THE STATE OF SOUTH CAROLINA

In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

Case No. **2020-CP-13-00785**

Appellant Case No. 2021-000165

Glenn Odom, ... Respondent,

v.

McBee Election Commission,
Charles Short, Charles Sutton, and Hewitt Dixon, ...Appellants.

RECORD ON APPEAL

Signature Page to Follow

SWEENY, WINGATE & BARROW, P.A.

/s/Martin S. Driggers, Jr.
Martin S. Driggers, Jr. (S.C. Bar No. 13668)
Richard E. McLawhorn, Jr. (S.C. Bar No. 100179)
115 Cargill Way, Suite B
Hartsville, South Carolina 29211
T: (803) 256-2233
F: (803) 256-9177
msd@swblaw.com
rem@swblaw.com
ATTORNEYS FOR TOWN OF MCBEE MUNICIPAL ELECTION COMMISSION

BOWERS LAW OFFICE, LLC

/s/Karl S. Bowers, Jr.
Karl S. Bowers, Jr.
S.C. Bar No. 0016141
P.O. Box 50549
Columbia, SC 29520
Telephone: (803) 753-1099
Fax: (803) 250-2985
butch@butchbowers.com

ROBINSON GRAY STEPP & LAFFITTE, LLC

/s/Robert E. Tyson, Jr.
Robert E. Tyson, Jr.
(SC Bar No.: 10820)
Vordman Carlisle Traywick, III
(SC Bar No.: 102123)
Post Office Box 11449
Columbia, South Carolina 29211
Phone: (803) 929-1400
rtyson@robinsongray.com
ltraywick@robinsongray.com

WALLACE H. JORDAN, JR. P.C.

/s/Wallace H. "Jay" Jordan, Jr.
Wallace H. "Jay" Jordan, Jr.
(SC Bar No.: 76222)
Post Office Box 2010
Florence, South Carolina 29503
Phone: (843) 662-4474
jordanlawsc@gmail.com

ATTORNEYS FOR APPELLANTS CHARLES SHORT, CHARLES SUTTON, AND HEWITT DIXON

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD	)	
Glenn Odom	)	Case No: 2020-CP-13-0732
Plaintiff,	)	**ORDER ON PLAINTIFF'S REQUEST FOR WRIT OF PROHIBITION AND WRIT OF MANDAMUS**
vs.	)	
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

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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

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,)	**ORDER**
)	
v.)	
)	
McBee Municipal Election Commission, Charles Short, Sharles Sutton and Hewitt Dixon,)	
Defendants.)	

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

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

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

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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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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

Christy C. Hadley

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

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

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:

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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. Evidence

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. Conclusion

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.

ELECTRONICALLY FILED - 2020 Nov 29 9:43 AM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA)
)
TOWN OF McBEE)

John Campolong, Charlie Sutton, and Marilyn Fields,

Protestants,

v.

Glenn Odom, Bea Bolton, and Sherry Knight,

Respondents.

MUNICIPAL ELECTION COMMISSION

2016 SEP 20 PM 3 02

FAYE L. SELLERS
CLERK
CHESTERFIELD CO., S.C.

ORDER

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

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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

LAURA CHAMBLEE, RPR
1117 PINEHURST DRIVE
HARTSVILLE, SOUTH CAROLINA 29950

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SEPTEMBER 12, 2016
PROCEEDINGS

12:49 p.m.

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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the total number of absentee ballots that the county printed in what they -- in what might be just an excessive amount.

There's case law that I'll talk about during closing argument where expert witnesses -- The case specifically is one regarding Eugene Carmichael, he was a state senator from Darlington. In 1981 he was convicted of a vote buying scheme and sent to federal prison. I can tell you that in that case, an expert witness testified that 20 percent of registered voters casting votes by absentee is evidence in and of itself of fraud.

So we have 33 percent of the registered voters in McBee casting absentee ballots. The process, as I said, was abused. And we intend to show that far more votes than necessary should not have been counted. Far more votes than necessary to in order to get a new election should not have been counted. And we'll have plenty of evidence for that today.

And again, we appreciate the opportunity to be here for you and happy to answer any questions as we go along. Thank you.

CHAIRPERSON STERLING: Call your first

witness. I'm sorry. Mr. Spencer, please.

MR. SPENCER: I just have one comment to make and that is that this can't be a witch hunt. You can't just subpoena people to find out information. The act of discovered evidence must have been discovered prior to filing the appeal. And they can't just call people to inquire. So a reason must be stated for the challenge and why this witness is being called, whether it's a voter or an outside witness, because this cannot just be a fishing expedition.

So if they'll state their reason why this witness is being called and what evidence they have, whether discovered before or after the election, led to the subpoena of this witness.

CHAIRPERSON STERLING: Mr. Bowers, if you --

MR. BOWERS: Sure, very briefly. At the end of the day the Commission issued the subpoenas. It wasn't us. And you know, we filed duly noticed challenges on election evening. So there was no -- There's no hide the ball, there was no -- We had evidence at the time when we filed our protest. We did not challenge those ballots simply out of thin air. We had evidence

then. So as we'll see today with witnesses that appear, the subpoenas were intended to ensure their appearance here today.

That's -- you know, Mr. Spencer liked to quote the rules of civil procedure earlier. Well, guess what? That's well within the rules of civil procedure and an appropriate way to handle an election protest.

CHAIRPERSON STERLING: Thank you. One more time, Mr. Spencer.

MR. SPENCER: I think that I'm more than entitled to that because the six grounds stated in the appeal in the protest were general. No specific allegations were made. No concise statement of what evidence they had that any of those violations had occurred. No way to prepare a defense for it. Alleged no particular evidence whatsoever. Six general complaints that could have been anybody in the world.

So I attack, number one, the protest as being -- not putting us on notice as to what the grounds are. It's a shotgun effect that lists every ground in the world and no specificity. So it's not sufficient, the grounds that they set forth, because they're not specific. Way too

general.

CHAIRPERSON STERLING: Your objection has been noted. We are going to allow the protest hearing to proceed and the Commission will have the final word. Mr. Bowers.

MR. BOWERS: Thank you, ma'am. As a preliminary matter I've got a couple of things I would like to hand up. If Mr. Spencer objects, that's his purview -- within his purview. This is just to help actually a little bit more. I'll give you a list of the folks that we plan on showing cast ballots that were improper and should not be counted. And this is just a list that we intend to prove. We may skip over some of them. I can tell you there's one that we can take off. There's two actually: Number 18 and number 21. We have determined that their votes were legal. But the rest of them we plan on showing that for a variety of reasons that their votes should not have counted. So this is just simply an outline for everybody to follow.

Mr. Spencer may -- I don't know if you object or not, Mr. Spencer.

CHAIRPERSON STERLING: Mr. Spencer, do 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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Bowers. Are you going to enter this as an Exhibit into the record?

MR. BOWERS: I am, yes, ma'am.

CHAIRPERSON STERLING: Thank you.

MR. BOWERS: I would ask to admit as Exhibit 1 -- admit as Exhibit 1 the list of properties that Mr. Odom owns. And we'll, for purposes of the hearing today, we'll say that 133 West Cypress and 901 Seventh are not his properties, but the remaining --

(Protestants' Exhibit Number 1 was marked for identification.)

THE WITNESS: Beg your pardon. I do not own 33 East Oak Street.

BY MR. BOWERS:

Q. You do not own that?

A. I do not own it.

Q. Okay. We'll take that off.

A. Give me a second to kind of go over it again.

Q. Yes, sir, please take your time. We're not in a hurry.

A. It's just hard to -- I do not own 36 West Oak Street. I do not own 22 North -- yeah, I do. I own 22 North Third. Some of them, you know, are

different. They're hard to --

Q. Right.

A. Let's see. I don't own 36 West Oak. I don't own 33... That's it.

Q. Let me make sure for the record.

A. Let's go over it again.

Q. So you're telling us that you do not own 36 West Oak?

A. No, not to my knowledge I don't.

Q. Okay. You're under oath, I'll accept it.

A. Yeah.

Q. You're telling us that you don't own 33 East Oak.

A. No.

Q. And you're telling us you're not sure about 133 West Cypress?

A. No, I don't have an idea.

Q. And you're not sure about 901 Seventh?

A. I've never heard of 901 Seventh Street. That's Seventh Street out there. The house I own is next door but I think it's on Poplar Street.

Q. Okay. We'll access the records later.

A. All right. No problem.

Q. But as we stand here at this moment, by my count that's 14 properties according to the tax

assessor that you own either in whole or in part.

A. I agree.

Q. You accept that?

A. I'll agree.

Q. Let me ask you this, do you know if all of these properties are inside of the town limits?

A. I believe they are inside the town -- all of those are inside the town.

Q. Okay. Are all of these -- You mentioned rental properties. Are all of these rental properties that you own?

A. Yes.

Q. Okay. Do you know if anybody who lives in these rental properties voted in the election?

A. Again, I'm sure some of them did. I don't -- for me to match up names with rental properties, I couldn't tell you.

Q. Probably hard to do sitting here today.

A. Well, my sister manages the rental properties. So, you know, I don't know the leases. Especially the apartments on Pine Street, I never come in contact with any of those people. Some of the others, you know, I know, but as far as saying every one or which ones, I can't testify to that.

Q. How about -- Let's see. How about June

Wright, is he a tenant?

A. Yes.

Q. He is?

A. Yes.

Q. Okay. Are you charging him any rent?

A. No. The house he moved into was completely destroyed by the last person that lived there. I told June if he would fix up the inside--which they did, carpeted the floors, put in stuff--he could have the house for one year. That was around Christmastime of last year. They had no place to live, no place to move to, and June is disabled. So I told him he could have it for a year.

Q. Okay. How about his son William Wright, is he a tenant?

A. I've seen William and his wife, Gloria, there numerous times, so I assume they're a tenant.

Q. Has he ever paid you rent?

A. No. Well, yes, he's paid me rent but he's rented apartments from me and other things. He's always paid his rent, but he has not paid any for the house they're living in now. Now June has paid me rent on the lot next door for several years at 337 South Fifth Street. That's down towards the bottom. $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

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

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

subpoena, right?
A. Yeah, maybe so. I hope you get yours too.
Q. Was that a threat?
A. No, sir.
Q. Sounded like it. I feel threatened now.
A. Oh, really? Okay.
Q. So you said you thought that Sydney -- you felt sure that Sydney felt threatened, right? Did you say that?
A. I can't tell you the workings of her mind.
Q. Well, we can have it read back, but Mr. Spencer asked you a question, did she feel threatened, you said I'm sure --
A. Yes, she feels threatened.
Q. Okay. And I would agree unless you're a mind reader, you can't tell anybody what's in her mind?
A. Right.
Q. So you must have spoken to her after she got hers, right?
A. Sunday when I got that letter.
Q. Do you know that she's needs to be -- she's supposed to be here?
A. If she has subpoena, I guess. I don't know. I don't know what's going on. I just know I don't

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

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DIRECT EXAMINATION

BY MR. BOWERS:

Q. Good morning, Ms. King. Thank you for being here. State your full name for the record, please.

A. Terri King.

Q. Ms. King, what do you do for a living?

A. I am the part-time town administrator for McBee and I'm a bookkeeper.

Q. Okay. You provided a letter dated September 7 regarding this election matter. Do you recall that?

A. Yes.

Q. I'm going to hand it to you. I've previously handed a copy to Mr. Spencer. Does that look like your letter?

A. Yes.

Q. It says that according to your -- How about this, would you read it into the record, please?

A. "I am the Town Administrator of the Town of McBee, South Carolina. I maintain and have control of the town records and official documents for the Town of McBee. According to those records as of September 6, 2016 the following properties are not within the official town limits of the town of McBee: 901 South Seventh Street, 90 North First Street - no

such address per Chesterfield County Codes Enforcement.

"Attested this the 7th day of September 2016."

Q. And as you sit here today, do you stand by this letter?

A. No.

MR. BOWERS: I would like to introduce this as Protestants' next Exhibit, Number 5.

(Protestants' Exhibit Number 5 was marked for identification.)

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: No objection.

MR. BOWERS: One more quick question.

BY MR. BOWERS:

Q. I'm sorry, Ms. King. This is a demonstrative we put together. It's a town map. Ms. King, do you recognize this map?

A. Yes.

Q. What is that a map of?

A. The city limits of McBee.

Q. Okay. Would you in your official capacity have custody and control of this map?

A. We do have a copy of that, yes.

Q. Disregard all the pins, but tell us, this

part--it looks like it's colored in yellow--what does that denote?

A. Town limits.

Q. That's the town limits?

A. Per the county, yes.

Q. Per the county?

A. Yes.

Q. Do you have any reason to dispute that these are accurate?

A. No. We update it with the census department every year.

Q. So sitting here today under oath in your official capacity with the town, you can attest that this is a true and accurate depiction of the town limits inside this yellow area?

A. Yes.

MR. BOWERS: I would like to introduce this into evidence. We'll get you a smaller copy because we got a regular size sheet but we would like to introduce this --

CHAIRPERSON STERLING: Exhibit 6.

MR. BOWERS: -- as Protestants' Number 6.

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: No objection.

(Protestants' Exhibit Number 6 was later marked for identification.)

MR. BOWERS: No further questions. Answer any questions Mr. Spencer may have.

CHAIRPERSON STERLING: Mr. Spencer, would you like to cross-examine?

CROSS-EXAMINATION

BY MR. SPENCER:

Q. Ms. King, you relied on that map to make the determination you made?

A. One of the addresses I called the County to verify, the 90 North First Street. We called the County because we --

Q. What about 901 Seventh Street?

A. I relied on the plat number of that address. It was not in the town limits.

Q. And that was all you relied on?

A. Yes.

Q. I'll show you the voter registration list of the people who voted here at the poll. Whose name is listed at 901 South Seventh?

A. Shirley Sullivan.

Q. Does anybody live there with her that you know of?

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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just -- this is one of the envelopes that we've already said is going to be in the record.

MR. BOWERS: May I approach?

CHAIRPERSON STERLING: Yes, absolutely.

BY MR. BOWERS:

Q. Is that your envelope you're holding?

A. That's her envelope.

Q. That's her envelope?

A. Yes.

Q. May I see that?

A. Yes.

Q. Did you bring that with you here today?

A. Yes, I did.

Q. Will you open it up and show us what's inside. The subpoena that asked you to come here? Anything else?

A. I was not served.

Q. You were not served?

A. No, I wasn't.

Q. Okay. How did you know to come?

A. I was asked to come before, yes, because you said her vote was challenged and this is why I'm here.

Q. I gotcha. Is there anything else in that envelope?

A. That's it.

Q. Okay. So this document is -- I will represent to you that this document is the back of the envelope for the absentee ballot. Is that yours or is that hers?

A. This is mine, 229 West Maple Avenue.

Q. Okay. It says POA for Alberta Bristo, right?

A. Uh-huh.

Q. Is that yes?

A. Probably, yes.

Q. Does that mean power of attorney?

A. No.

Q. It doesn't?

A. No. I don't have power of attorney.

Q. What does POA mean?

A. I didn't put that there. I don't know who put that there.

Q. Is that your handwriting?

A. Yes, it is.

Q. But that's not your handwriting?

A. Yeah, it is. This right here?

Q. Yes, ma'am.

A. I didn't put that there.

Q. I'm a little confused. Is this your handwriting or not?

A. That's my handwriting, yeah.

Q. This is your handwriting but you didn't put it there?

A. Yes, it is, uh-huh, that's my handwriting.

Q. But you're testifying you didn't write that?

A. I wrote this. I didn't write that. This is my handwriting.

MR. SPENCER: Object.

CHAIRPERSON STERLING: Could we see that?

MR. BOWERS: Yes. You might want to come up here too Billy. It's confusing, she said that's her signature and that's her handwriting but she said she didn't write that.

CHAIRPERSON STERLING: My first reaction, it doesn't really appear to be the same kind of handwriting.

MR. SPENCER: She testified that was her handwriting?

CHAIRPERSON STERLING: No, she said this was her handwriting.

MR. BOWERS: Come here, Billy. This is going to be a little unusual.

BY MR. BOWERS:

Q. I'm easily confused.

A. Uh-huh, so am I.

Q. That's your name right there?

A. Yes, it is.

Q. In your handwriting, right?

A. Yes.

Q. And then next to it, I'll read for the record, it says POA for Alberta Bristo. You see that?

A. Uh-huh.

Q. Is that in your handwriting?

A. This is my handwriting. That's not.

Q. That's not, okay. I got it now. Thank you. You don't know who wrote that?

A. No, I don't.

Q. Do you know anybody named Leslie Newton?

A. Yes, I do.

Q. Who is that?

A. All I know is Leslie Newton.

Q. Is she a friend?

A. Yeah. I know her. Yes.

Q. So do you have your mother's power of attorney?

A. No, I don't need it.

Q. Why?

A. That's my mother. I take care of her. I'm 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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going to look up the code. We'll leave it at that.

MR. SPENCER: Challenge my ballot and I'm not --

CHAIRPERSON STERLING: Let's move on.

MR. BOWERS: Let me ask you a question on that point. Was this hearing duly noticed to the public?

CHAIRPERSON STERLING: Yes.

MR. BOWERS: The public was given notice of the hearing, right?

CHAIRPERSON STERLING: Uh-huh.

MR. BOWERS: Yes?

CHAIRPERSON STERLING: Yes. Gotcha.

MR. BOWERS: She knew there was an issue with her ballot in the first place. She's on notice there is a hearing.

MR. SPENCER: It was not in the batch of the challenged ballots.

MR. BOWERS: May I proceed?

CHAIRPERSON STERLING: Proceed.

MR. BOWERS: I'm sure Mr. Spencer is going to object to this one too on the same grounds and I'll stipulate to his objection. This is voter Macey Gillis. Voted a provisional

ballot. This is part of your record already as well. He did not sign the provisional ballot envelope as required. So therefore, it shouldn't be counted.

MR. SPENCER: He wasn't given notice?

MR. BOWERS: He was given public notice just like everybody else was.

CHAIRPERSON STERLING: Thank you, Mr. Spencer.

MR. SPENCER: I object.

CHAIRPERSON STERLING: So noted. Thank you.

MR. BOWERS: Call Shilon Green to the stand. He might be outside. I apologize. I thought Mr. Green was here. He's not but he'll be right back.

CHAIRPERSON STERLING: Proceed with your next one.

MR. BOWERS: We'll hold that one in abeyance. I would like to call William Bullard to the stand. Mr. Bullard.

Madam Chairwoman, I'm going to hold this one as well. Mr. Bullard is not here. He is under subpoena. If he appears, we'll call him -- we'll recall him but if not, we'll just

move on.

CHAIRPERSON STERLING: Mr. Green is here.

MR. SPENCER: On the ones that did not appear, I would like for the affidavit of service to be filed. I understand that some of these things were not personally served, that they were taped to a door, which is not personal service of a subpoena. It has to be left with a person.

I would like to see the affidavits of service on all of these because if it says they just left it at the house and taped it to the door, then that's not proper service. They've got to give it to an adult in the household just like you serve -- a process server.

MR. BOWERS: No problem. We provide all those.

CHAIRPERSON STERLING: Absolutely. So noted and you shall have it.

MR. SPENCER: And I would like to move to have the process server subpoenaed by the Court.

CHAIRPERSON STERLING: Reason being? Same reason?

MR. SPENCER: To find same reason --

CHAIRPERSON STERLING: Mr. Bowers?

MR. BOWERS: No objection if you want to subpoena him, but I mean are we going --

MR. SPENCER: If the Court is going to hold -- make a decision based on them not appearing such that they would give weight to throwing their ballot out, then proof of service has got to be had.

CHAIRPERSON STERLING: So noted.

MR. SPENCER: I would want to be able to examine him, did you tape the subpoena to the door like you did Ms. Newell or did you serve it, because Ms. Newell didn't have to come today because she wasn't served. You can't tape it to the door.

CHAIRPERSON STERLING: So noted.

MR. BOWERS: There's no dispute -- With Ms. Newell there's no dispute that the process server left it on the door.

CHAIRPERSON STERLING: We will consent to having the process server subpoenaed.

MR. BOWERS: There's no dispute to that.

MR. SPENCER: But it was said that 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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questions. Thank you.
CHAIRPERSON STERLING: Mr. Green, thank you. One more before we go to lunch?
MR. BOWERS: Madam Chairman, if it would be appropriate and there's no objection, I would like to take a lunch break now. And then we may be finished. I would like to -- Go ahead.
MR. SPENCER: We've got Mr. Jackson here.
CHAIRPERSON STERLING: Would you like to do Mr. Jackson now?
MR. BOWERS: No. I don't need to ask him any questions. I've already got into evidence what I need.
CHAIRPERSON STERLING: Fine. We'll break for an hour for lunch, or 45 minutes, whatever is good for you guys.
MR. BOWERS: An hour is good.
CHAIRPERSON STERLING: One hour. I don't have a clock, so what time is it? We'll return at 2:00.
MR. BOWERS: 2:00 or 1:00?
CHAIRPERSON STERLING: I mean 1:00.
(Whereupon, a lunch break was taken at 12:04 p.m. Proceedings

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

MR. BOWERS: But I'll just to show it to you. The address is outside the town limits and so he's legally ineligible --
MR. SPENCER: What evidence do you have that's outside the town limits?
MR. BOWERS: The map. I can go back and call Ms. King if you want to.
MR. SPENCER: No, you can show me on the map.
MR. BOWERS: I don't live here. It's somewhere outside the yellow area. We can get that for you. We won't hold the proceeding for that but I'll --
CHAIRPERSON STERLING: So noted. We'll go back to that.
MR. BOWERS: We'll get Ms. King come and confirm it's outside the town limits.
CHAIRPERSON STERLING: Mr. Spencer, you okay with that?
MR. SPENCER: Yes, ma'am.
MR. BOWERS: Obviously if it's not outside to the town limits, the vote should count. I'm not questioning that. We submit that 450 North Fifth Street is outside the town limits and, therefore, should be ineligible to vote.

That's something we can find out here very quickly or confirm very quickly.
I do have one administrative matter. These are documents -- We subpoenaed the records from Mr. Pat Wise [sic] at the County Election Commission. We subpoenaed the records from his office. This is what he brought here today. It's the voter registration list, it's the poll list, and voter registration applications. I would just like to make that part of the record. Any objection?
MR. SPENCER: No. That came from Kevin Thurmon's office, correct?
MR. BOWERS: Correct.
MRS. WISE: You said me.
MR. BOWERS: Did I? I'm sorry.
CHAIRPERSON STERLING: Excuse me? What did you say?
MR. SPENCER: Came from our County --
MR. BOWERS: I misspoke, but it came from the County Clerk's office.
CHAIRPERSON STERLING: Registrar.
MR. BOWERS: So I would like to enter those. Let's go one by one I guess. The voter 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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election. I think we all agree and acknowledge that in order to be eligible to vote in the Town of McBee you have to be a resident, a citizen of the Town of McBee at the time the election is held. And Ms. Bristow testified under oath that she lives in Camden. That's one.

We talked to -- I want to bring your attention to the Sullivans, Leon and Shirley Sullivan, both of whom according to the poll records reside at 901 South Seventh Street. Well, we heard the town clerk give uncontroverted evidence that 901 South Seventh Street is outside the town limits. There's two more votes that should not have counted.

Vera Ruth, very nice lady, came to the stand, testified that she voted for her mother. It said -- We never could confirm who wrote POA for Alberta Bistro [sic]. She asserted that was not her handwriting. I believe her. But somebody wrote -- As the record reflects, somebody wrote POA for Alberta Bistro. I would submit that the law does not allow you to vote for someone else through a power of attorney. And Ms. Bistro's vote should not have counted.

We heard Shilon Green get up and

testify about a vacant lot. A vacant lot at 65 South Side Road in McBee that Denise Hough apparently supposedly lives at. Denise Hough is an absentee voter. Ms. Hough who was -- who was subject to subpoena was not here, but we proved through photograph evidence and also direct testimony from Mr. Green that that's a vacant lot.

And my argument on that is, you have to be registered at an address -- at a home address in the Town of McBee. There's no legitimate way that she is a resident of a vacant lot. So we think her -- I'm not saying there's fraud but I do think that's an improper registration. That should not have been counted.

We actually argued this a little while ago. Heather Byrd was here earlier this morning. She simply is not on the voter registration list, therefore, not eligible to vote.

Thomas Dewey Kelly, his address is outside the town limits.

Macey Gillis you'll recall did not sign a provisional ballot as required by the law.

Mr. Ponds, no signature on his absentee ballot as required by the law.

CHAIRPERSON STERLING: Excuse me. Could I interrupt? The oath was unsigned by Mr. Ponds?

MR. BOWERS: Let me make sure I'm telling you right.

CHAIRPERSON STERLING: On Sheldon Ponds? We were going to check his envelope that his oath was unsigned.

MR. BOWERS: The oath was unsigned, correct. Thank you for that correction.

CHAIRPERSON STERLING: Uh-huh.

MR. BOWERS: Then we have the Wright family--William, Diamond, Gloria, Latasha, Judy, Keyona, and June. Seven voters all registered to vote at 337 South Fifth Street. Seven voters registered to vote out of that house.

We heard Mr. Outen, the code director for the County, testify that the timing of the demolition permit and the timing of the application for a permit to put a new residence on there. And we heard him testify there's been no inspection done, so therefore there cannot be power running to that property. So we would submit that those are improper registrations because those -- The evidence is ample that they

didn't actually live there. Now they might have lived somewhere else. I'm not saying they didn't. They had to live somewhere else, but they don't live at the address that's on the voter registration rolls. And therefore, those votes shouldn't count.

By my count that's 16 votes that we believe the uncontroverted testimony reflects that they shouldn't count. One more. My team reminded me of Ms. Willie Jackson when she registered to vote lived outside the town limits. Her vote shouldn't count.

I want to read some law to you now, just one statute. I won't bore you with all of it, I'll just read the relevant portion. South Carolina Code Section 7-15-330. It says in relevant part: 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: Could you read 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

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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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(843) 917-4777

INVOICE

DATE	INVOICE #
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.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)
)
In re: McBee Election for Mayor and)
Council held September 1, 2020)
)

BEFORE THE
McBEE ELECTION COMMISION

Glenn Odom who was a certified as mayor by the Commission moves to dismiss any further hearings in this matter on the grounds that any further proceedings are not timely pursuant § 5-15-30, South Carolina Code (1976).

> **§ 5-15-30 Procedures for contesting results of election.**
>
> Within forty-eight hours after the closing of the polls any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission. Within forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised file its report together with al recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the elections the council shall order a new election as to the parties concern.
>
> Neither the mayor nor any member of the council shall be eligible to pass on the issues arising in any contest in which he is a party.

This section provides that any municipal election protest must be heard within 48 hours of the written notice of the contest. By consent of the parties this hearing was continued until September 25, 2020. On the day of the hearing September 25, Mr. Odom's attorney was notified that the election commission was not going forward with the hearing. This was after the contestant's attorney on the previous afternoon confirmed he would be present the following day in person (Ex 1. Email 09.24.20). Mr. Odom 's attorney left for the hearing at approximately 10:30 a.m. on September 25, 2020, and after traveling approximately 1 ½ hours towards McBee was notify the hearing had been cancelled. Earlier that morning he received an email from Butch Bowers saying he had been recently retained to assist with the

protest hearing and assert protection for the hearing pursuant to §25-1-2260, South Carolina Code (1976). §25-1-2260 does not apply to Municipal Election Commission hearings and only applies to courts. (Ex. 2. Email 9.25.20)

After receiving the notice that the protest was cancelled plaintiff's counsel notified everyone concerned that Mr. Odom objected to any further hearings because Mr. Odom did not consent to continuing the hearing and he was not allowed to object to the commission continuing the hearing. (Ex. 3. Email 9.25.20). Counsel for Mr. Odom received a phone call approximately 12:00 pm on September 25, 2020, notifying him that the hearing had been continued, and was not given an opportunity to oppose the continuance.

The right to contest an election exists only under § 5-15-130, South Carolina Code (1976) and the procedure prescribed by this section must be strictly followed. *Butler v. Town of Edgefield (S.C 1997) 328 S.C. 238, 493 S.E.2d 838.*

The Commission was without authority to continue the election protest over Mr. Odom's objection and for this reason the Commission should refuse to hear the protest.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: /s/John E. Parker

John E. Parker
William F. Barnes, III
101 Mulberry Street East
P.O. Box 457
Hampton, SC 29924
Phone: (803) 943-2111
jparker@pmped.com
wbarnes@pmped.com
ATTORNEYS FOR GLENN ODOM

September 30, 2020
Hampton, South Carolina

Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Thursday, September 24, 2020 2:31 PM
To: Johnny Parker
Subject: Re: [External Email] Fwd: MCBEE

yes

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Thu, Sep 24, 2020 at 2:10 PM Johnny Parker <JParker@pmped.com> wrote:

Are you planning on attending the hearing tomorrow in person?

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Wednesday, September 23, 2020 11:58 AM
To: townofmcbeesctk@gmail.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: [External Email] Fwd: MCBEE

Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

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(843) 662-6024 Facsimile

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Johnny Parker

From: Butch Bowers <Butch@ButchBowers.com>
Sent: Friday, September 25, 2020 11:05 AM
To: Wallace Jordan; Terri King (townofmcbeesctk@gmail.com); Will Curtis
Cc: Martin S. Driggers, Jr.; Brittany A. Funderburk; William Spencer; Johnny Parker
Subject: RE: [External Email] MCBEE

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; JPARKER@pmped.com
Subject: Re: MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:20 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

I did receive Butch's email asking for a continuance but don't believe it was properly before the commission.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
>
> Wallace "Jay" Jordan, Jr., Esquire
>
> 626 West Evans Street
>
> Post Office Box 2010
>
> Florence, South Carolina 29503-2010
>
> (843) 662-4474 Telephone
>
> (843) 662-6024 Facsimile
>
> On Fri, Sep 25, 2020 at 1:02 PM Butch Bowers <Butch@butchbowers.com> wrote:
>
> Martin – I am available October 12-15. Any of those dates work for me.
>
> It is my understanding that we have requested to gain access to the absentee ballots that were cast in this election, but those materials have not yet been produced. These are critical pieces of evidence in this hearing, and we respectfully request that they be produced/made available as soon as possible, and certainly well before the rescheduled hearing. Thanks very much,

Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:11 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

We object to any future hearings. We did not consent to continue the hearing today which was set by consent. In fact I had traveled an hour and one half toward McBee when I was called and told the hearing was continued. Additionally I was never served with a motion for continuance and had no input on this issue.We believe the Commission is now without authority to hear the matter since the time for a hearing has lapsed. We also believe the Commission was in error in continuing today's hearing without any input from Mr. Odom.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
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Butch

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>; Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>
Subject: Re: [External Email] MCBEE

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.

firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

On Sep 25, 2020, at 10:16 AM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see a copy of the SC Supreme Court Order for Jay's Legislative Protection

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Fri, Sep 25, 2020 at 10:08 AM Johnny Parker <JParker@pmped.com> wrote:

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: Re: [External Email] MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Wed, Sep 23, 2020 at 11:57 AM Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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<Supreme Court Order for Jays Legislative Protection.PDF>

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

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at P.O. Box 457 Hampton, SC 29924, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: s//John E, Parker

John E. Parker. (SC. Bar. No. 4442)
William F. Barnes, III. (SC. Bar. No. 78220)
101 Mulberry Street East
P.O. Box 457
Hampton, SC 29924
Phone: (803) 943-2111
jparker@pmped.com
wbarnes@pmped.com
ATTORNEYS FOR GLENN ODOM

October 30, 2020
Hampton, South Carolina

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHESTERFIELD	)	CIVIL ACTION.: 2020-CP-13-
	)	
Glenn Odom,	)	
	)	
Plaintiff,	)	
vs.	)	***COMPLAINT***
	)	
McBee Municipal Election Commission, Charles Short, Charles Sutton and Hewitt Dixon,	)	
Defendants.	)	
	)	

The Plaintiff alleges:

1. He was a candidate for mayor for the Town of McBee for the election held on September 1, 2020. He was the winner of the election for the office of mayor by a vote of 212 to 203 for Charles Short.

2. In the Town Council races, James Linton, and Robert Liles, were elected over Charles Sutton and Hewitt Dixon.

3. A hearing was held by the McBee Municipal Election Commission (MEC) to consider the challenged ballots from the election on September 03,2020 and after the challenged ballots were counted Charles Short, Charles Sutton and Hewitt Dixon filed a protest. (Ex. 1- Transcript.)

4. In the protest the individual defendants contend two persons were permitted to cast ballots who were not residents of McBee, a representative of Mr. Odom took improper steps with absentee ballots, and the individual defendants without observing the absentee ballots contended that there were a numbers of irregularities with these ballots. (Ex. 2- Protest.)

5. A hearing on the protest by agreement was scheduled for 3:00 p.m. in McBee, South Carolina on September 25, 2020; On September 25, 2020 over plaintiff's objection the hearing was not held. Plaintiff was notified on September 29, 2020 that the hearing would be held on October 14, 2020 at 3:00 p.m. The hearing set for October 14, 2020 was postponed at the request of the unsuccessful candidates. (Ex. 3. Emails concerning scheduling of hearing.)

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6. On September 30, 2020 plaintiff moved to dismiss the protest as not being timely because the protest had to be held by September 25, 2020 unless it was scheduled later by consent of the candidates. Over plaintiff's objection the hearing was not held on September 25, 2020 as agreed. (Ex. 4- Motion to Dismiss.)

7. Over plaintiff's objection the hearing at the request of the individual defendants was again rescheduled for October 23, 2020. On October 23, 2020 plaintiff was notified that the protest hearing would be postponed until November 13, 2020. (Ex. 3.)

8. On October 22, 2020, at the scheduled meeting to allow inspection of ballots the plaintiff was informed by individual defendants' attorney that these defendants would have a handwriting expert examine the absentee ballots prior to the hearing rescheduled for November 13, 2020 and then give his opinion as to whether the signature on each absentee ballot was the signature of the voter. The individual defendants would then contest these ballots and ask that MEC disallow these votes.

9. Plaintiff believes that this procedure is a violation of § 7-15-420 of the South Carolina Code of Laws (1976 as amended) which provides absentee ballots must be challenged on election day before being counted, and any voters whose ballots is challenged must be given notice of the challenge.

10. §7-13-830 South Carolina Code (1976 as amended) provides that the election commission should take up any challenges to absentee ballots. The commission took up the challenges on September 03, 2020 and after the challenges were considered plaintiff was the winner of the election as were James Linton and Robert Liles. (Ex. 1)

11. The individual defendants are now attempting to challenge absentee ballots almost two months after the election, and their attempts to challenge these ballots is a violation of the South Carolina's election laws.

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12. Plaintiff contends that (MEC) is without authority to hear evidence to challenge absentee ballots at this time and is without authority to hear a protest because to do so would violate the provisions of § 5-15-130, South Carolina Code (1976 as amended) because the hearing is not timely.

13. On October 27, 2020, the U.S. District Court issued an Order granting an injunction enjoining the State and its affiliate county boards of elections from utilizing signature matching procedures to disqualify votes unless the voters were notified and given an opportunity to contest any disqualification. (Ex. 5- Order 10.27.20)

14. Plaintiff request the court to grant his complaint requesting a writ of prohibition to prevent the defendants from violating the statutory election laws of South Carolina.

