301 West Main Street
Chesterfield, South Carolina 29709
By: William Spencer,Esquire

REPORTED BY:

LAURA CHAMBLEE, RPR

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SEPTEMBER 12, 2016
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CHAIRPERSON STERLING: Thank you very much for waiting, ladies and gentlemen of the jury. I think we're ready to begin. The McBee Municipal Elections Commission calls this protest hearing to order. At the moment there is a quorum of the election commission members: Lynn Dixon, Dale McCluney, Linda Sterling, Chairperson.

Let the record reflect that the proceedings of the protest hearing are being recorded by a court stenographer. I, as Chairperson of the Elections Commission, make a motion that the meeting be adjourned until 9:00 a.m. tomorrow, Tuesday, September 13. Is there a second?

MR. McCLUNEY: Second.

MS. DIXON: I second.

CHAIRPERSON STERLING: Seconded by Dale McCluney and Lynn Dixon. All in favor.

COMMISSION MEMBERS: Aye.

CHAIRPERSON STERLING: The ayes have it and the meeting is adjourned until 9:00 a.m.

tomorrow morning, September 13. Thank you.

(End of proceedings for September 12, 2016.)

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SEPTEMBER 13, 2016
PROCEEDINGS
9:01 a.m.

CHAIRPERSON STERLING: The McBee Elections Commission is resuming the previous protest hearing and calling this hearing to order. At the moment there is a quorum with Lynn Dixon as Commissioner and Linda Sterling, Chairperson. Let the record reflect that the proceedings are being recorded by the court reporter.

There is a motion pending for protective order before the Commission filed by the lawyers representing Mayor John Campolong and council members Charlie Sutton and Marilyn Fields. Would the lawyers representing John Campolong, Marilyn Fields, and Charlie Sutton explain for the record the reason or reasons why this motion is being filed.

MR. BOWERS: Yes, ma'am. Madam Chairwoman, we appreciate the Commission entertaining this hearing today. My name is Butch Bowers. I'm an attorney in Columbia and I'm here on behalf of Mayor Campolong as well as the two other -- my two other council members.

Here's the long and short of it. The evidence today will show that there has been intimidation, threats, and other attempts to influence voters. And we believe strongly that there are people who want to come forward and testify but they are fearful for whatever reason, you know, whether it's financial, personal safety, job-related, housing, whatever. But we have -- We strongly believe that there are multiple witnesses who fear -- have fears about coming and appearing publicly. So our request is simply to have -- to have these witnesses, and it can be from either party, not just us, any witnesses that either party wants to submit by affidavit instead of live testimony, but submit their testimony by sworn affidavit with the names redacted from public view.

The only people -- Under our request, the only people who would have access to this information would be attorneys' eyes only. So counsel for the Respondent and we would be able to see it, Mr. McLawhorn would be able to see it, and then members of the Commission. And that's it.

So that's our request and we think it's

a reasonable common sense approach to this matter, and we would ask that -- respectfully ask the Commission grant the motion.

CHAIRPERSON STERLING: Would the lawyer representing Glenn Odom, Bea Bolton, and Sherry Knight like to respond?

MR. SPENCER: Yes, ma'am. Any witness -- We would object to any affidavit being admitted. We're entitled to cross-examine each and every witness, so we would not permit the admission of a sworn affidavit as somebody's testimony.

I think the rules of court apply here, the rules of evidence apply here. And we have a right to confront all witnesses.

We have no opposition to a motion not to intimidate because we think the evidence will show that intimidation has been conducted by the other parties in this. We have no objection to people not being contacted, intimidated, et cetera, but we do not consent to a sworn affidavit being testimony. We are entitled to cross-examine each and every witness.

MR. BOWERS: May I reply?

CHAIRPERSON STERLING: Yes. I'm sorry.

MR. BOWERS: That's all right.

CHAIRPERSON STERLING: Parliamentary --

MR. BOWERS: That's okay. Briefly, Mr. Spencer is a fine lawyer and I understand the desire to cross-examine witnesses. And we're not talking about putting in every single witness by affidavit, but there are a small handful of folks who legitimately have concerns. And, you know, if the Commission wants to, you know, give more weight to people who appear live and are subject to cross-examination versus affidavits, that's well within the Commission's purview.

I would also suggest that while the rules of civil procedure apply, they're not binding. They're not -- This is not a court of law. This is an administrative body and there's not -- but within the rules there are absolutely procedures for a protective order being in place for situations exactly like this.

I won't bore you with the details of it but I'm involved in federal litigation in federal court in North Carolina in a case where a protective order is in place because the -- there are some witnesses -- in fact, there's some actual parties who have legitimate fears of

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disclosure. So there's been an agreement to have them -- have an attorney's eyes only protective order in place. It's a reasonable, rational approach and the rules provide for it and we just ask that you grant it. Thank you.

MR. SPENCER: I'll just cite from the Municipal Election handbook: All parties have a right to be represented by counsel, to examine and cross-examine witnesses, and that the rules of civil procedure will be followed.

So we strenuously object and note our objection for the record.

CHAIRPERSON STERLING: Objection noted.

(Whereupon, the Commission members conferred off the record.)

CHAIRPERSON STERLING: The Commission moves to pass the motion for protective order adopted by -- I'm sorry. We move -- no, we don't. We move that the motion for the protective order be adopted by the Commission. Is there a second?

MS. DIXON: I second it.

CHAIRPERSON STERLING: All those in favor.

COMMISSION MEMBERS: Aye.

CHAIRPERSON STERLING: The ayes have it and the motion carries.

MR. SPENCER: I have one further matter before we begin.

CHAIRPERSON STERLING: Yes.

MR. SPENCER: Let us show for the record that all of the election commissioners are certified in all three areas of duties of the MEC online poll manager's training, both of those are online courses, and that the -- they have completed the protest hearings class in Columbia.

CHAIRPERSON STERLING: We have 18 months to do that from our appointments. Okay. Some of us took the poll manager's course in workshops. Some took the online. And all of us have not taken the protest hearing official workshop. We've done some information with Columbia. But we do have 18 months from our appointment. We were appointed at the end of January. And we still have time to do that. But I believe the information and the online that we have been studying are sufficient right now to run this hearing.

If you go on to the South Carolina Elections Commission website, we have 18 months

from our appointment. Due to some scheduling difficulties, some of us couldn't do it. I was scheduled in the beginning of July and had surgery at the time I was supposed to go down there.

MR. SPENCER: Have any of the three been certified in Columbia?

CHAIRPERSON STERLING: No, not until we take the workshop. But like I said, we have 18 months from our appointment. All three of us have been appointed, I believe it was the end of January. We were notified by the Town Clerk in February. So we have 18 months.

MR. SPENCER: I would just like the record to show that --

CHAIRPERSON STERLING: Absolutely, absolutely. Okay. The protest motion, having been filed and adopted by the Commission, would the lawyers for Mayor Campolong, Charlie Sutton, and Marilyn Fields please present your case.

MR. BOWERS: If it may please the Commission, may we both have an opportunity for an opening statement?

CHAIRPERSON STERLING: Absolutely.

MR. BOWERS: Thank you again for

considering this very important election challenge here today. I'll be brief in my opening statement. This is an important matter for the town. It's an important matter for the state, okay, because the evidence will show here today that numerous voting irregularities occurred in this election. Specifically, numerous voting irregularities with the absentee ballot. The evidence will show here today that the absentee ballot process was manipulated, abused, and drug through the mud.

The evidence will show that fully one-third of the -- of the registered voters--I'm not talking about the people who actually cast a ballot, I'm talking about just the number of registered voters in the town of McBee, 636 active registered voters--fully one-third of those registered voters, 33 percent, voted by absentee.

I can tell you that the number of absentee ballots that -- The evidence will show that the number of absentee ballots that Chesterfield County prints just on the outside chance that there's a wave of interest is 15 percent. So it doubles -- more than doubles

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1 the total number of absentee ballots that the
2 county printed in what they -- in what might be
3 just an excessive amount.
4 There's case law that I'll talk about
5 during closing argument where expert witnesses --
6 The case specifically is one regarding Eugene
7 Carmichael, he was a state senator from
8 Darlington. In 1981 he was convicted of a vote
9 buying scheme and sent to federal prison. I can
10 tell you that in that case, an expert witness
11 testified that 20 percent of registered voters
12 casting votes by absentee is evidence in and of
13 itself of fraud.
14 So we have 33 percent of the registered
15 voters in McBee casting absentee ballots. The
16 process, as I said, was abused. And we intend to
17 show that far more votes than necessary should
18 not have been counted. Far more votes than
19 necessary to in order to get a new election
20 should not have been counted. And we'll have
21 plenty of evidence for that today.
22 And again, we appreciate the
23 opportunity to be here for you and happy to
24 answer any questions as we go along. Thank you.
25 CHAIRPERSON STERLING: Call your first

1 witness. I'm sorry. Mr. Spencer, please.
2 MR. SPENCER: I just have one comment
3 to make and that is that this can't be a witch
4 hunt. You can't just subpoena people to find out
5 information. The act of discovered evidence must
6 have been discovered prior to filing the appeal.
7 And they can't just call people to inquire. So a
8 reason must be stated for the challenge and why
9 this witness is being called, whether it's a
10 voter or an outside witness, because this cannot
11 just be a fishing expedition.
12 So if they'll state their reason why
13 this witness is being called and what evidence
14 they have, whether discovered before or after the
15 election, led to the subpoena of this witness.
16 CHAIRPERSON STERLING: Mr. Bowers, if
17 you --
18 MR. BOWERS: Sure, very briefly. At
19 the end of the day the Commission issued the
20 subpoenas. It wasn't us. And you know, we filed
21 duly noticed challenges on election evening. So
22 there was no -- There's no hide the ball, there
23 was no -- We had evidence at the time when we
24 filed our protest. We did not challenge those
25 ballots simply out of thin air. We had evidence

1 then. So as we'll see today with witnesses that
2 appear, the subpoenas were intended to ensure
3 their appearance here today.
4 That's -- you know, Mr. Spencer liked
5 to quote the rules of civil procedure earlier.
6 Well, guess what? That's well within the rules
7 of civil procedure and an appropriate way to
8 handle an election protest.
9 CHAIRPERSON STERLING: Thank you. One
10 more time, Mr. Spencer.
11 MR. SPENCER: I think that I'm more
12 than entitled to that because the six grounds
13 stated in the appeal in the protest were general.
14 No specific allegations were made. No concise
15 statement of what evidence they had that any of
16 those violations had occurred. No way to prepare
17 a defense for it. Alleged no particular evidence
18 whatsoever. Six general complaints that could
19 have been anybody in the world.
20 So I attack, number one, the protest as
21 being -- not putting us on notice as to what the
22 grounds are. It's a shotgun effect that lists
23 every ground in the world and no specificity. So
24 it's not sufficient, the grounds that they set
25 forth, because they're not specific. Way too

1 general.
2 CHAIRPERSON STERLING: Your objection
3 has been noted. We are going to allow the
4 protest hearing to proceed and the Commission
5 will have the final word. Mr. Bowers.
6 MR. BOWERS: Thank you, ma'am. As a
7 preliminary matter I've got a couple of things I
8 would like to hand up. If Mr. Spencer objects,
9 that's his purview -- within his purview. This
10 is just to help actually a little bit more. I'll
11 give you a list of the folks that we plan on
12 showing cast ballots that were improper and
13 should not be counted. And this is just a list
14 that we intend to prove. We may skip over some
15 of them. I can tell you there's one that we can
16 take off. There's two actually: Number 18 and
17 number 21. We have determined that their votes
18 were legal. But the rest of them we plan on
19 showing that for a variety of reasons that their
20 votes should not have counted. So this is just
21 simply an outline for everybody to follow.
22 Mr. Spencer may -- I don't know if you
23 object or not, Mr. Spencer.
24 CHAIRPERSON STERLING: Mr. Spencer, do
25 you have anything to add?

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MR. SPENCER: No. I would just review any previous objection as to each of these people that prior to their testimony what evidence they have that they voted improperly.

CHAIRPERSON STERLING: Okay, Mr. Bowers.

MR. BOWERS: We'll demonstrate that through the hearing. That's what the hearing is for --

CHAIRPERSON STERLING: Thank you.

MR. BOWERS: -- is to prove this, to show the evidence.

CHAIRPERSON STERLING: Make sure we're all on the same page.

MR. BOWERS: I have one other thing I would like to hand up. Y'all check my math on this. This is just a count of the votes that we prepared, but it's based on the certified results that y'all issued. This information is already in the record. It's just for demonstrative purposes. We've got a board that we want to put up later so we wanted to share that with you.

CHAIRPERSON STERLING: Thank you. Are you ready for your first witness?

MR. BOWERS: Yes, ma'am, I am. Beg the

Commission's indulgence for a minute.

CHAIRPERSON STERLING: Sure.

MR. BOWERS: We call Glenn Odom to the stand, please.

GLENN ODOM,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BOWERS:

Q. Mr. Odom, please state your full name for the record.

A. Glenn Carlyle Odom.

Q. Mr. Odom, where do you reside?

A. I reside at 49 West Oak Street in McBee.

Q. How long have you lived at that address?

A. About three months.

Q. How long have you been a resident of McBee?

A. Off and on 40 years.

Q. Were you born and raised here?

A. No. I was born in Columbia but I was raised here.

Q. Have you ever held public office before?

A. Yes. I was mayor in 2000-2001.

Q. Mayor of McBee?

A. Of McBee, yes.

Q. Any other public office you ever held?

A. No, never.

Q. What do you do for a living?

A. I manage Alligator Rural Water and Sewer Company and have some other business.

Q. What are those other businesses?

A. Other businesses, I own the Huddle House, some shipping and receiving businesses, rental properties, that type thing.

Q. Rental property is something I want to talk to you about right now if you don't mind.

A. Okay.

Q. I've just handed your lawyer a list of the properties that we believe you own based on tax records from Chesterfield County Assessor's Office. I would like you to go through that. Let me hand this -

For the record, I've handed this to opposing Counsel before we started, and he told us that you had indicated you do not own all these properties. So if you wouldn't mind, just to make sure the record is clear while we have you here, sitting here under oath, tell us which of these, if any, properties you own.

A. How about I tell you the ones I don't own?

Q. Okay. That might be quicker. I'll take that.

A. I'm not sure what 133 West Cypress Avenue is. And --

Q. Pardon my interruption. Does that mean you don't own it?

A. I don't know --

Q. You just don't know?

A. -- because I don't know what it is.

Q. I'll put a question mark by that one.

A. Hard for me to tell you I do or don't. And 901 Seventh Street, I've never heard of that address. I can't say I do or I don't, but I don't know what that address is.

Q. Okay.

A. The rest, I'm 95 percent sure I own or own in a partnership, one of the two.

Q. Thank you. So for the record, let me count here, that's one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen different properties all in Chesterfield County that you own either in part or in whole; is that correct?

A. I'll trust your math on that.

Q. I can count to 20, but beyond that I need a calculator.

CHAIRPERSON STERLING: Excuse me, Mr.