15. Plaintiff also request the court to grant his complaint requesting a writ of mandamus requiring the MCE to certify Glenn Odom as the winner of the mayoral election and certify James Linton and Robert Liles as the winners of the election for Town Council.

Wherefore plaintiff prays that the complaint be granted as set forth herein.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: s/John E. Parker

John E. Parker. (SC. Bar. No. 4442)
William F. Barnes, III. (SC. Bar. No. 78220)
101 Mulberry Street East
P.O. Box 457
Hampton, SC 29924
Phone: (803) 943-2111
jparker@pmped.com
wbarnes@pmped.com
ATTORNEYS FOR GLENN ODOM

October 30, 2020
Hampton, South Carolina

EXHIBIT
1

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

MCBEE MUNICIPAL ELECTION COMMISSION HEARING

CONCERNING ELECTION OF SEPTEMBER 1, 2020

HELD THURSDAY, SEPTEMBER 3, 2020

MCBEE TOWN HALL

MCBEE, SOUTH CAROLINA

12:00 P.M.

REPORTED BY: Laura Chamblee
Chamblee Reporting Service
1117 Pinehurst Drive
Hartsville, South Carolina 29550
(843)917-4777

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

APPEARANCES:

LAW OFFICE OF WALLACE H. JORDAN, JR.
BY: WALLACE JORDAN, JR., ESQUIRE
626 West Evans Street
Florence, South Carolina 29501
843-662-4474
jordanlawsc@gmail.com
Representing Candidates Charles Short, Charles Sutton, and Hewitt Dixon

SPENCER LAW FIRM
BY: WILLIAM SPENCER, ESQUIRE
301 West Main Street
Chesterfield, South Carolina 29709
843-623-2144
lawfirmspencer@gmail.com
Representing Candidates Glenn Odom, Robbie Liles, and James Linton

SWEENY, WINGATE & BARROW, P.A.
BY: MARTIN S. DRIGGERS, JR., ESQUIRE
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
843-878-0390
msd@swblaw.com
Representing the Town of McBee

ALSO PRESENT:

CHAIRWOMAN PAULETTE HUMPHRIES

MEC MEMBER PAM SULLIVAN

MEC MEMBER DAVID VANDENBERG

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

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- - -

PROCEEDINGS

- - -

CHARIWOMAN HUMPHRIES: If everyone will be seated if you can. If you can find a seat.

I would like to call this provisional ballot hearing to order, and this is concerning the election on 9/1, which will refer to the previous count that we had, the unofficial count that we had, on that evening of September 1st.

We, at that time, had 14 total challenges to the absentee ballots--13 here, one from the county level. Today we're going to hear from those challenges and the challenges to the provisional ballots that we have from in-person voting.

All ballots were sealed and locked in the ballot box since 9/1, since the evening of 9/1, and we have just removed the seals from those and will be looking at those shortly.

Now, I would ask Mr. Driggers to administer the oath to the MEC members at this time.

MR. DRIGGERS: Absolutely. Stand and raise your right hand. Repeat after me: We do

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solemnly swear or affirm that we are duly qualified according to the Constitution of this State to exercise the duties of the office to which we've been appointed, and that we will to the best of our ability discharge the duties thereof and preserve, protect, and defend the Constitution of this State and of the United States, so help me God.

(Commission members so swore.)

CHAIRWOMAN HUMPHRIES: All right. We'll go ahead and start with the challenges that were made on 9/1 from the absentee ballots. All right. I'm going to begin, because this was an absentee ballot that was challenged, but it was challenged by the Chesterfield office. The name of Donna Faulkenberry.

Ms. Faulkenberry registered in Kershaw County in August, after this ballot was received in Chesterfield but before the election. So since she had registered in another district, another county, before the election, she could not be -- she could not be counted. So this was challenged by, like I said, Mr. Thurman in Chesterfield.

Is Ms. Faulkenberry here? No. And she's

had notification. That was taken care of by Chesterfield since it was a challenge from there.

MR. ODOM: She couldn't register in another county to vote since she was already registered and voted here. I don't concur with --

CHAIRWOMAN HUMPHRIES: According -- I'll have to tell you what Mr. Thurman told me. This was done by him. He said that the person has to be a resident of the county and be on our voter registration list on the day of the election. And since she had registered in Kershaw County prior to that, her voter registration -- she was now on Kershaw County's voter registration list.

MR. ODOM: We're fine.

CHAIRWOMAN HUMPHRIES: Okay. That was the explanation to me.

MR. ODOM: We're fine.

CHAIRWOMAN HUMPHRIES: So I call for a vote to accept or reject.

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: Okay. Now we'll start with the ones we had from --

MR. JORDAN: Madam Chair, Jay Jordan on

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behalf of candidates Short, Dixon, and Sutton. Of course, I made issue, I believe, 13 of the 14 challenges, I or Mr. Curtis did. Upon further review, we wish to withdraw five of those challenges.

CHAIRWOMAN HUMPHRIES: Okay.

MR. JORDAN: We would withdraw the challenge as to Mr. George Richardson, Ms. Denise Johnson, Mr. and Mrs. Martin, and Ms. Phillips.

CHAIRWOMAN HUMPHRIES: And Ms. Phillips?

MR. JORDAN: Ms. Artiayana Phillips. Upon further review, we do not believe the challenges were appropriate; and therefore, we would withdraw said challenges.

CHAIRWOMAN HUMPHRIES: Thank you very much.

MR. JORDAN: Hopefully that will speed this process up a little bit.

CHAIRWOMAN HUMPHRIES: At this time five challenges have been withdrawn -- four. Four. Challenges have been withdrawn from Tuesday night, and those include Eldred Martin, Artiayana Phillips, Susan Martin, George Richardson, and Denise Johnson. So if you are here to -- in reference to these ballots, you

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can -- you are excused and may go home.

UNIDENTIFIED SPEAKER: They're all sitting out in the hallway.

CHAIRWOMAN HUMPHRIES: Oh, are they?

MR. DRIGGERS: I'll go get them.

UNIDENTIFIED SPEAKER: Gail is telling them.

CHAIRWOMAN HUMPHRIES: Any other comments before we start going over these other ballots?

MR. SPENCER: I believe there was a challenge to a ballot by Mickie Holley.

CHAIRWOMAN HUMPHRIES: Yes, sir.

MR. SPENCER: Candidates Odom, Liles, and Linton do not oppose that challenge.

CHAIRWOMAN HUMPHRIES: They do not oppose that challenge?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: So therefore, we can reject this ballot?

MEC MEMBER SULLIVAN: The challenge was made by them.

CHAIRWOMAN HUMPHRIES: Well, they challenged --

MR. SPENCER: We're not going to contest it.

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CHAIRWOMAN HUMPHRIES: Therefore, do you agree to reject this ballot on the basis of the challenge?

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Mr. Vandenberg?

MEC MEMBER VANDENBERG: Yes.

CHAIRWOMAN HUMPHRIES: Do I need to restate the reasons?

MR. DRIGGERS: I would say, for the record, that you need to call and make sure he's not here.

CHARIWOMAN HUMPHRIES: Is Mickie here?

MR. ODOM: It's a she.

CHAIRWOMAN HUMPHRIES: Is Mickie here? Mickie Holley.

MS. STOUDEMIRE: No, ma'am.

CHAIRWOMAN HUMPHRIES: She is not here. Okay. We had a challenge of Ms. Mickie -- Miggy -- Mickie. They're twins. Mickie Holley was challenged on Tuesday night, the 1st. And that challenge is not opposed. So therefore, we will reject -- we will vote as to whether to accept or reject the ballot. Ms. Sullivan?

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

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CHARIWOMAN HUMPHRIES: Okay. We are in agreement. So the ballot for Mickie Holley is rejected.

MR. SPENCER: Madam Chairperson, I didn't identify myself for the record. My name is Billy Spencer. I'm here as counsel for candidates Odom, Liles, and Linton.

CHARIWOMAN HUMPHRIES: Okay, thank you very much. So we'll continue with the others. I'm going to go on here.

Josmar Vega. Vargas? Josmar was challenged on the basis of residency. I would like to hear from the challenger now, please.

MR. JORDAN: Thank you, Madam Chair. Your Honor -- I apologize if I call you Your Honor during the course of this. It's a force of habit. During the course of this process, we retained the services of a licensed in the state of South Carolina private investigator. And I would like to hand up an affidavit from Mr. David Milligan in connection with that, if I may. I'll have one -- hand one to counsel for opposition as well.

Simply put, if you'll refer to paragraph 6, upon investigation it was determined that, and

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it is sworn by the affidavit under penalty of perjury, that in fact only -- there is only one residence within the 84 West Pine A-B section. That would be an elderly lady. Whereas, lot A was found to be vacant.

So for purposes of our investigation, it appears that, again, sworn by a licensed investigator by the State of South Carolina under penalty of perjury, that that residence is unoccupied. Therefore, we do not believe that the voter meets the necessary resident requirement and should be found to be rejected.

CHAIRWOMAN HUMPHRIES: Thank you. Is Mr. -- Is Mr. Vargas here?

MR. SPENCER: He's not able to attend, Your Honor. He's a double amputee and blind and has to be carried to dialysis. And he's carried to dialysis. I can call a witness--he's not able to attend--a witness that he does reside at that address. I've got his electric bill from Duke Energy showing the bill in his name at that address and where -- This is his electric bill. He lives there with his wife, Patricia. These are rent receipts in his wife's name.

MR. JORDAN: May I make a point of inquiry?

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So two things: Can I get a spelling as to what this gentleman's name is according to -- I've heard Vargas and --

CHAIRWOMAN HUMPHRIES: Well, the actual ballot, as well as the account in his name, is spelled -- well, the ballot says V-E-G-A-S; the account -- the electric bill says V-E-G-A. But when Ms. Sullivan actually informed him of the meeting, he said Vargas.

MR. JORDAN: So we essentially have an individual that we have at least three different names for?

CHAIRWOMAN HUMPHRIES: Well, no.

MEC MEMBER SULLIVAN: He is Hispanic, so he has a different pronunciation for his name than we would -- than I would. Where I would say Vegas, he says Vargas.

MR. JORDAN: And a different spelling at least in two different places; is that also correct?

MEC MEMBER SULLIVAN: It's just -- Can we look at the ballot?

CHAIRWOMAN HUMPHRIES: It's V-E-G-A.

MEC MEMBER SULLIVAN: It's V-E-G-A.

MR. JORDAN: And then am I also correct

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that, and I didn't get a copy of it, but I believe submissions included the wife's statement that they lived together? Did I hear that correctly?

MR. SPENCER: No, that's the rent receipt.

CHAIRWOMAN HUMPHRIES: He said that the wife paid the rent. And so the rent receipt is in her name.

MR. SPENCER: And the wife is not challenged.

CHAIRWOMAN HUMPHRIES: Patricia.

MR. SPENCER: She voted out of the same household.

MR. JORDAN: I don't believe that's correct. I think, according to the absentee voter roll, the wife lives at a different address. One is at 84 West Pine and one is at 36 West Oak, according to y'alls documents.

MR. SPENCER: I've got a witness that's going to testify--he's a neighbor--that they live together.

MR. JORDAN: I was just making those inquiries. I can cross-examine the witness at the appropriate time.

CHAIRWOMAN HUMPHRIES: So in summary, we

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have a statement from an investigator saying that the residence at 84 West Pine, Lot A, was vacant --

MR. JORDAN: That's correct.

CHAIRWOMAN HUMPHRIES: -- there was no one there. Now, I did not have, nor did voter registration have -- They just had 84 West Pine, is what I was given on voter registration. They do not have an A nor a B given on his voter registration.

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Just 84 West Pine.

MS. STOUDEMIRE: I can clarify that. There are two apartments there--A is on the left, B is on the right. He and his wife, Patricia, live in A; his mother lives in B.

UNIDENTIFIED SPEAKER: That's correct.

CHAIRWOMAN HUMPHRIES: The investigator said that he talked to the lady in B. Does she speak English?

MS. STOUDEMIRE: Very little.

MR. DRIGGERS: I think we need to get anything being said under oath.

MR. SPENCER: I've got a witness that can be sworn in that could testify to these facts.

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CHRISTOPHER DEASON

being first duly sworn, testified as follows:

CHAIRWOMAN HUMPHRIES: Witness Christopher Deason has been sworn in as a witness for this hearing and we will hear from him.

MR. SPENCER: I'll examine him. William Spencer, Billy Spencer.

CHAIRWOMAN HUMPHRIES: Attorney Billy Spencer will be questioning the witness.

DIRECT EXAMINATION

BY MR. SPENCER:

Q All right. Would you state your name again, please?

A It's Christopher Shawn Deason.

Q Where do you reside, Mr. Deason?

A 36 West Oak Avenue, McBee, South Carolina.

Q 36 West Oak Avenue?

A Yes, sir.

Q Do you know a Josmar Vega?

A Josmar Vega, yes sir, I do.

Q Are you a neighbor of theirs?

A Yeah, pretty much.

Q Do you know where they live?

A Yes, sir, I do.

Q Where do they live?

A In the apartments right beside the library. They stay in -- You go in the bottom; they stay on the left side apartment.

Q Do you know the street address?

A I don't really know the exact address.

Q Is it on West Pine Street?

A I assume.

Q Are there two apartments there?

A There are two apartments there. One on the right side and one on the left side.

Q Do you know who stays in the right side?

A Yes, sir, Josmar's mom stays there.

Q Do you know her name?

A I don't know her name. She don't really speak English very well. Like she don't understand English at all, really.

Q Who lives in the apartment next?

A On the left side, Patricia and Josmar stay there.

Q To your knowledge are they married?

A Yeah, they got married I think like three months ago.

Q Is he under any kind of disability?

A Yes, sir. He has no legs and he's on dialysis.

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Q Do you ever have reason to see the ambulance pick him up at that address --

A Yes, sir.

Q -- and take him to dialysis?

A I've actually had to help them load him from there a time or two.

Q Any question in your mind but that he lives at that address in the town of McBee?

A No, sir. That's exactly where he lives.

MR. SPENCER: That's all.

MR. DRIGGERS: Recognize Mr. Jordan.

CHAIRWOMAN HUMPHRIES: Attorney Jay Jordan will now examine the witness.

MR. JORDAN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. JORDAN:

Q Mr. Deason --

A Yes, sir.

Q -- could you repeat your address you gave a minute ago?

A It's 36 West Oak Avenue.

Q 36 West Oak Avenue?

A Yes, sir.

Q You're not a resident at 307 South 5th Street?

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A No, sir.

Q Have you ever lived at 307 South 5th Street?

A No, sir.

Q Are you aware that you, under the prior government records, acknowledged living at 307 South 5th Street?

A No, sir, I haven't.

Q Have you ever lived at that address?

A No, sir.

Q Do you have any knowledge about who lives there?

A Hold on, I may have. Like -- I'm not sure of the address there, but I may have stayed there.

Q Is that --

A Where is it at, like, in McBee?

Q I can't answer that for you. Have you lived in McBee your whole life?

A My whole life, yes. But you expect me to know every address -- I'm supposed to know every address that you just spit out?

Q Do you know where South 5th Street is?

A No, not right off.

Q Yet you said you lived there for some period of time; is that right?

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A I didn't say I lived there. I said that I stayed on 36 West Oak Avenue.

Q Let's get back to that. 36 West Oak Avenue, who is the owner of that property?

A My mom owns that property. And before that, my grandparents owned it.

Q And that's your residence?

A Yes, sir.

Q And I should have cleared some of this up earlier. I think you said you're a lifelong resident of McBee; is that right?

A Yes, sir. I stay --

Q Are you employed?

A Yeah, I was employed at -- I just got a job today, but I was employed at Talley Metals for seven years prior to this.

Q And so how long have you known Mr. and Mrs. Vega?

A My cousin was -- probably like 10 or 12 years I've known Patricia. I've only known Josmar since she has been associated with him as, you know, dating him or whatever until they got married.

Q Approximately how long ago was that?

A Probably like five or six years maybe.

Q So to your knowledge, he's been a resident

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at that address for the last five or six years?

A That's not what I said. I said he had been with her -- Why are you trying to twist my words?

Q I'm sincerely not trying to twist your words.

A You most sincerely are. I said that he was with her that long. I'm not sure how long they've stayed there. It's been a while, though.

Q When was the last time you saw him in that residence?

A Probably like a week ago.

MR. JORDAN: No further questions, but I'm assuming I'm going to have the opportunity to deal with Mr. Deason in a little bit as to his challenged ballot.

THE WITNESS: Indeed.

MR. SPENCER: I have no further questions.

CHAIRWOMAN HUMPHRIES: Thank you. Do you have any questions? Any questions for --

MR. DRIGGERS: I don't have any questions.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MEC MEMBER SULLIVAN: No, I don't.

CHAIRWOMAN HUMPHRIES: Mr. Deason, you are excused.

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MR. SPENCER: Stay around for yours.

THE WITNESS: Yes, sir.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Let me clarify a couple of things here for those that are listening and for you. We have several pieces of information here that we need to bring forth.

One is that we do have an energy bill in the name of Josmar Vega from Duke Energy at 84 West Pine Avenue, Apartment A. We have that bill here. We have a rent receipt that was issued to Patricia Vega for Apartment A at 84 West Pine Avenue. And we have had testimony that Patricia and Josmar Vega are married and that they reside there together. We have testimony from witness Christopher Deason that he has known these individuals for several years and that he has had to help Mr. Vega with being -- with transport, due to his physical condition, and knows that he stays -- has stated to his knowledge Mr. Vega resides at 84 West Pine Avenue, Apartment A.

We have a statement from an investigator on the part of the challenger that Apartment A at

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84 West Pine Avenue was vacant when it was visited by this investigator.

Do we have any further evidence that needs to be presented at this time?

MS. BOYKIN: I can let you know that when you pull that up on Google Maps, 84 West Pine, it puts you in that field across the railroad tracks. That's why you're getting a vacant lot. Those apartments are 84 West Pine. And the reason why I know this is the road sign is actually in town. And I do see -- There is an ambulance there every day picking him, twice a day, picking him up, dropping him off.

CHAIRWOMAN HUMPHRIES: Ms. Dawn Boykin has made a statement that the addresses may be incorrect if you try to do a search for 84 West Pine Avenue, Lot A, and that the apartments in question is not able -- you can't locate it through Google Map.

MR. SPENCER: Do you need her testimony sworn, Your Honor?

CHAIRWOMAN HUMPHRIES: I think so. I'd just rather do things open and aboveboard here.

DAWN BOYKIN,

being first duly sworn, testified as follows:

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DIRECT EXAMINATION

BY MR. SPENCER:

Q Would you state your name, again.

A Dawn Boykin.

Q Ms. Boykin, where do you live?

A I live at 164 North 5th Street, McBee.

Q And do you know where Josmar Vega --

A Yes.

Q -- and Patricia Vega live?

A On 84 West Pine Avenue in the apartment.

Q How do you know that?

A The ambulance is there all the time. Actually my husband has had to help assist at one time because the ambulance holds up traffic. And I travel that road every day. So I mean I know that is the gentleman that's there and he lives in that apartment. I mean there's no doubt. I knew the last name was different. And now looking at the records, yeah, the last name is Vega.

Q And you had some information about the address, 84 West Pine?

A When you search that address, it will show the lot across the railroad tracks on the left-hand side, which if I'm not mistaken Anthony Breedman owns that property because that's where it pinpoints. It

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does not pinpoint --

Q That's on Google Maps?

A Yes.

Q And are you volunteering this information for any particular purpose?

A Just saying that I know he lives there. There's no doubt that that gentleman lives there. He has to be transported by the ambulance. I mean, I know he's there with his wife that lives in that apartment.

Q And I assume --

A And the only reason I know a bunch of this is because my husband is the maintenance man and I know a lot of people in town. So...

MR. SPENCER: Thank you very much.

MR. JORDAN: No questions for Ms. Boykin.

CHAIRWOMAN HUMPHRIES: Any questions?

MEC MEMBER SULLIVAN: No.

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: Thank you, Dawn. At this point, I think, with the evidence that's been presented and the statement, to be perfectly honest, of the investigator that says Lot A was vacant, not apartment A, I'm assuming he meant Apartment A and Apartment B, because I

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consider a lot a piece of property. But I know from personal knowledge -- I do not know -- Let me clarify.

I do not know Mr. Vega, personally. I don't know -- I didn't know what his name was. I do know that there's an ambulance that is called to 84 West Pine Avenue, Apartment A, very often for transport. And sometimes it's called for -- he has to be -- they have to do lifting assistance. I know the fire department has had to help him when he falls or whatever. So I do know that there is an individual that lives there that has a physical disability.

It just seems the facts are coinciding here. And it is my personal opinion that Mr. Vega does reside at that apartment. I don't know why -- And the fact that the lady next door did not know Josmar. It's very, very possible that she did not know what she was being asked if her -- if English is a second language, if she understands it at all.

So at this time I think I'll poll our committee members and ask whether it should be rejected or accepted. Are there any other statements that we need to hear on Mr. Vega?

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MR. SPENCER: No, Your Honor.

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: Ms. Sullivan, reject or accept?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

MR. BURGESS: Excuse me. Is it possible that y'all can get to mine because I have to go to work. My name is Rashad Burgess.

CHAIRWOMAN HUMPHRIES: Your name is what?

MR. BURGESS: Rashad Burgess.

CHAIRWOMAN HUMPHRIES: Did you vote in person?

MR. BURGESS: Yes, ma'am, I did.

CHAIRWOMAN HUMPHRIES: Does anyone have an objection to going to his ballot? Mr. Jordan, do you have an objection to --

MR. JORDAN: -- taking him out of order?

CHAIRWOMAN HUMPHRIES: Yes.

MR. JORDAN: No, ma'am. I do think we need to find -- because I didn't make that challenge, I think.

CHAIRWOMAN HUMPHRIES: That was in-person.

MR. JORDAN: Gotcha. So no objection to

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taking Mr. Burgess so he can get on to work.

CHAIRWOMAN HUMPHRIES: Mr. Burgess, we'll hear from the challenger first. He was challenged for incorrect county, precinct, or district is what is checked here.

MR. SPENCER: Do we know who made the challenge?

MR. JORDAN: Julia Nicole Teal.

UNIDENTIFIED SPEAKER: Let me see if she's here.

MR. SPENCER: Your Honor, Ms. Teal is here and I believe she wishes to withdraw the challenge.

CHAIRWOMAN HUMPHRIES: Do you wish to withdraw?

MS. TEAL: I do wish to withdraw my challenge.

CHAIRWOMAN HUMPHRIES: Ms. Teal has withdrawn her challenge of the in-person ballot for Rashad Burgess. We appreciate both of them being here. And, Mr. Burgess, you are excused. Thank you. You can go to work.

Do you vote to accept or --

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

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CHAIRWOMAN HUMPHRIES: I do, too. Now we're back in order, right? Our next challenge, absentee ballot, Jada Matthews. Jada Matthews. Mr. Jordan?

MR. JORDAN: Thank you, Your Honor. Your Honor, at this time I would again submit an affidavit. I won't go through the rigmarole every time to explain the individual -- the affiant other than to say it's the same individual, Mr. Milligan. I'll also supply a copy of the affidavit to opposing counsel.

According to this information, of course, if Ms. Gattison, Matthews, and Wright are here -- And I would ask that we be allowed to take this affidavit for all three individuals because they all reside at the same address. So you can duplicate the affidavit I suppose. But according to the statement they gave, the voters did not request -- the ballots were unsolicited. They received them in the mail and voted and sent them back. I believe it's clear under South Carolina law that an absentee voted by -- that was not requested by the individual is an improper ballot. For those reasons we would ask that those three ballots be rejected at the

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appropriate time.

CHAIRWOMAN HUMPHRIES: Do you have any of these three people here that could testify to the fact they didn't -- other than this paper?

MR. JORDAN: No, ma'am. I'm presenting that by way of affidavit.

MR. SPENCER: Your Honor, the only protest was concerning residency. No other deficiencies.

MR. JORDAN: I agree with that except to say residency is a key issue, and that it makes it invalid before you get to that issue. So that's a superseding issue.

MR. SPENCER: I don't believe that's before this body, Your Honor. It's just whether or not they're residents of the Town of McBee.

CHAIRWOMAN HUMPHRIES: Was there knowledge of this before the challenge on Monday night -- Tuesday night?

MR. JORDAN: I don't have the answer to that question.

CHAIRWOMAN HUMPHRIES: Because the only challenge that I recorded that night was on residency, so I think that was not known.

So the question here is whether we address

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the fact that the absentee ballots were not requested because the only challenge made on Tuesday night was residency.

MR. JORDAN: Correct. You need first to establish if you can hear the challenge, I suppose.

CHAIRWOMAN HUMPHRIES: I understand that your investigator -- this is the same investigator, I'm assuming?

MR. JORDAN: Yes, ma'am, throughout.

MR. SPENCER: And he's not here.

CHAIRWOMAN HUMPHRIES: Pardon me?

MR. SPENCER: He's not here and I can't cross-examine him. And he intimidated -- The word is he intimidated a lot of these people. And action was taken by the Chesterfield County Sheriff's Department investigating this man for harassing people about their voting and where they lived.

MR. JORDAN: I'm assuming the Sheriff is not here either to corroborate that.

MR. SPENCER: No, but scuttlebutt gets around town. They're here to say they live in town.

UNIDENTIFIED SPEAKER: I would say that the

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deputy that's on duty today for McBee was the one that took the incident report for the investigation.

MR. SPENCER: He's been investigated, this investigator.

CHAIRWOMAN HUMPHRIES: I think we're getting into -- If y'all will have a seat, please. I think we're getting into more of a legal issue than this Commission has the authority to address, because if someone requested absentee ballots for these people with their personal information, the information that's needed to get an absentee ballot, that would be a definite violation of a law. And that is not what we have authority to determine at this point. I think that would require someone beyond our authority.

The only thing that I can see at this point that -- and if this challenge needs to go farther after this, then that's what -- whoever will have to determine if it's worth that and if it's that important. If this factually was done, then it would be that important because it is illegal.

But at this point all we can determine is

whether these three people reside in this town, if they were on the official voter list from Chesterfield, and we can determine that they voted and legally reside in McBee. I think that is the only thing that is within our authority to determine at this point in time.

MR. JORDAN: I believe they're here and can answer that under oath if available.

CHAIRWOMAN HUMPHRIES: Right, but I'm just saying I don't think we can address this matter here.

MR. SPENCER: Then there's nothing to rebut. They challenged residency and no evidence has been put up that they're not residents.

MR. JORDAN: If they're here, I can call them as witnesses to establish that.

MR. SPENCER: No, you cannot. If there's nobody here to challenge their residency, they don't have to say anything.

CHAIRWOMAN HUMPHRIES: Do you have any evidence that they are not residents?

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: So the challenge on Tuesday night was based on --

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MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: -- this?

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: So the challenge was not actually based on residency. It should have been improper receipt of absentee ballots or something.

MR. JORDAN: I guess what I'm inquiring is the procedure. Do you make the determination as the Chair or do y'all take a formal vote?

CHAIRWOMAN HUMPHRIES: We will take a formal vote. I'm just asking you if that's why you said residency. We actually have to have some evidence in hand about the residency itself if that was the reason for the challenge. Do you have anything in connection with the residency?

MR. JORDAN: Not as to these three individuals. But I would like it -- You did say it was a formal vote to determine whether or not to take up the challenge; is that correct? Essentially, I think we're still back at square one.

CHAIRWOMAN HUMPHRIES: We can do that. To take up this challenge?

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MR. JORDAN: To determine whether or not you can even address the challenge. I don't think we ever sort of got out of the gate on the issue; is that fair to say?

MR. SPENCER: I didn't understand.

CHAIRWOMAN HUMPHRIES: I think I got it.

MR. JORDAN: Does that make sense?

CHAIRWOMAN HUMPHRIES: I will ask my fellow Commission members: Do we want to address the challenge to receipt of absentee ballots that were not requested?

MEC MEMBER SULLIVAN: No.

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: Yes or no, do we address this issue?

MEC MEMBER VANDENBERG: I don't think we should address it.

MR. DRIGGERS: I think that there is -- No evidence has been handed up at this time. If the voters are here, that can be considered evidence. If they're here, the challenge is on the table, I think they can be called to ask about residency.

CHAIRWOMAN HUMPHRIES: Residency. I'm talking about the receipt of the absentee

ballots that were not requested. Can we -- can we address that when it was not a part of the challenge?

MR. DRIGGERS: No, it would need to be limited to residency.

CHAIRWOMAN HUMPHRIES: So I'm not going to consider residency right at this moment. Do we address any challenge made based on the fact these people did not request an absentee ballot?

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: No.

MEC MEMBER SULLIVAN: No.

CHAIRWOMAN HUMPHRIES: So that particular part will have to go to someone else beyond us if it's addressed again.

MR. JORDAN: I think you get another shot at it in --

CHAIRWOMAN HUMPHRIES: That's what I wanted, another shot. Now, let's go to the residency issue for each of these people. Jada Matthews. And we're going to do them individually. I'm not going to do people as a group. I know that they all live in the same place or they say the registration is at the same place.

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MR. JORDAN: I would just say you can be pretty quick about it because we're not going to have anything to hand up. So there is...

CHAIRWOMAN HUMPHRIES: So we can just -- You don't have a challenge?

MR. JORDAN: No, I'm not going to withdraw my challenge, for purposes of the record. I just don't have anything to put up to support the challenge. So then it's your decision on what to do with it from there.

CHAIRWOMAN HUMPHRIES: Thank you, sir. Mr. Spencer, do you have anything to say?

MR. SPENCER: Just that those ballots should be counted with the rest and considered unchallenged, no longer be provisional ballots.

CHAIRWOMAN HUMPHRIES: Okay. In the matter of Jada Matthews, we will vote either to accept or reject this ballot.

MS. GARDNER: She is outside if you need her. I just spoke with her, she said she was outside.

MR. SPENCER: No, we're fine.

CHAIRWOMAN HUMPHRIES: We didn't have any -- Blanche, we didn't have any evidence, actually, to support the challenge at this time,

so they don't have to defend it. Ms. Sullivan, accept or reject Jada Matthews?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept or reject June Wright at the same address?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept or reject Margaret Gattison?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: The next person we have is Geraldine Odom. Mr. Jordan, I'll hear from you if you have anything.

MR. JORDAN: Madam Chair, I'll call Blanche Gardner as a witness on the residency issue concerning Ms. Geraldine Odom.

BLANCHE GARDNER,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q Are you a resident of McBee, South Carolina?

A No, I live outside the town limits.

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Q But you live in the area; is that correct?
A Oh, yeah.
Q Do you have firsthand knowledge, do you know Ms. Odom?
A I do know her.
Q What can you tell me about her? How long have you known her?
A I've been knowing her a long time.
Q In what capacity, is she a friend?
A Used to be a friend, yeah.
Q So where does she live, to the best of your knowledge?
A She resides at the nursing home, the Morrell Nursing Home.
Q Where is that located?
A Hartsville.
Q How long has she been a resident there?
A I can't tell you how long she's been there, but I know that I used to go with a friend of mine to the nursing home and do a ministry, you know. I would go with her and I would see her there.
Q And that's been for the last how long?
A Well, it was before the pandemic started, so -- because of the nursing home being closed.
Q So prior to the spring --

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A Yeah.

Q -- she was a resident in Hartsville, is that your firsthand knowledge?

A Yeah.

MR. JORDAN: Thank you. No further questions.

CROSS-EXAMINATION

BY MR. SPENCER:

Q Ma'am, do you know her daughter?

A I do.

Q Do you know where her daughter lives?

A She lives out on Juniper, I think it is.

Q Here in the town of McBee?

A Yes, sir.

Q Do you know where Ms. Odom was registered to vote prior to going to the nursing home?

A No. I assume here. I don't know. I really don't know.

Q And your testimony is she left some address in Hartsville and went directly to the nursing home?

A No, I'm not saying that. I'm saying that she resides at the nursing home.

Q Okay, okay. All right.

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

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We will stipulate she's in the nursing home.

CHAIRWOMAN HUMPHRIES: Thank you. So it's my understanding that Ms. Odom originally lived -- she originally lived in McBee, Blanche?

THE WITNESS: I don't know where she lives. She used to live in --

CHAIRWOMAN HUMPHRIES: You know where the daughter lives?

THE WITNESS: Yeah, the daughter lives in McBee.

CHAIRWOMAN HUMPHRIES: Do you know how long she has been in the nursing home?

THE WITNESS: I can't say that. I honestly don't know, but I do know that I used to go down there with my friend, and she did a devotional type thing, and I would go with her sometime, and we would go there and visit people there. We did see her. And that was before the nursing home got shut down, so that would be at least before Christmas or -- yeah, last Christmas.

MEC MEMBER SULLIVAN: Right.

CHAIRWOMAN HUMPHRIES: The question that comes to my mind is: Does anyone have any evidence as to whether she changed her address

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to -- her legal residence to the nursing home? Because what we have to go by is -- what we have at our disposal is the voter registration list. And that is what they go by to mail out the ballots, is what her registered voter physical address is. Does anyone have any evidence that she changed her legal, physical address?

MR. JORDAN: No, ma'am, but I do wish to address the point you just made. I think if you go to Section 8.4 of the -- which is the election protest law, it establishes the issues you're required to look at for residency. And I think you're required to look at where she eats, sleeps, and intends to return to.

So if she's been in the nursing home for an extended period of time, I respectfully disagree that her registration at a prior date and time specifically deals with her residence under the law. And that's specifically annotated at 7-1-25 of the South Carolina Code. The question of residence tends to turn on specific facts.

MR. SPENCER: We're prepared to put up those specific facts. I have no more questions of this witness.

CHAIRWOMAN HUMPHRIES: You have no more?

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MR. SPENCER: Of this witness.

MR. DRIGGERS: Put on the record that she was excused.

CHAIRWOMAN HUMPHRIES: Ms. Gardner has been excused from the witness chair. Do we have another?

MR. SPENCER: Yes, Lynn Odom Tiller.

CHAIRWOMAN HUMPHRIES: Lynn Odom Tiller will be sworn in as a witness.

LYNN ODOM TILLER,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SPENCER:

Q Ms. Tiller, how are you related to Geraldine I. Odom?

A That's my mother.

Q And at the present time, where is she staying?

A She's at Morrell Nursing Home right now.

Q Where is it located?

A In Hartsville.

Q Do you recall when she first went to Morrell?

A The very first time, she went about five years ago for rehab and came back home after that was

over with.

Q The first time she went to Morrell Nursing Home for rehab, where was she living?

A On 9th Street here in McBee.

Q At your home, where you live?

A No, she had her own residence here then.

Q So when she went to Morrell, to start with, she was a resident of McBee?

A Yes.

Q Has she ever come back home from Morrell --

A Yes.

Q -- for a period of time?

A She came back home and then had more trouble and a heart attack and had to go back for more rehab.

Q Do you know how many times she's been and come back?

A She's been and came back one time.

Q So she came back home after being in Morrell Nursing Home?

A Yeah.

Q When she went to Morrell Nursing Home, she was a resident of McBee?

A Yes.

Q I'm going to show you a copy of -- Would

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you tell me what that is?

A That's her checking account.

Q And what address is on her checking account?

A 24 East Juniper Avenue, McBee.

Q And do you recognize this? What is this?