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1 Bowers. Are you going to enter this as an
2 Exhibit into the record?
3 MR. BOWERS: I am, yes, ma'am.
4 CHAIRPERSON STERLING: Thank you.
5 MR. BOWERS: I would ask to admit as
6 Exhibit 1 -- admit as Exhibit 1 the list of
7 properties that Mr. Odom owns. And we'll, for
8 purposes of the hearing today, we'll say that 133
9 West Cypress and 901 Seventh are not his
10 properties, but the remaining --
11 (Protestants' Exhibit Number 1 was
12 marked for identification.)
13 THE WITNESS: Beg your pardon. I do
14 not own 33 East Oak Street.
15 BY MR. BOWERS:
16 Q. You do not own that?
17 A. I do not own it.
18 Q. Okay. We'll take that off.
19 A. Give me a second to kind of go over it
20 again.
21 Q. Yes, sir, please take your time. We're not
22 in a hurry.
23 A. It's just hard to -- I do not own 36 West
24 Oak Street. I do not own 22 North -- yeah, I do. I
25 own 22 North Third. Some of them, you know, are

1 different. They're hard to --
2 Q. Right.
3 A. Let's see. I don't own 36 West Oak. I
4 don't own 33... That's it.
5 Q. Let me make sure for the record.
6 A. Let's go over it again.
7 Q. So you're telling us that you do not own 36
8 West Oak?
9 A. No, not to my knowledge I don't.
10 Q. Okay. You're under oath, I'll accept it.
11 A. Yeah.
12 Q. You're telling us that you don't own 33 East
13 Oak.
14 A. No.
15 Q. And you're telling us you're not sure about
16 133 West Cypress?
17 A. No, I don't have an idea.
18 Q. And you're not sure about 901 Seventh?
19 A. I've never heard of 901 Seventh Street.
20 That's Seventh Street out there. The house I own is
21 next door but I think it's on Poplar Street.
22 Q. Okay. We'll access the records later.
23 A. All right. No problem.
24 Q. But as we stand here at this moment, by my
25 count that's 14 properties according to the tax

1 assessor that you own either in whole or in part.
2 A. I agree.
3 Q. You accept that?
4 A. I'll agree.
5 Q. Let me ask you this, do you know if all of
6 these properties are inside of the town limits?
7 A. I believe they are inside the town -- all of
8 those are inside the town.
9 Q. Okay. Are all of these -- You mentioned
10 rental properties. Are all of these rental properties
11 that you own?
12 A. Yes.
13 Q. Okay. Do you know if anybody who lives in
14 these rental properties voted in the election?
15 A. Again, I'm sure some of them did. I
16 don't -- for me to match up names with rental
17 properties, I couldn't tell you.
18 Q. Probably hard to do sitting here today.
19 A. Well, my sister manages the rental
20 properties. So, you know, I don't know the leases.
21 Especially the apartments on Pine Street, I never come
22 in contact with any of those people. Some of the
23 others, you know, I know, but as far as saying every
24 one or which ones, I can't testify to that.
25 Q. How about -- Let's see. How about June

1 Wright, is he a tenant?
2 A. Yes.
3 Q. He is?
4 A. Yes.
5 Q. Okay. Are you charging him any rent?
6 A. No. The house he moved into was completely
7 destroyed by the last person that lived there. I told
8 June if he would fix up the inside--which they did,
9 carpeted the floors, put in stuff--he could have the
10 house for one year. That was around Christmastime of
11 last year. They had no place to live, no place to
12 move to, and June is disabled. So I told him he could
13 have it for a year.
14 Q. Okay. How about his son William Wright, is
15 he a tenant?
16 A. I've seen William and his wife, Gloria,
17 there numerous times, so I assume they're a tenant.
18 Q. Has he ever paid you rent?
19 A. No. Well, yes, he's paid me rent but he's
20 rented apartments from me and other things. He's
21 always paid his rent, but he has not paid any for the
22 house they're living in now. Now June has paid me
23 rent on the lot next door for several years at 337
24 South Fifth Street. That's down towards the bottom.
25 $75 a month to cover water and garbage service.

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Q. Okay. Let me ask you, do you know someone named Sydney Baker?
A. Yes.
Q. Who is that?
A. It's a young lady that works for me as an employee of Odom & Associates.
Q. I know you said you had several lines of work. What is Odom & Associates?
A. Odom & Associates is an LLC that covers all income and outgo of all my businesses. They're all under one umbrella.
Q. Got it. So Sydney is a female?
A. That's correct.
Q. She works for you in that business?
A. That's correct.
Q. What are her duties generally?
A. Just general duties. She works as a clerk. She works as -- She's kind of a computer guru type person that can -- She can do anything and everything in the world. And she does, you know, typing, computer work, a lot of work for my management of Alligator Water. She does a lot of that. And she takes payments, bills, and does billing for the water company.
Q. Can she -- can she --

A. Yes.
Q. What?
A. Can she? Go ahead. Go ahead.
Q. I thought you were anticipating what my question was going to be. Can she round up people to vote absentee?
A. I guess so, if she wants to do it.
Q. Did you ask her to go get people to sign up absentee?
A. Not on my time. Not when she's compensated from me.
Q. So you did ask her though to do it?
A. No, I can't say I did because I don't remember asking her to do that, me personally.
Q. So if Sydney gets on the stand and says, yeah, Mr. Odom asked me to go get absentee -- people who were registered to vote absentee, would you disagree with that?
A. I can't answer what Sydney is going to say or not say.
Q. I'm not asking you that. What I'm asking you is, if she contradicts you, will you say she's lying?
A. There again, that's speculation. I can't speculate or answer a question what if somebody else

does anything, so I can't answer that.
Q. Well, let me ask you this. Are you that she -- that she collected numerous absentee ballots?
A. I'm not aware that she collected numerous absentee ballots.
Q. Are you aware that she witnessed numerous absentee ballots?
A. No, I'm not.
Q. Are you aware that she carried absentee ballots back to Chesterfield County?
A. Yes, I am, on her time, on her lunch hour that she has receipts from DHEC, DOT. She went to Chesterfield on her lunch hour to do her personal business. And while she was going there, for example, Ms. Rory had three that she wanted her to return. She was going up there to DHEC, and she took those in the course of her time going to Chesterfield.
Q. What was she going to DHEC for?
A. I have no idea. Oh, I'm sorry. She is in the process of buying a new mobile home and placing it on her grandfather's land. So she's had to go to DHEC, DOT, buildings and grounds, inspection stuff. And she has receipts for those times she went there.
Q. If you're not aware that she collected and witnessed absentee ballots, how are you aware that she

carried them back to the County?
A. Because after all this has come up, I asked her when did you go to Chesterfield to carry these things. I went on my own time; I have receipts for every time I went.
I wasn't aware that she took ballots up there. I couldn't tell you how many times or how many ballots she took to Chesterfield.
Q. Do you know if she's ever done that before?
A. I don't know.
Q. You don't know. How is she paid? How do you pay her?
A. She's paid hourly weekly. Receives a check from Odom & Associates weekly.
Q. Is it a set amount or --
A. She's paid by the hour. So whatever hours she works, that's what she's paid.
Q. Does she submit time sheets?
A. I don't know. That's above my pay grade. The girl in the office handles that.
Q. Who is the girl in the office?
A. Gail Edwards.
Q. So you don't know if Sydney submits time sheets --
A. No, I don't.

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Q. -- to substantiate her time?
A. I don't.
Q. What was Gail's last name? I'm sorry.
A. Edwards.
Q. How long has she worked for you?
A. Probably 20 years.
Q. I may have asked you this before, if I did I apologize. How long has Sydney worked for you?
A. Off and on a couple of years. She went out with a baby one time and then she came back.
Q. So your testimony here today to this Commission is that your employee, Sydney Baker, on her own time and her own initiative, without your knowledge, got 35 to 45 absentee ballots from voters and carried them to the County? That's your testimony?
A. I don't know the number, but on her time and her prerogative she took some amount to Chesterfield.
Q. You had no knowledge about until after --
A. Until after.
Q. After the election? That's your testimony.
A. Wait a minute.
Q. Okay. I've got all day.
A. I hope the Lord lets me have all day. I did not know when she went to Chesterfield to do anything

because she doesn't have to clear it with me. I'm not in the office, so I did not have knowledge until after all this discussion came up.
Q. So that's your testimony?
A. That's my testimony.
Q. You didn't ask her or tell her or direct her --
A. No.
Q. -- to go collect absentee ballots?
A. No, I did not tell her --
CHAIRPERSON STERLING: Excuse me. May I clarify something? When you say after the discussion came up, what do you mean by discussion?
THE WITNESS: After --
CHAIRPERSON STERLING: Date, time, exactly when?
THE WITNESS: After the protest of the election.
CHAIRPERSON STERLING: And that would be what day, do you remember?
THE WITNESS: You accepted the protest.
CHAIRPERSON STERLING: I know, I know. I'm just wondering if you know.
THE WITNESS: 7:00 p.m., whatever day

it was.
CHAIRPERSON STERLING: Okay. So what's when you first had knowledge?
THE WITNESS: Right. Well, the talk from the losers' camp was that Sydney took "X" number of ballots to Chesterfield and she was a paid or reimbursed employee of mine. But the rules say you have to be -- neither the candidate nor a paid campaign worker can do it.
CHAIRPERSON STERLING: So this is all coming out of the "losers' camp"?
THE WITNESS: Yes.
CHAIRPERSON STERLING: And did you hear this yourself or was it word of mouth?
THE WITNESS: I've heard so much, I couldn't tell you.
CHAIRPERSON STERLING: Thank you.
MR. BOWERS: Let the record reflect that I object to my clients being called losers. They didn't win this election but they're not losers.
CHAIRPERSON STERLING: So noted.
BY MR. BOWERS:
Q. So, Mr. Odom, you just said something interesting in response Ms. Sterling's question.

Interesting to me anyway. That is, when did you know what those rules were that you just cited off the top of you head about who can carry absentee ballots back to the County?
A. I can't tell you exactly when I read it.
Q. So you don't know anything that Sydney did. She did it all on her own, on her own time. You don't know why she did it, but you do know that's the rule, right? I'm just asking you to clarify your testimony because it --
A. I don't think I have to clarify anything. I've already gone on the record. We'll go with the record. You're not going to spin things and ask me crazy things. I'm on the record with that and I'm not answering any of your speculation.
MR. BOWERS: Okay. I would like the record to reflect that the witness is being nonresponsive --
CHAIRPERSON STERLING: So noted.
MR. BOWERS: -- to that line of questioning.
BY MR. BOWERS:
Q. That's fine. Let me ask you this, Mr. Odom. Where is Sydney today, do you know?
A. I have no idea.

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Q. Have you talked to her?
A. No.
Q. Today?
A. No, sir.
Q. Yesterday?
A. Yeah, talked to her yesterday.
Q. What about?
A. She was at work yesterday.
Q. What did y'all talk about?
A. How nice the day was outside. And it was penalty day at the water company, had they put penalties on yet. How her granddaddy was doing. He had to go for some surgical procedure and I had her take them down since they're older people and couldn't drive. I asked how her granddaddy was doing and how those things were going.
Q. Did she tell you that she had been subpoenaed by the Commission to appear here today?
A. No.
Q. You weren't aware of that?
A. No.
Q. Did you attend the meeting Sunday afternoon?
A. Yes.
Q. Was Sydney there at that meeting?
A. Yes.

Q. What did y'all talk about?
A. We laughed and giggled, and people were doing protest signs that says you can't steal our vote and all of our votes matter, and they were getting ready for a protest.
Q. They were giggling because people said votes matter? I don't understand.
A. They were giggling because -- and laughing and having a good time, about 35 volunteers together, that they think their vote matters. Instead of losing their votes, they were going to do protests. And I just thought McBee didn't need that. We need to get through this thing and we didn't need to bring attention and whatever from outside people.
CHAIRPERSON STERLING: Excuse me. Can you clarify who was giggling?
THE WITNESS: The attendants.
CHAIRPERSON STERLING: At your meeting? At your meeting? Thank you. I just need clarification for the record. Thank you.
THE WITNESS: In the context of giggling, people were happy and having a good time and they were putting together signs and making signs with letters. I think you're taking this as they were giggling about the process.

CHAIRPERSON STERLING: No, no, no. Giggling is fine, that's fine. I just wondered -- You said we, and then I wasn't quite sure when you were talking about protest signs, who was making signs to protest. I was a little confused and you clarified it. That's all.
THE WITNESS: That's fine.
CHAIRPERSON STERLING: Giggling is fine.
BY MR. BOWERS:
Q. I like to giggle too sometimes. Mr. Odom, do you know Shilon Green?
A. Yes, I do.
Q. Do you consider him a friend?
A. Yes, I consider everybody a friend.
Q. Okay. Have you talked to him about this election?
A. Not directly to him, no.
Q. Indirectly?
A. Not really.
Q. So I'm going to ask you point-blank --
A. Yeah.
Q. -- have you or anyone working for you ever offered anything of value to somebody in exchange for their vote?

A. I have never, you know. Again, I have 40 to 50 employees. I would hope and think that none of them would, but I can't testify under oath what somebody else did. I can testify Glenn Odom never did.
Q. Have you ever given a voter some small sum of money for lunch or gas to go cast a ballot?
A. No.
Q. Never?
A. Never.
Q. So anybody who says that they have -- that that's happened would be lying according to you?
A. Yes.
Q. Right?
A. Yes.
Q. Okay. Fair enough.
A. And I would be happy to take a lie detector test if they will. I know it's not admissible but I would be more than happy to.
Q. I appreciate that, Mr. Odom. I'm going to tell you just the fact that you're here under oath, that's enough for me. Give me just a moment. I'm almost through.
A. I've got plenty of time too.
CHAIRPERSON STERLING: While we have

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this moment, Mr. Spencer, can I just clarify that -- Do you have any objection to admitting the list of properties into evidence?

MR. SPENCER: No, ma'am.

CHAIRPERSON STERLING: Thank you very much.

BY MR. BOWERS:

Q. Mr. Odom, you said you don't own -- I'm sorry. Yeah, there it is. You say you don't own 36 West Oak? I think that's what I recorded.

A. 36 West Oak... I live at 49.

Q. Let me go at it this way. I'm not trying to trick you or trap you, I'm just trying to get the facts.

A. I don't know what 36 West Oak Street is.

Q. Let me help you, see if this --

A. That's fine.

Q. Do you know a voter, a citizen, named Michael Williams?

A. Yes.

Q. Is he here today?

A. I don't see him, but I don't own that property. That is where Dolly Jean Morris lives and I do not own that property.

Q. So you don't -- So Dolly Jean Morris --

A. Yeah, her mother lived there, Rachel Davis. And I assume that was in Ms. Rachel's name. She's deceased now. And they've lived there 20 years or so. So I would assume it's in Rachel Davis or -- she's been married several times. I don't know what -- but I do not own that property, never have owned it.