A That's the registration to her car.

Q Is it registered in her name?

A Yes.

Q What address is on that vehicle registration?

A 24 East Juniper Avenue, McBee.

Q Does she get her mail at 24 East Juniper Avenue, McBee, South Carolina?

A Yes, sir.

Q Do you recognize that?

A Yes. That's her voter registration card.

Q What does it show is the registration date?

A Registration date is on 2010, June of 2010.

Q And that's for Chesterfield County, right?

A Yes.

MR. SPENCER: I'll pass these up.

BY MR. SPENCER:

Q One more question, Ms. Tiller. If she were to get to feeling better, in your opinion, where

would she go if she left Morrell?

A She would have to come to my house.

MR. SPENCER: Your witness.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: Mr. Jordan will now examine the witness.

CROSS-EXAMINATION

BY MR. JORDAN:

Q Ms. Tiller, thank for being here today. I apologize if I go back over some previous questions. How old is your mother?

A She was born in '39. So that makes her, what, 80?

Q I believe that's correct, 80 years old. I think you testified earlier, when was her first time in the nursing home?

A It's been about six years ago, she had knee surgery. She went to rehab.

Q And then she came back?

A She came back to McBee.

Q When she came back to McBee, did she live in her house or your house?

A She lived in her house then.

Q Her house. And then about how long did she live there?

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A I reckon six or eight months.
Q So that would mean that she went back to the nursing home after that?
A She had a heart attack.
Q That was due to her physical issues that you just described, that heart attack?
A Yes.
Q Was that a severe heart attack or a minor heart attack?
A Minor.
Q Minor heart attack. And she's lived at the nursing home there in Hartsville since that time?
A Yes.
Q And that was approximately four years ago?
A About three or four years ago, yes.
Q Since that three or four years ago period, has she moved back in her house?
A No.
Q Moved back in your house?
A No.
Q Is she under any kind of government assistance or anything like that?
A She's on Medicare and I think she's got Medicaid, I'm not sure about that, and she gets social security.

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Q Tell me about her treatment. She needs to be in that nursing home; does she not?

A She has severe breathing problems.

Q Around-the-clock care?

A Yes.

Q Is there any movement afoot -- Maybe I can say that in a better way. Do you have any plans in the immediate future for her to move in with you?

A No.

Q Any plans for her to move back in her old house?

A No.

Q What's the status of her house?

A We had to sell with her in the nursing home.

Q So it's no longer available?

A No.

MR. JORDAN: I believe that's all I have for this witness.

MR. SPENCER: May I follow up on that?

CHAIRWOMAN HUMPHRIES: Yes.

REDIRECT EXAMINATION

BY MR. SPENCER:

Q Has a Court anywhere ever declared her to be incompetent?

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A Oh, no.

Q Is she on Medicaid?

A I think so but I'm not sure. That would be the nursing home that done all that. I've never applied for Medicaid for her, so I can't say for sure she is.

MR. SPENCER: Thank you. That's all I have.

CHAIRWOMAN HUMPHRIES: Thank you. Ms. Tiller, has your mother made any effort or request to move her voter status to another county?

THE WITNESS: No, not to me, no. No, she has no desire to do that.

CHAIRWOMAN HUMPHRIES: She has not expressed any desire to be able to vote --

THE WITNESS: No.

CHAIRWOMAN HUMPHRIES: -- in Darlington County and Hartsville?

THE WITNESS: No, she hasn't.

MEC MEMBER VANDENBERG: Just to clarify, the law for South Carolina voter registration is that you eat, breathe, sleep within 30 days of the election; is that correct?

MR. JORDAN: I'm sorry, repeat that for me.

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MEC MEMBER VANDENBERG: If you eat, breathe, sleep, everything, you actually reside at this address, within 30 days of the election?

MR. JORDAN: I don't know that you can boil it down that specifically. I think what the law tells you is you're to consider all relevant facts associated with where that person lays their head, essentially.

So again, the fact that she has resided and lived in that Darlington County nursing home for at least three years I think is strong evidence that she is. And here's the other question, because I definitely pick up on the question of her eligibility, but the real question is: She's just as eligible, if you take that standard, to vote in Darlington. Then you run the risk of her voting in two places. Again, when you take --

CHAIRWOMAN HUMPHRIES: No -- I'm sorry. I'll reply in just a minute.

MR. JORDAN: When you take the facts in total, she's lived in Darlington County, she's laid her head in Darlington County for the last three consecutive years. Not 30 days, not 60 days, not 90 days, but three years.

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CHAIRWOMAN HUMPHRIES: Just a comment based on what you just said. It's my understanding that if she registers in another county, that is automatically reported to the former county of registration and her name is removed.

MR. JORDAN: She would be eligible to do that, yes, ma'am.

CHAIRWOMAN HUMPHRIES: I'm saying, I mean she could not vote in two different places is what I'm saying.

MR. JORDAN: I'm not saying -- I'm saying she had the ability. If she called up Darlington County and said, I want to register to vote, they would register her to vote.

CHAIRWOMAN HUMPHRIES: And she would be taken off here.

MR. JORDAN: Correct.

CHAIRWOMAN HUMPHRIES: I just wanted to be clear on the fact. I don't know if anyone else understood it that way, but I got the impression that you were saying she could vote in two different places.

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: I didn't think that's what you meant but I wanted to clarify.

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Any other comments? Do you have any comments?

MEC MEMBER SULLIVAN: No.

CHAIRWOMAN HUMPHRIES: I do have -- I'm sorry.

MR. SPENCER: In the South Carolina election handbook there's a whole thing about residential care facilities, where your residency is. If you're on Medicaid, there's a federal law which says you have an intent to return home. I don't care if you've got dementia, I don't care if you've got Alzheimer's, I don't care if can't walk again, there's a presumption that you will return back home. And that's so people don't have to get rid of their home when they go to the nursing home. It's not counted as an asset against them. So they would have no reason to make the nursing home their residence. That would mess up their Medicaid.

She's got to keep that home. She can't get rid of it, she would come off Medicaid. So there's always a presumption, regardless of physical condition or how ridiculous we might think it is, yeah, she's coming back home, there's that legal presumption under federal law

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that her intent is to get out of that thing if she got better and go home.

It's not a home. Okay? You can go to a resort and get a new home. You can go to Florida or Hilton Head and get a new home in your retirement. This is a care facility. And the election handbook makes provision for it. This would change total law to say people in a nursing home don't reside. Because if she died, her estate is going to be probated right here in Chesterfield County. She's going to be a resident of Chesterfield County -- The probate judge is going to open her estate at her death, not Darlington County.

I do nursing home patients all the time. If they're up here in Cheraw and they're from Charleston, they go back down to Charleston to have their estate probated.

MR. JORDAN: May I address two brief issues? Number one, I do agree that her estate would be probated here because she owns property here. However, owning property --

MR. SPENCER: That's not the only reason.

MR. JORDAN: However, that's not the basis by which a voter is established as a domiciled

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resident under the law. Again, the witness clearly testified that she has no intention in the near team, in the immediate future, to come back home. And to go to some federal law which is clearly not 7-1-25, which is what she -- I would ask you to look at, clearly says it is the intent. But we clearly established her intent is not to be back here in the near term. She's lived there three years and there's no immediate plan to bring her back. I think the witness -- unless I misheard, I think her home is sold.

CHAIRWOMAN HUMPHRIES: Her house has sold.

MR. JORDAN: Her house was sold.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: I have a question for clarification. This is my own personal clarification. According to law that you stated, what happens with a person who is a student and attends school year-round out of State?

MR. JORDAN: I think it's up to that person, depending on where their intent is to be. If they intend -- if it's to come back home, then the intention to come back -- The

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reality is a school is not like a nursing home. You don't need the care to go to school. You don't need around-the-clock provision to go to school. You could argue, I guess, an out-of-control 18-year-old may need that around-the-clock care. But the reality is this individual is in a specific place because she needs around-the-clock care which as described can't be provided her at this time back home. So clearly she cannot have the intention --

MR. SPENCER: There's no medical evidence to that, Your Honor.

MR. JORDAN: I think her daughter is credible.

MR. SPENCER: She's not credible to give medical evidence.

CHAIRWOMAN HUMPHRIES: Gentlemen, I think we've heard enough. Thank you very much for your input. Lynn, thank you for your willingness to be here and you're excused.

THE WITNESS: Thank you.

CHAIRWOMAN HUMPHRIES: So the issue at hand, the question at hand, is whether we actually consider Ms. Geraldine Odom to be eligible to vote in McBee because she is

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currently housed at a nursing home in Hartsville, which is in Darlington County.

MR. JORDAN: Can I clarify that? Instead of housed, I would clarify my question to take it as domiciled, I think that's --

MR. SPENCER: No, that's not -- Domiciled is a legal term, Your Honor. Domiciled is -- It's a legal term.

CHAIRWOMAN HUMPHRIES: She has been admitted to; is that satisfactory?

MR. JORDAN: I think the question at hand that you have to decide is where is she domiciled. That's ultimately -- When I was asking for clarification for the record, that's what you're considering. Not where she's housed or not where she has property, but where she is, in fact, technically domiciled. I think that's the technical question that has to be answered by you.

CHAIRWOMAN HUMPHRIES: I put Ms. Sullivan on the hot seat first every time. Based on what we've heard, do you think that we should accept or reject Ms. Geraldine Odom's ballot?

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: You said reject.

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Ms. Sullivan?

MEC MEMBER SULLIVAN: I'm going to say reject.

CHAIRWOMAN HUMPHRIES: You're going to say reject?

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Okay.

MR. SPENCER: May I ask what the reasoning is? Is there going to be a reason put in the record? Is it merely because she's in a nursing home? I would like that clarified. Got a court reporter right here, I'd like it clarified. Is it because she's in a nursing home that you rejected it?

MEC MEMBER VANDENBERG: The issue is residency. She is not presently here in this county at this time during this election.

MR. JORDAN: May I be heard briefly on the issue? I think the only question is -- for y'all to consider, is, under the sum total of the facts presented to you, you determined that her domicile does not meet the necessary requirement for her to be a voter under the law. I think that's the only question. Because I think, again, clearly it's the summary of the

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facts that determines -- Based on a summary of the facts.

CHAIRWOMAN HUMPHRIES: Does that sum up the way that she's no longer --

MEC MEMBER SULLIVAN: She's not in McBee. I just don't think she lives here at the moment in order to vote in this election.

CHAIRWOMAN HUMPHRIES: So you don't consider her residence to be here in McBee at this point in time?

MEC MEMBER SULLIVAN: Yes, correct.

CHAIRWOMAN HUMPHRIES: Is that what you wanted them to say?

MR. SPENCER: I wanted them to say because the only evidence you got is she's in a nursing home.

MR. JORDAN: I object to that. That's not the only evidence.

MR. SPENCER: What evidence do you have? We got her address as East Juniper Street. Her mail is Juniper Street. Her car registration is Juniper Street. She's violating the law. She can't register her car here if she lives down there.

MR. JORDAN: The summary of the facts that

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have been presented in the case --

MR. SPENCER: The lady is not here.

MR. JORDAN: -- indicates she's domiciled in Darlington County.

MR. SPENCER: Only she can testify to her domicile.

MR. JORDAN: Then why did you call a witness?

MR. SPENCER: Because can't get here.

CHAIRWOMAN HUMPHRIES: All right. Gentlemen, it's obvious that this is not going to be rectified at this point in time. So we're going to -- we have a vote of the Commission to reject this ballot. If you would like to pursue it farther, then go through the proper channel at that time.

MR. ODOM: One question.

CHAIRWOMAN HUMPHRIES: Yes, sir.

MR. ODOM: We would like for the Chairman also to vote on the -- All three need to vote on the decision.

CHAIRWOMAN HUMPHRIES: Well, actually my vote was to accept. And if you would like my reasoning...

MR. JORDAN: Well, I believe the first time

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it was to reject it.

CHAIRWOMAN HUMPHRIES: No, I did not say. I did not vote. I did not say anything. I had two votes to reject. Two to one. What I said was the decision of the Commission was to reject. Okay?

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Does anybody want my reason for accepting? Do you want any reason for accepting or do you care?

MR. ODOM: I do, Madam Chair.

CHAIRWOMAN HUMPHRIES: My reason is that I have known people that are in the nursing home. And I don't think that just because we don't have a nursing home in McBee that they give up their right to vote and give their input into political elections. I mean, I don't care who it is, what their political preference is. I just think that because they're ill enough that they have to be taken care of in a nursing, that they would not be able to -- that they're not aware of the facts and can't vote in an election. So that was my reasoning for accepting. But we voted two to one to reject; so therefore, this goes in the --

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MR. ODOM: Madam Chair, can you call the Sullivans next? Her brother has called. He's sick. So Ms. Sullivan voted provisional. And her friend, they're here. So could they come because she's got to go check on a sick brother.

CHAIRWOMAN HUMPHRIES: Mr. Jordan?

MR. JORDAN: No objection. Was that an in-person?

CHAIRWOMAN HUMPHRIES: It was in-person.

MR. JORDAN: So I didn't make that objection.

CHAIRWOMAN HUMPHRIES: I just wanted to make sure.

MR. JORDAN: Never interfere with --

CHAIRWOMAN HUMPHRIES: Shirley Sullivan.

MR. JORDAN: Can you tell me who issued that objection?

CHAIRWOMAN HUMPHRIES: Lacy Price. And it says, not in area, needs to provide proof of residence. Lacy was one of the poll managers, I'm pretty sure.

MR. JORDAN: All right.

CHAIRWOMAN HUMPHRIES: I don't have a list in front of me, but I'm fairly certain. And I do have some information on that myself because

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I thought this was going to arise. Since I don't -- I'm looking at faces and I know Mr. Odom asked if we could go ahead and do that. I don't if they have any input really, but I do.

MR. DRIGGERS: Is the challenger here?

CHAIRWOMAN HUMPHRIES: Lacy Price is not here. She was a -- She's not here, is she?

UNIDENTIFIED SPEAKER: No.

CHAIRWOMAN HUMPHRIES: Ms. Sullivan does not appear on the voter registration list for McBee because there has been some confusion as to the location of her home in reference to the town limits. So she was given a provisional ballot because she wasn't on the list somehow. Okay?

But according to -- According to the minutes of the Council, and I'm looking for the date on this, she was drawn out of town by the map. It was indicated that she was out of town, but they are actually within the town limits. And I'm looking -- I just got this right at the beginning of the meeting, so I'm having to try to -- According to the Town Council, they were -- they voted to include her in the town limits and she was approved to be a resident.

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I know I'm sounding like I don't know what I'm talking about, but I'm just scanning the document trying to find the date. But that's the explanation. And the challenger is not here. And I'm sure that was why she challenged, but I do have documentation here. And Chesterfield County office has requested an official letter from McBee verifying that they can add her to the voter registration list. So her name is on there but she --

MR. SPENCER: And that would include Frank Johnson. They reside at the same place. He was challenged for the same reason.

CHAIRWOMAN HUMPHRIES: Frank Johnson?

MR. ODOM: He lives there with her.

CHAIRWOMAN HUMPHRIES: Frank Johnson is not in the provisionals.

MR. ODOM: Both of them voted provisionally.

CHAIRWOMAN HUMPHRIES: We don't have a Johnson in -- We'll take this one at a time. Ms. Shirley Sullivan, the challenger is not here. I understand that Lacy Price is not here. So since the challenger did not appear, then we will vote to accept or reject it.

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MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept. So the Commission accepts this ballot since there is no challenger here.

You're Frank Johnson?

MR. JOHNSON: Yes.

CHAIRWOMAN HUMPHRIES: You did not use a voting machine; you voted one of these?

MR. JOHNSON: Yes, ma'am. Did the same thing she did. Put it in the box right behind hers.

CHAIRWOMAN HUMPHRIES: We can't -- That would be a question for the County. I do not have a ballot here for Mr. Johnson at all.

So is there anyone else out there that has to go somewhere?

MR. ODOM: I don't think so.

CHAIRWOMAN HUMPHRIES: Well, let's move on and finish with these absentee ballots. Ms. Sullivan, by the way, we accepted your ballet. Thank you. I'll have to inquire of Chesterfield about Mr. Johnson.

MR. JOHNSON: Thank you.

MR. JORDAN: Madam Chair, could we sort of

summarize what just took place for purposes of the record with Mr. Johnson?

CHAIRWOMAN HUMPHRIES: Sure. I will.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: The ballot for Ms. Shirley Sullivan was accepted due to the lack of challenger appearing.

Mr. Frank Johnson also stated that he voted provisional ballot, but it is not included in the provisional ballots supplied to us at the in-person voting. So that will be turned over to or referred to the County Election Commission.

And right now we're going to consider Mr. Christopher Deason. The challenge was for residency, correct?

MR. JORDAN: That's correct.

CHAIRWOMAN HUMPHRIES: Would you like to make a statement at this time?

MR. JORDAN: Is Mr. Deason present?

CHAIRWOMAN HUMPHRIES: He was earlier.

UNIDENTIFIED SPEAKER: He's still out there.

MR. JORDAN: Do you have a copy of his -- Can you verify, for my purposes, what his

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address is on the envelope?

MEC MEMBER SULLIVAN: 221 North 8th Street.

MR. JORDAN: Could you repeat that for me?

MEC MEMBER SULLIVAN: 221 North 8th Street. On the front of it, it says 36 West Oak Avenue.

MR. JORDAN: I guess for purposes of speeding up a little bit, if I could just call Mr. Deason and ask him some questions, that might speed it up.

CHAIRWOMAN HUMPHRIES: That will be fine.

MR. JORDAN: If he's present and will answer questions.

CHAIRWOMAN HUMPHRIES: That was the witness' address.

MEC MEMBER SULLIVAN: 36 West Oak Street.

MR. JORDAN: Can I get some clarification from the experts here. When I'm looking at the absentee ballots voter detail, these dates up here indicate what? That there was a request for a ballot? Very top, those dates. That's simply when they requested a ballot, correct?

(Reporter's Note: The response was not audible to the reporter.)

CHAIRWOMAN HUMPHRIES: Mr. Christopher Deason has been called as a witness and he will

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now be sworn in.

MR. JORDAN: I'll stipulate he was previously sworn.

CHAIRWOMAN HUMPHRIES: Mr. Jordan.

CHRISTOPHER DEASON,

having been previously sworn, was recalled as a witness, and testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q Mr. Deason, this is going to be very easy. You're a Gamecock fan, I'm a Gamecock fan, so it's going to be quick and easy. You testified earlier your address, I believe, was 36 --

A West Oak Avenue.

Q How long have you lived there?

A I mean my family has owned that address forever. I've been there five months at this particular time.

Q When you say you've been there, that's where you -- that's where you sleep?

A That's where I sleep, that's where my meal goes, that where I live, my kids live. That's where I live.

Q Gotcha. You've never resided at 307 South 5th Street in McBee?

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A I've stayed at numerous places in McBee, but that address is still in the town limits.

Q I understand. I'm trying to get an answer to why the Chesterfield County Election Commission has you at one place and you're at the other and if you're qualified to vote at either one.

A Yes, sir.

Q So you did, in fact, at one previous time perhaps reside there but you don't today?

A Yes, sir.

Q You did testify you lived at 36 West Oak Street?

A Yes.

MR. JORDAN: No further questions. It appears, based on what counsel has showed me, that he does meet the qualification for residency, so we withdraw the challenge as to Mr. Deason.

CHAIRWOMAN HUMPHRIES: The challenge for Christopher Deason has been withdrawn. Therefore, it's accepted. And now we have --

MR. SPENCER: Does that include his wife, too, Jennifer Deason?

MR. DRIGGERS: One at a time.

CHAIRWOMAN HUMPHRIES: Is he going to be a

witness for her?

MR. SPENCER: She's at work; she's not here.

CHAIRWOMAN HUMPHRIES: Can you just remain there and be sworn in. We'll now consider the ballot for Jennifer Deason. Jennifer Deason. Do you want to examine him?

MR. JORDAN: We'll withdraw the challenge for Ms. Deason as well.

CHAIRWOMAN HUMPHRIES: The challenge for Ms. Jennifer Deason has been withdrawn; therefore, her ballot will be accepted. You are excused.

THE WITNESS: Thank y'all.

CHAIRWOMAN HUMPHRIES: Let's go ahead and do the provisional ballots for in-person. We'll do the provisional ballots for in-person voting. Our first provisional ballot does not have a challenger listed. So, therefore, we have no option but to accept that one since there is no challenger.

MR. SPENCER: Name?

CHAIRWOMAN HUMPHRIES: Name is Jennifer Carraway. Jennifer Carraway. There's no challenger.

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UNIDENTIFIED SPEAKER: Nobody challenged her that I know of that day.

MR. JORDAN: I was just going to get clarification as to how it came to the Commission if there's not a challenger.

CHAIRWOMAN HUMPHRIES: It says it's a fail safe ballot, so...

MR. ODOM: Is she on the voter registration roll?

UNIDENTIFIED SPEAKER: Can we get the address?

CHAIRWOMAN HUMPHRIES: Pardon me?

UNIDENTIFIED SPEAKER: The address.

CHAIRWOMAN HUMPHRIES: 41 West Cypress. 41 West Cypress, McBee. But the street that she is registered under is in Hartsville.

MR. ODOM: She's not on the town voter registration list.

MR. JORDAN: Madam Chair, may I be heard? So 30 minutes ago I was told, and I'm not trying to rehash that, but if I didn't have -- if I couldn't solidify my objection, then the objection wasn't essentially ripe to be heard. So I think your first inclination was absolutely correct. If the challenger is not here, then

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there is no challenge essentially.

CHAIRWOMAN HUMPHRIES: That's what I have been told. The challenger has to appear.

MR. JORDAN: I mean, I made a challenge for residency and it was deemed an improper challenge. It couldn't even be heard and I was here. So if that challenger isn't even here, I don't think it can be anything but counted.

MR. DRIGGERS: If they want to take it up, you know, after the fact...

CHAIRWOMAN HUMPHRIES: I think we're going to have to go the way of these that were rejected. If you want to discuss this one later, make a note and bring it up later in appeal. But I don't have a challenger on here.

UNIDENTIFIED SPEAKER: We didn't challenge.

MR. DRIGGERS: There's no challenger.

CHAIRWOMAN HUMPHRIES: I actually have no choice, but... This next ballot is Robert M. Horton. And the challenge was by Lacy Price who is with the -- who was with the staff, I think, polling staff. And it says, does not live in town. Lacy Price is a member of the polling staff and she's not here.

(Off-the-record discussion among the

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Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Ms. Lacy Price was the challenger and she is not here.

UNIDENTIFIED SPEAKER: Ms. Humphries, that is Mike Horton, and he lives in town.

MR. JORDAN: Again, if she's not here, the challenge is dismissed.

CHAIRWOMAN HUMPHRIES: She just had that he didn't live in town.

UNIDENTIFIED SPEAKER: On 3rd Street?

UNIDENTIFIED SPEAKER: Cindy (inaudible) checked it on her map. I don't know what kind of app it was, but she showed me he lives in McBee.

CHAIRWOMAN HUMPHRIES: We don't have any concrete evidence one way or the other. Since the challenger is not here, do you move to accept?

MEC MEMBER SULLIVAN: Accept.

CHAIRWOMAN HUMPHRIES: Well, we don't have to do that if it's not challenged. Thomas Dewey Kelly. Challenger, Blanche Gardner. Address, out of town limits. I know Ms. Gardner is here.

MR. JORDAN: Could you repeat the name?

CHAIRWOMAN HUMPHRIES: Thomas Dewey Kelly,

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K-E-L-L-Y.

MR. JORDAN: Is there an address on that?

CHAIRWOMAN HUMPHRIES: The address is 450 North 5th Street.

Blanche, come up, please. Ms. Blanche Gardner will be -- has been called as a witness. Do we have questions for Ms. Gardner? She challenged based on address out of town limits. Do y'all need to examine?

MR. SPENCER: I've got a copy of his driver's license and some bills.

CHAIRWOMAN HUMPHRIES: Blanche, you challenged his address as out of town limits. I've got 450 North 5th Street.

MS. GARDNER: Yeah, because Rhonda Booty Pate, he lives down past her, and that is outside town limits.

MR. KELLY: I do not live past her. I live before her.

MS. GARDNER: Before her, then. Whichever. I just spoke with her before I came here. She did an affidavit the last time, the election, a signed affidavit, that that was outside the town limits. I don't know what happened to it then, but she -- she did a signed affidavit and she

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said she could do that again if it's needed.

CHAIRWOMAN HUMPHRIES: So this -- this North 5th Street, is that, as far as you know, the correct address?

MS. GARDNER: Yeah. Yeah.

CHAIRWOMAN HUMPHRIES: Do you have any questions at all? Anybody?

MR. JORDAN: I can ask some questions.

CHAIRWOMAN HUMPHRIES: If you have something.

MR. JORDAN: Yes, ma'am.

BLANCHE GARDNER,

having been recalled as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q 450 North 5th Street, is that in the town limits or outside the town limits?

A It's outside the town limits.

Q That's outside the town limits. And you know that based on your lifelong living here?

A Yes.

Q I think you worked at the Water Department?

A I worked for the Town.

Q For?

A Six years.

Q So that's the basis for your opinion?

A Well, the girl, Booty, lived in that mobile home, I think, before her father passed away and then she moved into his house. But I just spoke with her before I came here.

Q Thank you.

A She said that was correct.

MR. JORDAN: Sounds like we agree on where he lives. It's just a question of whether it's in town or out of town.

MR. SPENCER: He's on the voter registration books. The County recognizes him as being in the town limits. His driver's license and his bill shows at that address that you have, and that's the same thing voter registration has.

CHAIRWOMAN HUMPHRIES: So he was not turned aside for the -- for not being on the list. Do y'all have any more questions for Ms. Gardner?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: Blanche, you're excused. Mr. Kelly, would you come up please.

THOMAS DEWEY KELLY,

being first duly sworn, testified as follows:

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EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Mr. Kelly, can you verify your address, please?

A Yes, ma'am. 450 North 5th Street, McBee.

Q 450 North 5th Street. To your knowledge are you within the town limits of McBee?

A Yes, ma'am, I am.

Q Do you have town water?

A Yes, ma'am.

Q You do have town water.

A Uh-huh.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MR. SPENCER: No, ma'am.

MS. GARDNER: You don't have to live in town limits to have water.

CHAIRWOMAN HUMPHRIES: That was just an indicator for me. I just wanted to find out. Mr. Jordan, do you have any questions?

DIRECT EXAMINATION

BY MR. JORDAN:

Q Did you bring a copy of a tax bill, by chance, with you?

A No. All that is escrowed in. But I done a

pin drop the other day, I'm in the city limits. SLED investigated four years ago, last election. Even SLED come to them and told them, he's in the city limits. You can sit in my living room and do a pin drop and catch the city limits. Half my land is in the city limits and part of it is not.

Q When you talk about your land, how many acres are you talking about?

A I have bought two and a half, but it's still in Ms. Rhonda Pate's name because she hadn't put it in my name, yet. But I've got a receipt saying where the land in paid for in full.

Q So you purchased some land, some of which in the city limits, some of which is not?

A Correct.

Q The dwelling, where is that, on which part of the land? If I'm going towards your house, is it on the front part or the back part?

A Well, it's -- If I'm sitting in my living room, you can go to Google Maps and Google it and drop a pin, me sitting in the living room, I am in the city limits. My trailer part is in the city limits. Just a very small portion of it ain't.

Q So a portion of the neighborhood you live is in the limits and a portion is out?

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A Correct.

Q And you're testifying that the portion you're in is in?

A In the city limits.

Q But you didn't bring a tax bill or anything like that to corroborate. You have a water bill; is that right?

A Yeah.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: Any other questions for Mr. Holly?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: Dewey, you're excused. Following the guidelines I was given, if -- and you have the voter registration list there, do you not, Mr. Jordan?

MR. JORDAN: We don't have it.

CHAIRWOMAN HUMPHRIES: Both of you?

MR. SPENCER: We have a copy.

CHAIRWOMAN HUMPHRIES: Is he on the McBee voter registration list?

MR. SPENCER: Yes, ma'am.

MR. JORDAN: I don't know the answer. I have an absentee list, but I don't have --

CHAIRWOMAN HUMPHRIES: You have the

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absentee list?

MR. JORDAN: Correct. That was what I showed you earlier.

CHAIRWOMAN HUMPHRIES: That's what -- This is what this is from, this voters registration list? Mr. Jordan, would you like to look at this?

MR. JORDAN: Yes.

CHAIRWOMAN HUMPHRIES: It is my understanding that when the County office has -- they check the voter registration list, if his address is on there, they have looked at the map and have ascertained that he is -- that the address is within the town limits, if it's on the voter registration list, because we don't have a town map to look every address up. So that's what we have to go by. So...

MR. JORDAN: Your Honor, I'll admit I'm confused if he lives in or out at this point. So I'm not -- I think evidence has been submitted.

CHAIRWOMAN HUMPHRIES: Well, what I think his understanding is, is that the majority of the mobile home that he lives in is in the town limits. It's just his property is split in and

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out, I think. And maybe just a portion of the mobile home is outside of the town limits. But if he's on -- if that address is on this printout, and this is the voter registration list, then I think we have no option except to accept that he is within town limits. But we will certainly have a vote on that.

MEC MEMBER SULLIVAN: I accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: I vote to accept based on what we know.

MR. SPENCER: May I get the list back?

CHAIRWOMAN HUMPHRIES: Oh, I'm sorry, here. Terry Peterson. And the challenger -- lives at 280 --

MS. STOUDEMIRE: That was mine and we withdraw it.

CHAIRWOMAN HUMPHRIES: I was trying to read the address. Terry Peterson, and the challenger is Gail Stoudemire.

MR. JORDAN: Basis for the challenge?

CHAIRWOMAN HUMPHRIES: The basis for the challenge is incorrect county, precinct, or district. In other words, not registered.

MR. DRIGGERS: She withdrew.

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CHAIRWOMAN HUMPHRIES: Did you with withdraw?

MS. STOUDEMIRE: Yes.

MR. SPENCER: She withdrew her objection or challenge.

CHAIRWOMAN HUMPHRIES: The challenge is withdrawn. The challenge has been withdrawn for Terry Peterson, so we will accept his ballot.

The next one that I have here is Jerry Sullivan. And let me explain that, first of all, we're going to lay this to the side. It's neither accepted nor rejected. It's not even considered because Mr. Sullivan had completed the voting process and had already voted on the voting machine before the challenge was issued, is my understanding.

MS. GARDNER: Could I say something?

CHAIRWOMAN HUMPHRIES: Ms. Gardner, yes, ma'am.

MS. GARDNER: I'm the one that challenged that, but I was told it was someone else, and we couldn't identify this person with his mask on. And I apologized to him later that I challenged him by mistake. And I tried to withdraw it, but she said it had already gone in, and I couldn't

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do it at that time.

MR. DRIGGERS: Is she listed as the challenger?

CHAIRWOMAN HUMPHRIES: Blanche is listed as the challenger. We can't have two votes from a person. Since he had completed the voting process, they actually shouldn't have let you, is my understanding --

MEC MEMBER SULLIVAN: He voted on the machine before --

CHAIRWOMAN HUMPHRIES: He had completed the voting process before the challenge was issued.

MR. JORDAN: So it's already been counted?

CHAIRWOMAN HUMPHRIES: It's already been counted.

MEC MEMBER SULLIVAN: And he's my husband.

CHAIRWOMAN HUMPHRIES: For the record, Mr. Sullivan had completed the in-person voting process and had already submitted his ballot on the voting machine and scanner. So that vote is a matter of record already. So the provisional ballot is not valid.

MR. ODOM: How do we know that?

MS. GARDNER: I don't know that he actually voted. He didn't put it in that machine. He

never went over there to do that because I stopped him and had them -- I filled the paperwork. They were in here to challenge somebody else. There were two in here at the same time being challenged.

MEC MEMBER SULLIVAN: So you're saying it never went into the --

UNIDENTIFIED SPEAKER: They took his ballot before he could put it in the machine.

CHAIRWOMAN HUMPHRIES: Jerry said he had completed the process.

UNIDENTIFIED SPEAKER: He went to the first machine.

MR. DRIGGERS: We need to get all this on the record.

MS. GARDNER: I don't think he ever --

BLANCHE GARDNER,

having been recalled as a witness, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Ms. Gardner, Mr. Jerry Sullivan, there was a challenge for Mr. Jerry Sullivan.

A Yes.

Q Can you tell me what he had -- what the

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situation was? Can you do the sequence of events when he was challenged?

A I was told outside that this guy coming in was not -- didn't live here; he lived somewhere else. Angelus or somewhere. They had mistaken him for someone else.

So I came in and told them that I wanted to challenge this guy's vote. And he was over here, but now he did not go through the process of putting that ballot in that machine over here to certify it or whatever you do. And so she stopped him. She said, sir, she wants to challenge your vote. And so he went over there and he looked so funny.

Then I recognized that it was Jerry. And I told her, after he started filling out that stuff, and I had filled out my part, that it was Jerry. So I told her that I didn't want to challenge it. She said it's too late now, that I had already went through that process and I would have to go ahead with it. I don't know why she said that, but she did tell me that. So he filled out the thing, his part, and turned it in.

Q So you're saying that you tried to stop the challenge but...

A I tried to stop the challenge. Gail and

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them was in here, too, because they said -- we were kind of confused as to what was going on.

Q But they wouldn't let you stop the challenge once it had already started?

A She would not let me stop the challenge because I had already started the process.

Q To your knowledge, he did not actually complete the scanning of the paper --

A No.

Q -- printout?

A No, he didn't. He did not vote.

Q He didn't complete --

A He didn't complete it. That's what he didn't do. He didn't complete that process.

Q So he did not -- so he wouldn't have it in his hand if he had completed the process? It takes it, right?

A Right, it takes it. He didn't go through that process.

MR. JORDAN: May I ask, so the original understanding was that he had voted, completed the voting process. What was the basis for that understanding that he had completed the voting?

CHAIRWOMAN HUMPHRIES: That he had told his wife that he had finished.

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MR. JORDAN: So he talked to you?

THE WITNESS: He thought he was through.

CHAIRWOMAN HUMPHRIES: He thought he was finished, but apparently they caught him before he actually put the --

MS. GARDNER: Put that thing in that scanner, yeah.

CHAIRWOMAN HUMPHRIES: All right. Do y'all have any questions for Blanche, Ms. Gardner?

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: Blanche, you're excused. Gail, would you just verify, please.

GAIL STOUDEMIRE,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Would you relate the facts as you see them from the question of Mr. Sullivan?

A Just as Ms. Blanche said. She tried to withdraw when she realized -- he pulled his mask down and she recognized him. He had gone to the first machine, had marked his ballot at that point in time. And that's when she protested. And Ms. Lacy took it and said, you've already protested, there's nothing we can do, we'll put it in the envelope.

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But to my knowledge, you wouldn't have anything in that envelope if he had already voted because that machine takes what's inside that envelope in the second machine they feed it into.

Q Yes, it does, it keeps the paper copy.

A It keeps that, yes. So the fact that you've got that in there shows that he not feed it -- she did not let him feed it into the machine.

Q Anything else that you need to add?

A No.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am.

We have verification by sworn witnesses that Mr. Sullivan did not complete the voting process on the night of the election, the day of the election. So therefore, his provisional ballot is here. Blanche, Ms. Gardner, do you still want to challenge this ballot?