Q. Let me ask you, it sounds like you know the inhabitants of the property?

A. Yeah, I do.

Q. Let me ask you about Mr. Williams. Is he related, do you know, to Ms. Lawrence?

A. Yeah, her son.

Q. Her son, okay. Do you know how many people live there approximately?

A. No, I don't. A lot of people come and go and I really don't know how many live there.

Q. Okay. I think we determined earlier that you said that you don't own 33 East Oak also?

A. That's correct. I believe that's the house behind -- opposite the Methodist church. And I don't own any property on Oak from Number 1 Highway east, I don't any property.

Q. Okay. There is a voter whose address is listed as that named Ray Rogers. Do you know Mr. Rogers?

A. Yeah, I do.

Q. Is he here today?

THE WITNESS: Ray, you here today?

A. I don't think so.

Q. How do you know Ray?

A. Ray eats at the Huddle House. I've known him for years and years and years. His wife is Wanda Faulkenberry. That property is in her name. The reason I know that is Ms. Wise talked to her yesterday and asked her how long she had lived there and whose name it was in. And she told her that she had been there about 17 years and it was in her name. I didn't even know that until then.

Q. I'm sorry to take so much time, but I want to go through some of these names.

A. Take your time.

Q. Bryson Ponds, do you know Mr. Ponds?

A. No, I don't.

Q. I don't see it listed here on the list we have. Yeah, I do, I'm sorry, it's the second one, 166 West Elm.

A. I think that is the brick house that is across the street from 121 West Elm Street.

Q. Did somebody by the last name of Sullivan used to own it, do you know?

A. No, I -- I bought it from some people in Columbia 20 years ago and the name wasn't Sullivan.

Q. Do you rent the property now?

A. Yes, I do.

Q. Do you know who the tenants are?

A. I believe that lease is in Willie Jackson's name.

Q. Do you know how long he's lived there?

A. Twelve, fifteen years, something like that.

Q. Who else lives there with him, do you know? Do you know if anybody else lives there with him?

A. Josh Jackson also.

Q. Who is that, his son?

A. Family member.

Q. Family member, okay.

MR. BOWERS: Beg your indulgence for a moment.

BY MR. BOWERS:

Q. How about Pettigrews, do you know Franklin?

A. I do, they're my employees. Franklin and Zephaniah.

Q. Are they your tenants also?

A. They live in those two properties as part of their income.

Q. So they don't pay you any rent?

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A. No.
Q. But you -- okay, I get it. How long have they lived there without paying you rent?
A. A year or so. They paid rent for two years -- around two years previous to that. Then I hired them. There again, we made a deal that as part of their pay they would have a place to live.
Q. How many -- How many arrangements like that do you have with employees?
A. None besides those two.
Q. I'm sorry, sir?
A. None besides those two.
MR. BOWERS: One moment, please. I'm sorry. I'm sorry, y'all. Give me just a minute. May I approach the witness?
CHAIRPERSON STERLING: Absolutely, absolutely.
BY MR. BOWERS:
Q. Mr. Odom, this is a document I've just showed to your lawyer. It's a printout from the assessor's office. The one with the little tick mark down here, you see the tax map number?
A. Yeah.
Q. It matches up with 133 West Cypress Avenue?
A. Well, there's -- yeah, there's 16 lots on

there, so...
Q. To be fair, let the record reflect when we asked you about it earlier you said you weren't sure.
A. Right.
Q. That's why I have a question mark about it.
A. Again, I still don't know where 133 is, but...
Q. But you'll acknowledge --
A. It's on -- one of those 16 lots, I'll agree with that.
Q. It's the same tax map number?
A. I just don't know where, you know.
Q. Fair enough. Mr. Odom, I'm about to wrap up. So I asked you a minute ago about giving somebody lunch money or gas money to vote. You've never done that?
A. No, sir.
Q. And if anybody comes into court and says that, they're lying?
A. That's correct.
Q. Okay. I asked you if you knew where Sydney was. You don't know where she is today?
A. No, sir, I don't.
Q. Is she at work?
A. I don't know. I came straight up here. I

didn't go to work. So...
Q. On most normal days, most normal Tuesdays, would she be at work for you?
A. I assume so.
Q. Are you aware that she's under subpoena by this Commission?
A. You told me earlier she was, so I assume you're telling me the truth.
Q. I'm telling you the truth at least as far as I know.
A. Is it by the Commission or by the Wises? I see their names and numbers on all of the subpoenas. Did the town issue them?
Q. The town issued them.
A. Or did these people? I see their phone number, Please call to set up my testimony.
Q. I'm not sure that's what they said.
A. We've got a stack of them.
Q. They speak for themselves but, no, you'll see they were signed by Ms. Sterling, issued by the Commission.
A. I just wanted to clarify that. I didn't know whether it was coming from them or --
CHAIRPERSON STERLING: Issued by the Commission.

MR. BOWERS: Yeah.
THE WITNESS: Did y'all put the number of Ms. Wise on --
CHAIRPERSON STERLING: No, it's up to --
MR. BOWERS: Let me interrupt. Mr. Odom --
THE WITNESS: I think that's my right to ask.
MR. BOWERS: No, it's your lawyer's right to ask. You don't get to ask questions on the stand.
THE WITNESS: Go ahead. I'm listening. Tell me, go ahead.
MR. BOWERS: I'm just telling you there is a procedure here.
THE WITNESS: I said go ahead and ask your questions. I'm not going to fight with you. I apologize.
BY MR. BOWERS:
Q. No apology needed. He can ask all the questions he wants.
A. Go ahead. I would like to get a drink of water, go ahead and finish.
Q. I will. Why do you want to be mayor?

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A. I would like to be mayor to change the outlook of this town, to see police protection, to see lots of changes in this town. Not only me, 200 people wanted to see the town -- a change in mayor also.

CHAIRPERSON STERLING: Could we have quiet please.

BY MR. BOWERS:

Q. You followed the law in everything you did in running your campaign, correct?

A. I think I did, yes.

Q. You think you did?

A. Well, I mean, yes, I followed the law.

MR. BOWERS: I don't have any other questions.

CHAIRPERSON STERLING: Would the Counsel like to cross-examine?

MR. SPENCER: Yes, ma'am.

CROSS-EXAMINATION

BY MR. SPENCER:

Q. Mr. Odom, earlier you said that you been mayor of McBee before?

A. Yes, sir.

Q. And that was the only public office you had held?

A. Yes, sir.

Q. Were you not -- If I may refresh your memory, were you not, after you became mayor, a magistrate here in the county?

A. Yes, I was a magistrate. I didn't consider that as public office, but I guess it was. Yes, a magistrate.

Q. You're thinking just election, an elected office?

A. Yes.

Q. But you were a magistrate?

A. That's correct.

Q. Mr. Odom, did you have anybody that did campaign work for you that was paid by you?

A. No.

Q. You had no paid workers on your campaign?

A. No. I paid all my expenses out of a separate set up campaign account. All it's for was signs and rental of the building. And we had a rally to get out to vote on Labor Day. Those expenses were paid out of that account. No people.

Q. And you would have checks to show --

A. Yes, I would.

Q. -- every campaign expense that you --

A. Paid.

Q. -- made? And none was to pay workers?

A. That's correct.

Q. So your campaign -- Was Sydney Baker paid out of your campaign staff?

A. No.

Q. Or out of your campaign account?

A. No.

Q. As I understood your testimony, if she did any work, to your knowledge it was not on Odom & Associates time?

A. That's correct. Not delivering ballots or whatever, but I wouldn't have knowledge if she talked to somebody on the phone or --

Q. Did you instruct her to do campaign work while she was at work?

A. No.

Q. Never asked her to do any campaign activity while she was at the office?

A. Never is a long time and eight hours in each day. Never.

Q. To go see candidates -- I mean to go see voters?

A. I can't honestly say yes or no on that one. I can't -- I didn't instruct her to go do it.

Q. That's my question.

A. Yes, I did not instruct her to go see

candidates or voters.

Q. Did you instruct her to do any campaign work --

A. No.

Q. -- as an Odom & Associates employee?

A. No. No, I did not.

Q. And is her work for Odom & Associates at Alligator Water?

A. That's correct.

Q. Is Odom & Associates a management company for Alligator Rural Water Company?

A. Yes.

Q. To your knowledge if she did any volunteer work for your campaign, it would have been on her time and not Odom & Associates' time?

A. That's correct.

Q. Tell me again about the situation with June Wright and where he lives and the rent situation.

A. Okay. June Wright had moved over to Bishopville. I had an old house that somebody rented. And when they moved out, they took the plumbing, the cabinets, the wiring. They stripped the whole house, the carpet and everything. It was just a derelict sitting over there. And whenever June came to me and said I got to move back from Bishopville, they've

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stolen everything I got, I don't have a place to live, can I live in that house, I said, June, it's not livable. He said, well, if me and my family get it livable, can I live there and rent it from you. I said, well, June, it's completely destroyed. If you'll fix it to where you can live in it, I'll let you have free for a year. I won't charge you a penny. I think that was around Christmas of last year.

So they moved into it. And they were real proud. They painted it, put windows in it, fixed the floors, did new flooring and all that. Hoped the building inspector over there didn't hear me say that, but they did the work themselves to the house. And they cleaned up the yard. They were all a mess.

And June and his family, which is an extended family -- He has a lot of grandchildren, children, whatever. If I go over there, I see a lot of them. But there again, that was way before I ever thought about running for an election. I lived out of town at that time.

Q. So that was purely a business decision to get your house repaired?

A. Yes, and more a benevolent decision that they -- I've known June 60 years and he didn't have a place to go.

MR. SPENCER: That's all the questions I have.

MR. BOWERS: Brief redirect? Brief redirect based on his --

CHAIRPERSON STERLING: Absolutely.

MR. BOWERS: -- his questions. I'll be very brief.

REDIRECT EXAMINATION

BY MR. BOWERS:

Q. Your lawyer asked you, Mr. Odom, about a campaign account. Do you have a campaign account?

A. Yes.

Q. And you set it up online with the Ethics Commission, or somebody did for you?

A. Yes, yes. I did.

Q. You did?

A. Yes.

Q. Okay. Did you receive any campaign contributions?

A. No.

Q. Did you self-fund --

A. I did.

Q. -- your campaign? Let me finish my question. I heard you, but for the court reporter's sake. Did you fund your own campaign?

A. Yes.

Q. It's a matter of public record, about how much did you spend?

A. Around $3,000.

Q. Okay. Did you -- that approximate $3,000 did you run it all through the campaign account?

A. Yes.

Q. So you never came out of your pocket for $50 for signs?

A. No. Everything was charged on my MasterCard and then paid off through that account. Now when I purchased the meat for the cookout, I wrote a check and then will reimburse out of my campaign account. But, you know, everything I spent will be covered under my campaign checking. It was hard to get all the stuff for cooking and -- it was out of town and, you know, take a check blank at the top of it, people don't like that.

Q. I understand. So when was that cookout?

A. Labor Day.

Q. Okay. So you wrote a personal check for it, or you put it on a personal card?

A. I don't remember whether I gave them -- I may have given them a card, but it was either personal or a card, one of the two.

Q. It wasn't a campaign check?

A. No, it wasn't a campaign check.

Q. You're telling me you plan on reimbursing --

A. Right.

Q. -- from the campaign account?

A. That's correct.

CHAIRPERSON STERLING: Mr. Spencer, any --

MR. BOWERS: I'm not finished.

CHAIRPERSON STERLING: I'm sorry.

MR. BOWERS: I'll say something like no further questions.

CHAIRPERSON STERLING: Okay.

MR. BOWERS: You'll know. I'm close though. I want to get you your drink of water.

BY MR. BOWERS:

Q. You testified under your lawyer's questioning that you never instructed Sydney to do campaign work, correct?

A. Not on my time. To the best of my knowledge, I didn't tell her at the office to do campaign work. Now we had some meetings after work time, and we also -- I had a few meetings during the day which she didn't attend but one of those, and one of those was on her lunch hour. So compensated by

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Odom & Associates to the best of my knowledge, no.
Q. You do acknowledge you paid her --
A. Salary.
Q. -- salary, right?
A. Yes.
Q. And would you would consider that Sunday afternoon meeting that Sydney attended where there was some giggling, would you consider that a campaign meeting?
A. Yes.
Q. And Sydney was there?
A. Yes, but she wasn't paid.
Q. But she is paid by Odom & Associates?
A. Yes.
Q. Fair enough?
A. Yes.
Q. I may have written this down wrong and that's why I'm going to ask you question.
A. Okay, that's fine.
Q. I thought I heard you say in response to one of Mr. Spencer's questions that you can't honestly say that Sydney never did campaign work while on Odom & Associates' time?
A. I don't know everything that Sydney does in the course of a day. That's like asking me did one of

my employees go to Chesterfield during the day. I don't know. With 30, 40 employees, you don't know what they -- I can't swear that she did or didn't do anything.
MR. BOWERS: No further questions. Thank you, Mr. Odom.
CHAIRPERSON STERLING: Mr. Spencer?
MR. SPENCER: Nothing further.
CHAIRPERSON STERLING: Mr. Odom, step down.
On your next witness, is it going to be a very lengthy back and forth, or can we take a break?
MR. BOWERS: Now would be a good time for a break as far as I'm concerned.
CHAIRPERSON STERLING: About a 10-minute break everybody and then we'll reconvene.
(A break was taken 10:15 a.m.
Proceedings resumed at 10:35 a.m.)
CHAIRPERSON STERLING: Mr. Bowers, your next --
MR. BOWERS: We're ready to proceed. Thank you, ma'am. Next witness, I would like to call Mr. Outen to the stand.

DERRICK OUTEN,
being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY MR. BOWERS:
Q. Good morning, Mr. Outen.
A. Good morning.
Q. Thank you for being here. Please state your full name for the record.
A. Derrick Outen.
Q. Mr. Outen, what do you do for a living?
A. I'm the interim director of Chesterfield County Building Codes.
Q. How long have you worked as the interim director?
A. I'm going to say about three months.
Q. What did you do before that?
A. I was an inspector.
Q. Okay. How long have you worked in the codes office in Chesterfield County?
A. Ten months.
Q. Ten months. What did you do before that?
A. I was the maintenance operations manager of Walmart distribution center in Pageland.
Q. Okay.
A. And then in construction all my life.

Q. Okay. Tell me what your duties and responsibilities are in your current position.
A. To enforce building codes.
Q. What else do you do? What -- Elaborate a little bit more for the Commission so they can understand what you do. Do you do inspections?
A. Yes, yes.
Q. What do you inspect?
A. We issue permits. If you're going to build a house, you'll come bring your plans. We'll do a plan review. Then you'll pull all your permits, pay the fees. And then, for example, we'll come do a footing inspection and a foundation inspection, open floor inspection. And it just goes on till you're finished with the home.
MR. BOWERS: Permission to approach?
CHAIRPERSON STERLING: Absolutely.
MR. BOWERS: Thank you. Let the record reflect that I showed these documents to Mr. Spencer a little bit ago before we started back. I apologize I don't have more copies.
BY MR. BOWERS:
Q. I want to show you this document. Can you tell the members of the Commission what that document is.