MS. GARDNER: No.

CHAIRWOMAN HUMPHRIES: So, are you withdrawing your challenge?

MS. GARDNER: Yes.

CHAIRWOMAN HUMPHRIES: So the challenge to Mr. Sullivan's ballot has been withdrawn and, therefore, it will be accepted.

UNIDENTIFIED SPEAKER: I have a question.

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Why was he trying to vote the second time? What was the reason?

MS. GARDNER: He didn't try to vote a second time.

MEC MEMBER SULLIVAN: He only voted once. They took his ballot.

MS. GARDNER: He only voted once. At that point I came in, he had already started that process, but he did not put it in the scanner.

UNIDENTIFIED SPEAKER: But he had put it in the scanner. When did his vote actually go in?

MR. JORDAN: It did not.

MS. GARDNER: No, it didn't go in.

MR. JORDAN: It wouldn't be in that envelope.

CHAIRWOMAN HUMPHRIES: We're going to continue with this next provisional ballot. We have a Dmitri, and it looks to us as -- Is it L-O-L-L; is that correct?

MR. SPENCER: That's right.

MR. JORDAN: That is correct.

CHAIRWOMAN HUMPHRIES: And we have a challenge from Nicole Teal. Incorrect county, precinct, district. The address is 462 West Oak Avenue.

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NICOLE TEAL,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Ms. Teal, what is your challenge based on?

A The concern was when I was coming in, I saw them pull up in a car with a Colorado license plate. And I've lived in McBee pretty much all my life and I had never seen them in my life. So that was my concern. So considering that, I challenged.

Q Is he on the -- From the voter registration list we have a Dmitri Loll at 462 West Oak Avenue that actually matches the information that was provided on the provisional ballot envelope. And do you have any other substantiating material?

A No, ma'am.

CHAIRWOMAN HUMPHRIES: All right. You're excused.

THE WITNESS: Thank you.

CHAIRWOMAN HUMPHRIES: Any other comments? Did you wish to --

MR. JORDAN: No, ma'am.

MR. SPENCER: They are present outside and have got their driver's license photo and other identifying information if there's any question

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that y'all have.

CHAIRWOMAN HUMPHRIES: So are they outside? Just have them, for the record, come in. We'll swear them in and have them attest to their address.

DMITRI LOLL,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Would you pronounce your last name for me?

A Loll, L-O-L-L.

Q Loll?

A Yes.

Q I just want to pronounce it correctly, thank you. Mr. Loll, can you verify your residence address, please, for me.

A 462 West Oak Avenue.

Q 462 West Oak Avenue, okay. And you registered with voters registration for our county, correct?

A Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MR. JORDAN: I do have just a few questions.

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DIRECT EXAMINATION

BY MR. JORDAN:

Q How long have you lived in McBee?

A Close to six months now.

Q And you said you registered with the voter registration. How did you go about doing that?

A I think it was with a card. I got a card in the mail.

Q Where did you get the application?

A DMV.

Q For voter registration?

A I think it was there.

Q Tell me the process by which you requested an absentee ballot, please?

A I didn't request one.

Q You didn't request one?

A Whenever I went to --

CHAIRWOMAN HUMPHRIES: This is an in-person.

MR. JORDAN: Oh, this is provisional.

BY MR. JORDAN:

Q So you voted in-person, sorry. How long have you lived at that address you described?

A About six months.

Q Where did you live previously?

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A Colorado.

Q And do you have any property in your name here? Car, anything like that?

A No.

MR. JORDAN: No further questions.

MR. SPENCER: I have no questions.

CHAIRWOMAN HUMPHRIES: You have none. Anyone else? Mr. Loll, you're excused. Thank you very much.

Based on the information that's been provided, we'll vote on the acceptance or rejection of this ballot. Any other comments from the attorneys?

MEC MEMBER SULLIVAN: I accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

Erik Tubbin. Hold just one second. We'll hear from the challenger first. Be patient with me. Ms. Teal challenge.

MS. TEAL: We'll throw it out.

CHAIRWOMAN HUMPHRIES: You're going to withdraw the challenge?

MS. TEAL: Uh-huh.

CHAIRWOMAN HUMPHRIES: Okay. Mr. Erik Tubbin of 462 West Oak Avenue, the objection --

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the challenge has been withdrawn by Ms. Teal, so we will accept his ballot.

Angela Pond. Angela Pond. And this is another -- this was another challenge by one of the poll managers. Says it's not in the book of Town of McBee, didn't change address 30 days before election on the registration. Angela Pond. I've got 737 South 9th Street. The challenger, is she not here?

MR. JORDAN: If there's no challenger, there's nothing to consider.

CHAIRWOMAN HUMPHRIES: Then that's accepted. I don't know what -- okay. Those are all of the provisional ballots that we have at this point. Now, we will have to check on Mr. Frank Johnson because he voted -- he said he voted provisional ballot and we do not have it here. So I'll have to turn that over to the County Election Commission.

MR. ODOM: Recommendation to note, look on the voter's sign-in. He said he signed in with Shirley Sullivan. So that will say he signed in. I don't know because the ballot is not there, but that's just for the record. He signed the voter roll is what he told me.

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CHAIRWOMAN HUMPHRIES: I think that would be something for them to investigate because, I mean, I just don't have a ballot, so I can't do anything with it.

MR. ODOM: Let's see if it affects the election.

CHAIRWOMAN HUMPHRIES: Those are all of the provisional ballots we have, all of the challenges from the absentees. And we do have several ballots that we needed to -- absentee ballots that we needed to examine based on the voter oath that was signed. There may be some problems with the voter oath that were signed and we'll determine that at this point.

Is there anybody that -- I don't think this will concern challengers or whatever, so if they're here -- I mean if the -- I don't know that we need to have a lot of -- People that need to go anywhere, they can.

I actually talked to Mr. Thurmond at the County office about this situation and he told me what to examine for to see if it was counted or not. For instance, here is one that has only the signature of the voter, there's no date, there's no signature of witness or anything, so

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we cannot count it.

UNIDENTIFIED SPEAKER: Do you announce who the voter is?

CHAIRWOMAN HUMPHRIES: Okay. This was Patricia Vega. And there was no witness signature or anything on the voter oath and that is one of the requirements.

This says Shayna McDonald, and there is no -- well, hold on.

MEC MEMBER VANDENBERG: It's missing an address.

CHAIRWOMAN HUMPHRIES: Address is not there.

MR. DRIGGERS: It's required.

CHAIRWOMAN HUMPHRIES: There is no address for the witness, and that's one of the requirements.

In case -- I don't know if y'all have examined the -- you may have examined the way they actually send these out. They actually have highlighted the areas that they're supposed to complete.

This is Patricia Harris, Patricia Harris, and there is no witness signature nor address.

MR. DRIGGERS: I think you probably should

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vote on all those.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Elizabeth Murphy, she -- her own signature is omitted.

I have one here that was questionable but I have -- I got -- I received advisement on this matter. And this one is missing the date of a signature. And I was advised that that should be accepted, not rejected. It has the voter's signature, the witness's signature, the witness's address. Everything except the date of the signature. And I was advised that we should --

UNIDENTIFIED SPEAKER: What's the name? What's the name?

CHAIRWOMAN HUMPHRIES: Kevin J. Johnson.

Alfred Jones, Jr. And there is no witness signature nor address for the witness.

This is Bryson Ponds, and there is no address given for the witness, so we cannot accept that one.

UNIDENTIFIED SPEAKER: Kevin just called. Mr. Frank had put it in the blue box instead of the box it should have been put in. He's just

found it. He's getting a deputy to bring it down here. He said you will have to continue the meeting until he can get here with it.

CHAIRWOMAN HUMPHRIES: He's bringing the ballot?

UNIDENTIFIED SPEAKER: Yes, the provisional for Mr. Johnson.

CHAIRWOMAN HUMPHRIES: Frank Johnson?

UNIDENTIFIED SPEAKER: Yes. It had been put in a blue box. Anyway, Kevin is on his way.

CHAIRWOMAN HUMPHRIES: This was a ballot for Linnie Wright. The only thing missing is the date. So we will -- oh, well, yeah --

MR. ODOM: The name again?

CHAIRWOMAN HUMPHRIES: Linnie Wright, L-I-N-N-I-E.

We'll move to accept or reject in a minute. We're going to vote on these; we're just evaluating right now.

This is one that we don't have to consider. I just wanted to be transparent. This one is for Jalisa White. It was returned to sender, no mail receptacle, unable to forward, and was returned to Chesterfield County Voter Registration Office. So apparently the

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individual never received it and it was returned to the Chesterfield office and they sent it in with everything else. But it hasn't been filled out at all.

MR. JORDAN: Madam Chair, Linnie Wright, what was the situation with that ballot?

CHAIRWOMAN HUMPHRIES: It didn't have a date.

MR. JORDAN: Thank you. So it's going to be counted?

MR. SPENCER: Yes.

CHAIRWOMAN HUMPHRIES: Well, we're going to vote on that but it should be. We're going to vote, first of all, these two that we've accepted -- well, that look acceptable. Accept or reject Kevin Johnson, no date?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

Linnie Wright, no date. Accept or reject?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

I'm going to call out this group that had the incomplete voter oath. We have Shayna

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McDonald, Patricia Harris, Elizabeth Murphy, Alfred Jones, Bryson Ponds, and Patricia Vega. Accept or reject, Ms. Sullivan?

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: Reject based on incomplete voter oath.

Is there any other consideration before we open the ballot and count them? Does anyone else have any consideration of anything to consider here before we open these ballots and count them?

Why don't we take like a -- I know it's been -- Let's take a 10-minute break, go the bathroom, get water, whatever, while we try to wait for Mr. Johnson because we do not want his vote appearing here and being the only one we open. We want to maintain confidentiality if we can.

(A break was taken at 2:23 p.m.

Proceedings resumed at 3:21 p.m.)

CHAIRWOMAN HUMPHRIES: The concerned parties and the Commission have decided that we are going to proceed with the meeting and start with opening and tallying the ballots that we

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have accepted for today. So we'll do that at this time.

Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Odom and Linton. Odom, Liles, Linton. Odom, Liles, Linton. Short, Dixon, Sutton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles, Linton.

UNIDENTIFIED SPEAKERS: Tally.

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CHAIRWOMAN HUMPHRIES: Odom, Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton. Odom, Liles, Linton. Short, Dixon, Sutton. Short, Dixon, Sutton. Odom, Liles, Linton.

No choice for mayor, Dixon, Sutton. Short, Dixon.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Sutton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: You got your totals from today?

MEC MEMBER VANDENBERG: Yes.

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Short?

MEC MEMBER SULLIVAN: Four.

MEC MEMBER VANDENBERG: Four.

CHAIRWOMAN HUMPHRIES: Odom?

MEC MEMBER SULLIVAN: Eighteen.

MEC MEMBER VANDENBERG: Eighteen.

CHAIRWOMAN HUMPHRIES: Dixon?

MEC MEMBER SULLIVAN: Five.

MEC MEMBER VANDENBERG: Five.

CHAIRWOMAN HUMPHRIES: Liles?

MEC MEMBER SULLIVAN: Seventeen.

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MEC MEMBER VANDENBERG: Seventeen.

CHAIRWOMAN HUMPHRIES: Linton?

MEC MEMBER SULLIVAN: Eighteen.

MEC MEMBER VANDENBERG: Eighteen.

CHAIRWOMAN HUMPHRIES: Sutton?

MEC MEMBER SULLIVAN: Five.

MEC MEMBER VANDENBERG: Five.

CHAIRWOMAN HUMPHRIES: Okay. We do have the totals from Tuesday night and including the ballots from today. So I'm going to read those out. Short --

MR. DRIGGERS: Just to be clear, we can't certify until we have the last vote.

CHAIRWOMAN HUMPHRIES: Right, we do have another one coming, but I don't know when that will come. It may come at dinner time.

Short, 203. Odom, 212. Boykin, 34. Dixon, 174. Liles, 201. Linton, 210. Sutton, 191. Do you want me to repeat any of those?

UNIDENTIFIED SPEAKER: How many did you say Linton had?

CHAIRWOMAN HUMPHRIES: Linton is 210. Anyone else? Those will not be official until we get that last ballot in. Like I said, I don't know when that's going to be. At this

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point, let me remind you that any protest needs to be filed by 7:00 p.m. tonight.

The deputy brought in the vote. So y'all -- I'll go ahead and --

UNIDENTIFIED SPEAKER: Have y'all voted to accept that one yet?

CHAIRWOMAN HUMPHRIES: We can do that. It was the one that was in question with Ms. Shirley Sullivan. Same address.

UNIDENTIFIED SPEAKER: Frank Johnson.

CHAIRWOMAN HUMPHRIES: This was Frank Johnson's. Do I have any discussion about him? He is at the same residence as Ms. Shirley.

MR. JORDAN: Was his vote challenged as in-person?

CHAIRWOMAN HUMPHRIES: I can't remember. Let me see the envelope. Let me see what it says on here. Not in area, needs to provide proof of residence. And the challenger is not here because it was one of the poll managers. But like I said, he actually resides with Ms. Sullivan, and we've already approved and accepted hers. So I think it would be reasonable --

Well, let's consider this now. She's not

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here so we actually don't have to vote on this one since Ms. Price is not here. If there's no serious objection, I'm going to go ahead and open it and see what it says. Odom, Dixon, Linton.

Some our tallies will change. Odom will be 213. Dixon will be 175. Linton will be 211. Are we in agreement?

MEC MEMBER SULLIVAN: Yes.

MEC MEMBER VANDENBERG: Yes.

CHAIRWOMAN HUMPHRIES: Does anyone have any comments? At this time, please remember the filing times. At this point, I adjourn this meeting. This hearing is essentially adjourned.

(Pause in proceedings.)

CHAIRWOMAN HUMPHRIES: I move that the McBee Municipal Election Commission certifies the official results of the September 1st election, and a signed copy will be attached to the written record of the hearing.

Do you certify the election?

MEC MEMBER SULLIVAN: I vote to certify the election.

MEC MEMBER VANDENBERG: I vote to certify the election.

CHAIRWOMAN HUMPHRIES: I agree. We are adjourned.

(Exhibit No. 1 was marked for identification.)

(The hearing adjourned at 3:38 p.m.)

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REPORTER'S CERTIFICATE

SOUTH CAROLINA, DARLINGTON COUNTY:

I, LAURA CHAMBLEE, serving as Certified Court Reporter in the within stated matter, do hereby certify that the foregoing 106 pages of typewritten matter constitute a true, correct, and complete transcript of the evidence as adduced upon the hearing in said case.

This the 10th day of September 2020.

Laura Chamblee

LAURA CHAMBLEE
Notary Public in and for SC
My Commission expires:
September 27, 2028

Town of McBee

COUNCIL MEMBERS
Beulah Bolton
A.C. McLeod, Jr.
Glenn Odom
Charlie Sutton

MAYOR
John Campolong

ADMINSTRATOR
Terri King

Canvass Sheet-certification of Candidates
GENERAL ELECTION
SEPTEMBER 1, 2020

We, the Municipal Election Commission of the Town of McBee, hereby certify the following official results for the election of September 1, 2020:

Note winners by an asterisk beside name or highlight name

MAYOR	
CANDIDATE NAME	**TOTAL VOTES**
* Glenn Odom	213
Charlie Short	203
Write-in: Ladarius Newton	1
Write-in Jordan Mendoza	1

COUNCIL	
CANDIDATE NAME	**TOTAL VOTES**
Dawn Boykin	34
Hewitt O. Dixon	175
* Robbie Liles	201
* James Linton	211
Charlie Sutton	191
Write-in: Ladarius Newton	1

9-3-2020
Date

EXHIBIT
LC
1
9/3/20
PENGAD 800-631-6989

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EXHIBIT
2

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BEFORE THE ELECTION COMMISSION OF THE TOWN OF MCBEE

PROTEST OF ELECTION
BY CANDIDATES CHARLES SHORT,
FOR MAYOR OF TOWN OF MCBEE
CHARLES SUTTON, AND HEWITT DIXON
FOR TOWN COUNCIL MEMBER SEATS OF
THE TOWN OF MCBEE

Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel, come now to protest and contest the results of the election held September 1, 2020 for the Office of Mayor and Town Council Seats of the Town of McBee. The announced candidates for Mayor were Charles Short and Glenn Odom. The announced candidates for Town Council were Charles Sutton, Hewitt Dixon, Robbie Liles, James Linton, and Dawn Boykin. In support of their protests, Mr. Short, Mr. Sutton, and Mr. Dixon would show the following:

1. Persons were permitted to cast ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

2. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full ballots who did not reside within the town limits of the town of McBee, South Carolina.

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3. Persons who vacated the town limits of the town of McBee, South Carolina and therefore abandoned and/or otherwise canceled their registration and ability to vote in this municipal election nonetheless were never required to re-register and/or reinstate their registration, rather they voted with an invalid registration that was never canceled but should have been and therefore the vote is void.

4. Upon information and belief, a representative of Mr. Odom took improper procedures and steps regarding absentee ballots.

5. Protestants Charles Short, Charles Sutton, and Hewitt Dixon have not had sufficient time to survey the full extent of the voter rolls, absentee ballots, and other documents relating to the election. However, upon information and belief, those records will be shown to contain irregularities including but not limited to the following:

a. Votes cast without proper voters' signatures.

b. Voter totals at variance with the number of signatures on the voter rolls.

c. Inaccurate record-keeping that calls into question the integrity of the vote.

d. Other irregularities that render the result doubtful.

6. Due to the overwhelming number of absentee ballots, it is believed that said ballots will be shown to contain irregularities including but not limited to the following:

a. Absentee ballots without proper signatures of the voter or a witness.

b. Absentee ballots were cast which had not been properly requested by the voter.

c. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full absentee ballots.

d. Persons were permitted to cast absentee ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

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e. The total number and percentage of absentee ballots compared to in-person ballots present prima facie evidence of irregularities.

f. Other irregularities that render the result doubtful.

7. The total number of ineligible voters case exceeded the difference in the vote totals between candidates.

8. Irregularities in the election render the results of the election doubtful.

The protestants Charles Short, Charles Sutton, and Hewitt Dixon therefore respectfully request that a new election be ordered so that the will of the electorate may be properly determined.

Respectfully Submitted,

Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

EXHIBIT
3

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Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

September 23, 2020

VIA Email Only to: townofmcbeesctk@gmail.com

Municipal Election Commission
Town of McBee
38 W Juniper Avenue
McBee, SC 29101

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Election Commission:

Please be advised that I am hereby requesting to visually inspect the absentee votes and make copies (or copies be submitted to me) of the signed absentee ballots. Due to the hearing being on Friday afternoon, I would like to get this scheduled for some time this afternoon if possible. By copy of this letter I am also noticing the opposing parties.

Should you have any questions or concerns in the interim, please do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

Wallace Jordan

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: Martin S. Driggers, Jr., Esquire [via email to: MSD@swblaw.com, BAF@swblaw.com]
William Spenser, Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Thursday, September 24, 2020 2:19 PM
To: Johnny Parker
Cc: Wallace Jordan; townofmcbeesctk@gmail.com; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

All,

I am still waiting to get some word from the Chairlady, Ms. Humphries, about accessing absentee ballots. I have not heard from her about availability today as of yet.

I will keep you posted as to any news.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

On Sep 23, 2020, at 3:40 PM, Martin S. Driggers, Jr. <MSD@swblaw.com> wrote:

All,

I am investigating gaining access to the absentee ballots prior to the hearing. I will keep you updated.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Thursday, September 24, 2020 2:31 PM
To: Johnny Parker
Subject: Re: [External Email] Fwd: MCBEE

yes

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Thu, Sep 24, 2020 at 2:10 PM Johnny Parker <JParker@pmped.com> wrote:

> Are you planning on attending the hearing tomorrow in person?
>
> **From:** Wallace Jordan <jordanlawsc@gmail.com>
> **Sent:** Wednesday, September 23, 2020 11:58 AM
> **To:** townofmcbeesctk@gmail.com
> **Cc:** Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
> **Subject:** [External Email] Fwd: MCBEE
>
> Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com); Will Curtis; butch@butchbowers.com
Cc: Martin S. Driggers, Jr.; Brittany A. Funderburk; William Spencer; Johnny Parker
Subject: Re: [External Email] MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Wed, Sep 23, 2020 at 11:57 AM Wallace Jordan <jordanlawsc@gmail.com> wrote:
Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

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On Wed, Sep 23, 2020 at 11:57 AM Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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<Supreme Court Order for Jays Legislative Protection.PDF>

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2017-05-19-01

The Supreme Court of South Carolina

RE: Lawyer-Legislator Protection During the Legislative Session

---

ADMINISTRATIVE ORDER

On May 18, 2017, an Administrative Order regarding "Lawyer-Legislator Protection during the Legislative Session" was issued. That order is withdrawn and this order is substituted in its place.

This order supersedes the April 21, 2010 and June 21, 2013 orders issued by the Chief Justice concerning lawyers who serve as members of the General Assembly and who at times are unable to appear in any court, deposition, or administrative hearing during the legislative session.

I find that lawyers who serve as members of the General Assembly provide a great service to the citizens of this State and, at times, are unable to appear for trials, hearings, or depositions during the legislative session. I further find that these lawyer-legislators are often threatened with sanctions for their inability to appear when requested.

I further find that the uncertainty of the availability of lawyer-legislators is disruptive to the orderly and efficient use of court time and resources. I further find that the inflexible insistence that lawyer-legislators be available whenever the court or lawyers request their presence is not only detrimental to the clients of the lawyer-legislators but also creates unnecessary angst for all concerned.

Therefore, IT IS ORDERED that lawyers who are members of the General Assembly are granted absolute protection from being called to a deposition, or a trial or hearing in any court of this State or any administrative tribunal of this State from the first Tuesday in January until July 31. This protection extends to those times when the General Assembly votes on vetoes of the General Appropriation bill. Further, lawyer-legislators are similarly protected during any special or called session after the regular session ends. Hearings, trials, or depositions may be scheduled during these time periods if the lawyer-legislator consents to the hearing, deposition, or trial being set and is given proper notice. A decision to waive protection to appear at a particular hearing shall not be interpreted as a general waiver of the absolute protection granted herein for that case or any cases or hearings.

This matter will be continuously monitored for compliance and any necessary adjustments.

This order takes effect immediately and remains in effect unless amended or rescinded by the Chief Justice.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina

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Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 9:54 AM
To: 'wallace jordan'
Subject: RE: [External Email] McBee

I will be in the automobile shortly. You can reach me on my cell. 803 942 0212.

-----Original Message-----
From: wallace jordan <wallacejordan2@gmail.com>
Sent: Friday, September 25, 2020 6:57 AM
To: Johnny Parker <JParker@pmped.com>
Subject: [External Email] McBee

Mr. Parker,
Would you have a few minutes this morning to catch up on the phone? Have a couple issues to discuss as to our hearing with the mec.
Thanks,
Jay

Sent from my iPad

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id&#65533; &mod_option=gitem&mail_id&#65533; 01031396-weu1DM4kGlyX&r_address=arker%40pmped.com&report=

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Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>; Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>
Subject: Re: [External Email] MCBEE

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.

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On Fri, Sep 25, 2020 at 3:10 PM Johnny Parker <JParker@pmped.com> wrote:

We object to any future hearings. We did not consent to continue the hearing today which was set by consent. In fact I had traveled an hour and one half toward McBee when I was called and told the hearing was continued. Additionally I was never served with a motion for continuance and had no input on this issue.We believe the Commission is now without authority to hear the matter since the time for a hearing has lapsed. We also believe the Commission was in error in continuing today's hearing without any input from Mr. Odom.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Jay is available the week of Oct 12-15 as well

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Fri, Sep 25, 2020 at 1:02 PM Butch Bowers <Butch@butchbowers.com> wrote:

Martin – I am available October 12-15. Any of those dates work for me.

It is my understanding that we have requested to gain access to the absentee ballots that were cast in this election, but those materials have not yet been produced. These are critical pieces of evidence in this hearing, and we respectfully request that they be produced/made available as soon as possible, and certainly well before the rescheduled hearing. Thanks very much,

Butch

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Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 4:47 PM
To: Johnny Parker
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer; Jay Jordan
Subject: Re: [External Email] MCBEE

Jay didn't want to break the email chain by sending a formal letter therefore, I am attaching his response to Mr. Parker's email below:

Hello Everyone:

I certainly disagree with Mr. Parker's position and wanted to clarify.

First, I attempted to contact Mr. Parker via email concerning the matter at 6:56 this morning, to which he responded shortly after 10:00 AM this morning and provided his cell phone number.

Secondly, my staff sent an email @ approximately 10;05 AM to all parties as to the need of a continuance.

Thirdly, upon Mr. Parker providing me his cell number (@ approx. 10:10 AM), I immediately called him at 10:10 AM (to which he was still at his office) and advised him of the issues and that I was seeking a continuance. Furthermore, my office provided Mr. Parker the authority to which I was citing (The SC Supreme Court Order of Protection) at approx. 10:16 AM.

In my opinion, the MEC is the appropriate authority and has jurisdiction over this matter.

Jay Jordan

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

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Butch

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>; Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>
Subject: Re: [External Email] MCBEE

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"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

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Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.

firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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On Sep 25, 2020, at 10:16 AM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see a copy of the SC Supreme Court Order for Jay's Legislative Protection

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Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan
Cc: Johnny Parker; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Butch Bowers; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

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Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Fri, Sep 25, 2020 at 10:08 AM Johnny Parker <JParker@pmped.com> wrote:

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: Re: [External Email] MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of

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Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

October 1, 2020

VIA Email Only to: MSD@swblaw.com & BAF@swblaw.com

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow, P.A.
115 Cargill Way, Suite B
Hartsville, SC 29550

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Martin:

There are several matters that I am concerned about. First, I am in receipt of your correspondence regarding the date for inspection and the date for rescheduled hearing. If at all possible, I would like to move the date of the inspection of the envelopes and ballots up to sometime next week instead of the day before the hearing. With the numerous amount of absentee ballots cast in this election, we need ample time to individually review each document, correlate any findings discovered with the concerns we already had about the unusual number of absentee ballots cast in this election, and investigate any new issues we discover after our review in time to adequately prepare for the hearing. We understand and appreciate that the Commission has responsibilities and duties outside of this election and we will strive to compile, organize, and review any evidence we gather from this inspection in a fastidious yet expeditious manner to present our findings to the Commission but we need more than mere minutes to be able to accomplish those goals.

Second, we have concerns about space at Town Hall and the logistics of the inspection on October 13, 2020, since this is the same day that absentee voting for the 2020 Presidential Election will take place. Will there be enough space for several people to thoroughly review the materials with voting going on at the same time and not disturb the voting process?

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Third, we are in the process of preparing a Memorandum in Opposition to Glenn Odom's Motion to Dismiss and will get that to you in short order.

Lastly, we have yet to receive or haven't received a complete copy of certain information that has been requested. We would still like any documentation reflecting who voted in person, like a copy of the voting roster where those that voted in person signed reflected that they had voted. I would also like a copy of any documentation of the in-person vote tallies in possession of the municipal election commission. We have the numbers that we wrote down the day of the election but I'd like to have any official numbers if possible. The only official document I personally have is the total certified vote count, which does not differentiate in-person voting with absentee voting.

Thank you for your prompt attention to this matter and should you have any questions or concerns, please do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: William O. Spencer, Jr., Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

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Wallace H. Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

October 5, 2020

VIA Email Only to: MSD@swblaw.com & BAF@swblaw.com

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow, P.A.
115 Cargill Way, Suite B
Hartsville, SC 29550

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Martin:

I hope this letter finds you well. Enclosed herewith please find our Memorandum in Opposition of Motion to Dismiss.

If you have any question or concerns, please do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

Wallace (Jay) Jordan, Jr.

WJJ/wdc
cc: William O. Spencer, Jr., Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM]
Enclosures

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STATE OF SOUTH CAROLINA MCBEE MUNICIPAL ELECTION COMMISSION In Re: September 1, 2020 Election	**MEMORANDUM IN OPPOSITION OF RESPONDENT'S MOTION TO DISMISS**

Protestants, Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel submit this Memorandum in Opposition of Respondent's Motion to Dismiss following facts and argument of law:

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. A challenge hearing was held on September 3, 2020, where the McBee Municipal Election Commission (hereinafter "MEC") certified the final election count. Counsel for candidates Short, Sutton, and Hewitt, filed a formal protest to the results of the election that same day. A hearing was held on September 4, 2020 by which all parties consented to a continuance until September 25, 2020.

Prior to this hearing, counsel for Protestants contacted counsel for MEC to request personal inspection of the absentee ballots and envelopes cast in the election. Counsel for MEC instructed Protestants to formally make this request in writing and they did so on September 23, 2020 at 11:57 AM via email. At the end of the day on September 24, 2020, still waiting on a response from MEC for inspection, Attorney Wallace (Jay) H. Jordan, Jr. having been called to special sessions for the South Carolina House of Representatives for the past two weeks, and

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Attorney Karl (Butch) S. Bowers also under current military orders, Protestants requested a continuance on the on the grounds that Attorney Jordan was under legislative protection pursuant to South Carolina Supreme Court Administrative Order 2017-15-19-01, Attorney Bowers was under military protection pursuant to S.C. Code Ann. § 25-1-2260 and would not have adequate time to prepare for the hearing once the visual inspection of the absentee ballots and envelopes while they were still attending their respective legislative and military duties.

Attorney Jordan attempted to contact John E. Parker, counsel for Candidate Odom, at 6:56AM September 25, 2020 via email to discuss the issue. Attorney Jordan's office sent an email to all parties at 10:05AM citing the need for a continuance (Exhibit 1 Email 10:05 AM 9/25/20). Attorney Jordan then received a response from Attorney Parker at 10:10AM providing Jordan with Parker's cellular phone number. Attorney Jordan immediately phoned Attorney Parker and reiterated the contents of the earlier email more fully explaining his stance concerning a continuance. At 10:16AM, Attorney Parker responded to Attorney Jordan's email requesting a copy of the Supreme Court Administrative Order granting legislative protection. (Exhibit 2: Email 10:16AM 9/25/20). At 11:05 AM, Attorney Bowers sent an email serving as his Notice of Appearance and detailing his request for a continuance. (Exhibit 3 Email 11:05AM 9/25/20). At 11:40AM, all parties received an order from the MEC granted Protestants' motion to continue. (Exhibit 4 Email 11:40AM 9/25/20). On September 30, 2020, Attorney Parker filed this Motion to Dismiss.

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ANALYSIS

I. THE MEC HAS JURISDICTION TO CONTINUE THIS HEARING.

Candidate Odom argues that the MEC no longer has jurisdiction to hold any future hearings because we are now outside of the forty-eight hour time frame described in S.C. Code Ann.§ 5-15-130. The statute states:

> [w]ithin forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, ***conduct a hearing*** on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned. S.C. Code Ann.§ 5-15-130 (1975) (*emphasis added*).

The MEC has complied with this statute. A hearing was conducted within forty-eight (48) hours of the filing of protest of the election on September 4, 2020. During that hearing, counsel for the parties held a phone conference with the MEC to schedule a future date for a hearing on the merits of the protest. This Commission has historically interpreted this statute to be satisfied if a hearing is conducted within forty-eight (48) hours of the filing of the protest, regardless of whether a final disposition is made. (Exhibit 5 Notice of Appeal 2018-CP-13-621). In the 2018 Election, twenty (20) days had transpired before the decision of the MEC was made. Given the actions taken by this Commission and past commissions, it is that the MEC still retain jurisdiction over this protest.

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II. ATTORNEY BOWERS CAN INVOKE MILITARY PROTECTION IN THIS TRIBUNAL.

Candidate Odom next asserts that Attorney Bowers cannot invoke his military protections over this tribunal because it only applies to courts. S.C. Code Ann. § 25-1-2260 states:

> It is the duty of a judge of a court of this State to continue a case in the court on or without motion when a party to it or his leading attorney is absent from court when the case is reached by reason of his attendance on active duty as a member of the National Guard or reserves. The case may proceed if the party, in the absence of his leading attorney, or the leading attorney, in the absence of the party, announces ready for trial on the call of the case. If counsel is absent, it shall be necessary for his client to make oath that he cannot safely go to trial without the absent attorney and, if a party is absent, his counsel shall state in his place that he cannot safely go to trial without his client.

While the language of the statute does state courts, Protestants would have this Commission refer to *South Carolina Appellate Court Rules,* Rule 601, which defines the priority of courts and tribunals and the hierarchy when there are conflicts. The number thirteen (13) category is labeled "Other Administrative Bodies and Officials." Rule 601, *SCACR*. Clearly, the Laws of South Carolina and Rules of Court contemplated administrative bodies such as a Municipal Election Commissions to be within the State Court system, thus falling under the purview of this statute. Approaching this issue from a common sense perspective, circuit court judges cannot override this military protection to force an attorney to appear while serving active duty even for matters affecting a client's constitutional rights such as custody of their children in family court or their potential incarceration in general sessions court. We would not expect a municipal beautification board to have the authority to compel the appearance of an attorney under such protection where a circuit court judge could not by law. Municipal committees and commissions give as much

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deference to the laws for soldiers and sailors as judges and courts do in this State. Protestants urge this Commission to do the same.

Furthermore, even if the MEC decides his protection is not sufficient, Attorney Jordan also requested a continuance under his legislative protection. Candidate Odom made no objection to Attorney Jordan's protection. Attorney Jordan is the lead attorney on this case. Without him, fellow attorneys Bowers and Curtis could not continue the hearing.

III. CANDIDATE ODOM CANNOT IN GOODFAITH OBJECT TO A CONTINUANCE ON THE GROUNDS THAT IT VIOLATES § 5-15-130 WHEN HE CONSENTED TO A CONTINUANCE ONCE BEFORE.

"Equity is equality. He who seeks equity must do equity. He who comes into equity must come with clean hands." –*Equitable Maxims*

Candidate Odom is now objecting to a further continuance on the grounds that S.C. Code Ann. § 5-15-130 because, in his opinion, the statute should be read to mean that all activities described be completed within forty-hour (48) hour time span. Protestants have explained in detail how this interpretation misses the mark. Protestants would like to note that Candidate Odom agreed to the original continuance in this matter. On September 4, 2020 a hearing was held via conference call with the MEC, counsel for MEC, Attorney Jordan, and William (Billy) O. Spencer, Jr., current counsel for Candidate Odom. Attorney Spencer informed the Commission that Candidate Odom had retained Attorney Parker and that he was currently on vacation, could not attend the current meeting and was hoping for a hearing date as late as September 25, 2020. (Exhibit 6 September 4, 2020 Transcript Page 5-6).

It is clear that Candidate Odom recognizes that the provisions of S.C. Code Ann. § 5-15-130 do not require a full and final disposition of the protest within fort-eight (48) hours (a single hearing). Moreover, Candidate Odom benefited from the extension of time outside the forty-

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eight (48) hours described within the statute. Candidate Odom needed the extra time allowed by this Commission to have his attorney more adequately prepared for the hearing because Attorney Parker was on vacation. Now, he is arguing that Attorneys Jordan and Bowers should not be afforded the same courtesy and consideration that this Commission extended to him, even though Attorneys Jordan and Bowers requests are meritorious and consistent with South Carolina Law. The motion for continuance was made because the attorneys were under legislative and military and while under these protections did have time to adequately prepare for materials they had not been afforded an opportunity to even inspect. That argument is not made in good faith. It is not equitable to both parties. And as such, it should be denied by this Commission.