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A. This is a demolition permit for 1973 mobile home on 337 South Fifth Street in Chesterfield -- in Chesterfield County in McBee.
Q. In McBee, all right. Do you know if that -- if that demolition actually occurred?
A. It appears to have occurred because I went out to look at this piece of property and you can tell that demolition has occurred.
Q. Okay. What date was that -- what date was that demolition permit issued?
A. 8/8/2016.
MR. BOWERS: I would like to introduce this as Protestants' Number 2.
CHAIRPERSON STERLING: Exhibit Number 2.
(Protestants' Exhibit Number 2 was marked for identification.)
MR. SPENCER: No objection.
MR. BOWERS: I'll hand it to the court reporter.
BY MR. BOWERS:
Q. Mr. Outen, I'm going to hand you some photographs that I will represent that we took. Take a look at those. Do you recognize that?
A. I do.

Q. Tell the Commission what that is.
A. This is a mobile home that is currently on that lot on 337 South Fifth Street.
Q. Do you know if -- if power has been connected to that building?
A. No, I'm not aware if power has been connected to it. I do know that we have not been notified for any inspections on it yet.
Q. It's my understanding, you correct me if I'm wrong, but it's my understanding that before your office will issue a Certificate of Occupancy, if somebody wants to turn on the power, y'all have to come do an inspection?
A. Absolutely.
Q. And you have not done that inspection?
A. No.
MR. BOWERS: I would like to submit these photographs as Petitioner's Number 3.
CHAIRPERSON STERLING: Any objections, Mr. Spencer?
MR. SPENCER: No objection.
(Protestants' Exhibit Number 3 was marked for identification.)
BY MR. BOWERS:
Q. Mr. Outen, we're almost finished. Last

document I want to show you, it says permit number 201600677, do you see that?
A. Yes, sir.
Q. Please tell the Commission what that is.
A. This is a permit for the set-up of a mobile home, a 1968 Winston 52 X 12, decal number 21100.
Q. What's the address?
A. It's on 337 South Fifth Street, McBee.
Q. Is that --
A. That's that home there.
Q. These pictures that we just introduced?
A. Yeah. And I could verify that if I could see the decal in the window but we can't see it and I can't verify the numbers. But that's the house that was there and I verified the decal then.
Q. When did you verify the decal?
A. The day I went by and looked at that house.
Q. I gotcha.
A. But I wasn't there doing an inspection. I was not called to do an inspection.
Q. Was that one day last week?
A. Yeah.
MR. BOWERS: Any objections?
MR. SPENCER: No objection.
MR. BOWERS: We'll introduce this

permit as Petitioner's Number 4.
CHAIRPERSON STERLING: So noted.
(Protestants' Exhibit Number 4 was marked for identification.)
MR. BOWERS: No further questions. Please ask any -- I'm sorry, answer any questions Mr. Spencer --
MR. SPENCER: I don't have any questions.
CHAIRPERSON STERLING: You may step down.
MR. BOWERS: We're fine with this witness being released.
CHAIRPERSON STERLING: Thank you. Your next witness, please.
MR. BOWERS: I would like to call Ms. Judy Scott to the stand, please.
JUDY SCOTT,
being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY MR. BOWERS:
Q. Hello, Ms. Scott.
A. Hello.
Q. Please state your full name for the record.
A. Judy Scott.

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Q. Judy, where do you live?
A. Was living at 337 South Fifth Street.
Q. You were living there?
A. Uh-huh.
Q. Where do you live now?
A. I'm back and forth to my brother's house across from there.
Q. Okay. Did you vote in the election last week?
A. Uh-huh, yes, sir.
Q. Did you vote in person?
A. No.
Q. You voted by absentee?
A. Yes, sir.
Q. Did somebody help you with that?
A. No, sir.
Q. You just did it on your own?
A. Uh-huh.
Q. Is that yes?
A. Yes.
Q. Have you lived -- Have you lived at this property -- Hold on for a second. One second. Ms. Scott, have you lived at 337 South Fifth Street for 30 days or more?
A. Yes, I was there since April.

Q. You've been there since April?
A. Yes.
Q. One second. So you've lived there since April you said?
A. Yes, sir.
Q. Then you left to go back and forth with your brother?
A. Yes. After my father's trailer got torn down, that's when I was staying with my brother.
Q. Who is your father?
A. June Wright.
Q. Okay. Approximately when was that that you -- that your father's trailer got demolished?
A. About three weeks ago.
Q. About three weeks ago?
A. Yes, sir.
MR. BOWERS: I don't have any further questions for this witness.
Do you have anything?
CHAIRPERSON STERLING: Mr. Spencer?
MR. SPENCER: Yes, ma'am. May I approach?
CHAIRPERSON STERLING: Absolutely. Sure.

CROSS-EXAMINATION
BY MR. SPENCER:
Q. Ms. Scott, do you recognize this mobile home?
A. Yes, sir.
Q. Is that mobile home on the lot where you used to live?
A. Yes, sir.
Q. And was the mobile home you used to live in torn down?
A. Yes, sir.
Q. And then this mobile home was moved in its place?
A. Yes, sir.
Q. Is it hooked up to be able to live in?
A. They're in the process of setting it up.
Q. But nobody lives in it now?
A. No, sir.
Q. And so the people that lived in this torn down mobile home, not this one but the one that was torn down before, where do they live now?
A. Well, I was living there.
Q. Okay.
A. And I'm from Camden to my brother's house in McBee.

Q. Okay. Where are the other people that lived there living?
A. My daughter, she's staying with my sister in McBee.
Q. All right. Where is Mr. Wright living now?
A. He lives across from where this trailer is at.
Q. Across the street?
A. Yes, sir.
CHAIRPERSON STERLING: Do you have an address for that, please?
THE WITNESS: 121 West Elm Street.
CHAIRPERSON STERLING: Thank you.
BY MR. SPENCER:
Q. Who lives with your father?
A. My brother and his wife, he's over there.
Q. So the people that were living in the house that was torn down still live in McBee?
A. Yes, I do.
Q. And the others do too?
A. My daughter, uh-huh, yes, sir.
Q. And Mr. June Wright --
A. Yes, sir.
Q. -- lives in a house next door?
A. Yes, sir.

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Q. Is that a house that --
A. Glenn Odom owns.
Q. That's the one Mr. Odom was talking about --
A. Yes, sir.
Q. -- y'all are renovating?
A. Yes, sir.
Q. And do you know what the intentions are for that mobile home?
A. Yes, they're going to set it up and we was in the process of fixing the house up so that I can move back in there.
MR. SPENCER: That's all the questions I have.
MR. BOWERS: No further questions. We're fine with this witness being released.
CHAIRPERSON STERLING: Thank you.
MR. BOWERS: Call Keyona Bristow to the stand, please.
KEYONA BRISTOW,
being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY MR. BOWERS:
Q. Good morning.
A. Good morning.
Q. Thank you for being here. Could you state

your name for the record.
A. Keyona Bristow.
Q. Keyona, who is your mother?
A. Judy Scott.
Q. The lady that was just up here?
A. Uh-huh.
Q. Yes?
A. Yes, sir.
Q. Did you vote in the election that occurred last week?
A. Yes.
Q. Did you vote in person here?
A. No.
Q. Did you vote by absentee ballot?
A. Yes, sir.
Q. Did you go in person or did you do it by mail?
A. I did it by mail.
Q. Did anybody help you with that?
A. No, sir.
Q. Nobody did?
A. Huh-uh.
Q. Had you -- if you don't mind me asking, how old are you?
A. Eighteen.

Q. Had you ever -- Was this the first time you voted?
A. My first time.
Q. And you live in Camden?
A. I'm staying there currently now, but I was saying at 337 South Fifth Street when I voted.
Q. How long have you been in Camden?
A. Well, I had just moved there in August.
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: Mr. Spencer?
CROSS-EXAMINATION
BY MR. SPENCER:
Q. Where is your home, where you permanently call your home?
A. Now?
Q. Yes.
A. In Camden.
Q. Is that a temporary place?
A. I'm just staying there for right now.
Q. Are you waiting for the houses to be repaired in McBee to return?
A. Yes, uh-huh.
Q. Are you familiar with this mobile home?
A. Yes, sir.
Q. Okay. And were you living in the one that

was demolished?
A. I was before it got torn down.
Q. So is it your intention then to return to this --
A. No.
Q. -- lot?
A. No, not since it's been set up.
Q. Okay. But do you intend to stay in Camden forever?
A. No.
Q. So McBee is your home?
A. Uh-huh.
Q. But you don't -- This is not livable yet?
A. Well, it's in the process of --
Q. And your grandfather lives next door across the street?
A. Uh-huh.
Q. Did he live there also?
A. No.
CHAIRPERSON STERLING: Mr. Bowers?
MR. BOWERS: Briefly.
REDIRECT EXAMINATION
BY MR. BOWERS:
Q. You testified when I was asking you questions you moved to Camden in August?

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A. Yes.
Q. Okay. What are you doing over in Camden?
A. Nothing. I'm just staying with my cousin.
Q. What's the address there?
A. I'm not sure. I don't know her address by heart.
Q. Okay. That's fine.
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: I just need a little clarification. You moved to Camden in August?
THE WITNESS: Yes.
CHAIRPERSON STERLING: From where?
THE WITNESS: From McBee.
CHAIRPERSON STERLING: From McBee. And you're living there right now?
THE WITNESS: Where, in Camden?
CHAIRPERSON STERLING: In Camden.
THE WITNESS: Yes, I'm living there now.
CHAIRPERSON STERLING: Until?
THE WITNESS: Until the house gets fixed up.
CHAIRPERSON STERLING: Thank you. Mr. Spencer, okay? You're dismissed.

MR. BOWERS: Thank you.
CHAIRPERSON STERLING: Thank you very much.
MR. BOWERS: If she's in the hearing room I would like to call Shauna Newell to the stand.
SHAUNA NEWELL,
being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY MR. BOWERS:
Q. Would you please state your name for the record.
A. My name is Shauna Newell.
Q. Ms. Newell, where do you live?
A. I live at 14120 Highway 151 in Jefferson.
Q. How long have you lived there?
A. About nine years.
Q. Did you vote in this election?
A. No.
Q. I didn't think so. I didn't see it on the list. What do you do for a living?
A. I teach at McBee Elementary School. I've been a school teacher for 34 years. I've been there for 33 years.
Q. What did you do the first year you were

teaching?
A. I taught in Darlington County.
Q. Do you have any children?
A. I do.
Q. Who are your children?
A. Sydney Newell Baker is my daughter and Vincent Newell is my son.
Q. Have you been in the room since the hearing started?
A. I have.
Q. So you heard me ask Mr. Odom some questions about your daughter Sydney, right?
A. I did.
Q. Before I get to that, do you know Mr. Odom?
A. Yes, I do.
Q. How long have you known Mr. Odom?
A. I'm assuming all my life.
Q. How long has Sydney worked for Mr. Odom, do you know?
A. She started in August probably about two years ago. Off and on since she's had my grandbaby.
Q. Okay. Where is Sydney today, do you know?
A. I don't know.
Q. When was the last time you talked to her?
A. Yesterday.

Q. Were you aware that she was under subpoena to appear here?
A. Yes.
Q. Did she indicate to you that she knew she was required to be here?
A. I don't know. We didn't talk about that.
Q. You didn't. Okay. Fair enough. You don't know where she is today?
A. I do not.
Q. Have you ever worked on a campaign?
A. No.
Q. Have you ever voted by absentee ballot?
A. No.
Q. Did you help Sydney with her work?
A. No.
Q. You seem pretty certain about it.
A. I am certain. I am very certain.
Q. You're very certain. All right. You're very certain about that but you have no idea where your daughter is today, right?
A. No, I'm certain about a lot of things but right now I can't tell you where she is. I've been sitting in here all day.
Q. Okay. Not all day.
A. Well, I've been at school and now I'm away

from my children because of this.
Q. We appreciate you being here. Did you know that Sydney was doing campaign work for Mr. Odom?
A. I don't know what she does at work. I'm not there when she's working. I don't know what she does.
Q. How often do you typically see Sydney in a normal week, once a week, twice a week?
A. It depends.
Q. On what?
A. It depends on how busy I am, or how busy she is, or what the baby is doing.
Q. How old is the baby?
A. Sixteen months ago.
Q. Is this your first grandchild?
A. Yes.
Q. Boy or girl?
A. Girl.
Q. How often do you see your granddaughter?
A. Last week I only saw her on Sunday.
Q. What's the most you've seen her? Have you ever kept her?
A. Yeah, I've kept her..
Q. Does the baby go to day care?
A. Yes.
Q. You've heard testimony today about Sydney

doing campaign work, correct? You've heard that today?
A. Yes, I heard that.
Q. Was this the first time you heard she was doing campaign work?
A. This morning, yes.
Q. It was?
A. Yes.
Q. Okay. You close to your daughter?
A. She's my daughter. Do you have children?
Q. I've got two boys and two girls.
A. Are you close to them?
Q. Very much.
A. How would feel if somebody was dragging your children like this?
Q. If their boss was dragging them through the mud, I wouldn't like it at.
A. I don't like any of this. That's why I'm upset. Not one bit. I don't like one bit of this.
Q. I can tell. I appreciate you being here.
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: Mr. Spencer?
CROSS-EXAMINATION
BY MR. SPENCER:
Q. Ms. Newell, do you know why you were

subpoenaed to be here today?
A. I got this intimidating letter, for the record, on my door Sunday afternoon. And it says, "Dear Ms. Newell, I am one of the attorneys for Mayor John Campolong. A trial before the Election Commission is being held beginning on Tuesday of this week. You are being subpoenaed to appear as a witness in regards to certain actions of your daughter, Sydney Baker, in the recent election. Sydney is also being subpoenaed to testify. This is a serious matter as the case involves allegations of voter fraud. Voter fraud is a crime in South Carolina, punishable by fine and imprisonment. I would like to discuss this situation with you as I believe your daughter is young and inexperienced and probably does not understand the serious nature of her actions. I'M also told that your family has an excellent reputation in the community. Time is important as the trial begins on Tuesday after which it will be too late. If you wish to talk with me, please call me at (843)209-4492. Otherwise, please appear as directed by the subpoena. Sincerely, Thomas Dewey Wise."
I don't know what's going on here.
Q. Was that attached to the subpoena?
A. Yes, it was. It was attached to the

subpoena.
Q. Did you feel threatened or intimidated by that?
A. I feel threatened, I feel intimidated. And I feel intimidated and threatened for my daughter's life.
Q. Do you feel like your daughter was threatened by that letter?
A. I'm sure she was.
Q. Intimidated?
A. Yes.
Q. And you said you know now she's subpoenaed to be a witness in this matter?
A. Yes, I knew she was subpoenaed. It was in this too.
Q. May I see the letter?
A. Yes, sir.
Q. May I see your subpoena?
A. Yes, sir.
Q. Is there a signature on the letter?
A. Yes, sir, Thomas Dewey Wise.
Q. And it was attached to this subpoena?
A. It was attached. It was stapled to the envelope that that subpoena was in.
Q. That was stapled on your door while you were

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1 away?
2 A. Yes.
3 MR. SPENCER: I would like to offer
4 this into evidence.
5 MR. BOWERS: No objection.
6 CHAIRPERSON STERLING: Exhibit Number 5
7 I believe.
8 THE REPORTER: It will be
9 Respondents' --
10 THE WITNESS: I want copies of it
11 before you give it to them because I don't have a
12 copy of it and I want a copy of it before you
13 give it to them.
14 CHAIRPERSON STERLING: It's not going
15 to go anywhere right now. It will be right here
16 on the table. We just have to label them as
17 Exhibits.
18 (Respondents' Exhibit Number 1 was
19 marked for identification.)
20 MR. SPENCER: So let the record show
21 that R-1 consists of a letter and a subpoena
22 which was signed by the Commission and testified
23 to.
24 CHAIRPERSON STERLING: Mr. Bowers? Are
25 you done, Mr. Spencer?