IV. THIS MOTION IS NOT BEFORE THE TRIBUNAL THROUGH PROPER PROCEDURE.

The 11:40AM email from counsel of MEC is a judgment of the tribunal. Title 5 of the South Carolina Code provides that, "[m]unicipal primary, general and special elections shall be conducted pursuant to Title 7, mutatis mutandi. . ." S.C. Code Ann. § 5-15-10 (1962). Under Title 7, election commissions are to, ". . .provide for and conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State." S.C. Code Ann. §7-17-570 (2012). Protestants argue that because this hearing should adhere as closely to the procedures of circuit courts as possible that Candidate Odom's motion to dismiss is not proper. He should have either filed a Motion to Alter/Amend the Judgment (more commonly known as a "Motion to Reconsider") or he should have appealed the judgment to circuit court pursuant to S.C. Code § 5-15-140.

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Rule 59(e) of the *South Carolina Rules of Civil Procedure* mandates that, "[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order." Rule 59(e), *SCRCP*. Alternatively, Title 5 provides that:

> [w]ithin ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. ***The notice of appeal shall act as a stay of further proceedings pending the appeal.*** S.C. Code § 5-15-140 (1975) (*emphasis added*).

These are the proper procedures from which Candidate Odom can seek relief. Protestants would ask this Commission to take note of the emphasized text. Clearly, the statute contemplates the ability of a candidate conduct an interlocutory appeal of a non-dispositive judgment made by the Commission which would stay the protest hearing process while that appeal was being decided in circuit court.

Instead, Candidate Odom would have this Commission ignore statutory law and the *South Carolina Rules of Civil of Procedure* to improperly consider this motion to dismiss. The issue of whether the continuance was proper should be heard first through the above described procedure, then Candidate Odom can move this commission for a dismissal if he so chooses. As such, this motion to dismiss should be dismissed.

CONCLUSION

For the above argued reasons, Protestants urge this Commission to deny Respondent's motion to dismiss.

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Respectfully Submitted,

/s/ Wallace H. Jordan, Jr.
Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

Karl S. Bowers, Jr., SC Bar No.: 16141
P.O. Box 50549
Columbia, South Carolina 29250
(803) 753-1099 Telephone

October 5, 2020
Florence, South Carolina

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

EXHIBIT 1

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Wallace Jordan <jordanlawsc@gmail.com> Fri, Sep 25, 2020 at 10:05 AM
To: "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, butch@butchbowers.com
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, JPARKER@pmped.com

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i:e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

[Quoted text hidden]

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EXHIBIT 2

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Johnny Parker <JParker@pmped.com> Fri, Sep 25, 2020 at 10:07 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesclk@gmail.com)" <townofmcbeesclk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, "butch@butchbowers.com" <butch@butchbowers.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesclk@gmail.com) <townofmcbeesclk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>

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EXHIBIT 3

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Butch Bowers <Butch@butchbowers.com> Fri, Sep 25, 2020 at 11:05 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, "JPARKER@pmped.com" <JPARKER@pmped.com>

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM

[Quoted text hidden]

[Quoted text hidden]

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ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

EXHIBIT 4

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Martin S. Driggers, Jr. <MSD@swblaw.com> Fri, Sep 25, 2020 at 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>, "Terri King (townofmcbeesclk@gmail.com)" <townofmcbeesclk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, Butch Bowers <butch@butchbowers.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T LI 843-878-0390 x. 7181
115 Cargill Way, Ste. B F _ 843-878-0393
Hartsville, SC 29550 E _ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

[Quoted text hidden]
[Quoted text hidden]
<Supreme Court Order for Jays Legislative Protection.PDF>

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EXHIBIT 5

000227

STATE OF SOUTH CAROLINA)
) **IN THE COURT OF COMMON PLEAS**
COUNTY OF CHESTERFIELD)
)
IN RE: GLENN ODOM)
) **CIVIL ACTION COVERSHEET**
)
'18 OCT -4 PM 1:23)
)
Wanda C. Hiles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.)

20 18 - CP-13 621

Submitted By: John E. Parker **SC Bar #:** 4442
Telephone #: (803) 914-2004
Fax #: (803) 914-2014
Other:
E-mail: jparker@pmped.com

Address P.O. Box 457
Hampton, SC 29924

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION *(Check all that apply)*

If Action is Judgment/Settlement do not complete

☐ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION *(Check One Box Below)*

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199) _____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20___-NI-____-_____
- ☐ Notice/ File Mod Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399) _____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499) _____

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599) _____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899) _____

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799) _____

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☒ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999) _____

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)

Submitting Party Signature: John Parker **Date:** 10/4/2018

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD)

2018 OCT -4 PM 1:23 2018-CP-13 681

IN RE: GLENN ODOM)

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

NOTICE OF APPEAL

TO: LINDA STERLING, CHAIRPERSON OF THE TOWN OF MCBEE ELECTION COMMISSION, AND THE MCBEE ELECTION COMMISSION:

You will please take notice that Glenn Odom hereby appeals the decision of the McBee Election Commission on September 25, 2018, which determined that four voters whose votes were contested were eligible voters and had properly cast their ballots for Glenn Odom but were not initially counted. The Commission in error did not declare Glenn Odom elected. Had the contested votes been counted, Odom would have been elected to the McBee Town Council, and instead the commission ordered a new election. The four votes should have been initially counted and should have been counted at the hearing on Mr. Odom's protest resulting in the election of Glenn Odom to Town Council.

In the election held on September 5, 2018, the tentative results before counting the contested ballots were Shilon Greene, 209, and Glenn Odom, 208. Glenn Odom filed a timely protest on September 6, 2018, contending that the following voters votes had not been counted. Simone Bracey, Sabrina De Jesus, Cindy Kirk, and Robbie Lyles each testified they voted for Glenn Odom and their votes were protested and not counted. Had their votes been counted as the law requires, Mr. Odom would have been elected with a vote of 212 to Shilon Greene's, 209.

Glenn Odom request the court to overturn the decision of the McBee Election Commission which held that even though eligible voters sufficient for him to win the election voted for him that a new election should be held.

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Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

BY: _____

John E. Parker
P.O. Box 457
101 Mulberry Street East
Hampton, SC 29924
(803) 943-2111
jparker@pmped.com

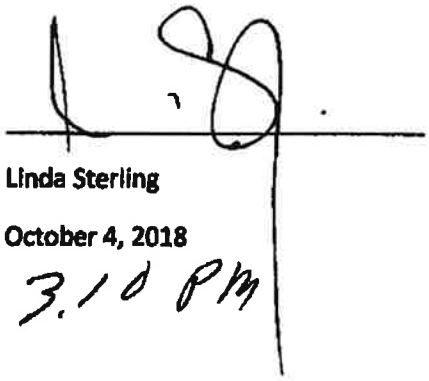
ATTORNEYS FOR PLAINTIFF

October 4, 2018
Hampton, South Carolina

2018 OCT -4 PM 1:23
Wendy C. Hicks
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

I, Linda Sterling, accept Mr. Odom's notice of appeal on October 4, 2018.



Linda Sterling

October 4, 2018

3:10 PM

2018 OCT -5 PM 12:29
Wanda C. Hiles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

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EXHIBIT 6

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

CHAIRWOMAN HUMPHRIES: Thank you.

MR. JORDAN: And I am on the call by myself.

MR. SPENCER: This is Billy Spencer. I was the attorney at the hearing yesterday representing candidates Odom, Liles, and Linton. And I'm here by myself and, of course, representing the respondents in the contested case.

But I do have some information to give, for the record. I learned this morning, and I had some knowledge, that my clients were going to employ someone other than me to handle the contested case hearing and any subsequent appeal of it. And so that person is Mr. Johnny Parker. He is from Hampton, South Carolina. He is a personal attorney of one of the candidates, Mr. Glenn Odom.

And so I've tried to accommodate Jay and Martin, as far as, ahead of time, trying to find a date that suited everybody. Mr. Parker, of course, is already on vacation and away from his office. And he's an older lawyer and, of course, doesn't have a modern cell phone with his calendar and all that kind of thing on it. His secretary keeps up with all of that, and she's

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away.

So I'm going to have to -- I know he's a lawyer with a good reputation. And since he represents the respondents in this case, would have no reason to want the hearing heard except as expeditiously as possible. But, you know, I have to say I don't know his schedule. I was hoping I would be able to when we met this afternoon. And so the date of the 25th was thrown out as a possible date at 3:00 o'clock. And I do know from speaking to his secretary that the date, when the 18th was brought up, would be a better date for him, rather than the 25th, but that's not to say that if it is the 25th, he couldn't try to make things happen.

CHAIRWOMAN HUMPHRIES: Okay. We'll keep that in mind as we proceed. Thank you, sir.

MR. SPENCER: All right. Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Okay. Is Mr. Vandenberg on the phone?

MEC MEMBER VANDENBERG: Yeah, David Vandenberg here, MEC member.

MEC MEMBER SULLIVAN: Pam Sullivan, MEC member.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am.

ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

October 7, 2020

VIA Email Only to: MSD@swblaw.com & BAF@swblaw.com

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow, P.A.
115 Cargill Way, Suite B
Hartsville, SC 29550

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Martin:

I am following up concerning the October 1, 2020 correspondence to you regarding our concerns. To date, I have yet to hear back from you regarding such. I reiterate those concerns as follows:

First, I would like to move the date of inspection up to this week instead of the day before the hearing, so we will have ample opportunity to review and investigate the issues for the hearing.

Secondly, we have concerns about space at Town Hall on October 13, 2020. As you know, this is the same day that absentee voting will take place. Will there be enough space for us to spread out and review with all of that going on at the same time? And,

Lastly, we have yet to receive or haven't received a complete copy of certain information that I have requested. I would still like any documentation reflecting who voted in person, like a copy of the voting roster where those that voted in person signed reflected that they had voted. and if there's any documentation of the in-person vote tallies. I would like a copy of that as well. We have the numbers that we wrote down the day of the election but I'd like to have any official numbers if possible. The only official document I personally have is the total certified vote count (both in-person and absentee).

I would appreciate your prompt response to these concerns, as the hearing date is drawing near.

With kindest regards, I am,

Sincerely,

Wallace Jordan

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: William Spenser, Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

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S·W·B

SWEENY WINGATE & BARROW P.A.

October 12, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com and JParker@pmped.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

John E. Parker, Jr., Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay and Johnny:

The inspection of election ballots has been scheduled for October 22, 2020 beginning at 3 PM at the Town Hall in McBee.

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been rescheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Wednesday, October 23, 2020 also beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the inspection and hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

(Signature Page to Follow)

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: David Vandenberg - dvandenberg410@gmail.com
Pam Sullivan - psbrister@hotmail.com
Terri King - townofmcbeesctk@gmail.com

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ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Johnny Parker

From: Johnny Parker
Sent: Wednesday, October 14, 2020 8:44 AM
To: Butch Bowers; Martin S. Driggers, Jr.
Cc: Wallace Jordan; psbrister@hotmail.com; dvandenberg410@gmail.com; townofmcbeesctk@gmail.com
Subject: RE: Town of McBee -2020 Election Matter

We object to the continuation of the hearing. As stated in our previous documents we believe the time for a hearing on the protest has expired. The intent of the protest statute is to get a quick resolution of the protest so that elected officials can do their jobs. It has been 6 weeks since the election. If the commission is going to hear the protest we object to the matter being further delayed.

From: Butch Bowers <Butch@ButchBowers.com>
Sent: Tuesday, October 13, 2020 5:21 PM
To: Martin S. Driggers, Jr. <MSD@swblaw.com>
Cc: Wallace Jordan <Jordanlawsc@gmail.com>; Johnny Parker <JParker@pmped.com>; psbrister@hotmail.com; dvandenberg410@gmail.com; townofmcbeesctk@gmail.com
Subject: [External Email] Town of McBee -2020 Election Matter

Martin – I hope this finds you well. I am in receipt of your letter from yesterday (attached above) wherein the MEC has postponed the inspection of ballots and the election protest hearing to October 22-23, respectively. Of course, we respect the MEC's authority to reschedule the election protest hearing. Unfortunately, however, I am scheduled to be in client business meetings in Louisiana on October 22-25, and I cannot postpone or reschedule those meetings. Moreover, I have been retained to represent multiple candidate clients in North Carolina during the run-up and aftermath of the November 3 election, and I will thus be unavailable from October 31 – November 8. My co-counsel Mr. Jordan is similarly extraordinarily busy during this particular time frame, not just with his own candidacy and election but also other client matters as well.

Accordingly, this is to respectfully request that the MEC reschedule the ballot inspection and election protest hearing to November 11-12, 2020, assuming of course that these dates suit you, the MEC, and Mr. Parker. If not, we are certainly willing to develop a schedule that meets everyone's mutually acceptable approval. Thanks very much,

Butch

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com

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Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Wednesday, October 14, 2020 9:07 AM
To: Martin S. Driggers, Jr.
Cc: Johnny Parker; psbrister@hotmail.com; dvandenberg410@gmail.com; townofmcbeesctk@gmail.com; Will Curtis; Brittany A. Funderburk; Butch Bowers; phumphries53@yahoo.com; William Spencer; Jay Jordan
Subject: Re: [External Email] Town of McBee -2020 Election Matter

Similar to Butch's schedule, Jay's schedule is also overwhelmed with the law practice duties, as well as his relection activities. He is scheduled to be out of town a ot over the next few weeks. Jay consents and joins with Butch and requests that the hearing be rescheduled beyond the November 8th date.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Tue, Oct 13, 2020 at 5:21 PM Butch Bowers <Butch@butchbowers.com> wrote:

> Martin – I hope this finds you well. I am in receipt of your letter from yesterday (attached above) wherein the MEC has postponed the inspection of ballots and the election protest hearing to October 22-23, respectively. Of course, we respect the MEC's authority to reschedule the election protest hearing. Unfortunately, however, I am scheduled to be in client business meetings in Louisiana on October 22-25, and I cannot postpone or reschedule those meetings. Moreover, I have been retained to represent multiple candidate clients in North Carolina during the run-up and aftermath of the November 3 election, and I will thus be unavailable from October 31 – November 8. My co-counsel Mr. Jordan is similarly extraordinarily busy during this particular time frame, not just with his own candidacy and election but also other client matters as well.

Accordingly, this is to respectfully request that the MEC reschedule the ballot inspection and election protest hearing to November 11-12, 2020, assuming of course that these dates suit you, the MEC, and Mr. Parker. If not, we are certainly willing to develop a schedule that meets everyone's mutually acceptable approval. Thanks very much,

Butch

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

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Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Wednesday, October 14, 2020 11:25 AM
To: Wallace Jordan
Cc: Johnny Parker; psbrister@hotmail.com; dvandenberg410@gmail.com; townofmcbeesctk@gmail.com; Will Curtis; Brittany A. Funderburk; Butch Bowers; phumphries53; William Spencer; Jay Jordan
Subject: Re: [External Email] Town of McBee -2020 Election Matter

All,

I will get this information to the MEC and let you know of any decision as soon as I can.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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> On Oct 14, 2020, at 9:06 AM, Wallace Jordan <jordanlawsc@gmail.com> wrote:
>
> Similar to Butch's schedule, Jay's schedule is also overwhelmed with the law practice duties, as well as his relection activities. He is scheduled to be out of town a ot over the next few weeks. Jay consents and joins with Butch and requests that the hearing be rescheduled beyond the November 8th date.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

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Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, October 16, 2020 4:17 PM
To: Butch Bowers
Cc: Wallace Jordan; Johnny Parker; psbrister@hotmail.com; dvandenberg410@gmail.com; townofmcbeesctk@gmail.com
Subject: Re: [External Email] Town of McBee -2020 Election Matter

All,

The Town of McBee Municipal Election Committee ("MEC") met today regarding these requests for a continuance. The MEC decided to continue with the dates of next week for a review of ballots and hearing on any challenges. The MEC will be present at the Town of McBee Town Hall at 3:00 pm on Thursday, October 22, 2020 to conduct any review of ballots and on Friday, October 23, 2020 at 3:00 pm for a hearing on any challenges. Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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On Oct 13, 2020, at 5:21 PM, Butch Bowers <Butch@butchbowers.com> wrote:

Martin – I hope this finds you well. I am in receipt of your letter from yesterday (attached above) wherein the MEC has postponed the inspection of ballots and the election protest hearing to October 22-23, respectively. Of course, we respect the MEC's authority to reschedule the election protest hearing. Unfortunately, however, I am scheduled to be in client business meetings in Louisiana on October 22-25, and I cannot postpone or reschedule those meetings. Moreover, I have been retained to represent multiple candidate clients in North Carolina during the run-up and aftermath of the November 3 election, and I will thus be unavailable from October 31 – November 8. My co-counsel Mr. Jordan is similarly extraordinarily busy during this particular time frame, not just with his own candidacy and election but also other client matters as well.

Accordingly, this is to respectfully request that the MEC reschedule the ballot inspection and election protest hearing to November 11-12, 2020, assuming of course that these dates suit you, the MEC, and Mr. Parker. If not, we are certainly willing to develop a schedule that meets everyone's mutually acceptable approval. Thanks very much,

Butch

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com
<12896 ltr to counsel and MEC members.pdf>

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Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Tuesday, October 20, 2020 2:40 PM
To: Wallace Jordan
Cc: Brittany A. Funderburk; Butch Bowers; Jay Jordan; Johnny Parker; Terri King (townofmcbeesctk@gmail.com); Will Curtis; William Spencer; dvandenberg410@gmail.com; phumphries53@yahoo.com; psbrister@hotmail.com
Subject: Re: [External Email] Town of McBee - 2020 Election Matter

Sorry for the confusion. The meetings set for this week are Thursday and Friday. Both at 3:00.

Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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On Oct 20, 2020, at 2:31 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Do you mean Thursday and Friday???
Your email says Wednesday and Thursday.
Just want to make sure we have correct dates

On Tue, Oct 20, 2020 at 1:50 PM Martin S. Driggers, Jr. <MSD@swblaw.com> wrote:

Jay,

I will get these concerns to the MEC as soon as possible, hopefully today. However, their decision to continue the meetings for this week is what currently stands. You certainly can put whatever concerns you have on the record on Wednesday or Thursday, as a court reporter will be present. I will provide this information to the MEC as soon as I can. Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A. firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
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On Oct 20, 2020, at 1:42 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Martin:

This is from Jay.

A Couple of things:

First, I would ask for reconsideration as to the scheduling. As noted previously, Butch will be out-of-town in the State of Louisiana. With Butch not being able to be present at the hearing, we are at a disadvantage and feel it will be unfair to our side. In addition, I am also scheduled to be out of town.

Second, it is our understanding that there is a new member to the MEC as of late yesterday afternoon. We have concerns that a brand new member cannot get up to speed with everything going on since there have been multiple filings on both sides regarding this matter. There needs to be a full commission having adequate time to review the entire process.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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Sorry for the confusion. The meetings set for this week are Thursday and Friday. Both at 3:00.

Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
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Just want to make sure we have correct dates

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Jay,

I will get these concerns to the MEC as soon as possible, hopefully today. However, their decision to continue the meetings for this week is what currently stands. You certainly can put whatever concerns you have on the record on Wednesday or Thursday, as a court reporter will be present. I will provide this information to the MEC as soon as I can. Thank you.

Martin S. Driggers, Jr.
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Johnny Parker

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Wednesday, October 21, 2020 12:34 PM
To: Butch Bowers
Cc: Wallace Jordan; Brittany A. Funderburk; Jay Jordan; Johnny Parker; Terri King (townofmcbeesctk@gmail.com); Will Curtis; William Spencer; dvandenberg410@gmail.com; phumphries53@yahoo.com; psbrister@hotmail.com
Subject: Re: [External Email] Town of McBee - 2020 Election Matter

Butch,

I will bring this development before the MEC. But currently the review of the absentee ballots is set for October, 22, 2020 and the hearing on the petition is set for October 23, 2020. Both at 3:00 pm at the Town Hall of McBee. Will advise of any changes.

Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
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On Oct 21, 2020, at 12:20 PM, Butch Bowers <Butch@ButchBowers.com> wrote:

Martin et al: I apologize for the late notice, but we just learned this morning that our handwriting expert, Mickey Dawson, is not available tomorrow or Friday after the dates For the hearing have been moved around. Mr. Dawson is a retired SLED agent with many years of experience, and we believe his review of the evidence and his testimony thereof will be a critical component of this hearing. Without Mr. Dawson being available due to a scheduling conflict, we are seriously prejudiced. Therefore, we respectively renew our request to continue this matter beyond the national election so that the MEC can have the benefit of Mr. Dawson's expertise, and for all of the other reasons we have previously articulated which are incorporated here by reference. Thank you,

Butch Bowers

On Oct 20, 2020, at 2:40 PM, Martin S. Driggers, Jr. <MSD@swblaw.com> wrote:

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S·W·B

SWEENY WINGATE & BARROW P.A.

October 23, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com and JParker@pmped.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

John E. Parker, Jr., Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay and Johnny:

The inspection of election ballots has been re-scheduled for November 11, 2020 beginning at 3 PM at the Town Hall in McBee.

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been re-scheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Wednesday, November 13, 2020 also beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the inspection and hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

(Signature Page to Follow)

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: David Vandenberg - dvandenberg410@gmail.com
Linda Sterling - StoLatte@hotmail.com
Terri King - townofmcbeesctk@gmail.com

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Johnny Parker

From: Johnny Parker
Sent: Wednesday, October 28, 2020 8:45 AM
To: Glenn
Subject: FW: [External Email] Odom

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Wednesday, October 28, 2020 8:43 AM
To: Johnny Parker <JParker@pmped.com>
Subject: Re: [External Email] Odom

Johnny,

The review of the ballots is on the 11th at 3:00 pm. The hearing is set for the 13th at 3:00 pm. Let me know if you have any other questions.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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> On Oct 28, 2020, at 8:39 AM, Johnny Parker <JParker@pmped.com> wrote:
>
> We received your letter about the contest hearing being scheduled for the 13th. Glenn tells me that it was set for the 12th. Which is correct?
> <image001.jpg>

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EXHIBIT 4

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)
)
In re: McBee Election for Mayor and)
Council held September 1, 2020)
)

BEFORE THE McBEE ELECTION COMMISION

Glenn Odom who was a certified as mayor by the Commission moves to dismiss any further hearings in this matter on the grounds that any further proceedings are not timely pursuant § 5-15-30, South Carolina Code (1976).

> **§ 5-15-30 Procedures for contesting results of election.**
>
> Within forty-eight hours after the closing of the polls any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission. Within forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised file its report together with al recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the elections the council shall order a new election as to the parties concern.
>
> Neither the mayor nor any member of the council shall be eligible to pass on the issues arising in any contest in which he is a party.

This section provides that any municipal election protest must be heard within 48 hours of the written notice of the contest. By consent of the parties this hearing was continued until September 25, 2020. On the day of the hearing September 25, Mr. Odom's attorney was notified that the election commission was not going forward with the hearing. This was after the contestant's attorney on the previous afternoon confirmed he would be present the following day in person (Ex 1. Email 09.24.20). Mr. Odom 's attorney left for the hearing at approximately 10:30 a.m. on September 25, 2020, and after traveling approximately 1 ½ hours towards McBee was notify the hearing had been cancelled. Earlier that morning he received an email from Butch Bowers saying he had been recently retained to assist with the

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protest hearing and assert protection for the hearing pursuant to §25-1-2260, South Carolina Code (1976). §25-1-2260 does not apply to Municipal Election Commission hearings and only applies to courts. (Ex. 2. Email 9.25.20)

After receiving the notice that the protest was cancelled plaintiff's counsel notified everyone concerned that Mr. Odom objected to any further hearings because Mr. Odom did not consent to continuing the hearing and he was not allowed to object to the commission continuing the hearing. (Ex. 3. Email 9.25.20). Counsel for Mr. Odom received a phone call approximately 12:00 pm on September 25, 2020, notifying him that the hearing had been continued, and was not given an opportunity to oppose the continuance.

The right to contest an election exists only under § 5-15-130, South Carolina Code (1976) and the procedure prescribed by this section must be strictly followed. *Butler v. Town of Edgefield (S.C 1997) 328 S.C. 238, 493 S.E.2d 838.*

The Commission was without authority to continue the election protest over Mr. Odom's objection and for this reason the Commission should refuse to hear the protest.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: /s/John E. Parker

John E. Parker
William F. Barnes, III
101 Mulberry Street East
P.O. Box 457
Hampton, SC 29924
Phone: (803) 943-2111
jparker@pmped.com
wbarnes@pmped.com
ATTORNEYS FOR GLENN ODOM

September 30, 2020
Hampton, South Carolina

Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Thursday, September 24, 2020 2:31 PM
To: Johnny Parker
Subject: Re: [External Email] Fwd: MCBEE

yes

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Thu, Sep 24, 2020 at 2:10 PM Johnny Parker <JParker@pmped.com> wrote:

Are you planning on attending the hearing tomorrow in person?

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Wednesday, September 23, 2020 11:58 AM
To: townofmcbeesctk@gmail.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: [External Email] Fwd: MCBEE

Please see attached correspondence regarding the 2020 Election Matter of McBee

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Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

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Johnny Parker

From: Butch Bowers <Butch@ButchBowers.com>
Sent: Friday, September 25, 2020 11:05 AM
To: Wallace Jordan; Terri King (townofmcbeesctk@gmail.com); Will Curtis
Cc: Martin S. Driggers, Jr.; Brittany A. Funderburk; William Spencer; Johnny Parker
Subject: RE: [External Email] MCBEE

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; JPARKER@pmped.com
Subject: Re: MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

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Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:20 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

I did receive Butch's email asking for a continuance but don't believe it was properly before the commission.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
>
> Wallace "Jay" Jordan, Jr., Esquire
>
> 626 West Evans Street
>
> Post Office Box 2010
>
> Florence, South Carolina 29503-2010
>
> (843) 662-4474 Telephone
>
> (843) 662-6024 Facsimile
>
> On Fri, Sep 25, 2020 at 1:02 PM Butch Bowers <Butch@butchbowers.com> wrote:
>
> Martin – I am available October 12-15. Any of those dates work for me.
>
> It is my understanding that we have requested to gain access to the absentee ballots that were cast in this election, but those materials have not yet been produced. These are critical pieces of evidence in this hearing, and we respectfully request that they be produced/made available as soon as possible, and certainly well before the rescheduled hearing. Thanks very much,

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ELECTRONICALLY FILED - 2020 Oct 30 4:25 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:11 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

We object to any future hearings. We did not consent to continue the hearing today which was set by consent. In fact I had traveled an hour and one half toward McBee when I was called and told the hearing was continued. Additionally I was never served with a motion for continuance and had no input on this issue.We believe the Commission is now without authority to hear the matter since the time for a hearing has lapsed. We also believe the Commission was in error in continuing today's hearing without any input from Mr. Odom.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
>
> Wallace "Jay" Jordan, Jr., Esquire
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Butch

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>; Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>
Subject: Re: [External Email] MCBEE

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

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Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.

firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

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On Sep 25, 2020, at 10:16 AM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see a copy of the SC Supreme Court Order for Jay's Legislative Protection

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

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(843) 662-6024 Facsimile

On Fri, Sep 25, 2020 at 10:08 AM Johnny Parker <JParker@pmped.com> wrote:

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: Re: [External Email] MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

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Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Wed, Sep 23, 2020 at 11:57 AM Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

League of Women Voters of South Carolina, *et al.*, Plaintiffs vs. Marci Andino, in her official capacity as Executive Director of the South Carolina State Election Commission, *et al.*, Defendants.	Civil Action No. 2:20-3537-RMG **ORDER**

This matter comes before the Court on Plaintiffs' motion for a preliminary injunction. (Dkt. No. 21). Plaintiffs filed memoranda in support of their motion. (Dkt. Nos. 21-1; 41 ;56). Defendants filed memoranda in opposition. (Dkt. Nos. 46; 48). The Court also received amicus curiae briefs in support of and in opposition to the motion. (Dkt. Nos. 43; 45). The Court conducted oral argument on the motion on October 21, 2020.

I. Factual Background

Plaintiffs filed this action on October 2, 2020, alleging that the State of South Carolina's lack of a procedure for providing notice and an opportunity to cure for absentee ballot voters whose ballots are not counted because of their failure to include a voter and/or witness signature on their returned absentee ballot envelope violates such voters' rights to due process and equal protection. (Dkt. No. 1). Plaintiffs moved on October 9, 2020, some 24 days before the General Election, for a preliminary injunction mandating that South Carolina election officials implement a court-ordered notice and cure procedure for all absentee ballot voters who omitted one or both of the required signatures on their returned absentee ballot envelopes. (Dkt. No. 21). As

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requested by Plaintiffs, such an injunction would include altering the date absentee ballot return envelopes are reviewed by county election officials, which is statutorily established to be one calendar day before the general election; providing sufficient time for election officials to notify absentee ballot voters who have submitted defective ballots via U.S. mail, phone or email; and allowing these absentee ballot voters to cure the signature defects. (Dkt. Nos. 21; 65 at 41-42). Plaintiffs further seek injunctive relief regarding the actions of some county boards to disqualify otherwise timely and complete absentee ballots on the basis of mismatched signatures, the state statutory provision which prohibits persons who submit defective absentee ballots from voting at the polls on election day, and the directive of the State Election Commission to county boards prohibiting individual counties from operating, at their discretion, a notice and cure procedure for absentee ballots missing the required signatures.

South Carolina has a comprehensive statutory scheme for the processing of absentee ballots. A registered voter seeking to vote by absentee ballot must initially submit an application for an absentee ballot to the voter's county board of voter registration and elections ("county board"). The county board, per South Carolina Code Annotated §7-15-200, then sends a qualified applicant a packet that includes the ballot, an envelope to place the ballot (which includes on the envelope a statement "ballot herein"), a return addressed envelope, and detailed instructions. (Dkt. No. 48-1 at 2, 5-11). The instructions state that the voter must sign the Voter's Oath on the back of the return addressed envelope and a witness must sign below the voter's signature and provide a home address or the absentee ballot will not be counted. (Dkt. No. 48-1 at 11).

The voter is instructed to complete the ballot, place the ballot in the "ballot herein" envelope, seal the "ballot herein" envelope, and insert the "ballot herein" envelope into the

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return addressed envelope. (*Id.*). The back of the return addressed envelope contains a boldly titled "Voter's Oath," certifying that the voter is duly qualified to vote and has not otherwise voted in the election. S.C. Code Ann. § 7-15-220. (Dkt. No. 48-1 at 9). Below the oath is a signature line for the voter, a place to date the absentee ballot submission, and spaces for the witness' signature and address. According to an affidavit submitted by Plaintiffs in support of their motion for preliminary injunction, .2% of the absentee ballots were rejected because of a missing signature of a voter or witness in the 2018 general election and .1% were rejected in the 2016 general election. (Dkt. No. 21-2 at 5). In other words, despite the multi-step process for completing and submitting absentee ballots in South Carolina, at least 99.8% of the absentee ballots satisfied the signature requirements in the last two election cycles.

At "9:00 a.m. on the calendar day preceding election day," election managers, with duly appointed watchers present, are required to begin the process of examining the returned absentee ballots, "making certain that each oath has been properly signed and witnessed and includes the address of the witness." S.C. Code Ann. § 7-15-420(B). An absentee ballot "may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and election after time for closing of the polls." *Id.* If the absentee ballot contains the required signatures and is not challenged for other lawful reasons, the "ballot herein" envelope is removed from the returned addressed envelope and placed in a "locked box" for processing as a legitimate ballot. *Id.* On the other hand, if the absentee ballot lacks the voter or witness signature, the return addressed envelope is not opened and the ballot is not counted. *Id.* Furthermore, any person who has been issued an absentee ballot may not vote on election day (whether or not the absentee ballot has been cast) unless the

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voter can furnish to his precinct manager "a certificate from the county board . . . that his absentee ballot has been returned to the board unmarked." S.C. Code Ann. § 7-15-430.

Under South Carolina law, the State Election Commission establishes policies and procedures and elects an executive director. S.C. Code Ann. § 7-3-20. Defendant Andino is the Commission's executive director. County boards operate under the supervision of the State Election Commission's executive director and must comply with the Commission's policies and procedures as well as State and federal law. *Id.* In the event there is any disagreement between the county boards and the State Election Commission regarding any aspect of the conduct of elections, "the policy or opinion of the State Election Commission shall control." S.C. Code Ann. § 7-3-25.

South Carolina election laws do not authorize county boards to engage in signature matching processes as a basis to disqualify an absentee ballot otherwise properly completed and timely submitted. (Dkt. No. 65 at 7, 11-12). South Carolina has no standards or rules relating to any signature matching processes and no training has been provided to county boards for conducting signature matching. (Dkt. Nos. 58 at 2; 65 at 7). Defendant Andino initially advised the Court in a Declaration of October 20, 2020 that to her personal knowledge no county board was engaged in signature matching to disqualify otherwise validly completed absentee ballots. (Dkt. No. 58 at 1-2). During oral argument on October 21, 2020, Defendants' counsel advised the Court that any county board engaging in a signature matching process to disqualify or reject otherwise properly completed absentee ballots would be acting without legal authority and in violation of state election laws. (Dkt. No. 65 at 7-12). Defendant Andino informed the Court in a supplemental Declaration of October 26, 2020 that as a result of a survey she conducted since the October 21, 2020 oral argument, she learned that at least nine counties are engaged in

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signature matching procedures, with these county boards utilizing a wide variety of procedures when an alleged mismatched signature is identified. (Dkt. No. 66-1).[1]

South Carolina election laws do not include a procedure to provide absentee ballot voters notice if their return addressed envelopes lack one of the required signatures or any process to cure a defectively submitted absentee ballot. Defendants assert that county boards are not authorized to provide notice and cure processes for absentee ballots with missing signatures and have issued a directive to county boards stating that absentee ballot voters with missing signatures "cannot be given the opportunity to cure deficiencies." (Dkt. Nos. 48-1 at 2-3; 53 at 5). Defendant Andino has advised the Court that "[g]iven how close we are to Election Day, it would be difficult to implement a new, uniform, secure process across all 46 counties for curing failures to comply with signature and witness requirements." (Dkt. No. 48-1 at 3).

II. Legal Standards

A. Preliminary Injunction Standards:

A preliminary injunction is "an extraordinary remedy never awarded as of right." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008); *see also U.S. Dep't of Labor v. Wolf*

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[1] The nine counties Defendant Andino identified as engaged in signature matching procedures to disqualify otherwise validly completed absentee ballots are Allendale, Anderson, Clarendon, Georgetown, Greenville, Greenwood, Laurens, Marlboro, and Orangeburg Counties. (Dkt. No. 66-1 at 3). An additional county, Spartanburg County, informed Defendant Andino that it initially attempted to conduct signature matching but "could not keep up and stopped checking." (*Id.* at 4). It is not clear if some number of otherwise validly completed absentee ballots were disqualified before the signature matching procedure was discontinued by that county board. Further, Defendant Andino advised the Court that she was unable to obtain information on whether the following counties were engaged in signature matching processes despite repeated efforts to communicate with county board officials: Aiken, Charleston, Dorchester, Lee and Saluda Counties. (*Id.*). One additional county, Berkeley, simply stated it was complying with the law and failed to respond to subsequent efforts by Defendant Andino to obtain clarification whether it was or was not engaged in signature matching. (*Id.*). Defendant Andino stated that 30 counties (65%) were not engaged in any signature matching procedures. (*Id.*).