1 MR. SPENCER: Yes, ma'am.
2 MR. BOWERS: Briefly.
3 REDIRECT EXAMINATION
4 BY MR. BOWERS:
5 Q. Ms. Newell, in response to Mr. Spencer's
6 questions you said you felt intimidated.
7 A. I do. I have not lived in this town for
8 years. And I don't understand why I was subpoenaed to
9 this hearing, nor why I had an intimidating letter on
10 my door like that.
11 Q. You still showed up. Appreciate it.
12 A. I did, because I am a person of integrity
13 and honesty. I am a school teacher.
14 Q. So a person of integrity and honesty would
15 show in response to a subpoena, right?
16 A. Are you trying to bait me about my daughter
17 because --
18 Q. No, ma'am. I'm just asking --
19 A. -- I'm not going to tell you anything like
20 that.
21 Q. I'm just asking you a question.
22 A. I'm not going to answer that. I don't know
23 what you think. You can think what you want.
24 Q. The record will reflect your testimony. A
25 person of integrity and honesty would respond to a

1 subpoena, right?
2 A. Yeah, maybe so. I hope you get yours too.
3 Q. Was that a threat?
4 A. No, sir.
5 Q. Sounded like it. I feel threatened now.
6 A. Oh, really? Okay.
7 Q. So you said you thought that Sydney -- you
8 felt sure that Sydney felt threatened, right? Did you
9 say that?
10 A. I can't tell you the workings of her mind.
11 Q. Well, we can have it read back, but
12 Mr. Spencer asked you a question, did she feel
13 threatened, you said I'm sure --
14 A. Yes, she feels threatened.
15 Q. Okay. And I would agree unless you're a
16 mind reader, you can't tell anybody what's in her
17 mind?
18 A. Right.
19 Q. So you must have spoken to her after she got
20 hers, right?
21 A. Sunday when I got that letter.
22 Q. Do you know that she's needs to be -- she's
23 supposed to be here?
24 A. If she has subpoena, I guess. I don't know.
25 I don't know what's going on. I just know I don't

1 like this and I'm here.
2 Q. You know what, none of us like being here.
3 Okay. None of us do.
4 MR. BOWERS: No further questions.
5 CHAIRPERSON STERLING: Thank you.
6 Mr. Spencer? You're dismissed. Thank you.
7 We'll make copies of that for you. Are you
8 leaving right now?
9 THE WITNESS: I need to go back to
10 school so I'm leaving right now.
11 BAILIFF: You want me to take it up
12 there --
13 CHAIRPERSON STERLING: Could you please
14 make copies and then return this to us? In the
15 main office they'll do it. Thank you.
16 MR. BOWERS: Deputy, would you tell Ms.
17 King to come back here?
18 BAILIFF: Who?
19 MR. BOWERS: Ms. King, the town clerk.
20 She's up there.
21 Mr. King, the town clerk, will be our
22 next witness. She's coming here shortly. We'll
23 get some Exhibits together.
24 TERRI KING,
25 being first duly sworn, testified as follows:

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1 DIRECT EXAMINATION
2 BY MR. BOWERS:
3 Q. Good morning, Ms. King. Thank you for being
4 here. State your full name for the record, please.
5 A. Terri King.
6 Q. Ms. King, what do you do for a living?
7 A. I am the part-time town administrator for
8 McBee and I'm a bookkeeper.
9 Q. Okay. You provided a letter dated
10 September 7 regarding this election matter. Do you
11 recall that?
12 A. Yes.
13 Q. I'm going to hand it to you. I've
14 previously handed a copy to Mr. Spencer. Does that
15 look like your letter?
16 A. Yes.
17 Q. It says that according to your -- How about
18 this, would you read it into the record, please?
19 A. "I am the Town Administrator of the Town of
20 McBee, South Carolina. I maintain and have control of
21 the town records and official documents for the Town
22 of McBee. According to those records as of
23 September 6, 2016 the following properties are not
24 within the official town limits of the town of McBee:
25 901 South Seventh Street, 90 North First Street - no

1 such address per Chesterfield County Codes
2 Enforcement.
3 "Attested this the 7th day of September
4 2016."
5 Q. And as you sit here today, do you stand by
6 this letter?
7 A. No.
8 MR. BOWERS: I would like to introduce
9 this as Protestants' next Exhibit, Number 5.
10 (Protestants' Exhibit Number 5 was
11 marked for identification.)
12 CHAIRPERSON STERLING: Mr. Spencer?
13 MR. SPENCER: No objection.
14 MR. BOWERS: One more quick question.
15 BY MR. BOWERS:
16 Q. I'm sorry, Ms. King. This is a
17 demonstrative we put together. It's a town map.
18 Ms. King, do you recognize this map?
19 A. Yes.
20 Q. What is that a map of?
21 A. The city limits of McBee.
22 Q. Okay. Would you in your official capacity
23 have custody and control of this map?
24 A. We do have a copy of that, yes.
25 Q. Disregard all the pins, but tell us, this

1 part--it looks like it's colored in yellow--what does
2 that denote?
3 A. Town limits.
4 Q. That's the town limits?
5 A. Per the county, yes.
6 Q. Per the county?
7 A. Yes.
8 Q. Do you have any reason to dispute that these
9 are accurate?
10 A. No. We update it with the census department
11 every year.
12 Q. So sitting here today under oath in your
13 official capacity with the town, you can attest that
14 this is a true and accurate depiction of the town
15 limits inside this yellow area?
16 A. Yes.
17 MR. BOWERS: I would like to introduce
18 this into evidence. We'll get you a smaller copy
19 because we got a regular size sheet but we would
20 like to introduce this --
21 CHAIRPERSON STERLING: Exhibit 6.
22 MR. BOWERS: -- as Protestants' Number
23 6.
24 CHAIRPERSON STERLING: Mr. Spencer?
25 MR. SPENCER: No objection.

1 (Protestants' Exhibit Number 6 was
2 later marked for identification.)
3 MR. BOWERS: No further questions.
4 Answer any questions Mr. Spencer may have.
5 CHAIRPERSON STERLING: Mr. Spencer,
6 would you like to cross-examine?
7 CROSS-EXAMINATION
8 BY MR. SPENCER:
9 Q. Ms. King, you relied on that map to make the
10 determination you made?
11 A. One of the addresses I called the County to
12 verify, the 90 North First Street. We called the
13 County because we --
14 Q. What about 901 Seventh Street?
15 A. I relied on the plat number of that address.
16 It was not in the town limits.
17 Q. And that was all you relied on?
18 A. Yes.
19 Q. I'll show you the voter registration list of
20 the people who voted here at the poll. Whose name is
21 listed at 901 South Seventh?
22 A. Shirley Sullivan.
23 Q. Does anybody live there with her that you
24 know of?
25 A. I do not know her.

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Q. Okay. You don't deny that the City of McBee general election voter registration list lists that address as being in town?
A. Correct.
Q. And she was permitted to vote?
A. (The witness nods head affirmatively.)
Q. When were you notified that it wasn't in town?
A. After the election they wanted to verify addresses.
Q. Okay. So they verified with the voter registration people in Chesterfield?
A. I'm not sure what they did. What I did was I checked the address. They wanted a verification of the address.
Q. Who wanted it?
A. The Election Commission.
Q. Okay.
A. So they gave -- you know, we just looked it up to see if it was within the town limits.
Q. Did anybody contact voter registration office in Chesterfield?
A. They may have, I did not.
Q. But it's on their list and she was permitted to vote?

A. I only verified the address as far as town limits.
Q. And you certified that with --
A. One address I verified with the County codes enforcement because we did not have a listing for that address.
Q. The South Seventh Street?
A. Yes -- the 90 North First Street. The South Seventh Street we verified it with the map.
Q. And when was the last time this map was changed?
A. We update it yearly with the census and we've not had any annexations in the past two years so it's updated. It was --
Q. Does the town of McBee charge town real property taxes?
A. Yes. That was another way we verified it. If they weren't paying town property tax, then it would not have been listed in the town.
MR. SPENCER: That's all I have.
CHAIRPERSON STERLING: Mr. Bowers?
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: You're dismissed, Ms. King. Thank you very much.
MR. BOWERS: Madam Chairwoman, at this

time we will call Mr. Arthur Jackson. Is Mr. Jackson in the room? Let the record reflect that Mr. Jackson did not answer. Mr. Jackson is under subpoena to be here.
CHAIRPERSON STERLING: That shall reflect on our decision as Commissioner.
MR. BOWERS: I'm sorry?
CHAIRPERSON STERLING: That shall reflect on our decision as Commissioner, for the record.
MR. BOWERS: What I would like to do now in his absence is -- I'll show you this. This is a public record from the state law enforcement division. I don't need to go into it much more than just to tell you that he has been convicted of a felony. And I need that into evidence as a convicted felon and ineligible to vote. As I said, this is a public record from the State Law Enforcement Division and it's reliable. And I'd just like to move this into evidence.
MR. SPENCER: I would object because I don't think he could have voted if he was in prison.
CHAIRPERSON STERLING: When does it say

he was in prison? What date does it say he was in prison? I have his birthdate, I have a picture date. This one doesn't seem to have a date when he was in prison.
MR. SPENCER: I just assume if he voted that he's not in prison. And if you're not in prison, you can vote.
CHAIRPERSON STERLING: No, I believe -- I'm not a legal beagle but I believe if you have a felony and you're on probation or you haven't outdone your sentence, you're still not allowed to vote. I think once you've done your probation, you're allowed to vote.
MR. BOWERS: I'll leave that to your attorney. That's a pure question of law, not a question of fact. I will tell you that it's my belief that as a convicted felon in South Carolina you're ineligible to vote for the rest of your life.
MR. SPENCER: I object to that. If he's not in prison -- He's equating that to jury service. He did vote so that means he wasn't in prison. I don't think anybody went to the jail if he was in prison.
MR. BOWERS: Nobody is here to argue

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that he was in jail.
CHAIRPERSON STERLING: Right, and the thing was -- We will check with --
MR. BOWERS: Again, it's a question of law for your attorney. I don't think there's any dispute that he's convicted of a felony.
MR. SPENCER: It's my position if he's convicted of a felony and he's out of prison and served his sentence, he can be on parole and vote.
CHAIRPERSON STERLING: We will as the commission check into that and get back with both of you. Fair enough? Would you like this admitted into evidence?
MR. BOWERS: Yes, I would.
CHAIRPERSON STERLING: Is that all right with you, Mr. Spencer? Exhibit Number 7. And we will get back to you with our findings.
(Protestants' Exhibit Number 7 was marked for identification.)
CHAIRPERSON STERLING: Do you know why Mr. Jackson didn't show up?
MR. BOWERS: No, ma'am, we do not know.
CHAIRPERSON STERLING: Do you know why Mr. Jackson may not have shown up, do you have

any knowledge of that?
MR. SPENCER: I have no knowledge.
CHAIRPERSON STERLING: For the record, the subpoena that Mr. Jackson got, did he receive it?
MR. BOWERS: He did. We've got proof of service.
CHAIRPERSON STERLING: Okay.
MR. BOWERS: That was served on September 12, yesterday, hand delivered by a process server.
CHAIRPERSON STERLING: Thank you.
MR. SPENCER: Who was?
MR. BOWERS: Who was the process server?
MR. SPENCER: No. Who was served?
MR. BOWERS: Mr. Jackson.
CHAIRPERSON STERLING: Mr. Jackson we're talking about. Thank you.
MR. BOWERS: While we're talking about that voter, I would also like the record to reflect that is just a photocopy, but it's a photocopy of the absentee ballot, that his name and address do not appear on the envelope. He's got a signature and he's got a witness, but the

name -- Will you stipulate to that, that the name and address -- as long as the original looks the same way?
MR. SPENCER: Yes.
MR. BOWERS: You'll stipulate that his name and address do not appear?
MR. SPENCER: Yes.
MR. BOWERS: You have that. I don't need to put this into evidence.
CHAIRPERSON STERLING: No, we have that.
MR. BOWERS: On that note, Madam Chairwoman, if I may, unless Mr. Spencer objects, I think they're part of the record anyway, that is the envelopes for the absentee ballots, but I would like to make them formally part of this record. If I have to go through and introduce each one of them -- I would rather just move them in as a batch unless Mr. Spencer objects.
CHAIRPERSON STERLING: Mr. Spencer, is that all right with you? Do you have an objection?
MR. SPENCER: You're wanting to --
MR. BOWERS: Just the absentee ballot envelopes, make them part of the record.

CHAIRPERSON STERLING: The empty envelopes.
MR. BOWERS: Yeah, the empty envelopes.
CHAIRPERSON STERLING: They'll be in just one big packet instead of individually one by one.
MR. SPENCER: Right.
CHAIRPERSON STERLING: Thank you.
MR. BOWERS: So those are now part of the record?
CHAIRPERSON STERLING: Part of the record.
(Protestants' Exhibit Number 8 was later marked for identification.)
MR. BOWERS: At this time I would like to call Jennifer Goforth to the stand. Is Ms. Goforth here? Jennifer Goforth?
Let the record reflect that I called Ms. Goforth to the stand and she did not appear. I can tell you that she is under subpoena. That subpoena was served yesterday by -- hand delivered by the process server.
CHAIRPERSON STERLING: September 12?
MR. BOWERS: Yes, ma'am. And just like the previous voter, I've got a matter of public

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record that I would like to introduce. Again, the document speaks for itself. I don't feel the need to --

CHAIRPERSON STERLING: To say it out loud?

MR. BOWERS: Right. But I'm handing a copy to Mr. Spencer. This is -- For the record, this is a document pulled from the Chesterfield County Fourth Judicial Circuit Public Index that reflects charges, and it also reflects the disposition of cases. So I would like to submit that as Protestants' next Exhibit.

MR. SPENCER: It wouldn't --

CHAIRPERSON STERLING: I'm sorry?

MR. SPENCER: It wouldn't indicate anything as to completion of sentence.

CHAIRPERSON STERLING: Okay.

MR. SPENCER: It says case disposed of, but it doesn't say anything about sentencing. So the Commission wouldn't know but that could be found out.

CHAIRPERSON STERLING: Would you accept that as an Exhibit right now and we will look into it?

MR. SPENCER: As an Exhibit but not to

prove that she has not completed her sentence.

CHAIRPERSON STERLING: I understand.

MR. SPENCER: It could have been just --

MR. BOWERS: I concur. That does not the prove --

CHAIRPERSON STERLING: Absolutely.

MR. SPENCER: We're letting the records speak for themselves. And I think the same thing with Mr. Jackson, the record will speak for itself whether he's here or not.

MR. BOWERS: Correct.

MR. SPENCER: We can find out.

CHAIRPERSON STERLING: Right, that's noted, yeah, and that's what we'll do. Thank you.

(Protestants' Exhibit Number 9 was marked for identification.)

MR. SPENCER: Also I would like to point out that it's in the Magistrate's Court and magistrates do not hear felony cases.

CHAIRPERSON STERLING: That's so noted. Okay. Go ahead, Mr. Bowers.

MR. BOWERS: At this time I would like to call Vera Ruth to the stand. Ms. Ruth, here?

MS. RUTH: Yes. How're you doing?

MR. BOWERS: Come forward please.

VERA RUTH,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BOWERS:

Q. Ms. Ruth, thank you for being here. Please state your full name for the record.

A. Vera M. Ruth.

Q. Ms. Ruth, where do you reside?

A. 229 West Maple Avenue.

Q. Here in McBee?

A. Yes.

Q. Did you vote in this last election?

A. Yes, I did.

Q. Did you vote in person or by absentee ballot?

A. Absentee.

Q. Okay. Have you voted by absentee ballot before?

A. No.

Q. This is the first time?

A. Yes.

Q. Did somebody help you with that?

A. No.

Q. Ms. Ruth, how many times did you vote?

A. How many times?

Q. Yes, ma'am.

A. One.

Q. Once for yourself?

A. Yes.

Q. And then did you vote for somebody else?

A. My mother.

Q. What's her name?

A. Alberta Bristo.

Q. Tell me how you voted for your mother.

A. Absentee.

Q. So you voted for yourself?

A. Uh-huh.

Q. Did you take your mother to the poll with you?

A. My mother is 98 years old. No, I didn't.

Q. She voted by absentee too I think you just said?

A. Yes.

Q. Did you help her fill out the form?

A. Yes, I did.

Q. Or did you just do it for her?

A. I helped her.

Q. I'm looking at the back of -- well, let me

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1 just -- this is one of the envelopes that we've
2 already said is going to be in the record.
3 MR. BOWERS: May I approach?
4 CHAIRPERSON STERLING: Yes, absolutely.
5 BY MR. BOWERS:
6 Q. Is that your envelope you're holding?
7 A. That's her envelope.
8 Q. That's her envelope?
9 A. Yes.
10 Q. May I see that?
11 A. Yes.
12 Q. Did you bring that with you here today?
13 A. Yes, I did.
14 Q. Will you open it up and show us what's
15 inside. The subpoena that asked you to come here?
16 Anything else?
17 A. I was not served.
18 Q. You were not served?
19 A. No, I wasn't.
20 Q. Okay. How did you know to come?
21 A. I was asked to come before, yes, because you
22 said her vote was challenged and this is why I'm here.
23 Q. I gotcha. Is there anything else in that
24 envelope?
25 A. That's it.

1 Q. Okay. So this document is -- I will
2 represent to you that this document is the back of the
3 envelope for the absentee ballot. Is that yours or is
4 that hers?
5 A. This is mine, 229 West Maple Avenue.
6 Q. Okay. It says POA for Alberta Bristo,
7 right?
8 A. Uh-huh.
9 Q. Is that yes?
10 A. Probably, yes.
11 Q. Does that mean power of attorney?
12 A. No.
13 Q. It doesn't?
14 A. No. I don't have power of attorney.
15 Q. What does POA mean?
16 A. I didn't put that there. I don't know who
17 put that there.
18 Q. Is that your handwriting?
19 A. Yes, it is.
20 Q. But that's not your handwriting?
21 A. Yeah, it is. This right here?
22 Q. Yes, ma'am.
23 A. I didn't put that there.
24 Q. I'm a little confused. Is this your
25 handwriting or not?

1 A. That's my handwriting, yeah.
2 Q. This is your handwriting but you didn't put
3 it there?
4 A. Yes, it is, uh-huh, that's my handwriting.
5 Q. But you're testifying you didn't write that?
6 A. I wrote this. I didn't write that. This is
7 my handwriting.
8 MR. SPENCER: Object.
9 CHAIRPERSON STERLING: Could we see
10 that?
11 MR. BOWERS: Yes. You might want to
12 come up here too Billy. It's confusing, she said
13 that's her signature and that's her handwriting
14 but she said she didn't write that.
15 CHAIRPERSON STERLING: My first
16 reaction, it doesn't really appear to be the same
17 kind of handwriting.
18 MR. SPENCER: She testified that was
19 her handwriting?
20 CHAIRPERSON STERLING: No, she said
21 this was her handwriting.
22 MR. BOWERS: Come here, Billy. This is
23 going to be a little unusual.
24 BY MR. BOWERS:
25 Q. I'm easily confused.

1 A. Uh-huh, so am I.
2 Q. That's your name right there?
3 A. Yes, it is.
4 Q. In your handwriting, right?
5 A. Yes.
6 Q. And then next to it, I'll read for the
7 record, it says POA for Alberta Bristo. You see that?
8 A. Uh-huh.
9 Q. Is that in your handwriting?
10 A. This is my handwriting. That's not.
11 Q. That's not, okay. I got it now. Thank you.
12 You don't know who wrote that?
13 A. No, I don't.
14 Q. Do you know anybody named Leslie Newton?
15 A. Yes, I do.
16 Q. Who is that?
17 A. All I know is Leslie Newton.
18 Q. Is she a friend?
19 A. Yeah. I know her. Yes.
20 Q. So do you have your mother's power of
21 attorney?
22 A. No, I don't need it.
23 Q. Why?
24 A. That's my mother. I take care of her. I'm
25 her caregiver.

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Q. Right.
A. So I don't need power of attorney.
Q. Did you fill out her absentee ballot for her?
A. Yes, I did.
MR. BOWERS: I would like to -- well, this is already in the record so I don't need to introduce it again.
CHAIRPERSON STERLING: The envelope, yes.
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: Thank you. Could I see that envelope for a second?
MR. BOWERS: Sure.
CHAIRPERSON STERLING: You're dismissed. Thank you, you're dismissed. I'm sorry, Mr. Spencer.
MR. SPENCER: No questions.
CHAIRPERSON STERLING: I got so wound up over the POA thing.
MR. BOWERS: Thank you, ma'am. May I proceed?
CHAIRPERSON STERLING: Yes, absolutely, we're all set. Thank you.
MR. BOWERS: I would like to call

Heather Byrd to the stand. Is Ms. Byrd here? Heather Byrd. B-Y-R-D. Is she outside?
MR. SPENCER: Mr. Jackson is present.
MR. BOWERS: I'll call him in a minute if it's okay.
CHAIRPERSON STERLING: Is that okay with you, Mr. Spencer?
MR. SPENCER: Yes.
MR. BOWERS: Let the record reflect that Heather Byrd was issued a subpoena to appear. As we called her out, she's not here. I would like the record to reflect and the document speaks for itself. She voted a provisional ballot. As I stand here today, I don't know if that counted or not. I did not attend the provisional ballot count. There's no dispute that Ms. Byrd voted a provisional ballot. There also can be no dispute that according to the official voter registration list for the town of McBee, she is not registered to vote in the Town of McBee. She's not on the voter registration list.
MR. SPENCER: Weren't all the provisional ballots approved?
CHAIRPERSON STERLING: Yes, they were

by myself and by Chesterfield County. I got the addresses from them.
MR. BOWERS: That's the reason you have a protest so you can get it thrown out.
CHAIRPERSON STERLING: Okay. We can verify.
MR. BOWERS: So I would like the record to reflect that Ms. Byrd's provisional ballot should not have counted.
MR. SPENCER: My understanding is that she came up here and proved to you her -- that she was a valid --
CHAIRPERSON STERLING: Right, I'm not -- I can't tell you for sure what she showed me, but there was an address that matched her address, either the water bill, or the telephone bill, or registration.
MR. SPENCER: What would give the Protestant the right to challenge it?
CHAIRPERSON STERLING: What would give the right the Protestant the right to challenge?
MR. SPENCER: Yes. I don't know the basis.
CHAIRPERSON STERLING: Let me see that and I'll be able to tell you. This is challenged

by the poll manager because she didn't show identification that matched she said what was on their poll, not our list but on the poll. She came in with identification.
MR. SPENCER: Why was it not thrown out?
CHAIRPERSON STERLING: Because it matched.
MR. SPENCER: Well, then how can it be challenged now?
CHAIRPERSON STERLING: Mr. Bowers will tell us I guess.
MR. BOWERS: Because I have a right --
CHAIRPERSON STERLING: I'm not a part of why it's being challenged.
MR. BOWERS: After having filing a protest I have a right -- Who is saying that? Can we maintain some order in the room?
CHAIRPERSON STERLING: Absolutely. That's why this gentleman is here.
BAILIFF: Keep the talking down, keep the comments to yourself. Let this process work itself out. Make sure your phone is on vibrate.
CHAIRPERSON STERLING: Mr. Bowers?
MR. BOWERS: He'll disagree and that's

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totally fine. I'm standing here telling you that it's my belief that after discovered evidence in an election protest can absolutely be provided at protest hearing. It's been done before. And all I'm telling you is her name does not appear on the McBee voter registration list; therefore, she was not eligible to vote even if her ID matched her --

CHAIRPERSON STERLING: Right, I understand that, uh-huh.

MR. BOWERS: The State law requires you to be registered to vote. In a municipal election, you have to be registered to vote in the municipality. And according to the public record she's not.

CHAIRPERSON STERLING: Right, and my question right now would be when we checked these out with the County of Chesterfield, her name and address appeared. So that will be something we will look into as a Commission. Is that fine with both of you?

MR. BOWERS: That's fine, sure.

CHAIRPERSON STERLING: And get back to you on that one. There's a discrepancy somewhere. It wasn't on -- We don't have --

We're not privy to the list that the poll managers have. That's where it's coming from. So we will check in Chesterfield and a few other places and get back to you about Ms. Heather Byrd. Excuse me, will this go into evidence as the next Exhibit or --

MR. BOWERS: Sure. It's already part of the --

CHAIRPERSON STERLING: That's with the absentee ballot.

MR. BOWERS: Speaking of the record, let me clarify something, I misspoke earlier. Ms. Byrd was not under subpoena.

CHAIRPERSON STERLING: Okay.

MR. BOWERS: I got her confused with another witness. So she was not --

CHAIRPERSON STERLING: You were just questioning the ballot.

MR. BOWERS: So therefore she was not given notice.

CHAIRPERSON STERLING: Right, absolutely.

MR. SPENCER: So it can't be challenged.

MR. BOWERS: It absolutely can be

challenged.

CHAIRPERSON STERLING: It think it can be challenged only because it's been brought up now. It's something to look into. How about we say we can look into it, and then the Commission can challenge it or we can challenge Chesterfield.

MR. SPENCER: You can't challenge without notice to the voter. And this session must remain in session until completed.

CHAIRPERSON STERLING: I understand what you're saying.

MR. SPENCER: It requires notice be given to the voter that their vote is challenged.

CHAIRPERSON STERLING: Absolutely. So this would not come under the umbrella of the protest hearing.

MR. BOWERS: No, it absolutely would.

MR. SPENCER: Absolutely would not. You've got to notify the voter that their vote is being challenged.

MR. BOWERS: Where does it say that? Where does it say that? You got the code open, where does it say that?

CHAIRPERSON STERLING: South Carolina

Code number -- we'll give you time to look for it. You don't have to look for it right away. I'll get back to you. I'll get back to you. Let's move on to the next witness. Thank you very much.

MR. BOWERS: That's fine.

CHAIRPERSON STERLING: Just for clarification sake, Mr. Spencer, if this voter has not been notified, then we cannot challenge it? And I don't have the ability to go out and check afterwards whether she did or did not. It's not our job to do that. So you're going to have evidence here at the hearing or we don't hear it. Mr. Bowers.

MR. BOWERS: I would submit we have evidence that -- I'm not challenging the fact that she voted. She voted. All I'm telling you is, you can take notice of the fact that her name does not appear on the voter registration list; therefore, she was ineligible to vote under state law.

MR. SPENCER: Doesn't matter now.

MR. BOWERS: Yeah, it absolutely matters.

CHAIRPERSON STERLING: But you were

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1 going to look up the code. We'll leave it at
2 that.
3 MR. SPENCER: Challenge my ballot and
4 I'm not --
5 CHAIRPERSON STERLING: Let's move on.
6 MR. BOWERS: Let me ask you a question
7 on that point. Was this hearing duly noticed to
8 the public?
9 CHAIRPERSON STERLING: Yes.
10 MR. BOWERS: The public was given
11 notice of the hearing, right?
12 CHAIRPERSON STERLING: Uh-huh.
13 MR. BOWERS: Yes?
14 CHAIRPERSON STERLING: Yes. Gotcha.
15 MR. BOWERS: She knew there was an
16 issue with her ballot in the first place. She's
17 on notice there is a hearing.
18 MR. SPENCER: It was not in the batch
19 of the challenged ballots.
20 MR. BOWERS: May I proceed?
21 CHAIRPERSON STERLING: Proceed.
22 MR. BOWERS: I'm sure Mr. Spencer is
23 going to object to this one too on the same
24 grounds and I'll stipulate to his objection.
25 This is voter Macey Gillis. Voted a provisional

1 ballot. This is part of your record already as
2 well. He did not sign the provisional ballot
3 envelope as required. So therefore, it shouldn't
4 be counted.
5 MR. SPENCER: He wasn't given notice?
6 MR. BOWERS: He was given public notice
7 just like everybody else was.
8 CHAIRPERSON STERLING: Thank you,
9 Mr. Spencer.
10 MR. SPENCER: I object.
11 CHAIRPERSON STERLING: So noted. Thank
12 you.
13 MR. BOWERS: Call Shilon Green to the
14 stand. He might be outside. I apologize. I
15 thought Mr. Green was here. He's not but he'll
16 be right back.
17 CHAIRPERSON STERLING: Proceed with
18 your next one.
19 MR. BOWERS: We'll hold that one in
20 abeyance. I would like to call William Bullard
21 to the stand. Mr. Bullard.
22 Madam Chairwoman, I'm going to hold
23 this one as well. Mr. Bullard is not here. He
24 is under subpoena. If he appears, we'll call
25 him -- we'll recall him but if not, we'll just

1 move on.
2 CHAIRPERSON STERLING: Mr. Green is
3 here.
4 MR. SPENCER: On the ones that did not
5 appear, I would like for the affidavit of service
6 to be filed. I understand that some of these
7 things were not personally served, that they were
8 taped to a door, which is not personal service of
9 a subpoena. It has to be left with a person.
10 I would like to see the affidavits of
11 service on all of these because if it says they
12 just left it at the house and taped it to the
13 door, then that's not proper service. They've
14 got to give it to an adult in the household just
15 like you serve -- a process server.
16 MR. BOWERS: No problem. We provide
17 all those.
18 CHAIRPERSON STERLING: Absolutely. So
19 noted and you shall have it.
20 MR. SPENCER: And I would like to move
21 to have the process server subpoenaed by the
22 Court.
23 CHAIRPERSON STERLING: Reason being?
24 Same reason?
25 MR. SPENCER: To find same reason --

1 CHAIRPERSON STERLING: Mr. Bowers?
2 MR. BOWERS: No objection if you want
3 to subpoena him, but I mean are we going --
4 MR. SPENCER: If the Court is going to
5 hold -- make a decision based on them not
6 appearing such that they would give weight to
7 throwing their ballot out, then proof of service
8 has got to be had.
9 CHAIRPERSON STERLING: So noted.
10 MR. SPENCER: I would want to be able
11 to examine him, did you tape the subpoena to the
12 door like you did Ms. Newell or did you serve it,
13 because Ms. Newell didn't have to come today
14 because she wasn't served. You can't tape it to
15 the door.
16 CHAIRPERSON STERLING: So noted.
17 MR. BOWERS: There's no dispute -- With
18 Ms. Newell there's no dispute that the process
19 server left it on the door.
20 CHAIRPERSON STERLING: We will consent
21 to having the process server subpoenaed.
22 MR. BOWERS: There's no dispute to
23 that.
24 MR. SPENCER: But it was said that
25 weight would be given against people who failed

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to appear who were said to have been subpoenaed.
CHAIRPERSON STERLING: The Commission agrees that the process server will receive a subpoena.
MR. BOWERS: I will tell you that I object -- I don't object to him being subpoenaed. I object to this -- If a subpoena can be issued and properly served on him before this proceeding ends, no problem. But I do object to holding this matter open.
MR. SPENCER: Well, I object it being held against them if there's not proof of service.
CHAIRPERSON STERLING: So noted.
MR. BOWERS: All right. You know what, that's fair enough. Let's handle that now. I would like to make a motion that -- and I'm happy for the process server to be subpoenaed and I'll waive my objection to holding open the hearing until such time he can come, but I would like the Commission -- I would like to make a motion for the Commission to take a negative inference for any witness who was properly served and under subpoena that did not appear.
CHAIRPERSON STERLING: Mr. Spencer.