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Run Mining Co., 452 F.3d 275, 281 n.1 (4th Cir. 2006). To obtain a preliminary injunction Plaintiff must show:

(1) a likelihood of success on the merits;

(2) irreparable harm in the absence of preliminary injunctive relief;

(3) the balance of equities tips in the favor of the moving party; and

(4) an injunction is in the public interest.

Winter, 555 U.S. at 20. A Plaintiff seeking injunctive relief must show that all four of the *Winter* factors support granting relief. *See id.*; *see also Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 812 (4th Cir. 1991) (noting that the Plaintiff "bears the burden of establishing that each of these factors supports granting the injunction") (quoting *Technical Publ'g Co. v. Lebhar-Friedman, Inc.*, 729 F.2d 1136, 1139 (7th Cir. 1984)).

B. *Anderson-Burdick* Standards:

It is well-settled that the federal courts must evaluate constitutional challenges to state election rules under a flexible standard guided by the extent the rule or practice under contest burdens the right to vote. Where the burden is severe, such as use of a poll tax, the state must show a compelling state interest in its election rule under challenge. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983). Where a state election rule is reasonable and non-discriminatory, a rational basis standard is utilized, and generally reasonable state justifications will support the restrictions. *Burdick*, 504 U.S. at 434. However, where a state election rule falls between these two extremes and burdens the right to vote in a material way, the court must "weigh the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments . . . against the precise interests put forward by the State as justification for the burden imposed by its rule . . . ." *Id.*

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The *Anderson-Burdick* standard is not a rubber stamp for approval of every state election rule under challenge. Instead, "the rigorousness of [the court's] inquiry . . . depends upon the extent to which the challenged regulation burdens First and Fourteenth Amendment rights." *Id.* There is no litmus test, but the court must carefully balance the burdens placed on the right to vote against the state justification for the challenged rule. *Democratic Exec. Comm. of Fla. v. Detzner*, 347 F. Supp.3d 1017, 1029 (N.D. Fla. 2018), *aff'd*, 915 F.3d 1312 (11th Cir. 2019). This examination "should not be divorced from reality" and the "burden and legitimate regulatory interest should be evaluated in context." *Obama for Am. v. Husted,* 697 F.3d 423, 441 (6th Cir. 2012) (White, J., concurring).

C. Due Process Standards under *Mathews v. Eldridge*:

There is no constitutional right to vote by absentee ballot, but if a state elects to allow absentee voting it must do so consistent with the United States Constitution. *Democracy N. Carolina v. N. Carolina State Bd. of Elections,* No. 1:20CV457, 2020 WL 4484063, at *53 (M.D.N.C. Aug. 4, 2020); *Zessar v. Helander*, No. 05 C 1917, 2006 WL 642646, at *6 (N.D. Ill. Mar. 13, 2006). The right to vote is a protected liberty interest under the Due Process Clause of the Fourteenth Amendment, and a citizen's validly submitted ballot cannot be rejected by the government without notice and an opportunity to be heard. *Frederick v. Lawson*, No. 119CV01959SEBMJD, 2020 WL 4882696, at *12 (S.D. Ind. Aug. 20, 2020); *Self Advocacy Sols. N.D. v. Jaeger* ,No. 3:20-CV-00071, 2020 WL 2951012 (D.N.D. June 3, 2020); *Fugazi v. Padilla*, No. 2:20-CV-00970-KJM-AC, 2020 WL 2615742 (E.D. Cal. May 22, 2020); *Raetzel v. Parks/Bellemont Absentee Election Bd.*, 762 F. Supp. 1354, 1356-57 (D. Ariz. 1990).

"Due process is flexible and calls for such procedural protection as the particular situation demands." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). The Supreme Court in *Mathews v.*

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Eldridge, 424 U.S. 319, 334 (1976) established a four-part test to determine the scope of due process required: (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous deprivation of such interest though the procedures used;" (3) "probable value, if any, of additional or substitute procedural safeguards; and (4) "the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." Courts across the country have relied on *Mathews* in recent decisions to require notice and a right to be heard when state election officials have rejected validly submitted absentee ballots on the basis that the voter's signature allegedly did not match some earlier handwriting sample. These courts have noted the high risk of erroneous deprivation of the right to vote by unskilled and untrained election officials attempting to match voters' signatures. *Georgia Muslim Voter Project v. Kemp*, 918 F. 3d 1262,1271 (11th Cir. 2019); *Frederick*, 2020 WL 4882696, at *13-14; *Democracy N. Carolina*, 2020 WL 4484063, at *53-54; *Jaeger*, 2020 WL 2951012, at *9; *Fugazi v*, 2020 WL 2615742, at *7-8; *Saucedo v. Gardner*, 335 F. Supp.3d 202, 217-20 (D.N.H. 2018).

D. Standards for Issuance of Late Election Law Injunctions under *Purcell v. Gonzalez*:

Another important factor for consideration when district courts are reviewing state election law challenges is timing, with a marked reluctance to order a change in election procedures in close proximity to elections. *Purcell v. Gonzalez*, 549 U.S. 1 (2006). Not all injunctive relief is foreclosed, particularly where there has been a last-minute change that imposes a substantial burden on the right to vote. *Democratic Nat'l Comm. v. Bostelmann*, No. 20-2835, 2020 WL 5951359, at *2 (7th Cir. Oct. 8, 2020). The Supreme Court has also been reluctant to stay late injunctive relief supported by a state. *Republican Nat'l Comm. v. Common Cause of Rhode Island,* No. 20A28, 2020 WL 4680151 (U.S. Aug. 13, 2020). With these limited exceptions,

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district courts have been directed not to enter late orders granting injunctive relief that alter the status quo and imposes new procedures on state election officials on the eve of an election. *Andino v. Middleton*, No. 20A55, 2020 WL 5887393 (U.S. Oct. 5, 2020); *Republican Nat'l Comm. v. Democratic Nat'l Comm.,* 140 S. Ct. 1205, 1207 (2020); *Arizona Democratic Party v. Hobbs*, No. 20-16759, 2020 WL 5903488, at *2 (9th Cir. Oct. 6, 2020).

III. Discussion

A. South Carolina's Lack of Notice and Opportunity to Cure a Defective Absentee Ballot

Plaintiffs assert that South Carolina's lack of a notice and cure procedure when absentee ballot voters fail to provide on the return addressed envelope the requisite signatures of the voter and/or witness violates their rights under the First and Fourteenth Amendment. Plaintiffs accurately assert that a number of states provide by statute procedures of notice and cure for defective absentee ballots. These states have staff and processes in place to facilitate the notice and cure process. South Carolina presently has no such statutory provision and no processes or staff in place in the State's 46 counties to implement a notice and cure procedure.

While one could argue that those states with notice and cure procedures have the better policy, this does not address the legal issue before the Court. The Court must address the question of whether the United States Constitution requires states to have a notice and cure procedure for absentee ballot voters who submit their ballots without the statutorily required signatures. Further, if such a procedure is required, is it practical now, a week before the 2020 General Election, for the State to implement a court-ordered notice and cure procedure?

Plaintiffs argue that the risk of erroneous deprivation of the right to vote by the lack of a notice and cure procedure compels a remedy, even one that must be implemented by court injunction on the eve of the General Election. Plaintiffs primarily point to a series of court

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decisions across the country requiring a notice and an opportunity to contest the disqualification of otherwise valid absentee ballots on the basis that the voter's signature does not appear to match some sample signature available to election officials. *E.g.*, *Georgia Muslim Voter Project*, 918 F.3d at 1268-75; *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1319-20 (11th Cir. 2019); *Zessar*, 2006 WL 642646. These cases note the general lack of skill and training of election officials in handwriting comparison and the high risk of erroneous disqualification of validly submitted absentee ballots by election officials. These mismatch signature cases conclude that it is the *government's* high risk of error that compels some process by which an absentee voter receives notice of the ballot disqualification and an opportunity to contest the finding that the voter's signature is not genuine.

The challenge here regarding the lack of notice and cure procedure differs from the signature matching cases in several significant ways. First, the error of a missing signature is the fault of the voter, not the government. As the Ninth Circuit observed in *Arizona Democratic Party*, 2020 WL 5903488, at *2, "the failure to sign one's ballot is entirely within the voter's control [but] voters are not readily able to protect themselves against the prospect that a polling official might subjectively find a ballot signature not to match a registration signature." *Id.* Second, there is little risk of erroneous processing of the disqualified ballots on the basis of a missing signature. The signature line is blank and can be observed objectively by the voting manager and duly appointed watchers. Third, the procedure sought by Plaintiffs is not a hearing to contest the government's disqualification decision, a standard due process remedy, but the opportunity of the absentee ballot voter to fix the deficient ballot. This proposed remedy sounds more in policy than in law, something reserved for state election officials. It is perhaps not surprising that neither Plaintiffs' counsel nor this Court could find even one reported case where a court ordered

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state officials to adopt and implement a notice and cure procedure when state law did not mandate such a process.

In addition to the lack of an underlying constitutional basis to require a state to provide a notice and cure procedure for defectively submitted absentee ballots, there is the very practical problem under *Purcell* of imposing an entirely new procedure on state and county election officials on the eve of the General Election. Such a remedy is fraught with complications. South Carolina law provides for the examination of submitted absentee ballots no sooner than 9:00 a.m. on the day before the election. *See* S.C. Code Ann. § 7-15-420(B). At that time, the duly appointed election managers and watchers gather and begin the examination process. Plaintiffs' counsel conceded at oral argument that this statutory deadline would have to move to afford enough time for absentee voters to be notified of their ballot deficiency and an opportunity to cure the defect. (Dkt. No. 65 at 41-42). Staffing such a notice and cure process would necessarily be labor intensive and would impose burdens on county election officials at the peak of their efforts, when they are attempting to conduct an election in the midst of a once in a century pandemic and processing an exponential increase in absentee ballots. As Justice Kavanaugh noted in a concurring opinion supporting a stay in *Andino v. Middleton*, 2020 WL 5887393, at *1, "this Court for many years has repeatedly emphasized that federal courts should not ordinarily alter state election rules in the period close to an election."

A threshold issue for any motion for a preliminary injunction is a showing by the moving party of a likelihood of success on the merits. Based upon the foregoing, it is clear that Plaintiffs cannot demonstrate a likelihood of success on the merits regarding their claim that they have a constitutional right to notice and an opportunity to cure when absentee ballots are submitted which lack the statutorily required voter and witness signatures. Further, the issuance of an

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injunction mandating court ordered election procedures on the eve of an election is generally to be avoided unless there is a significant burden on the exercise of the right to vote and an insufficient justification for the state practice under challenge. This situation plainly does not meet that high bar. Consequently, the Court denies Plaintiffs' motion for an injunction to impose procedures for notice and a right to cure absentee ballots lacking statutorily mandated signatures on state and county election officials.

B. The Right of Plaintiffs to Compel State Election Officials to Allow Individual County Boards to Provide Notice and an Opportunity to Cure Defective Absentee Ballots

Plaintiffs allege that at least one county board, Charleston County, has previously provided absentee ballot voters notice and an opportunity to cure ballots that were submitted without the required signatures. (Dkt. No. 53 at ¶ 39). Plaintiffs assert that a recent directive of the State Election Commission prohibiting any county board from providing such notice and cure procedures constitutes a violation of Plaintiffs' constitutional rights. (Dkt. Nos. 53 at ¶¶ 53, 60; 58 at 5). Plaintiffs seek to have the Court enjoin Defendants from enforcing their directive to county boards so as to permit individual county boards to adopt their own notice and cure policies if they wish. Defendants assert state election laws provide county boards no authority to conduct such procedures, and their directive was for the purpose of maintaining uniform statewide procedures in accordance with statutory law.

The Court earlier found that Plaintiffs have no constitutional right to notice and an opportunity to cure defectively submitted absentee ballots. In the absence of such a federal constitutional right or the absence of any right to notice and right to cure under state law, it is difficult to see how this Court would have the authority to order Defendants to allow county boards to implement their own notice and cure procedures if they choose. At oral argument,

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Plaintiffs' counsel conceded that the claim regarding individual county discretion depended on the existence of an underlying constitutional right to notice and cure procedures. (Dkt. No. 65 at 56). Further, it would be wholly inappropriate under *Purcell* for this Court to order a new procedure regarding local discretion on notice and cure procedures this close to the election, which would surely generate the type of confusion sought to be avoided late in the election cycle process.

The Court finds that Plaintiffs cannot show a likelihood of success on the merits on their claim to a right to local discretion on notice and right to cure procedures. Therefore, they are not entitled to a preliminary injunction on this issue.

C. The Denial of the Right of Voters to Cast a Ballot at the Polls if their Absentee Ballot Is Disqualified Due to Missing Signature

Plaintiffs object to longstanding state law that that any person issued an absentee ballot is not allowed to cast a ballot at his or her voting precinct unless the voter presents a certificate from the county board that the absentee ballot "has been returned to the board unmarked." S.C. Code Ann. § 7-15-430. The Court shares Plaintiffs' understandable concern that a voter's error in presenting an absentee ballot would deprive the voter of any right to cast a ballot in that election. In an ideal world, this situation would not arise and every person who sought to vote would have their ballot counted.

The provision of state law at issue, § 7-15-430, is designed to prevent an absentee ballot voter from casting an absentee ballot and also appearing at the polls to vote on election day. Local precinct managers are provided a voter list indicating which voters have been issued an absentee ballot. This statute fulfills a compelling state interest in preventing double voting. The State has mitigated the problem under § 7-15-430 of disqualifying persons issued absentee ballots from voting at the polls if they change their minds and elect instead to vote at the polls.

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Under such circumstances, the voter can obtain a certificate from the county board stating that the voter has turned in the issued absentee ballot unmarked, and the voter would then be free to cast a ballot at the polls. *Id.* This exception is of no benefit to those who submit their absentee ballots marked but their return addressed envelopes do not contain the requisite signatures.

The South Carolina General Assembly might at a future time consider providing an exception for voters who have submitted a defective absentee ballot to allow them to obtain a certificate from their county boards that would allow them to vote at the polls on election day. But this is a policy question, the very type of issue that is best handled by a state's elected representatives and duly authorized election officials. Under *Purcell*, it would not be proper at this stage of the election process to enjoin enforcement §7-15-430 or attempt to graft a new exception onto the law.

Plaintiffs are unable to show a likelihood of success on the merits regarding the right under these circumstances to cast a ballot at the polls despite having been issued an absentee ballot. Therefore, Plaintiffs' motion for a preliminary injunction on this issue is denied.[2]

D. Plaintiffs' Claim that Some County Boards are Engaged in Disqualifying Otherwise Validly Submitted Absentee Ballots on the Basis of Mismatched Signatures

Plaintiffs have alleged that certain county boards are planning to "impose a signature mismatching requirement" on all absentee ballots. (Dkt. No. 53 at ¶¶ 40-43). Defendant Andino, responding to questions posed by the Court, stated in a Declaration of October 20, 2020 that she was personally unaware of plans of any county board to conduct signature matching for

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[2] Looking at this matter realistically, a court ordered change in § 7-15-430 would be of little practical benefit to absentee ballot voters with defective absentee ballots because under state law the review of the absentee ballot return addressed envelopes does not commence until one day before the election. *See* S.C. Code Ann. § 7-15-420(B). Moreover, there is no mechanism to provide the voter timely notice of the determination that the ballot has been rejected.

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the purpose of disqualifying otherwise validly submitted absentee ballots. (Dkt. No. 58 at 1-2). Defendant Andino further informed the Court that there are no state standards, rules or manuals relating to reviewing allegedly mismatched signatures, and the State Election Commission has provided no training for such activities. (*Id.* at 2). Defendants' counsel advised the Court during oral argument on October 21, 2020 that any county board disqualifying absentee ballots on the basis of signature mismatches would be acting without statutory and State Election Commission authority. Defendant's counsel further stated that such actions would be unlawful, and counties "should not be doing this." (Dkt. No. 65 at 7, 9). Defendants' counsel also confirmed the State Election Commission was unaware of the disqualification of absentee ballots in any prior election on the basis of an alleged signature mismatches. (*Id.* at 7). In response to the Court's question about whether the Defendant State Election Commission would "tolerate even for a minute" unauthorized signature matching procedures by county boards, Defendants' counsel stated:

> Certainly it's fair the Commission would not approve of any county doing something that Title 7 [South Carolina's Election Law Title] doesn't allow. And currently Title 7 does not have a provision that permits the signature matching that the complaint alleges. (*Id.* at 11-12).

Subsequent to oral argument, Defendant Andino, at the Court's request, conducted a survey of the 46 county boards to confirm her understanding that no county board was engaged in the unauthorized matching of absentee ballot signatures. (Dkt. No. 66). Defendant Andino learned that at least nine county boards were engaged in the unauthorized practice of signature matching to disqualify otherwise validly completed ballots. (*Id.* at 3). Six county boards informed Defendant Andino that they had written procedures in place for addressing alleged mismatched signatures. (*Id.* at 4). These written policies were a hodgepodge of procedures, some providing no notice to the affected voter and some involving efforts to reach out to the

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voter and to provide some method of challenging the signature mismatch determination. (Dkt. No. 66-1). One county, Marlboro County, stated it was conducting signature matching procedures with no written policy and three counties failed to disclose those procedures to Defendant Andino. (Dkt. No. 66 at 4).[3] Further, the examination of absentee ballots by county election officials for allegedly mismatched signatures prior to the statutorily designated examination period for absentee ballots (the day prior to election day) and without the duly appointed managers and watchers present, is violative of the procedures mandated under S.C. Code Ann. § 7-15-420.[4]

The late discovery of these wildly inconsistent procedures, where a minority of counties are conducting some version of signature matching without the knowledge or approval of the State Election Commission and acting contrary to the Commission's and its Executive Director's plainly stated legal position that such procedures are unlawful under South Carolina law, raises a number of significant legal questions. First, what is the State's interest in maintaining an unauthorized and unlawful election practice under State law that significantly burdens the right of absentee ballot voters to have their properly submitted ballots counted? Second, is the *status quo* the authorized, approved, and longstanding practices of the State Election Commission, rather than the unlawful practices of a minority of county boards acting *ultra vires*? If so, would a federal court injunction maintain, rather than alter, the *status quo*? Third, does this late

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[3] Greenville and Georgetown County Boards provide no notice to the affected voter. (Dkt. No. 66-1 at 11-14). Greenwood County policy provides that staff should "try to contact the voter and ask if they signed the document." If the voter cannot be reached, a new absentee ballot is sent to the voter. (*Id.* at 15-16). Laurens County provides that if a signature is questioned, "see the director or assistant to have the voter contacted or a provisional ballot issued." (*Id.* at 17-18).

[4] The Court is confident that Defendant Andino and the Defendants' counsel were not attempting to mislead the Court and were genuinely unaware that a minority of counties were engaged in unauthorized signature matching procedures.

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discovery by the State Election Commission of this unauthorized practice by these nine county boards constitute one of those rare situations under *Purcell* where a federal court injunction in close proximity to election day is proper and necessary? These and other issues the Court addresses as follows:

1. *Standing*

A threshold question in every federal case is whether the plaintiff has standing to bring the action. *Warth v. Seldin*, 422 U.S. 490, 498 (1975). The plaintiff bears the burden of demonstrating a "personal stake in the outcome of the controversy" that will be sufficient to warrant the party's "invocation of federal-court jurisdiction." *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009). The plaintiff is required to show: (1) she is "under threat of suffering 'injury in fact' that is concrete and particularized"; (2) "the threat [is] actual and imminent, not conjectural or hypothetical"; (3) the threatened injury is "fairly traceable to the challenged action of the defendant"; and (4) it is likely that "a favorable judicial decision will prevent or redress the injury." *Id.*

To be particularized, an injury "must affect the plaintiff in a personal and individual way." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1548 (2016) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 n. 1 (1992)). There must be some connection between the plaintiff and the defendant that differentiates the plaintiff so that his injury is not common to all members of the public. *Griffin v. Dep't of Labor Fed. Credit Union*, 912 F.3d 649, 655 (4th Cir. 2019) (quoting *United states v. Richardson*, 418 U.S. 166, 177 (1974)). "The presence of one party with standing is sufficient to satisfy Article III's case-or-controversy requirement." *Rumsfeld v. Forum for Acad, and Institutional Rights, Inc.*, 547 U.S. 47, 52 n.2 (2006).

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Voters who allege facts showing disadvantage to themselves as individuals have standing to sue. *Baker v. Carr*, 369 U.S. 186, 206 (1962). Accepting as true the allegations contained in the complaint, the individual plaintiffs have shown they are registered voters in the State of South Carolina and allege injury that their absentee ballots have been or are at risk of being rejected on the basis of unlawful signature matching procedures without notice and an opportunity to contest the determination. (Dkt. Nos. 21-4, Decl. George Hopkins; 21-5, Decl. Albertus Clea). The alleged injuries are particular, actual, and traceable to Defendants' lack of notice and process for absentee ballots rejected on the basis of signature mismatches. The Court finds the individual plaintiffs have established standing.

A determination as to whether an organization has standing in its own right is separate from an analysis of the standing of its members. *White Tail Park, Inc. v. Stroube*, 413 F.3d 451, 458 (4th Cir. 2005). Harm occurs if an organization's ability to function or to provide its core services is impaired by an allegedly unlawful action, and it suffers "the consequent drain of [its] resources" as a result, that organization has standing to bring suit. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 369, 378-379 (1982) (superseded on other grounds by statute 42 U.S. §3613(a)(1)(A)). Accepting the allegations in the complaint as true, organizational plaintiffs allege their ability to provide advocacy services essential to their missions such as voter registration, educational assistance, and fundraising have been impaired by Defendants' failure to provide notice and process when absentee ballot voters have their ballots rejected on the basis of alleged unauthorized signature mismatches. (Dkt. Nos. 21-6 at ¶ 22, Decl. Holley H. Ulbrich; Dkt. No. 21-7 at ¶ 16, Decl. Brenda C. Williams, M.D.). The Court finds that the organizational plaintiffs have established standing.

2. *Likelihood of Success on the Merits*

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Whether this issue is analyzed under the *Anderson-Burdick* or *Mathews* standards, it is apparent that these challenged signature matching procedures cannot stand. Under the *Anderson-Burdick* line of cases, the Court must first determine the severity of the burden imposed by the challenged practice. Here, absentee ballots, which meet all statutory requirements under South Carolina law, may nonetheless be disqualified on the basis of a subjective judgment that the voter's signature does not match some sample relied upon by county election officials. Moreover, a number of the counties conducting signature matching procedures have no or ill-defined procedures for providing affected voters timely notice of a signature mismatch determination or a timely procedure for challenging that determination. This is obviously a significant burden on Plaintiffs' voting rights and must be weighed against the State's interest in maintaining the challenged practice. Since the State has no interest in promoting an unlawful and unauthorized practice by a minority of county boards, the balance of interests tips decidedly in the direction of the Plaintiffs.[5] Plaintiffs have shown a likelihood of success on their claim under the *Anderson-Burdick* standard.

Under the *Mathews* due process standard, the Court must first look to the private interest affected by the challenged action. The interest is the right of a voter to have his or her validly cast absentee ballot counted. *Mathews*, 424 U.S. at 334. This is plainly a significant private interest. The Court next examines the "risk of erroneous deprivation of such interest through the

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[5] The State has an obvious interest in preventing voter fraud with absentee ballots and has built into its statutory scheme multiple provisions to prevent abuse of the absentee voting process. Any application for an absentee ballot is mailed by county boards to the residence of the registered voter. S.C. Code Ann. § 7-15-200. The voter must certify under oath that he or she is the person identified and faces potential criminal prosecution by submitting an absentee ballot in the name of another voter. S.C. Code Ann. § 7-15-220. A witness signature is required with the home address included on the submission. Any person who is issued an absentee ballot is prevented from casting a ballot at the polls on election day. S.C. Code Ann. § 7-15-430. These are the State authorized anti-fraud provisions regarding absentee ballots adopted by the South Carolina General Assembly.

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procedures used." *Id.* Numerous cases have found that the process of untrained election officials conducting signature examinations without established standards and protocols carries a very high risk of error. *Georgia Muslim Project*, 918 F.3d at 1271; *Frederick*, 2020 WL 4882696, at *13-14; *Democracy N. Carolina*, 2020 WL 4484063, at *53-54; *Jaeger*, 2020 WL 2951012, at *9; *Fugazi*, 2020 WL 2615742, at *7-8; *Saucedo*, 335 F. Supp.3d at 217-20. The Court is then directed to determine the probable value of additional or substitute procedural safeguards. *Mathews,* 424 U.S. at 334. These could include either the discontinuance of the unlawful signature matching process or the establishment of a procedure for timely notice of the signature mismatch decision and an opportunity to timely contest the decision before a fair tribunal. Such remedial steps would significantly reduce or eliminate the Plaintiffs' injuries. Finally, the Court must determine the administrative burden placed on the State by the required procedure. *Id.* This burden would either be minimal (simple discontinuance of the unauthorized procedure) or would require the provision of administrative procedures for timely notice and an opportunity to contest a disqualification of a voter's signature. Under the *Mathews* standard, these factors weigh heavily in favor of Plaintiffs.

Defendant Intervenors contend there is no liberty interest in the right to vote absentee or to have one's validly cast absentee ballot counted. (Dkt. No. 46 at 4). This is contrary to a large body of case law, which recognizes that the franchise is a fundamental right and the cornerstone of a citizen's liberty. *E.g.*, *Georgia Muslim Voter Project*, 918 F.3d at 1267-68; *Democracy N. Carolina*, 2020 WL 4484063, at *53; *Jaeger*, 2020 WL 2951012, at *8; *Fugazi*, 2020 WL 2615742, at *7. A few outlier cases have recently argued an extremely constricted view of liberty that does not include voting rights. *E.g.*, *Richardson v. Texas Sec'y of State*, No. 20-50774, 2020 WL 6127721, at *7-8 (5th Cir. Oct. 19, 2020). At the preliminary injunction stage,

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it is sufficient to point to the majority view that liberty and voting rights are inextricably linked. Indeed, it would be a sad day in American constitutional history to cabin principles of liberty so narrowly that the right of every citizen to the franchise is somehow deemed unconnected to the core concept of liberty under the Fourteenth Amendment.

The bottom line is that under both the *Anderson-Burdick* and *Mathews* standards, Plaintiffs have shown a likelihood of success on the merits on the issue of the unauthorized matching of voter signatures and the absence of established procedures for notice and an opportunity to contest a determination that a voter's signature is not genuine.

3. *Irreparable Injury*

"Courts routinely deem restrictions on fundamental voting rights irreparable injury." *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014). When constitutional rights, such as the right to vote, "are threatened or impaired, irreparable injury is presumed." *Obama for Am.*, 697 F.3d at 436. Here, the threatened action, a refusal to count a voter's validly submitted absentee ballot under state law, would constitute irreparable injury.

4. *The Balance of Equities*

Under these facts, the Plaintiffs' interest in having their lawfully completed absentee ballots counted is weighed against the State's interest, which appears to share the common goal with Plaintiffs to have absentee ballots processed in accordance with State law. The interest of a minority of county boards, acting *ultra vires*, should be accorded minimal, if any weight. The balance of equities tips decidedly in favor of Plaintiffs.

5. *The Public Interest*

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The Plaintiffs and the Defendants share a common interest in the fair and consistent administration of state election laws and the preservation of a voter's right to have a validly submitted absentee ballot counted. An injunction preventing the violation of long-established state statutory procedures and upholding a voter's right to have his or her validly completed absentee ballot counted are certainly in the public's interest.

6. *Entry of a Late Injunction in Close Proximity to the Election*

The entry of a federal court injunction in close proximity to an election is generally to be avoided under *Purcell* unless unusual and compelling circumstances are present, including a late change in election procedures that disrupts the *status quo* or where the State's interest is promoted by the entry of injunctive relief. *Republican Nat'l Comm.*, 2020 WL 4680151; *Bostelmann*, 2020 WL 5951359, at *2.

The highly unusual circumstances present here meet the high bar for the entry of a late injunction. First, the injunction would both protect the voting rights of the Plaintiffs while upholding consistently administered and non-discriminatory State election laws. Second, the actions of a minority of the county boards in engaging in unauthorized signature matching procedures disrupt the existing *status quo*, which allows examination of absentee ballots under a fixed set of statutory standards on an established timetable. The entry of an injunction would maintain, not alter, the *status quo*. Indeed, Defendants' counsel acknowledged at oral argument that the actions of any county boards in implementing a signature matching procedure would be in violation of State law and that there would be no harm to the State if a federal court injunction required the county boards "to follow the law" since "they should be doing that anyway." (Dkt. No. 65 at 7-10).

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Conclusion

Based on the foregoing, the Court hereby **ENJOINS** the State and any of its affiliate county boards from utilizing signature matching procedures to disqualify otherwise validly submitted absentee ballots unless affected voters are provided timely notice of the disqualified ballot and a timely procedure to contest that determination before a neutral tribunal. Should any county board seek to continue conducting signature matching procedures, it must first submit to this Court for approval its proposed procedures for timely notice and an opportunity to contest any disqualification of an absentee ballot otherwise validly submitted on the basis of an alleged signature mismatch. Any validly completed absentee ballots shall be processed without the use of signature matching procedures unless the county board has first obtained approval of this Court of its procedures to provide timely notice and timely opportunity to contest a determination that the voter's signature is not genuine. Any validly completed absentee ballots which have not been processed by a county board or were disqualified prior to the entry of this Order because of an alleged mismatched signature must now be reviewed and processed *de novo* in accord with this Order. Defendants are directed to promptly provide a copy of this Order to county boards and to confirm receipt. Further, as set forth above, the Court **DENIES** Plaintiffs' motion for injunctive relief on all other grounds, as set forth in Sections III (A), (B), and (C) above. (Dkt. Nos. 21; 41).

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

October 27, 2020
Charleston, South Carolina

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHESTERFIELD	)	
	)	
Glenn Odom	)	Case No: 2020-CP-13-0732
	)	
Plaintiff,	)	
	)	**DEFENDANTS SHORT, SUTTON, DIXON MEMORANDUM IN OPPOSITION OF PLAINTIFF'S WRITS OF MANDAMUS AND PROHIBITION**
vs.	)	
	)	
McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon	)	
	)	
Defendants,	)	

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. A challenge hearing was held on September 3, 2020, where the McBee Municipal Election Commission (hereinafter "MEC") certified the final election count. (Exhibit 1). Counsel for Defendant candidates Short, Sutton, and Hewitt, (hereinafter "Protestants") filed a formal protest to the results of the election that same day. (Exhibit 2). A hearing was held on September 4, 2020 by which all parties consented to a continuance until September 25, 2020. (Exhibit 3).

Prior to this hearing, counsel for Protestants contacted counsel for MEC, Attorney Martin Driggers, Jr. (hereinafter "Attorney Driggers"), to request personal inspection of the absentee ballots and envelopes cast in the election. Counsel for MEC instructed Protestants to formally make this request in writing and they did so on September 23, 2020 at 11:57 AM via email. (Exhibit 4). At the end of the day on September 24, 2020, still waiting on a response from MEC for inspection, Attorney Wallace (Jay) H. Jordan, Jr. (hereinafter "Attorney Jordan") having been called to special sessions for the South Carolina House of Representatives for the past two

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weeks, and Attorney Karl (Butch) S. Bowers (hereinafter "Attorney Bowers") also under current military orders, Protestants requested a continuance on the grounds of legislative protection pursuant to South Carolina Supreme Court Administrative Order 2017-15-19-01 and military protection pursuant to S.C. Code Ann. § 25-1-2260.

Attorney Jordan attempted to contact John E. Parker (hereinafter "Attorney Parker"), counsel for Candidate Odom, at 6:56AM September 25, 2020 via email to discuss the issue. Attorney Jordan's office sent an email to all parties at 10:05AM citing the need for a continuance (Exhibit 5 Email 10:05 AM 9/25/20). Attorney Jordan then received a response from Attorney Parker at 10:10AM providing Jordan with Parker's cellular phone number. Attorney Jordan immediately phoned Attorney Parker and reiterated the contents of the earlier email more fully explaining his stance concerning a continuance. At 10:16AM, Attorney Parker responded to Attorney Jordan's email requesting a copy of the Supreme Court Administrative Order granting legislative protection. (Exhibit 6 Email 10:16AM 9/25/20). At 11:05 AM, Attorney Bowers sent an email serving as his Notice of Appearance and detailing his request for a continuance. (Exhibit 7 Email 11:05AM 9/25/20). At 11:40AM, all parties received an order from the MEC granted Protestants' motion to continue. (Exhibit 8 Email 11:40AM 9/25/20). On September 29, 2020, Attorney Driggers informed the parties that the inspection would take place on October 13, 2020 and the challenge hearing would be held on October 14, 2020. (Exhibit 9).

On September 30, 2020, Attorney Parker filed a Motion to Dismiss. (Exhibit 10). Counsel for Protestants sent a letter on October 1, 2020, addressing concerns that there would not be adequate time to review the ballots prior to the challenge hearing and that early voting for the 2020 Presidential Election was also being held at the same time as the inspection was scheduled. Adequate spacing was a concern as well. (Exhibit 11). On October 5, 2020

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Protestants filed their Memorandum in Opposition of Respondent's Motion to Dismiss. (Exhibit 12). A follow up letter reiterating Protestants' concerns was sent on October 7, 2020. (Exhibit 13).

On October 12, 2020, the MEC decided to continue Protestants' ballot inspection to October 22, 2020 at 3:00 PM and the election challenge hearing to October 23, 2020 at 3:00 PM. (Exhibit 14). On October 13, 2020, Attorney Bowers sent an email to Attorney Driggers informing the MEC that he would be out of town, in the state of Louisiana during the week of the rescheduled hearing and requested the MEC reschedule the hearing when he would be present to participate. (Exhibit 15). On October 14, 2020, Attorney Jordan emailed Attorney Driggers informing him that his schedule was overwhelmed for the week of the hearing and needing this hearing to be reset. (*Id.*). From the record, it appears there was no objection from Attorney Parker for a continuance, however, Counsel received a response back from Attorney Driggers on Friday October 16, 2020 at 4:16 PM informing them that the MEC still intended to hold the hearing and inspections for those scheduled days. (*Id*.). On October 20, 2020, Attorney Jordan emailed Attorney Driggers again reiterating his request to continue the hearing with Attorney Bowers being unable to attend the hearing and upon learning that a new member was appointed to the MEC, fearing that this new member would not have adequate time to become familiar with the particulars of the election protest before the hearing. (Exhibit 16). Attorney Driggers responded that he would forward those concerns to the MEC but their previous decision still stood and whatever concerns the parties had could be address at the October 22, 2020 inspection and put on the record as a court reporter would be present. (Exhibit 17). On October 21, 2020, Counsel for Protestants learned that their handwriting expert, whom was intended to inspect the

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absentee ballots and envelopes was not available for the Thursday inspection, and Attorney Bowers promptly emailed Attorney Driggers the same. (Exhibit 18).