MR. SPENCER: If there's no evidence presented by the person, how could you make any decision on whether their vote is valid?
CHAIRPERSON STERLING: If they don't show up --
MR. SPENCER: They're automatically disqualified?
CHAIRPERSON STERLING: There's a reason why they don't show up. It's up to the Commission --
MR. SPENCER: That's why I want the process server.
CHAIRPERSON STERLING: Right. And if the Commission decides it's a negative inference because they didn't show up, that's our decision. So are you both okay? And we'll vote on the motion to have the process server subpoenaed? On Mr. Bowers' negative inference also.
MR. BOWERS: Yes. But I want be to be fair and clear here. I don't think Mr. Spencer consents to that. He opposes it. I'm not speaking for you. My motion was purely to take a negative inference if a person is properly served and under subpoena.
CHAIRPERSON STERLING: So there's two

motions?
MR. McLAWHORN: There's one motion. But, Billy, your objection?
MR. BOWERS: I just want to make sure the Commission was aware that you object.
CHAIRPERSON STERLING: Yeah, we were aware, yes, absolutely. Yes, we were. Okay. Thank you.
(Whereupon, the Commission members conferred off the record.)
CHAIRPERSON STERLING: We have voted to have the subpoena served on the subpoena server with the negative inference.
MR. McLAWHORN: The negative inference is a separate motion.
(Whereupon, there was an off-the-record discussion.)
CHAIRPERSON STERLING: Granted both motions, Mr. Bowers for the negative inference.
MR. BOWERS: No objection.
(Whereupon, there was an off-the-record discussion.)
CHAIRPERSON STERLING: Mr. Spencer.
MR. SPENCER: I withdraw my request to extend this matter to have the process server

served.
CHAIRPERSON STERLING: So you no longer want us to subpoena --
MR. SPENCER: I oppose the negative inference, but I do not want to continue this process to have him served.
CHAIRPERSON STERLING: So noted. Mr. Bowers.
MR. BOWERS: No objection.
MR. SPENCER: Because I don't have any -- if he tells me handed it to somebody who is not here, I mean how do I controvert that?
CHAIRPERSON STERLING: So noted.
MR. SPENCER: Because I'm not going to have a witness here.
CHAIRPERSON STERLING: Mr. Bowers.
MR. BOWERS: We call Shilon Green.
SHILON GREEN,
being first duly sworn, testified as follows:
DIRECT EXAMINATION
BY MR. BOWERS:
Q. Mr. Green, would you state your full name for the record?
A. Shilon Lewayne Green.
Q. Shilon, where do you reside?

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A. In McBee.
Q. You a lifelong resident of McBee?
A. I probably wouldn't say lifelong. Grew up in Bishopville, moved here.
Q. When did you move here?
A. About '85.
Q. How old are you?
A. Probably about five I think.
Q. You were five when you moved here?
A. I think.
Q. So since age five. How old are you now?
A. Forty.
Q. So the last 35 years you've lived in McBee?
A. Yes.
Q. Have you ever held an elected office?
A. I have.
Q. What office did you hold?
A. Town council member.
Q. For how long?
A. Since '05 until the beginning of this year -- December of 2015.
Q. What's your current occupation?
A. I'm the rec director for the Town of McBee.
Q. Rec like recreation?
A. Recreation.

Q. Okay. I'm not trying to qualify you as an expert witness but I am going to ask you with your experience as an elected official and as the recreation director and a 35-year resident of the town of McBee, do you -- can you state under oath that you feel like you have a pretty good grasp on -- on the geography of the town?
A. Yes. In certain communities, yes.
Q. Well, let's talk about the community at 65 -- at 65 South Side Road in McBee, do you know where that is?
A. Yes.
Q. Have you ever been there?
A. Yes.
Q. You've actually taken a picture of that place?
A. I did.
Q. When did you do that?
A. Last week, a couple of days ago.
Q. I just handed you a picture and opposing counsel and the Commission. Is that the picture you took?
A. Yes.
Q. Is that the picture of 65 South Side Road?
A. Yes.

Q. And based on your experience and knowledge of the area, you're certain that's the address?
A. Almost certain, yes.
Q. There doesn't appear to be a residence on that address, correct?
A. Correct.
Q. Obviously a picture like this doesn't show the entire span. Can you testify that there is no building on this property?
A. No building but the little red building in the back.
Q. No residence?
A. No residence.
Q. So you didn't just take this picture of a front yard not showing -- not showing the residence, right?
A. The picture does not have a residence.
MR. BOWERS: I would like to move this into evidence.
MR. SPENCER: On what basis? Pieces of property don't vote, people do.
MR. BOWERS: Correct.
MR. SPENCER: So who has been --
MR. BOWERS: I'll get to that.
CHAIRPERSON STERLING: I think he's

moving the picture into evidence right now.
MR. BOWERS: Okay.
CHAIRPERSON STERLING: Do you have an objection to that, the picture?
MR. SPENCER: No.
CHAIRPERSON STERLING: The rest will follow.
(Protestants' Exhibit Number 10 was marked for identification.)
BY MR. BOWERS:
Q. Mr. Green, do you know Denise Hough?
A. I do.
Q. Is she here today?
A. No.
Q. When was the last time you saw Denise?
A. It's been a while since I've seen her.
Q. Do you know where she lives?
A. I do not.
MR. BOWERS: No further questions.
CHAIRPERSON STERLING: Mr. Spencer.
CROSS-EXAMINATION
BY MR. SPENCER:
Q. You don't know where she lives?
A. I do not.
MR. SPENCER: Okay. I have no other

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1 questions. Thank you.
2 CHAIRPERSON STERLING: Mr. Green, thank
3 you. One more before we go to lunch?
4 MR. BOWERS: Madam Chairman, if it
5 would be appropriate and there's no objection, I
6 would like to take a lunch break now. And then
7 we may be finished. I would like to -- Go ahead.
8 MR. SPENCER: We've got Mr. Jackson
9 here.
10 CHAIRPERSON STERLING: Would you like
11 to do Mr. Jackson now?
12 MR. BOWERS: No. I don't need to ask
13 him any questions. I've already got into
14 evidence what I need.
15 CHAIRPERSON STERLING: Fine. We'll
16 break for an hour for lunch, or 45 minutes,
17 whatever is good for you guys.
18 MR. BOWERS: An hour is good.
19 CHAIRPERSON STERLING: One hour. I
20 don't have a clock, so what time is it? We'll
21 return at 2:00.
22 MR. BOWERS: 2:00 or 1:00?
23 CHAIRPERSON STERLING: I mean 1:00.
24 (Whereupon, a lunch break was
25 taken at 12:04 p.m. Proceedings

1 resumed at 1:08 p.m.)
2 - - - - -
3 AFTERNOON PROCEEDINGS
4 CHAIRPERSON STERLING: Municipal
5 Election Commission resuming the protest hearing.
6 Mr. Bowers, please proceed.
7 MR. BOWERS: Thank you, ma'am. Madam
8 Chairwoman, at this time we call Thomas Dewey
9 Kelly to the stand. Is Mr. Kelly here? Thomas
10 Kelly? Dewey Kelly?
11 Mr. Kelly was subpoenaed to be here.
12 He's not here. I've only got one copy of this,
13 but I will show you his address on the
14 register -- on the voter registration list is 266
15 West Pine Avenue. That's inside the town limits.
16 On his voter absentee ballot envelope where you
17 have to put your name and address, he actually
18 put down his correct address at the time he voted
19 which is 450 North Fifth Street. You might say,
20 why is that important? I'll tell you why.
21 Because 450 North Fifth Street is outside the
22 town limits and he's not eligible to vote. You
23 have -- This is already in the record.
24 CHAIRPERSON STERLING: Right, it's in
25 the record.

1 MR. BOWERS: But I'll just to show it
2 to you. The address is outside the town limits
3 and so he's legally ineligible --
4 MR. SPENCER: What evidence do you have
5 that's outside the town limits?
6 MR. BOWERS: The map. I can go back
7 and call Ms. King if you want to.
8 MR. SPENCER: No, you can show me on
9 the map.
10 MR. BOWERS: I don't live here. It's
11 somewhere outside the yellow area. We can get
12 that for you. We won't hold the proceeding for
13 that but I'll --
14 CHAIRPERSON STERLING: So noted. We'll
15 go back to that.
16 MR. BOWERS: We'll get Ms. King come
17 and confirm it's outside the town limits.
18 CHAIRPERSON STERLING: Mr. Spencer, you
19 okay with that?
20 MR. SPENCER: Yes, ma'am.
21 MR. BOWERS: Obviously if it's not
22 outside to the town limits, the vote should
23 count. I'm not questioning that. We submit that
24 450 North Fifth Street is outside the town limits
25 and, therefore, should be ineligible to vote.

1 That's something we can find out here very
2 quickly or confirm very quickly.
3 I do have one administrative matter.
4 These are documents -- We subpoenaed the records
5 from Mr. Pat Wise [sic] at the County Election
6 Commission. We subpoenaed the records from his
7 office. This is what he brought here today.
8 It's the voter registration list, it's the poll
9 list, and voter registration applications. I
10 would just like to make that part of the record.
11 Any objection?
12 MR. SPENCER: No. That came from Kevin
13 Thurmon's office, correct?
14 MR. BOWERS: Correct.
15 MRS. WISE: You said me.
16 MR. BOWERS: Did I? I'm sorry.
17 CHAIRPERSON STERLING: Excuse me? What
18 did you say?
19 MR. SPENCER: Came from our County --
20 MR. BOWERS: I misspoke, but it came
21 from the County Clerk's office.
22 CHAIRPERSON STERLING: Registrar.
23 MR. BOWERS: So I would like to enter
24 those. Let's go one by one I guess. The voter
25 registration list for the Town of McBee is our

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next one, that's number 11.
(Protestants' Exhibit Number 11
was marked for identification.)
MR. BOWERS: Protestants' Number 12
would be the sign-in poll list.
(Protestants' Exhibit Number 12
was marked for identification.)
MR. BOWERS: Then number 13 would be
all the applications.
(Protestants' Exhibit Number 13
was marked for identification.)
CHAIRPERSON STERLING: Any objections?
MR. SPENCER: No objection.
MR. BOWERS: I think we're about to
wrap up. I call Mr. [Sic] Willie Jackson to the
stand. Is there a Willie Jackson here?
Mr. Jackson? No Willie Jackson.
At this time I will call Mr. Dick
Sullivan to the stand. Mr. Sullivan?
Mr. Sullivan is here. Perfect timing,
Mr. Sullivan. We're waiting on you.
RONNIE MONROE SULLIVAN,
being first duly sworn, testified as follows:
DIRECT EXAMINATION

BY MR. BOWERS:
Q. Good afternoon, Mr. Sullivan.
A. Good afternoon.
Q. Thank you for being here. I appreciate it.
Please state your full name for the record.
A. Ronnie Monroe Sullivan.
Q. Mr. Sullivan, where do you live?
A. 784 Union Church Road.
Q. Okay. Do you -- Do you own property on West
Elm here in McBee?
A. No.
Q. You don't? Okay. Do you know someone by
the name of Willie Jackson?
A. Sort of, yes.
Q. Was Willie ever one of your tenants?
A. If you want to call it that, yes.
Q. What would you call it?
A. Well, more or less a beat. I mean that's
putting it mildly.
Q. Is that a male or female?
A. Female.
Q. So Ms. Jackson. She lives -- So she lived
in one of your properties at one time?
A. Yes.
Q. When was about the last time you know she

lived in one of your properties?
A. August 20, on Saturday. She got the rest of
her stuff out on Monday, the 22nd.
Q. That property -- What was the address of
that property?
A. 746 Union Church Road.
Q. That's here in McBee?
A. That's right out of the town limits.
Q. Right out the town limits?
A. Yes.
Q. Okay. Can you tell me that address again so
I can make sure I understand it.
A. 746 Union Church Road.
Q. Union Church Road. That's where she was
living in August?
A. Until the 20th.
Q. Right. Do you know where she went after
that?
A. I don't.
MR. BOWERS: That was quick. I don't
have anything else for you. Mr. Spencer may.
CROSS-EXAMINATION
BY MR. SPENCER:
Q. Mr. Sullivan, do you pay any real property
taxes to the town of McBee?

A. No.
MR. SPENCER: That's all.
CHAIRPERSON STERLING: Thank you,
Mr. Sullivan.
MR. BOWERS: Thank you, sir.
THE WITNESS: Thank you.
MR. BOWERS: Madam Chairwoman, at this
time I would call Ms. Sharon Outlaw to the stand.
Ms. Outlaw here? No Ms. Outlaw? No Ms. Outlaw.
All right. She's been subpoenaed and she's not
here. So we'll move on.
Next witness is Mr. James Peoples.
Mr. Peoples here? No Mr. Peoples.
CHAIRPERSON STERLING: He was
subpoenaed?
MR. BOWERS: Yes, ma'am. Okay. We'll
move on from that one as well. We'll call
Sheldon Ponds. Sheldon Ponds here?
UNIDENTIFIED SPEAKER: Was Sheldon
Ponds subpoenaed? Of course not. I'm his
grandmama.
MR. BOWERS: I don't know that he
wasn't.
UNIDENTIFIED SPEAKER: Of course not.
I'm his grandmama. He live with me. Nobody came

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to my house.
MR. BOWERS: I don't have any confirmation that he -- A subpoena was issued.
UNIDENTIFIED SPEAKER: To who?
MR. BOWERS: By her. It was issued, but I don't see anything that says it was served. That's okay. We believe -- And I apologize, I don't have the document with me. You have it in your records. His -- His oath on his absentee ballot is unsigned, and the statute requires it to be signed.
CHAIRPERSON STERLING: Thank you.
MR. BOWERS: Thank you.
UNIDENTIFIED SPEAKER: Can I see the envelope, please? The envelope is in --
MS. DIXON: Latondra is actually at lunch. We can't get to them until she gets back.
CHAIRPERSON STERLING: Then we'll show them to you, once she gets back from lunch.
UNIDENTIFIED SPEAKER: Okay. Thank you.
MR. BOWERS: Thank you again for your indulgence. At this time we rest and we'll look forward to the case that Mr. Spencer puts on and then ready for oral argument or final argument at

your convenience.
CHAIRPERSON STERLING: Mr. Spencer.
CLOSING ARGUMENT
BY THE RESPONDENTS:
MR. SPENCER: I would just ask the Court, I won't belabor the point, to consider all the objections that I've made as part of the record. I stand by those. I won't go back through each and every one of those.
CHAIRPERSON STERLING: We have them here.
MR. SPENCER: I saw y'all taking copious notes and I appreciate that. And I also would reiterate that the Court not -- the Commission not automatically infer an inference against someone who did not appear today --
CHAIRPERSON STERLING: So noted.
MR. SPENCER: -- since I could find no law on having to notify the voter. You know, you had given me an opportunity to look for that.
CHAIRPERSON STERLING: Right.
MR. SPENCER: So I still believe the burden of proof is on the Protestant and not on those who oppose it. But the burden of proof is theirs and they have to prove that. The person

being challenged doesn't have to disprove it.
CHAIRPERSON STERLING: So noted. Thank you.
MR. SPENCER: I would also call attention to the fact that Mr. Odom's testimony that, under oath, that Ms. Sydney Baker was an employee of Odom & Associates, that his testimony was that she did not do any absentee ballot returning during work time and that any participation in campaign activities was done outside of work time and that she was not paid.
CHAIRPERSON STERLING: I believe that's on the record, yes.
MR. SPENCER: Just to reiterate that.
CHAIRPERSON STERLING: Absolutely. Thank you.
MR. SPENCER: That would be my oral argument. That's it.
CHAIRPERSON STERLING: So, Mr. Bowers, would you like to do a closing argument?
MR. BOWERS: I would. I appreciate the opportunity to do that.
CLOSING ARGUMENT
BY THE PROTESTANTS:
MR. BOWERS: Again, I want to thank the

Commission for putting on this hearing and holding it in a professional manner. I want to thank Mr. Spencer for his professionalism and collegiality. And I would be remiss if I didn't thank Mr. McLawhorn for being here to provide counsel to the Commission.
You saw our case. Okay. You saw our case. The rules and the law require a very short turnaround from the date of a protest to the date of a protest hearing. And I think we put on a mountain of evidence that demonstrates that all three of my clients are entitled to a new election as a matter of law. Let's go through all those, okay.
I'm going to save the best for last. I'm going to save the Sydney Baker -- Sydney Baker, Odom & Associates employee, who returned according to the record 48 absentee ballots herself. I'll save that for the end.
Let's talk about the votes that should not have counted. We went through these. First one is Ms. Bristow, the young lady who testified, I think uncontroverted, since August she's lived in Camden. She's a resident of Camden and therefore ineligible to vote in the Town of McBee

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1 election. I think we all agree and acknowledge
2 that in order to be eligible to vote in the Town
3 of McBee you have to be a resident, a citizen of
4 the Town of McBee at the time the election is
5 held. And Ms. Bristow testified under oath that
6 she lives in Camden. That's one.
7 We talked to -- I want to bring your
8 attention to the Sullivans, Leon and Shirley
9 Sullivan, both of whom according to the poll
10 records reside at 901 South Seventh Street.
11 Well, we heard the town clerk give uncontroverted
12 evidence that 901 South Seventh Street is outside
13 the town limits. There's two more votes that
14 should not have counted.
15 Vera Ruth, very nice lady, came to the
16 stand, testified that she voted for her mother.
17 It said -- We never could confirm who wrote POA
18 for Alberta Bistro [sic]. She asserted that was
19 not her handwriting. I believe her. But
20 somebody wrote -- As the record reflects,
21 somebody wrote POA for Alberta Bistro. I would
22 submit that the law does not allow you to vote
23 for someone else through a power of attorney.
24 And Ms. Bistro's vote should not have counted.
25 We heard Shilon Green get up and

1 testify about a vacant lot. A vacant lot at 65
2 South Side Road in McBee that Denise Hough
3 apparently supposedly lives at. Denise Hough is
4 an absentee voter. Ms. Hough who was -- who was
5 subject to subpoena was not here, but we proved
6 through photograph evidence and also direct
7 testimony from Mr. Green that that's a vacant
8 lot.
9 And my argument on that is, you have to
10 be registered at an address -- at a home address
11 in the Town of McBee. There's no legitimate way
12 that she is a resident of a vacant lot. So we
13 think her -- I'm not saying there's fraud but I
14 do think that's an improper registration. That
15 should not have been counted.
16 We actually argued this a little while
17 ago. Heather Byrd was here earlier this morning.
18 She simply is not on the voter registration list,
19 therefore, not eligible to vote.
20 Thomas Dewey Kelly, his address is
21 outside the town limits.
22 Macey Gillis you'll recall did not sign
23 a provisional ballot as required by the law.
24 Mr. Ponds, no signature on his absentee
25 ballot as required by the law.

1 CHAIRPERSON STERLING: Excuse me.
2 Could I interrupt? The oath was unsigned by
3 Mr. Ponds?
4 MR. BOWERS: Let me make sure I'm
5 telling you right.
6 CHAIRPERSON STERLING: On Sheldon
7 Ponds? We were going to check his envelope that
8 his oath was unsigned.
9 MR. BOWERS: The oath was unsigned,
10 correct. Thank you for that correction.
11 CHAIRPERSON STERLING: Uh-huh.
12 MR. BOWERS: Then we have the Wright
13 family--William, Diamond, Gloria, Latasha, Judy,
14 Keyona, and June. Seven voters all registered to
15 vote at 337 South Fifth Street. Seven voters
16 registered to vote out of that house.
17 We heard Mr. Outen, the code director
18 for the County, testify that the timing of the
19 demolition permit and the timing of the
20 application for a permit to put a new residence
21 on there. And we heard him testify there's been
22 no inspection done, so therefore there cannot be
23 power running to that property. So we would
24 submit that those are improper registrations
25 because those -- The evidence is ample that they

1 didn't actually live there. Now they might have
2 lived somewhere else. I'm not saying they
3 didn't. They had to live somewhere else, but
4 they don't live at the address that's on the
5 voter registration rolls. And therefore, those
6 votes shouldn't count.
7 By my count that's 16 votes that we
8 believe the uncontroverted testimony reflects
9 that they shouldn't count. One more. My team
10 reminded me of Ms. Willie Jackson when she
11 registered to vote lived outside the town limits.
12 Her vote shouldn't count.
13 I want to read some law to you now,
14 just one statute. I won't bore you with all of
15 it, I'll just read the relevant portion. South
16 Carolina Code Section 7-15-330. It says in
17 relevant part: A candidate or a member of a
18 candidate's paid campaign staff, including
19 volunteers reimbursed for time expended on
20 campaign activity, is not allowed to request
21 applications for absentee voting for any person
22 designated in this section unless the person is a
23 member of the immediate family.
24 CHAIRPERSON STERLING: Could you read
25 that one more time?

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MR. BOWERS: Yeah, I will. A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.

CHAIRPERSON STERLING: Thank you.

MR. SPENCER: There was no -- If I may interrupt, there was no evidence that she requested a ballot for anyone.

CHAIRPERSON STERLING: Who is she?

MR. SPENCER: Sydney Baker.

CHAIRPERSON STERLING: Gotcha. Thank you. I was just going over the statute.

MR. SPENCER: They had to request their own. No third-party can request a ballot.

CHAIRPERSON STERLING: Thank you.

MR. BOWERS: Well, we know for a fact that Sydney Baker, who was not here--her mother was here--returned 48 absentee ballots and we know that she witnessed a similar number of absentee ballots. And we know, find my notes, Mr. Odom was on the stand and he testified under questioning from his own lawyer, did you ever --

Did Sydney ever do campaign work while she was working for you? And his testimony, I think, if I wrote it down correctly, Never is a long time in an eight-hour day. That doesn't exactly sound like an unequivocal denial. That sounds like maybe.

In response to one of my questions, he said, I can't honestly say that Sydney never did campaign work while on Odom & Associates' time. We do know, it's uncontroverted, that Mr. Odom, candidate for office, paid Sydney Baker. Right? We know -- He testified that she paid her. His testimony was he paid her solely for her work for Odom & Associates, but he can't say with certainty that she didn't do campaign work while on Odom & Associates' time. He couldn't say that with certainty. He speculated that that was the case but he couldn't say it with certainty.

You've already granted my motion to take a negative inference on someone who doesn't show up under subpoena. Ms. Baker is not here. We heard from her mother that she knew she was supposed to be here. She's not here. I believe that the record reflects that all 48 of those absentee ballots should not have been counted.

With that, I would respectfully ask that--the law requires it, justice demands it, and the town deserves it--a new election. We ask for a new election for all three candidates. Thank you, ma'am.

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: I'll stand by my previous remarks.

CHAIRPERSON STERLING: Okay. Thank you. We'll take a recess of about 15, 20 minutes if that's okay with everybody and we'll resume with our answer.

(The Commission went into conference at 1:40 p.m.
Proceedings resumed at 2:14 p.m.)

CHAIRPERSON STERLING: Is everybody ready?

MR. BOWERS: One second, please, ma'am.

CHAIRPERSON STERLING: Sure.

MR. BOWERS: Thank you, ma'am.

CHAIRPERSON STERLING: Okay. Is everybody ready? Before we begin I just want to tell you the only things we discussed in executive session were legal matters. The Commission has come up with a judgment and we

will list one by one the people that were in question, you give you a little bit of what happened.

Keyona Bristow, we felt her ballot should be invalid.

Leon and Shirley Sullivan, living out of town, invalid.

Ms. Vera Ruth, valid.

Denise Hough, invalid.

Heather Byrd, valid.

Thomas Kelly, invalid.

We'd like to look at Mason Gillis's provisional ballot if you have it before we give a ruling on that. Do you have it there? And I'll continue here.

Diamond, William, Gloria, Lakesha [Sic[, June Wright, invalid.

Sheldon Ponds, valid.

Willie Jackson, invalid.

Do you have that right now?

MR. BOWERS: We're looking.

CHAIRPERSON STERLING: Can we continue without that?

MR. McLAWHORN: Yeah, that's fine.

CHAIRPERSON STERLING: The Committee

finds that Mr. Odom's testimony was questionable and unreliable regarding the interaction with Sydney Baker.

We would like to order a new election. And we find that -- The Committee finds that there's enough questionable votes to order one.

MR. BOWERS: May I approach?

CHAIRPERSON STERLING: Yes, please.

MR. BOWERS: This is the document you asked for regarding Mr. Gillis.

CHAIRPERSON STERLING: Okay. Macey Gillis is invalid. Thank you very much.

MR. BOWERS: May I? I have quick question just for clarification. Is that a new election order for all three candidates?

CHAIRPERSON STERLING: Yes, for all three candidates, for Mr. Campolong, Mr. Charlie Sutton -- everybody.

UNIDENTIFIED SPEAKER: All three seats?

CHAIRPERSON STERLING: All three seats.

MR. BOWERS: When will that election be held?

MR. McLAWHORN: The town council has to set that.

CHAIRPERSON STERLING: The town council

has to set the election. We just call for one.

MR. BOWERS: We spoke before y'all went into executive session about the written order and the possibility of a written order, and Mr. McLawhorn correctly noted that one is not required. We would urge the Commission to enter a written order and we would be happy to submit a proposed order for your consideration.

MR. SPENCER: As long as it's optional.

CHAIRPERSON STERLING: Pardon me?

MR. SPENCER: As long as it's optional and not mandatory.

CHAIRPERSON STERLING: So noted. Does either one of you have any more to say?

MR. BOWERS: No, ma'am.

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: No.

CHAIRPERSON STERLING: Thank you very much. The Commission doesn't have anything else to say either so we'll adjourn the meeting. Thank you very much. Meeting adjourned.

(The proceedings concluded at 2:18 p.m. After the conclusion, Commission's Exhibits 1-2 were marked.)

CERTIFICATE OF REPORTER
STATE OF SOUTH CAROLINA:
COUNTY OF DARLINGTON:

I, LAURA CHAMBLEE, Court Reporter, certify that the foregoing is a true and correct transcript of the proceedings taken down by me in the case aforesaid. This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembly or photocopying is done by the official undersigned court reporter and original seal and signature attached hereto.

Dated this 19th day of September, 2016.

LAURA CHAMBLEE, CCR, RPR
MY COMMISSION EXPIRES:
DECEMBER 22, 2018

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9/19/16	5094

BILL TO
Richard McLawhorn P. O. Box 88 Hartsville, SC 29551

TERMS	DATE TAKEN
DUE ON RECPT	**9/12-13/16**

DESCRIPTION	AMOUNT
Original and copy of the hearing before the McBee Election Commission, heard September 12-13, 2016 ----------	**$775.15**
Thank you, Laura Chamblee	
Re: Town of McBee Municipal Election Commission, John Campolong, et al v. Glenn Odom, et al	

THANK YOU FOR YOUR BUSINESS.

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EXHIBIT
3

ELECTRONICALLY FILED - 2020 Dec 29 4:09 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

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

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.

#1

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.

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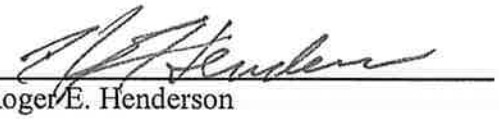
The Respondents contend that Ms. Baker by transmitting the voter's request for an absentee ballot violated S.C. Code Ann. § 7-15-330 (1976 as amended). Section § 7-15-330 sets forth the procedure for requesting an absentee ballot. The election commission has allowed applications by email in addition 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

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EXHIBIT
4

ELECTRONICALLY FILED - 2021 Jan 21 8:36 AM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

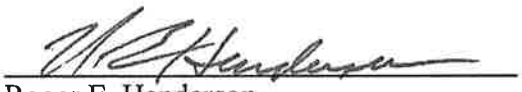
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD	)	CIVIL ACTION NO.: 2020-CP-13-00785
Glenn Odom, Plaintiff, v. McBee Municipal Election Commission, Charles Short, Sharles Sutton and Hewitt Dixon, Defendants.	)	**ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION**

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