On October 22, 2020, Attorney Jordan appeared before the MEC and argued again for the continuance. Newly appointed commission member, Linda Sterling, also addressed concerns that she had only been on the commission a few days and had not had time to adequately review the already copious amount of materials and recordings that have been generated in this matter so that she could be prepared to make any sort of definitive ruling on the matter within a day's time. Attorney Parker did not appear, but Plaintiff Odom was present and objected to the continuance. The MEC granted the continuance.

Plaintiff filed no motion to reconsider with the MEC. No appeal of this decision was filed. On October 30, 2020, Plaintiff filed a Summons and Complaint in the Chesterfield County Court of Common Pleas requesting writs of mandamus and prohibition against Defendants. On November 2, 2020, Attorney Jordan received this Summons and Complaint in an email along with a notice for a hearing on November 10, 2020. (Exhibit 19). No communication has been made between the parties to confirm that Attorney Jordan or Attorney Bowers would accept service of this Summons and Complaint. There is no record in filings of this case that any of the Defendants named in this matter have been served. Attorney Jordan's office received a paper copy of this Notice, and Summons and Complaint on November 5, 2020. No acceptance of service has been executed by Attorneys Jordan or Bowers.

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I. PLAINTIFF HAS NOT EXHAUSTED ALL HIS REMEDIES WITH THE MEC AND THEREFORE LACKS SUBJECT MATTER JURISDICTION OVER THIS MATTER.

"Subject matter jurisdiction of a court depends upon the authority granted to the court by the constitution and laws of the state." *Paschal v. Causey*, 309 S.C. 206, 209, 420 S.E. 2d 863, 865 (Ct. App. 1992). "Subject matter jurisdiction ***cannot*** be waived or conferred by consent." *Id* (*emphasis added*). When a court is without subject matter jurisdiction, the court only has the authority to dismiss the action. Rule 12(h)(3), *SCRCP*. All actions in regards to cases lacking subject matter jurisdiction are void except for a motion to dismiss. *Eagle v. Global Assoc.*, 292 S.C. 354, 358, 356 S.E.2d 417, 419 (Ct. App. 1987); *Ross v. Richland County*, 270 S.C. 100, 102, 140 S.E.2d 649, 650-51 (1978).

"Mandamus . . . 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, 90, 196 S.E. 513, 516 (1938) *(emphasis added)*. "When the legal right is doubtful, or the performance of duty rests in discretion, or when there is another adequate remedy, a writ of mandamus ***cannot*** rightfully be issued. *In the Interest of Lyde*, 284 S.C. 419, 420, 327 S.E.2d 70, 71 (1985) (*emphasis added*). "Mandamus is the highest judicial writ and is issued ***only*** when there is a specific right to be enforced, a positive duty to be performed, and ***no other specific remedy***." *City of Rock Hill v. Thompson*, 349 S.C. 197 199, 563 S.E.2d 101 (S.C. 2002).

This court lacks subject matter jurisdiction because Plaintiff has not exhausted all remedies with the MEC prior to requesting this writ. Plaintiff bases this supposed need for a writ on two theories. One, that a continuance of this matter is in violation of S.C. Code Ann. § 5-15-130 and two, that the South Carolina U.S. District Court issued an order granting an injunction

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enjoining county election officials from making a vote count determination on the basis of mismatched signature prior to the general count. Plaintiff had and still has ample opportunity to address these issues through proper procedural channels.

South Carolina Rules of Civil Procedure 59(e) allows a movant to file a ". . .motion to alter or amend the judgment . . . not later than 10 days after receipt of written notice of the entry of the order." Rule 59(e), *SCRCP*. Additionally, South Carolina statutory law provides for instances of interlocutory appeals in municipal election hearing matters. S.C. Code Ann. § 5-15-140 states:

> Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. ***The notice of appeal shall act as a stay of further proceedings pending the appeal***. § 5-15-140 *(emphasis added).*

Both of these procedural tools were and are available to Plaintiff and yet Plaintiff has not chosen to utilize either of them. Plaintiff has made no other procedural move since his September 30th Motion to Dismiss. He has not filed a motion to reconsider. Counsel for Plaintiff did not even appear at the October 22, 2020 hearing to make any oral motion to dismiss on the record. Plaintiff expects this court to ignore all potential opportunities he may have to renew these arguments before the MEC, possibly appeal those decisions, and grant this writ. Motions can be filed before the hearing, during the hearing, and after the hearing. Plaintiff can appeal each and every one of those decisions to this court. Plaintiff has ample opportunity for remedies.

As to Plaintiff's second point, the issue of this U.S. District Court injunction has not even been brought before the MEC for them to make a definitive ruling on the matter. The order was executed and filed on October 27, 2020. Plaintiff filed his Summons and Complaint on October

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30, 2020. Nothing regarding this order was brought to the attention of Defendants, counsel, or the MEC until the same was emailed on November 2, 2020. Plaintiff cannot expect this court to issue a writ where the tribunal in question has not even made a decision on the issue yet, much less refused Plaintiffs' request. Plaintiff acknowledges that the U.S. District Court's injunction only applies to voters who were not notified and were not given an opportunity to contest any disqualification. Defendants are fully aware of this requirement and are in the active process of formally notifying any and all voters for whom the Defendants seek to utilize signature matching procedures to potentially disqualify improper votes. Rest assured, the Defendants will be in full compliance with the District Court's order.

In a similar case, *City of Rock Hill*, the trial court was in the midst of addressing an issue of what version of the state's breathalyzer act to apply to the case at hand. A continuance in that case was made and writ was petitioned. The Court denied that writ on the basis that there other legal remedies available. The Court reasoned that the, ". . . City failed to establish it has no adequate remedy at law." *City of Rock Hill*, 349 S.C. at 201. The Court went further to illustrate the City's procedural options, "City has two adequate legal remedies available. City can await Judge's ruling on its pending motion in limine. In addition, if City's ability to prosecute Thompson is significantly disadvantaged by Judge's ruling on its motion in limine, City can appeal." *Id*. That is exactly the procedural scenario we have in the case at bar. Plaintiff could have filed a motion to reconsider. Plaintiff could have renewed his motion at the October 22, 2020 hearing. Plaintiff still has the opportunity to do that moving forward and to file any other motions necessary (before the MEC). If Plaintiff feels the need, he may also appeal any decisions. A writ is not needed where legal remedies are already available. For these reasons, this

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court lacks subject matter jurisdiction and this matter must be dismissed pursuant to Rule 12 of the *South Carolina Rules of Civil Procedure*.

II. THE COURT LACKS PERSONAL JURISDICTION OVER THIS MATTER AND THEREFORE IT SHOULD BE DISMISSED.

All citizens of the United States and South Carolina have a constitutional right of due process of the law. U.S. CONST. Amend. V and XIV; S.C. CONST. art. 1 sec. 3. Flowing from this right, the Supreme Court has explained that the Fifth Amendment, through the Fourteenth, requires that before a state court has the power to adjudicate a proceeding it must first have jurisdiction over the parties. *Pennoyer v. Neff*, 95 U.S. 714 (1877). Regarding legal proceedings, the *Pennoyer* Court notes that:

> To give such proceedings any validity, there must be a tribunal competent by its constitution -- that is, by the law of its creation -- to pass upon the subject matter of the suit; and if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the State, or his voluntary appearance. *Id*. at 733.

Personal jurisdiction over a defendant by the court is acquired upon service of the summons and complaint on the defendant. The court explains that "[a] summons is not a mere notice, but a means for giving jurisdiction to the court, and ***unless it is waived, the court cannot otherwise obtain personal jurisdiction***." *Brown v. Evatt*, 322 S.C. 189, 194, 470 S.E.2d 848, 850 (1996) (*emphasis added*). The plaintiff has the burden to establish that the court has personal jurisdiction over the defendant by establishing that personal service was correctly made. *Jensen v. Doe*, 292 S.C. 592, 592, 358 S.E.2d 148, 149 (Ct. App. 1987). A judgment is void where a court acts when it lacks personal jurisdiction. *Thomas & Howard Co. v. T.W. Graham & Co.*, 318 S.C. 286, 290, 457 S.E.2d 340, 343 (1995).

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The *Jensen* Court states explicitly that "[c]ompliance with the service of process requirements ***must*** be strict, and approximations will not be effective." *Jensen*, 292 S.C at 595, 358 S.E.2d at 148 (*emphasis added*). A summons placed under the door of a closed office is not effective service. *Seubert v. Buchanan*, 250 S. C. 140, 156 S.E.2d 632 (1967). A mailed summons to a foreign county is not effective service. *Carnie v. Carnie*, 252 S. C. 471, 474-475 167 S. E. (2d) 297, 298 (1969).

Rule 4 of *South Carolina Rules of Civil Procedure* governs service of individuals. The rule states that ". . .copies of the original summons shall be served upon ***each*** defendant. Rule 4(a), *SCRCP*. (*emphasis added*). One may serve an individual "personally or by leaving copies thereof at his dwelling house of usual place of abode with some person of suitable age and discretion then residing therein. . ." Rule 4(d)(1), *SCRCP*. Rule 4(j) states, "[n]o other proof of service shall be required when acceptance of service is acknowledged in ***writing and signed by the person served or his attorney***, and delivered to the person making service. Rule 4(j), *SCRCP*.

Defendants have not been served, and therefore this court lacks personal jurisdiction. To date, Defendants Short, Sutton, and Dixon have not been served with the Summons and Complaint pursuant to Rule 4, *SCRCP*. Neither Attorney Jordan nor Attorney Bowers are authorized to accept service. No communication between Attorneys Jordan, Bowers, and Parker have been made concerning accepting service of this Summons and Complaint. There is no written acceptance of service executed between counsel. The only communication Defendants Short, Sutton, and Dixon received in regards to this Notice and Summons and Complaint was an email to Attorney Jordan and Bowers on November 2, 2020. Attorney Jordan received a hard copy of these materials on November 5, 2020. No other communication between the parties on this matter have been made. As such, service is not proper under Rule 4 of the *South Carolina*

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Rules of Civil Procedure. Because proper service is a fatal defect, the court lacks personal jurisdiction and must dismiss this matter.

III. PLAINTIFF'S PETITION FOR WRIT DOES NOT COMPLY WITH RULE 65, 12, and 4.

Rule 65(f)(1) of the *South Carolina Rules of Civil Procedure* requires that a writ must be filed in conjunction with a summons and complaint in an action where none has previously been filed, ". . . and served in the action, upon the adverse party in accordance with the provisions of Rules 4 and 5." Rule 65(f)(1), *SCRCP*. Such notice and motion ***shall be supported by affidavit or verified complaint*** setting forth clearly the facts entitling the moving party to such writ. *Id* (*emphasis added*). "***Unless a different time be prescribed by the court, the adverse party shall plead to the complaint and respond to such motion in the time prescribed by these rules for other civil actions.***"*Id* (*emphasis added*).

A. PLAINTIFF'S WRIT LACKS A VERIFICATION AND/OR A SUPPORTING AFFIDAVIT PURSUANT TO RULE 65(f)(1).

Plaintiff did not comply with Rule 65(f)(1). Plaintiff's Complaint was not verified. Plaintiff has also not provided an affidavit setting forth facts explaining why he is entitled to a writ. These provisions are not optional, but mandatory. Because Plaintiff's filing is fatally defective pursuant to Rule 65(f)(1), and shall be dismissed.

B. PLATINIFF'S WRIT LACKS AN ACCOMPANYING ORDER OF THE COURT MODIFYING NOTICE REQUIREMENTS PURSUANT TO RULE 65(f)(1), 12(a), AND 4(e).

Rule 65(f)(1) makes clear, absent a directive from the court, the adverse party shall follow all other rules of civil procedure. Rule 12(a) of the *South Carolina Rules of Civil*

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Procedure states that, "[a] defendant shall serve his answer within 30 days after the service of the complaint upon him, unless the Court directs otherwise when service of process is made pursuant to Rule 4(e). . ." Rule 12(a), *SCRCP*. Rule 4(e) goes further to state, "[w]henever a statute or an order of court provides for service of a summons and complaint or of a notice . . . service shall be made under the circumstances and in the manner prescribed by the statute, rule, or order." Rule 4(e), *SCRCP*.

Read in conjunction, (these Rules 65(f)(1), Rule 12(a), and Rule 4(e)), clearly illustrate to shorten the time to respond to a Summons and Complaint, an order of the court must be made and accompany the Notice, Writ, Summons and Complaint (upon service). No order exists. This is not a motion. Therefore, *South Carolina Rules of Civil Procedure* 6(d), which states that a written motion, ". . . shall be served not later than ten days before the time specified for the hearing, unless a different period is fixed by these rules or by an order of the court" does not apply. Rule 6(d), *SCRCP*. The earliest hint of notice any person with related to incomplete writ had was on November 2, 2020, eight (8) days from the hearing date, via email. Again, this service is not proper or actual service. This hearing is premature for failure of service and failure to comply with rules 65(f)(1), 12(a), and 4(e). This noncompliance is a fatal defect in procedure and therefore this hearing should not go forward for lack of proper service and notice.

C. PLAINTIFF DID NOT COMPLY WITH REQUIREMENTS OF A SUMMONS PURSUANT TO RULE 4.

Rule 4(b) of the *South Carolina Rules of Civil Procedure* states:

> The summons ***shall*** be signed by the plaintiff or his attorney, contain the name of the State and county, the name of the court, the file number of the action, and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, ***and the time within which these rules require the defendant to appear and defend***, and shall notify him that in case of his failure to do so

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> judgment by default will be rendered against him for the relief demanded in the complaint. Rule 4(b), *SCRCP* (*emphasis added*).

Plaintiff's Summons did not include a time period from with the Defendants had to answer the Summons and Complaint. This word "shall" makes this requirement mandatory, not discretionary. While this seems like a minor violation of the rule, it along with the above-mentioned arguments show how muddled Plaintiff's attempts were at providing notice to the Defendants in this case. No service was made, no order of the court authorizing this expedited hearing process was executed, and no explanation to Defendants as to the time required to answer the documents Plaintiff filed against them. This procedural defect is one of many that shows this matter must be dismissed.

IV. THIS WRIT OF MANDAMUS SEEKS TO COMPEL THE MEC TO USE THEIR DISCRETION IN A PARTICULAR WAY AND THUS IS IMPROPER.

"The writ of mandamus is employed to compel the performance, when refused, of a ministerial duty." *Godwin v. Carrigan*, 227 S.C. 216, 222, 87 S.E.2d 471, 473 (S.C. 1955). "To warrant its issuance, not only should there be a legal right in the petitioner, but it is also important that the asserted right is clear and certain." *Id.* "A ministerial act is one which a person performs in obedience to a mandate of legal authority, ***without regard to or the exercise of his own judgment***, upon the propriety of the act to be done." *Sumter County v. Hurst*, 189 S.C. 316, 316 1 S.E.2d 242, 244 (S.C. 1939) (*emphasis added*).

Plaintiff contends that a writ is necessary for the MEC to comply with the October 27, 2020 District Court Order. That order specifically enjoined ". . .the State and any of its affiliate county boards from utilizing signature matching procedures to disqualify any otherwise validly submitted absentee ballots. . ." of the November 2020 Presidential Election ". . .unless affected

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voters are provided timely notice of the disqualified ballot and a timely procedure to contest that determination before a neutral tribunal." *October 27, 2020 Order* pg. 23. That order does not create a situation where a writ is necessary.

The only way a writ is necessary is in a situation, ". . .where [a] Judge [is] effectively issuing a ministerial decision because her discretion ***could only be exercised in one way***." *City of Rock Hill*, 349 S.C. at 201 (*emphasis added*). First, Defendants argue that the order itself is not applicable. The order specifically enjoins State and County election officials in regard to the 2020 Presidential Election race and was made in a context where absentee ballots were not being counted prior to the general vote. This is a municipal election that was completed in September, a month prior to the execution of this order. The absentee ballots in question have already been counted. Additionally, Defendants are not requesting the municipal election commission to attempt to match signatures. Defendants have retained an expert who needs to inspect ballots, for not only inconsistencies in matching signatures but also can determine forged signatures without the need of a comparison signature. Second, Defendants fully intend to comply with the provisions of this order by subpoenaing any persons whose ballot is in question. These individuals will have a full opportunity (on November 13, 2020) to be heard and testify before the MEC that their signature is true and authentic.

Again, this order is being used out of context. It applies to the 2020 Presidential Election that was currently being counted at the time the order was issued. It was not executed in contemplation of a municipal election that was held two months prior, fully counted, and is currently challenged and litigated. It was intended to prevent laymen from stopping ballots from being counted altogether, not from allowing litigants an opportunity to invalidate fraudulently counted ballots through means of experts. More importantly, a writ is not the procedural tool to

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try to facilitate Plaintiff's demand. Interpretation of this order is within the discretion of the MEC. Plaintiff is attempting to have this court dictate how the MEC should issue its decision on this order. That is not proper procedure for a writ a mandamus. It can only be used to where there is no question that a ministerial duty exists. That ministerial duty is clearly defined with no discretion and the tribunal from which the petitioner is seeking the writ has refused to exercise that ministerial duty. This decision is discretionary and the MEC has not even decided to refuse Plaintiff's request, yet. For these reasons, this Court must deny Plaintiff's request.

V. DEFENDANTS ARE ENTITLED TO ATTORNEY'S FEES PURSUANT TO RULE 65.

Rule 65(f)(2) of the *South Carolina Rules of Civil Procedure* states:

> A claim for any other relief to which a party may be entitled in the action may be joined with a claim for writ of mandamus, habeas corpus, or other remedial writ, in accordance with these rules, including a claim for damages. The prevailing party upon the motion for such writ shall be entitled to recover costs in accordance with the practice as it heretofore existed in the courts of this State, including attorneys fees where proper.

Plaintiff has caused Defendants to incur substantial costs and attorneys fees associated with the defense of this matter. Significant hours were spent researching the issues at hand and drafting this memorandum and defending this matter. These hours came at great cost to Defendants given Plaintiffs lack of notice offered in this matter, improper procedure, and the scheduling of this matter on the eve of Defendants' election challenge. Defendants would not have had to incur these expenses had Plaintiff followed proper procedure avenues that were and are still available to him. Therefore, Defendants are entitled to reasonable attorneys fees as this Honorable court deems just and proper. Defendants will supply the court with an affidavit of attorneys.

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CONCLUSION

For the reasons stated above, Defendants respectfully request this Honorable Court dimiss the Complaint of the Plaintiff, deny his Writ of Prohibition, deny his Writ of Mandamus, and award Defendants attorneys fees pursuant to *South Carolina Rule of Civil Procedure Rule* 65(f)(2) in an amount this Court finds just and proper.

Respectfully Submitted,

Wallace H. Jordan, Jr., SC Bar No.: 76222
WALLACE H. JORDAN, JR. P.C.
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
Phone: (843)662-4474
Fax: (843)662-6024

Karl S. Bowers, Jr., SC Bar No.: 16141
BOWERS LAW OFFICE, LLC
1419 Pendleton Street
Columbia, South Carolina 29201
Post Office Box 50549
Columbia, South Carolina 29250
Phone: (803) 753-1099
ATTORNEYS FOR DEFENDANT

November 10, 2020
Florence, South Carolina

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EXHIBIT 1

Town of McBee

COUNCIL MEMBERS
Beulah Bolton
A.C. McLeod, Jr.
Glenn Odom
Charlie Sutton

MAYOR
John Campolong

ADMINSTRATOR
Terri King

Canvass Sheet-certification of Candidates
GENERAL ELECTION
SEPTEMBER 1, 2020

We, the Municipal Election Commission of the Town of McBee, hereby certify the following official results for the election of September 1, 2020:

Note winners by an asterisk beside name or highlight name

	MAYOR	
	CANDIDATE NAME	TOTAL VOTES
*	Glenn Odom	213
	Charlie Short	203
	Write-in: Ladarius Newton	1
	Write-in Jordan Mendoza	1

	COUNCIL	
	CANDIDATE NAME	TOTAL VOTES
	Dawn Boykin	34
	Hewitt O. Dixon	175
*	Robbie Liles	201
*	James Linton	211
	Charlie Sutton	191
	Write-in: Ladarius Newton	1

9-3-2020
Date

EXHIBIT
LC
1
9/3/20
PENGAD 800-631-6989

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EXHIBIT 2

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BEFORE THE ELECTION COMMISSION OF THE TOWN OF MCBEE

PROTEST OF ELECTION
BY CANDIDATES CHARLES SHORT,
FOR MAYOR OF TOWN OF MCBEE
CHARLES SUTTON, AND HEWITT DIXON
FOR TOWN COUNCIL MEMBER SEATS OF
THE TOWN OF MCBEE

Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel, come now to protest and contest the results of the election held September 1, 2020 for the Office of Mayor and Town Council Seats of the Town of McBee. The announced candidates for Mayor were Charles Short and Glenn Odom. The announced candidates for Town Council were Charles Sutton, Hewitt Dixon, Robbie Liles, James Linton, and Dawn Boykin. In support of their protests, Mr. Short, Mr. Sutton, and Mr. Dixon would show the following:

1. Persons were permitted to cast ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

2. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full ballots who did not reside within the town limits of the town of McBee, South Carolina.

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3. Persons who vacated the town limits of the town of McBee, South Carolina and therefore abandoned and/or otherwise canceled their registration and ability to vote in this municipal election nonetheless were never required to re-register and/or reinstate their registration, rather they voted with an invalid registration that was never canceled but should have been and therefore the vote is void.

4. Upon information and belief, a representative of Mr. Odom took improper procedures and steps regarding absentee ballots.

5. Protestants Charles Short, Charles Sutton, and Hewitt Dixon have not had sufficient time to survey the full extent of the voter rolls, absentee ballots, and other documents relating to the election. However, upon information and belief, those records will be shown to contain irregularities including but not limited to the following:

a. Votes cast without proper voters' signatures.

b. Voter totals at variance with the number of signatures on the voter rolls.

c. Inaccurate record-keeping that calls into question the integrity of the vote.

d. Other irregularities that render the result doubtful.

6. Due to the overwhelming number of absentee ballots, it is believed that said ballots will be shown to contain irregularities including but not limited to the following:

a. Absentee ballots without proper signatures of the voter or a witness.

b. Absentee ballots were cast which had not been properly requested by the voter.

c. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full absentee ballots.

d. Persons were permitted to cast absentee ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

e. The total number and percentage of absentee ballots compared to in-person ballots present prima facie evidence of irregularities.

f. Other irregularities that render the result doubtful.

7. The total number of ineligible voters case exceeded the difference in the vote totals between candidates.

8. Irregularities in the election render the results of the election doubtful.

The protestants Charles Short, Charles Sutton, and Hewitt Dixon therefore respectfully request that a new election be ordered so that the will of the electorate may be properly determined.

Respectfully Submitted,

Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

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EXHIBIT 3

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S·W·B

SWEENY WINGATE & BARROW P.A.

September 4, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay:

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been scheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Friday, September 25, 2020 beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: William O. Spencer, Jr., Esquire, Spencer Law Firm - spencerlaw@shtc.net
Paulette Humphries - phumphries53@yahoo.com
David Vandenberg - dvandenberg410@gmail.com
Pam Sullivan - psbrister@hotmail.com
Terri King - townofmcbeesctk@gmail.com

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EXHIBIT 4

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Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

September 23, 2020

VIA Email Only to: townofmcbeesctk@gmail.com

Municipal Election Commission
Town of McBee
38 W Juniper Avenue
McBee, SC 29101

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Election Commission:

Please be advised that I am hereby requesting to visually inspect the absentee votes and make copies (or copies be submitted to me) of the signed absentee ballots. Due to the hearing being on Friday afternoon, I would like to get this scheduled for some time this afternoon if possible. By copy of this letter I am also noticing the opposing parties.

Should you have any questions or concerns in the interim, please do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: Martin S. Driggers, Jr., Esquire [via email to: MSD@swblaw.com, BAF@swblaw.com]
William Spenser, Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

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EXHIBIT 5

Gmail Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Wallace Jordan <jordanlawsc@gmail.com> Fri, Sep 25, 2020 at 10:05 AM
To: "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, butch@butchbowers.com
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, JPARKER@pmped.com

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i:e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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EXHIBIT 6

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Johnny Parker <JParker@pmped.com> Fri, Sep 25, 2020 at 10:07 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, "butch@butchbowers.com" <butch@butchbowers.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>

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EXHIBIT 7

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Butch Bowers <Butch@butchbowers.com> Fri, Sep 25, 2020 at 11:05 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, "JPARKER@pmped.com" <JPARKER@pmped.com>

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM

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[Quoted text hidden]

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EXHIBIT 8

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Martin S. Driggers, Jr. <MSD@swblaw.com> Fri, Sep 25, 2020 at 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, Butch Bowers <butch@butchbowers.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T ⊔ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F _ 843-878-0393
Hartsville, SC 29550 E _ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

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<Supreme Court Order for Jays Legislative Protection.PDF>

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S·W·B

SWEENY WINGATE & BARROW P.A.

September 29, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com and JParker@pmped.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

John E. Parker, Jr., Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay and Johnny:

The inspection of election ballots has been scheduled for October 13, 2020 beginning at 3 PM at the Town Hall in McBee.

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been rescheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Wednesday, October 14, 2020 also beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the inspection and hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

(Signature Page to Follow)

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: Paulette Humphries - phumphries53@yahoo.com
David Vandenberg - dvandenberg410@gmail.com
Pam Sullivan - psbrister@hotmail.com
Terri King - townofmcbeesctk@gmail.com

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EXHIBIT 10

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PMPED

PETERS | MURDAUGH | PARKER | ELTZROTH | DETRICK

ATTORNEYS AT LAW

September 30, 2020

John E. Parker
Direct Dial: (803) 914-2004
Email: jparker@pmped.com
Asst. Email: ccartier@pmped.com

phumphries53@yahoo.com
Ms. Paulette Humphries
Chairwoman
McBee Election Commission
Mc.Bee Town Hall
P.O Box 248
McBee, SC 29101

Re: Glenn Odom

Dear Ms. Humpries:

Enclosed please find Glenn Odom's motion to dismiss the election contest over his election as Mayor. Please disseminate this to the other members of the commission.

With kind regards, I am

Sincerely,

John E. Parker

JEP/cc
Enclosures as stated.
Cc: Butch Bowers. butch@butchbowers.com
Martin S. Driggers, Jr. msd@swblaw.com
Wallace (Jay) Jordan. jordanlawsc@gmail.com

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STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF CHESTERFIELD	)	
	)	
In re: McBee Election for Mayor and Council held September 1, 2020	)	***BEFORE THE McBEE ELECTION COMMISION***
	)	
	)	

Glenn Odom who was a certified as mayor by the Commission moves to dismiss any further hearings in this matter on the grounds that any further proceedings are not timely pursuant § 5-15-30, South Carolina Code (1976).

> **§ 5-15-30 Procedures for contesting results of election.**
>
> Within forty-eight hours after the closing of the polls any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission. Within forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised file its report together with al recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the elections the council shall order a new election as to the parties concern.
>
> Neither the mayor nor any member of the council shall be eligible to pass on the issues arising in any contest in which he is a party.

This section provides that any municipal election protest must be heard within 48 hours of the written notice of the contest. By consent of the parties this hearing was continued until September 25, 2020. On the day of the hearing September 25, Mr. Odom's attorney was notified that the election commission was not going forward with the hearing. This was after the contestant's attorney on the previous afternoon confirmed he would be present the following day in person (Ex 1. Email 09.24.20). Mr. Odom 's attorney left for the hearing at approximately 10:30 a.m. on September 25, 2020, and after traveling approximately 1 ½ hours towards McBee was notify the hearing had been cancelled. Earlier that morning he received an email from Butch Bowers saying he had been recently retained to assist with the

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protest hearing and assert protection for the hearing pursuant to §25-1-2260, South Carolina Code (1976). §25-1-2260 does not apply to Municipal Election Commission hearings and only applies to courts. (Ex. 2. Email 9.25.20)

After receiving the notice that the protest was cancelled plaintiff's counsel notified everyone concerned that Mr. Odom objected to any further hearings because Mr. Odom did not consent to continuing the hearing and he was not allowed to object to the commission continuing the hearing. (Ex. 3. Email 9.25.20). Counsel for Mr. Odom received a phone call approximately 12:00 pm on September 25, 2020, notifying him that the hearing had been continued, and was not given an opportunity to oppose the continuance.

The right to contest an election exists only under § 5-15-130, South Carolina Code (1976) and the procedure prescribed by this section must be strictly followed. *Butler v. Town of Edgefield (S.C 1997) 328 S.C. 238, 493 S.E.2d 838.*

The Commission was without authority to continue the election protest over Mr. Odom's objection and for this reason the Commission should refuse to hear the protest.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: /s/John E. Parker

John E. Parker
William F. Barnes, III
101 Mulberry Street East
P.O. Box 457
Hampton, SC 29924
Phone: (803) 943-2111
jparker@pmped.com
wbarnes@pmped.com
ATTORNEYS FOR GLENN ODOM

September 30, 2020
Hampton, South Carolina

Johnny Parker

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Thursday, September 24, 2020 2:31 PM
To: Johnny Parker
Subject: Re: [External Email] Fwd: MCBEE

yes

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Thu, Sep 24, 2020 at 2:10 PM Johnny Parker <JParker@pmped.com> wrote:

Are you planning on attending the hearing tomorrow in person?

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Wednesday, September 23, 2020 11:58 AM
To: townofmcbeesctk@gmail.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: [External Email] Fwd: MCBEE

Please see attached correspondence regarding the 2020 Election Matter of McBee

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Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

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Johnny Parker

From: Butch Bowers <Butch@ButchBowers.com>
Sent: Friday, September 25, 2020 11:05 AM
To: Wallace Jordan; Terri King (townofmcbeesctk@gmail.com); Will Curtis
Cc: Martin S. Driggers, Jr.; Brittany A. Funderburk; William Spencer; Johnny Parker
Subject: RE: [External Email] MCBEE

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; JPARKER@pmped.com
Subject: Re: MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:20 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

I did receive Butch's email asking for a continuance but don't believe it was properly before the commission.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
>
> Wallace "Jay" Jordan, Jr., Esquire
>
> 626 West Evans Street
>
> Post Office Box 2010
>
> Florence, South Carolina 29503-2010
>
> (843) 662-4474 Telephone
>
> (843) 662-6024 Facsimile
>
> On Fri, Sep 25, 2020 at 1:02 PM Butch Bowers <Butch@butchbowers.com> wrote:
>
> Martin – I am available October 12-15. Any of those dates work for me.
>
> It is my understanding that we have requested to gain access to the absentee ballots that were cast in this election, but those materials have not yet been produced. These are critical pieces of evidence in this hearing, and we respectfully request that they be produced/made available as soon as possible, and certainly well before the rescheduled hearing. Thanks very much,

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Johnny Parker

From: Johnny Parker
Sent: Friday, September 25, 2020 3:11 PM
To: Wallace Jordan
Cc: Butch Bowers; Martin S. Driggers, Jr.; Terri King (townofmcbeesctk@gmail.com); Will Curtis; Brittany A. Funderburk; William Spencer
Subject: Re: [External Email] MCBEE

We object to any future hearings. We did not consent to continue the hearing today which was set by consent. In fact I had traveled an hour and one half toward McBee when I was called and told the hearing was continued. Additionally I was never served with a motion for continuance and had no input on this issue.We believe the Commission is now without authority to hear the matter since the time for a hearing has lapsed. We also believe the Commission was in error in continuing today's hearing without any input from Mr. Odom.

Sent from my iPhone

On Sep 25, 2020, at 1:09 PM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

> Jay is available the week of Oct 12-15 as well
>
> Kim O. Sawyer, Paralegal
>
> WALLACE H. JORDAN, JR., P.C.
>
> Wallace "Jay" Jordan, Jr., Esquire
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> 626 West Evans Street
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> On Fri, Sep 25, 2020 at 1:02 PM Butch Bowers <Butch@butchbowers.com> wrote:
>
> Martin – I am available October 12-15. Any of those dates work for me.
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this hearing, and we respectfully request that they be produced/made available as soon as possible, and certainly well before the rescheduled hearing. Thanks very much,

Butch

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Martin S. Driggers, Jr. <MSD@swblaw.com>
Sent: Friday, September 25, 2020 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>; Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; Butch Bowers <Butch@ButchBowers.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>
Subject: Re: [External Email] MCBEE

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

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Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.

firm bio

Pee Dee Regional Office T ♣ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F ♣ 843-878-0393
Hartsville, SC 29550 E ♣ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

On Sep 25, 2020, at 10:16 AM, Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see a copy of the SC Supreme Court Order for Jay's Legislative Protection

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

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(843) 662-6024 Facsimile

On Fri, Sep 25, 2020 at 10:08 AM Johnny Parker <JParker@pmped.com> wrote:

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesctk@gmail.com) <townofmcbeesctk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>
Subject: Re: [External Email] MCBEE

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Wed, Sep 23, 2020 at 11:57 AM Wallace Jordan <jordanlawsc@gmail.com> wrote:

Please see attached correspondence regarding the 2020 Election Matter of McBee

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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<Supreme Court Order for Jays Legislative Protection.PDF>

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EXHIBIT 11

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Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

October 1, 2020

VIA Email Only to: MSD@swblaw.com & BAF@swblaw.com

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow, P.A.
115 Cargill Way, Suite B
Hartsville, SC 29550

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Martin:

There are several matters that I am concerned about. First, I am in receipt of your correspondence regarding the date for inspection and the date for rescheduled hearing. If at all possible, I would like to move the date of the inspection of the envelopes and ballots up to sometime next week instead of the day before the hearing. With the numerous amount of absentee ballots cast in this election, we need ample time to individually review each document, correlate any findings discovered with the concerns we already had about the unusual number of absentee ballots cast in this election, and investigate any new issues we discover after our review in time to adequately prepare for the hearing. We understand and appreciate that the Commission has responsibilities and duties outside of this election and we will strive to compile, organize, and review any evidence we gather from this inspection in a fastidious yet expeditious manner to present our findings to the Commission but we need more than mere minutes to be able to accomplish those goals.

Second, we have concerns about space at Town Hall and the logistics of the inspection on October 13, 2020, since this is the same day that absentee voting for the 2020 Presidential Election will take place. Will there be enough space for several people to thoroughly review the materials with voting going on at the same time and not disturb the voting process?

Third, we are in the process of preparing a Memorandum in Opposition to Glenn Odom's Motion to Dismiss and will get that to you in short order.

Lastly, we have yet to receive or haven't received a complete copy of certain information that has been requested. We would still like any documentation reflecting who voted in person, like a copy of the voting roster where those that voted in person signed reflected that they had voted. I would also like a copy of any documentation of the in-person vote tallies in possession of the municipal election commission. We have the numbers that we wrote down the day of the election but I'd like to have any official numbers if possible. The only official document I personally have is the total certified vote count, which does not differentiate in-person voting with absentee voting.

Thank you for your prompt attention to this matter and should you have any questions or concerns, please do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: William O. Spencer, Jr., Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

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EXHIBIT 12

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STATE OF SOUTH CAROLINA)
)
MCBEE MUNICIPAL ELECTION)
COMMISSION)
)
)
)
In Re: September 1, 2020 Election)
) **MEMORANDUM IN OPPOSITION OF**
) **RESPONDENT'S MOTION TO**
) **DISMISS**
)
)
)

Protestants, Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel submit this Memorandum in Opposition of Respondent's Motion to Dismiss following facts and argument of law:

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. A challenge hearing was held on September 3, 2020, where the McBee Municipal Election Commission (hereinafter "MEC") certified the final election count. Counsel for candidates Short, Sutton, and Hewitt, filed a formal protest to the results of the election that same day. A hearing was held on September 4, 2020 by which all parties consented to a continuance until September 25, 2020.

Prior to this hearing, counsel for Protestants contacted counsel for MEC to request personal inspection of the absentee ballots and envelopes cast in the election. Counsel for MEC instructed Protestants to formally make this request in writing and they did so on September 23, 2020 at 11:57 AM via email. At the end of the day on September 24, 2020, still waiting on a response from MEC for inspection, Attorney Wallace (Jay) H. Jordan, Jr. having been called to special sessions for the South Carolina House of Representatives for the past two weeks, and

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Attorney Karl (Butch) S. Bowers also under current military orders, Protestants requested a continuance on the on the grounds that Attorney Jordan was under legislative protection pursuant to South Carolina Supreme Court Administrative Order 2017-15-19-01, Attorney Bowers was under military protection pursuant to S.C. Code Ann. § 25-1-2260 and would not have adequate time to prepare for the hearing once the visual inspection of the absentee ballots and envelopes while they were still attending their respective legislative and military duties.

Attorney Jordan attempted to contact John E. Parker, counsel for Candidate Odom, at 6:56AM September 25, 2020 via email to discuss the issue. Attorney Jordan's office sent an email to all parties at 10:05AM citing the need for a continuance (Exhibit 1 Email 10:05 AM 9/25/20). Attorney Jordan then received a response from Attorney Parker at 10:10AM providing Jordan with Parker's cellular phone number. Attorney Jordan immediately phoned Attorney Parker and reiterated the contents of the earlier email more fully explaining his stance concerning a continuance. At 10:16AM, Attorney Parker responded to Attorney Jordan's email requesting a copy of the Supreme Court Administrative Order granting legislative protection. (Exhibit 2: Email 10:16AM 9/25/20). At 11:05 AM, Attorney Bowers sent an email serving as his Notice of Appearance and detailing his request for a continuance. (Exhibit 3 Email 11:05AM 9/25/20). At 11:40AM, all parties received an order from the MEC granted Protestants' motion to continue. (Exhibit 4 Email 11:40AM 9/25/20). On September 30, 2020, Attorney Parker filed this Motion to Dismiss.

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ANALYSIS

I. THE MEC HAS JURISDICTION TO CONTINUE THIS HEARING.

Candidate Odom argues that the MEC no longer has jurisdiction to hold any future hearings because we are now outside of the forty-eight hour time frame described in S.C. Code Ann.§ 5-15-130. The statute states:

> [w]ithin forty-eight hours after the filing of such notice, the Municipal Election Commission shall, after due notice to the parties concerned, ***conduct a hearing*** on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned. S.C. Code Ann.§ 5-15-130 (1975) (*emphasis added*).

The MEC has complied with this statute. A hearing was conducted within forty-eight (48) hours of the filing of protest of the election on September 4, 2020. During that hearing, counsel for the parties held a phone conference with the MEC to schedule a future date for a hearing on the merits of the protest. This Commission has historically interpreted this statute to be satisfied if a hearing is conducted within forty-eight (48) hours of the filing of the protest, regardless of whether a final disposition is made. (Exhibit 5 Notice of Appeal 2018-CP-13-621). In the 2018 Election, twenty (20) days had transpired before the decision of the MEC was made. Given the actions taken by this Commission and past commissions, it is that the MEC still retain jurisdiction over this protest.

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II. ATTORNEY BOWERS CAN INVOKE MILITARY PROTECTION IN THIS TRIBUNAL.

Candidate Odom next asserts that Attorney Bowers cannot invoke his military protections over this tribunal because it only applies to courts. S.C. Code Ann. § 25-1-2260 states:

> It is the duty of a judge of a court of this State to continue a case in the court on or without motion when a party to it or his leading attorney is absent from court when the case is reached by reason of his attendance on active duty as a member of the National Guard or reserves. The case may proceed if the party, in the absence of his leading attorney, or the leading attorney, in the absence of the party, announces ready for trial on the call of the case. If counsel is absent, it shall be necessary for his client to make oath that he cannot safely go to trial without the absent attorney and, if a party is absent, his counsel shall state in his place that he cannot safely go to trial without his client.

While the language of the statute does state courts, Protestants would have this Commission refer to *South Carolina Appellate Court Rules,* Rule 601, which defines the priority of courts and tribunals and the hierarchy when there are conflicts. The number thirteen (13) category is labeled "Other Administrative Bodies and Officials." Rule 601, *SCACR*. Clearly, the Laws of South Carolina and Rules of Court contemplated administrative bodies such as a Municipal Election Commissions to be within the State Court system, thus falling under the purview of this statute. Approaching this issue from a common sense perspective, circuit court judges cannot override this military protection to force an attorney to appear while serving active duty even for matters affecting a client's constitutional rights such as custody of their children in family court or their potential incarceration in general sessions court. We would not expect a municipal beautification board to have the authority to compel the appearance of an attorney under such protection where a circuit court judge could not by law. Municipal committees and commissions give as much

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deference to the laws for soldiers and sailors as judges and courts do in this State. Protestants urge this Commission to do the same.

Furthermore, even if the MEC decides his protection is not sufficient, Attorney Jordan also requested a continuance under his legislative protection. Candidate Odom made no objection to Attorney Jordan's protection. Attorney Jordan is the lead attorney on this case. Without him, fellow attorneys Bowers and Curtis could not continue the hearing.

III. CANDIDATE ODOM CANNOT IN GOODFAITH OBJECT TO A CONTINUANCE ON THE GROUNDS THAT IT VIOLATES § 5-15-130 WHEN HE CONSENTED TO A CONTINUANCE ONCE BEFORE.

"Equity is equality. He who seeks equity must do equity. He who comes into equity must come with clean hands." –*Equitable Maxims*

Candidate Odom is now objecting to a further continuance on the grounds that S.C. Code Ann. § 5-15-130 because, in his opinion, the statute should be read to mean that all activities described be completed within forty-hour (48) hour time span. Protestants have explained in detail how this interpretation misses the mark. Protestants would like to note that Candidate Odom agreed to the original continuance in this matter. On September 4, 2020 a hearing was held via conference call with the MEC, counsel for MEC, Attorney Jordan, and William (Billy) O. Spencer, Jr., current counsel for Candidate Odom. Attorney Spencer informed the Commission that Candidate Odom had retained Attorney Parker and that he was currently on vacation, could not attend the current meeting and was hoping for a hearing date as late as September 25, 2020. (Exhibit 6 September 4, 2020 Transcript Page 5-6).

It is clear that Candidate Odom recognizes that the provisions of S.C. Code Ann. § 5-15-130 do not require a full and final disposition of the protest within fort-eight (48) hours (a single hearing). Moreover, Candidate Odom benefited from the extension of time outside the forty-

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eight (48) hours described within the statute. Candidate Odom needed the extra time allowed by this Commission to have his attorney more adequately prepared for the hearing because Attorney Parker was on vacation. Now, he is arguing that Attorneys Jordan and Bowers should not be afforded the same courtesy and consideration that this Commission extended to him, even though Attorneys Jordan and Bowers requests are meritorious and consistent with South Carolina Law. The motion for continuance was made because the attorneys were under legislative and military and while under these protections did have time to adequately prepare for materials they had not been afforded an opportunity to even inspect. That argument is not made in good faith. It is not equitable to both parties. And as such, it should be denied by this Commission.

IV. THIS MOTION IS NOT BEFORE THE TRIBUNAL THROUGH PROPER PROCEDURE.

The 11:40AM email from counsel of MEC is a judgment of the tribunal. Title 5 of the South Carolina Code provides that, "[m]unicipal primary, general and special elections shall be conducted pursuant to Title 7, mutatis mutandi. . ." S.C. Code Ann. § 5-15-10 (1962). Under Title 7, election commissions are to, ". . .provide for and conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State." S.C. Code Ann. §7-17-570 (2012). Protestants argue that because this hearing should adhere as closely to the procedures of circuit courts as possible that Candidate Odom's motion to dismiss is not proper. He should have either filed a Motion to Alter/Amend the Judgment (more commonly known as a "Motion to Reconsider") or he should have appealed the judgment to circuit court pursuant to S.C. Code § 5-15-140.

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Rule 59(e) of the *South Carolina Rules of Civil Procedure* mandates that, "[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order." Rule 59(e), *SCRCP*. Alternatively, Title 5 provides that:

> [w]ithin ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. ***The notice of appeal shall act as a stay of further proceedings pending the appeal.*** S.C. Code § 5-15-140 (1975) (*emphasis added*).

These are the proper procedures from which Candidate Odom can seek relief. Protestants would ask this Commission to take note of the emphasized text. Clearly, the statute contemplates the ability of a candidate conduct an interlocutory appeal of a non-dispositive judgment made by the Commission which would stay the protest hearing process while that appeal was being decided in circuit court.

Instead, Candidate Odom would have this Commission ignore statutory law and the *South Carolina Rules of Civil of Procedure* to improperly consider this motion to dismiss. The issue of whether the continuance was proper should be heard first through the above described procedure, then Candidate Odom can move this commission for a dismissal if he so chooses. As such, this motion to dismiss should be dismissed.

CONCLUSION

For the above argued reasons, Protestants urge this Commission to deny Respondent's motion to dismiss.

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Respectfully Submitted,

/s/ Wallace H. Jordan, Jr.
Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

Karl S. Bowers, Jr., SC Bar No.: 16141
P.O. Box 50549
Columbia, South Carolina 29250
(803) 753-1099 Telephone

October 5, 2020
Florence, South Carolina

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EXHIBIT 1

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Wallace Jordan <jordanlawsc@gmail.com> Fri, Sep 25, 2020 at 10:05 AM
To: "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, butch@butchbowers.com
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, JPARKER@pmped.com

Good Morning all

Jay has tried unsuccessfully to reach Marty and Johnny this morning via telephone. With the special House Session that has been called over the last few weeks, Jay was in Columbia until late last night . Based upon that Jay is asserting his legislative protection and is asking for a continuance of today's hearing (for sometime in the next week or two). I can forward you a copy of the SC Supreme Court Order of his protection for any who would like a copy. In addition, we have requested several items that are extremely important to today's hearing (i;e.: copies of signature envelopes and ballots) that have not been provided as of yet. Will Curtis will be sending out an email regarding those items.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

[Quoted text hidden]

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EXHIBIT 2

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Johnny Parker <JParker@pmped.com> Fri, Sep 25, 2020 at 10:07 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesclk@gmail.com)" <townofmcbeesclk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, "butch@butchbowers.com" <butch@butchbowers.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

Please send me a copy of the order.

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM
To: Terri King (townofmcbeesclk@gmail.com) <townofmcbeesclk@gmail.com>; Will Curtis <willcurtis85@gmail.com>; butch@butchbowers.com
Cc: Martin S. Driggers, Jr. <MSD@swblaw.com>; Brittany A. Funderburk <BAF@swblaw.com>; William Spencer <spencerlaw@shtc.net>; Johnny Parker <JParker@pmped.com>

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ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

EXHIBIT 3

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Butch Bowers <Butch@butchbowers.com> Fri, Sep 25, 2020 at 11:05 AM
To: Wallace Jordan <jordanlawsc@gmail.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>
Cc: "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>, "JPARKER@pmped.com" <JPARKER@pmped.com>

Good morning all – I have been recently retained to assist Jay in this protest hearing. Please accept this email as my notice of appearance before the MEC.

I am on military orders today through Monday (I am a Colonel and a JAG officer in the SC Air National Guard), and therefore I hereby assert protection pursuant to SC Code 25-1-2260. Accordingly, I respectfully request a continuance of today's hearing. Best regards,

Butch Bowers

Bowers Law Office LLC

1419 Pendleton St.

Columbia, SC 29201

www.butchbowers.com

From: Wallace Jordan <jordanlawsc@gmail.com>
Sent: Friday, September 25, 2020 10:05 AM

[Quoted text hidden]

[Quoted text hidden]

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EXHIBIT 4

Gmail

Wallace Jordan <jordanlawsc@gmail.com>

MCBEE

Martin S. Driggers, Jr. <MSD@swblaw.com> Fri, Sep 25, 2020 at 11:40 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, Butch Bowers <butch@butchbowers.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, William Spencer <spencerlaw@shtc.net>

All,

I just received correspondence from Ms. Humphries on behalf of the Town of McBee MEC. It reads:

Mr. Driggers,

All 3 members of the Town of McBee MEC voted "Yes" to the question:

"Do you agree to a continuance of the McBee MEC protest hearing scheduled for September 25, 2020 at 3 pm including scheduling at a later date?"

Paulette T. Humphries

Therefore, the hearing for today will be continued. I would ask that you all give me dates that are convenient for you to be present for the hearing today if at all possible. Thank you.

Martin S. Driggers, Jr. | Member
Sweeny, Wingate & Barrow, P.A.
firm bio

Pee Dee Regional Office T LI 843-878-0390 x. 7181
115 Cargill Way, Ste. B F _ 843-878-0393
Hartsville, SC 29550 E _ msd@swblaw.com

This message may be confidential and protected by the attorney/client, attorney work product or other privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

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[Quoted text hidden]
<Supreme Court Order for Jays Legislative Protection.PDF>

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EXHIBIT 5

000357

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD)

IN RE: GLENN ODOM)
) CIVIL ACTION COVERSHEET
)
)
)
)
)

18 OCT -4 PM 1:23

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

20 18 - CP-13 621

Submitted By: John E. Parker

Address P.O. Box 457
Hampton, SC 29924

SC Bar #: 4442
Telephone #: (803) 914-2004
Fax #: (803) 914-2014
Other:
E-mail: jparker@pmped.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (*Check all that apply*)

***If Action is Judgment/Settlement do not complete*

☐ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199) _____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-NI-_____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399) _____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499) _____

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

_____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

_____

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799) _____

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☒ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

_____

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)

Submitting Party Signature: John E. Parker **Date:** 10/4/2018

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

000357

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD)

2018 OCT -4 PM 1:23 2018-CP-13 [illegible]

IN RE: GLENN ODOM)

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

NOTICE OF APPEAL

TO: LINDA STERLING, CHAIRPERSON OF THE TOWN OF MCBEE ELECTION COMMISSION, AND THE MCBEE ELECTION COMMISSION:

You will please take notice that Glenn Odom hereby appeals the decision of the McBee Election Commission on September 25, 2018, which determined that four voters whose votes were contested were eligible voters and had properly cast their ballots for Glenn Odom but were not initially counted. The Commission in error did not declare Glenn Odom elected. Had the contested votes been counted, Odom would have been elected to the McBee Town Council, and instead the commission ordered a new election. The four votes should have been initially counted and should have been counted at the hearing on Mr. Odom's protest resulting in the election of Glenn Odom to Town Council.

In the election held on September 5, 2018, the tentative results before counting the contested ballots were Shilon Greene, 209, and Glenn Odom, 208. Glenn Odom filed a timely protest on September 6, 2018, contending that the following voters votes had not been counted. Simone Bracey, Sabrina De Jesus, Cindy Kirk, and Robbie Lyles each testified they voted for Glenn Odom and their votes were protested and not counted. Had their votes been counted as the law requires, Mr. Odom would have been elected with a vote of 212 to Shilon Greene's, 209.

Glenn Odom request the court to overturn the decision of the McBee Election Commission which held that even though eligible voters sufficient for him to win the election voted for him that a new election should be held.

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Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: _____

John E. Parker
P.O. Box 457
101 Mulberry Street East
Hampton, SC 29924
(803) 943-2111
jparker@pmped.com

ATTORNEYS FOR PLAINTIFF

October 4, 2018
Hampton, South Carolina

2018 OCT -4 PM 1:23
Wanda C. Hiers
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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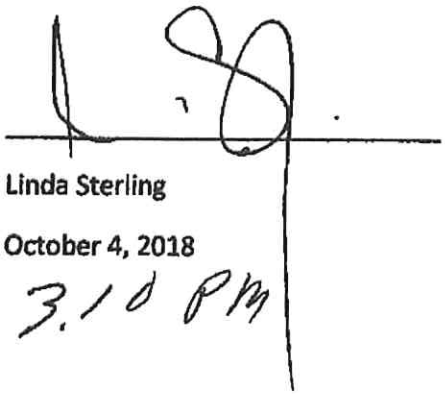
I, Linda Sterling, accept Mr. Odom's notice of appeal on October 4, 2018.



Linda Sterling

October 4, 2018

3:10 PM

2018 OCT -5 PM 12:29
Wanda J. Hines
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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EXHIBIT 6

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

CHAIRWOMAN HUMPHRIES: Thank you.

MR. JORDAN: And I am on the call by myself.

MR. SPENCER: This is Billy Spencer. I was the attorney at the hearing yesterday representing candidates Odom, Liles, and Linton. And I'm here by myself and, of course, representing the respondents in the contested case.

But I do have some information to give, for the record. I learned this morning, and I had some knowledge, that my clients were going to employ someone other than me to handle the contested case hearing and any subsequent appeal of it. And so that person is Mr. Johnny Parker. He is from Hampton, South Carolina. He is a personal attorney of one of the candidates, Mr. Glenn Odom.

And so I've tried to accommodate Jay and Martin, as far as, ahead of time, trying to find a date that suited everybody. Mr. Parker, of course, is already on vacation and away from his office. And he's an older lawyer and, of course, doesn't have a modern cell phone with his calendar and all that kind of thing on it. His secretary keeps up with all of that, and she's

away.

So I'm going to have to -- I know he's a lawyer with a good reputation. And since he represents the respondents in this case, would have no reason to want the hearing heard except as expeditiously as possible. But, you know, I have to say I don't know his schedule. I was hoping I would be able to when we met this afternoon. And so the date of the 25th was thrown out as a possible date at 3:00 o'clock. And I do know from speaking to his secretary that the date, when the 18th was brought up, would be a better date for him, rather than the 25th, but that's not to say that if it is the 25th, he couldn't try to make things happen.

CHAIRWOMAN HUMPHRIES: Okay. We'll keep that in mind as we proceed. Thank you, sir.

MR. SPENCER: All right. Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Okay. Is Mr. Vandenberg on the phone?

MEC MEMBER VANDENBERG: Yeah, David Vandenberg here, MEC member.

MEC MEMBER SULLIVAN: Pam Sullivan, MEC member.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am.

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EXHIBIT 13

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Wallace (Jay) Jordan, Jr., P.C.
Attorney at Law

626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503-2010

Wallace H. Jordan, Jr.
jordanlawsc@gmail.com

Telephone: (843) 662-4474
Facsimile: (843) 662-6024

October 7, 2020

VIA Email Only to: MSD@swblaw.com & BAF@swblaw.com

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow, P.A.
115 Cargill Way, Suite B
Hartsville, SC 29550

RE: Town of McBee - 2020 Election Matter
My File No.: 20-150

Dear Martin:

I am following up concerning the October 1, 2020 correspondence to you regarding our concerns. To date, I have yet to hear back from you regarding such. I reiterate those concerns as follows:

First, I would like to move the date of inspection up to this week instead of the day before the hearing, so we will have ample opportunity to review and investigate the issues for the hearing.

Secondly, we have concerns about space at Town Hall on October 13, 2020. As you know, this is the same day that absentee voting will take place. Will there be enough space for us to spread out and review with all of that going on at the same time? And,

Lastly, we have yet to receive or haven't received a complete copy of certain information that I have requested. I would still like any documentation reflecting who voted in person, like a copy of the voting roster where those that voted in person signed reflected that they had voted. and if there's any documentation of the in-person vote tallies. I would like a copy of that as well. We have the numbers that we wrote down the day of the election but I'd like to have any official numbers if possible. The only official document I personally have is the total certified vote count (both in-person and absentee).

I would appreciate your prompt response to these concerns, as the hearing date is drawing near.

With kindest regards, I am,

Sincerely,

Wallace Jordan

Wallace (Jay) Jordan, Jr.

WJJ/kos
cc: William Spenser, Esquire [via email to: spencerlaw@shtc.net]
John E. Parker [via email to: JPARKER@PMPED.COM

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EXHIBIT 14

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

S·W·B

SWEENY WINGATE & BARROW P.A.

October 12, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com and JParker@pmped.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

John E. Parker, Jr., Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay and Johnny:

The inspection of election ballots has been scheduled for October 22, 2020 beginning at 3 PM at the Town Hall in McBee.

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been rescheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Wednesday, October 23, 2020 also beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the inspection and hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

(Signature Page to Follow)

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: David Vandenberg - dvandenberg410@gmail.com
Pam Sullivan - psbrister@hotmail.com
Terri King - townofmcbeesctk@gmail.com

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EXHIBIT 15

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Gmail

Will Curtis <willcurtis85@gmail.com>

Re: Town of McBee -2020 Election Matter

3 messages

Wallace Jordan <jordanlawsc@gmail.com> Wed, Oct 14, 2020 at 9:06 AM
To: "Martin S. Driggers, Jr." <MSD@swblaw.com>
Cc: Johnny Parker <JParker@pmped.com>, "psbrister@hotmail.com" <psbrister@hotmail.com>, "dvandenberg410@gmail.com" <dvandenberg410@gmail.com>, "townofmcbeesctk@gmail.com" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, Butch Bowers <butch@butchbowers.com>, phumphries53@yahoo.com, William Spencer <spencerlaw@shtc.net>, Jay Jordan <wallacejordan2@gmail.com>

Similar to Butch's schedule, Jay's schedule is also overwhelmed with the law practice duties, as well as his relection activities. He is scheduled to be out of town a ot over the next few weeks. Jay consents and joins with Butch and requests that the hearing be rescheduled beyond the November 8th date.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

On Tue, Oct 13, 2020 at 5:21 PM Butch Bowers <Butch@butchbowers.com> wrote:

> Martin – I hope this finds you well. I am in receipt of your letter from yesterday (attached above) wherein the MEC has postponed the inspection of ballots and the election protest hearing to October 22-23, respectively. Of course, we respect the MEC's authority to reschedule the election protest hearing. Unfortunately, however, I am scheduled to be in client business meetings in Louisiana on October 22-25, and I cannot postpone or reschedule those meetings. Moreover, I have been retained to represent multiple candidate clients in North Carolina during the run-up and aftermath of the November 3 election, and I will thus be unavailable from October 31 – November 8. My co-counsel Mr. Jordan is similarly extraordinarily busy during this particular time frame, not just with his own candidacy and election but also other client matters as well.
>
> Accordingly, this is to respectfully request that the MEC reschedule the ballot inspection and election protest hearing to November 11-12, 2020, assuming of course that these dates suit you, the MEC, and Mr. Parker. If not, we are certainly willing to develop a schedule that meets everyone's mutually acceptable approval. Thanks very much,
>
> Butch
>
> **Bowers Law Office LLC**
>
> **1419 Pendleton St.**

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Columbia, SC 29201

www.butchbowers.com

Martin S. Driggers, Jr. <MSD@swblaw.com> Wed, Oct 14, 2020 at 11:24 AM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>, "psbrister@hotmail.com" <psbrister@hotmail.com>, "dvandenberg410@gmail.com" <dvandenberg410@gmail.com>, "townofmcbeesctk@gmail.com" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, Butch Bowers <butch@butchbowers.com>, phumphries53 <phumphries53@yahoo.com>, William Spencer <spencerlaw@shtc.net>, Jay Jordan <wallacejordan2@gmail.com>

All,

I will get this information to the MEC and let you know of any decision as soon as I can.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T □ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F □ 843-878-0393
Hartsville, SC 29550 E □ msd@swblaw.com

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[Quoted text hidden]

Wallace Jordan <jordanlawsc@gmail.com> Thu, Oct 22, 2020 at 11:31 AM
To: Will Curtis <willcurtis85@gmail.com>

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

---------- Forwarded message ---------
From: **Martin S. Driggers, Jr.** <MSD@swblaw.com>
Date: Fri, Oct 16, 2020 at 4:16 PM
Subject: Re: Town of McBee -2020 Election Matter
To: Butch Bowers <Butch@butchbowers.com>
Cc: Wallace Jordan <Jordanlawsc@gmail.com>, Johnny Parker <JParker@pmped.com>, psbrister@hotmail.com

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

<psbrister@hotmail.com>, dvandenberg410@gmail.com <dvandenberg410@gmail.com>, townofmcbeesctk@gmail.com <townofmcbeesctk@gmail.com>

All,

The Town of McBee Municipal Election Committee ("MEC") met today regarding these requests for a continuance. The MEC decided to continue with the dates of next week for a review of ballots and hearing on any challenges. The MEC will be present at the Town of McBee Town Hall at 3:00 pm on Thursday, October 22, 2020 to conduct any review of ballots and on Friday, October 23, 2020 at 3:00 pm for a hearing on any challenges. Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T □ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F □ 843-878-0393
Hartsville, SC 29550 E □ msd@swblaw.com

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On Oct 13, 2020, at 5:21 PM, Butch Bowers <Butch@butchbowers.com> wrote:

Martin – I hope this finds you well. I am in receipt of your letter from yesterday (attached above) wherein the MEC has postponed the inspection of ballots and the election protest hearing to October 22-23, respectively. Of course, we respect the MEC's authority to reschedule the election protest hearing. Unfortunately, however, I am scheduled to be in client business meetings in Louisiana on October 22-25, and I cannot postpone or reschedule those meetings. Moreover, I have been retained to represent multiple candidate clients in North Carolina during the run-up and aftermath of the November 3 election, and I will thus be unavailable from October 31 – November 8. My co-counsel Mr. Jordan is similarly extraordinarily busy during this particular time frame, not just with his own candidacy and election but also other client matters as well.

Accordingly, this is to respectfully request that the MEC reschedule the ballot inspection and election protest hearing to November 11-12, 2020, assuming of course that these dates suit you, the MEC, and Mr. Parker. If not, we are certainly willing to develop a schedule that meets everyone's mutually acceptable approval. Thanks very much,

Butch

Bowers Law Office LLC
1419 Pendleton St.
Columbia, SC 29201
www.butchbowers.com
<12896 ltr to counsel and MEC members.pdf>

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EXHIBIT 16

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Gmail Will Curtis <willcurtis85@gmail.com>

Fwd: Town of McBee - 2020 Election Matter

Wallace Jordan <jordanlawsc@gmail.com> Tue, Oct 20, 2020 at 1:42 PM
To: "Brittany A. Funderburk" <BAF@swblaw.com>, Butch Bowers <butch@butchbowers.com>, William Spencer <spencerlaw@shtc.net>, Will Curtis <willcurtis85@gmail.com>
Cc: Johnny Parker <JParker@pmped.com>, "phumphries53@yahoo.com" <phumphries53@yahoo.com>, "dvandenberg410@gmail.com" <dvandenberg410@gmail.com>, "psbrister@hotmail.com" <psbrister@hotmail.com>, "Martin S. Driggers, Jr." <MSD@swblaw.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Jay Jordan <wallacejordan2@gmail.com>

Martin:

This is from Jay.

A Couple of things:

First, I would ask for reconsideration as to the scheduling. As noted previously, Butch will be out-of-town in the State of Louisiana. With Butch not being able to be present at the hearing, we are at a disadvantage and feel it will be unfair to our side. In addition, I am also scheduled to be out of town.

Second, it is our understanding that there is a new member to the MEC as of late yesterday afternoon. We have concerns that a brand new member cannot get up to speed with everything going on since there have been multiple filings on both sides regarding this matter. There needs to be a full commission having adequate time to review the entire process.

Kim O. Sawyer, Paralegal

WALLACE H. JORDAN, JR., P.C.

Wallace "Jay" Jordan, Jr., Esquire

626 West Evans Street

Post Office Box 2010

Florence, South Carolina 29503-2010

(843) 662-4474 Telephone

(843) 662-6024 Facsimile

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EXHIBIT 17

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Gmail

Will Curtis <willcurtis85@gmail.com>

Fwd: Town of McBee - 2020 Election Matter

Martin S. Driggers, Jr. <MSD@swblaw.com> Tue, Oct 20, 2020 at 1:50 PM
To: Wallace Jordan <jordanlawsc@gmail.com>
Cc: "Brittany A. Funderburk" <BAF@swblaw.com>, Butch Bowers <butch@butchbowers.com>, William Spencer <spencerlaw@shtc.net>, Will Curtis <willcurtis85@gmail.com>, Johnny Parker <JParker@pmped.com>, "phumphries53@yahoo.com" <phumphries53@yahoo.com>, "dvandenberg410@gmail.com" <dvandenberg410@gmail.com>, "psbrister@hotmail.com" <psbrister@hotmail.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Jay Jordan <wallacejordan2@gmail.com>

Jay,

I will get these concerns to the MEC as soon as possible, hopefully today. However, their decision to continue the meetings for this week is what currently stands. You certainly can put whatever concerns you have on the record on Wednesday or Thursday, as a court reporter will be present. I will provide this information to the MEC as soon as I can. Thank you.

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
firm bio
Pee Dee Regional Office T □ 843-878-0390 x. 7181
115 Cargill Way, Ste. B F □ 843-878-0393
Hartsville, SC 29550 E □ msd@swblaw.com

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<image001.png>

Brittany A. Funderburk | *Legal Assistant*
Sweeny, Wingate & Barrow, P.A.

Pee Dee Office
115 Cargill Way, Suite B
Hartsville, SC 29550

T: 843-878-0390
F: 843-878-0393

Web | Email

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EXHIBIT 18

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

Gmail **Will Curtis <willcurtis85@gmail.com>**

Fwd: Town of McBee - 2020 Election Matter

Butch Bowers <Butch@butchbowers.com> Wed, Oct 21, 2020 at 12:20 PM
To: "Martin S. Driggers, Jr." <MSD@swblaw.com>
Cc: Wallace Jordan <Jordanlawsc@gmail.com>, "Brittany A. Funderburk" <BAF@swblaw.com>, Jay Jordan <wallacejordan2@gmail.com>, Johnny Parker <JParker@pmped.com>, "Terri King (townofmcbeesctk@gmail.com)" <townofmcbeesctk@gmail.com>, Will Curtis <willcurtis85@gmail.com>, William Spencer <spencerlaw@shtc.net>, "dvandenberg410@gmail.com" <dvandenberg410@gmail.com>, "phumphries53@yahoo.com" <phumphries53@yahoo.com>, "psbrister@hotmail.com" <psbrister@hotmail.com>

Martin et al: I apologize for the late notice, but we just learned this morning that our handwriting expert, Mickey Dawson, is not available tomorrow or Friday after the dates For the hearing have been moved around. Mr. Dawson is a retired SLED agent with many years of experience, and we believe his review of the evidence and his testimony thereof will be a critical component of this hearing. Without Mr. Dawson being available due to a scheduling conflict, we are seriously prejudiced. Therefore, we respectively renew our request to continue this matter beyond the national election so that the MEC can have the benefit of Mr. Dawson's expertise, and for all of the other reasons we have previously articulated which are incorporated here by reference. Thank you,

Butch Bowers

> On Oct 20, 2020, at 2:40 PM, Martin S. Driggers, Jr. <MSD@swblaw.com> wrote:
>
> Sorry for the confusion. The meetings set for this week are Thursday and Friday. Both at 3:00.
> [Quoted text hidden]

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EXHIBIT 19

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

S·W·B

SWEENY WINGATE & BARROW P.A.

October 23, 2020

Reply to: Pee Dee Office
Martin S. Driggers, Jr.
(843) 878-0390 x7181
msd@swblaw.com

VIA E-MAIL: jordanlawsc@gmail.com and JParker@pmped.com
Wallace H. Jordan, Jr., Esquire
Wallace H. Jordan, Jr., P.C.
Post Office Box 2010
Florence, SC 29503

John E. Parker, Jr., Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924

RE: Town of McBee - 2020 Election Matter
Our File: 4565-12896

Dear Jay and Johnny:

The inspection of election ballots has been re-scheduled for November 11, 2020 beginning at 3 PM at the Town Hall in McBee.

Pursuant to S.C. Code of Laws 5-15-130, a hearing has been re-scheduled by the Town of McBee Municipal Election Commission, regarding your client's election protest for Wednesday, November 13, 2020 also beginning at 3 PM at the Town Hall in McBee, South Carolina. A court reporter will be present to create a record of the inspection and hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain.

(Signature Page to Follow)

MAIN OFFICE: T▪ 803-256-2233 F▪ 803-256-9177 1515 LADY ST. (29201)▪ POST OFFICE BOX 12129▪ COLUMBIA, SC 29211
PEE DEE OFFICE: T▪ 843-878-0390 F▪ 843-878-0393 115 CARGILL WAY▪ SUITE B▪ POST OFFICE BOX 88▪ HARTSVILLE, SC 29551

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/baf
cc: David Vandenberg - dvandenberg410@gmail.com
Linda Sterling - StoLatte@hotmail.com
Terri King - townofmcbeesctk@gmail.com

ELECTRONICALLY FILED - 2020 Nov 09 4:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300732

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	)	
	)	
IN RE: GLENN ODOM, Appellant.	)	***SECOND AMENDED***
	)	***NOTICE***
	)	***OF APPEAL***
	)	
	)	
	)	

TO: LINDA STERLING, CHAIRPERSON OF THE TOWN OF MCBEE ELECTION COMMISSION, CHARLES SHORT, CHARLES SUTTON, AND HEWITT DIXON:

You will please take notice that the undersigned as attorney for Glenn Odom appeals the decision of the McBee Election Commissions, ordering a new election for Mayor and Town Council for the Town of McBee. The Election Commission without any legal basis ordered a new election. (Letter, 11/16/2020). No evidence was introduced at the hearing of any violation of election laws or that any votes were improperly cast or counted in the election. The protestants presented testimony of a handwriting expert who questioned the signatures on the absentee ballots of six voters. Three of the voters verified that they had signed their absentee ballot. There was no evidence as to the other three voters. Even if all six voters were disqualified it would not change the outcome of the election.

The election commission in ordering a new election stated that the basis for its ruling was because an employee of Alligator Rural Water and Sewer Company assisted voters in getting absentee ballots the election results would be overturned. A written order was filed by the Municipal Election Commission on November 19, 2020 ordering a new election (Order, MEC). As additional grounds for overturning the Municipal Election Commission's decision is that the hearing was not timely and in violation of §5-15-130, 1976, was in violation of §7-15-420, 1976 South Carolina Code of Laws (as amended), and was in violation of § 7-13-830, 1976, South Carolina Code of Laws (as amended). These grounds were set forth in appellant's complaint for Mandamus which was previously filed.

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Glenn Odom request that the court reverse the decision of the Municipal Election Commission and declared him elected as the Mayor, and James Linton and Robert Liles elected as Councilmen for the Town of McBee.

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

BY: s/John E. Parker

John E. Parker. SC Bar No. 4442
P.O. Box 457
101 Mulberry Street East
Hampton, SC 29924
(803) 943-2111
jparker@pmped.com

ATTORNEYS FOR APELLANT

November 20, 2020
Hampton, South Carolina

ELECTRONICALLY FILED - 2020 Dec 18 1:46 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHESTERFIELD)	Case No.: 2020CP1300785
)	
Glenn Odom)	
)	
Plaintiff,)	***Memorandum in Support of the Appeal***
)	
McBee Municipal Election Commision)	
Charles Short, Charles Sutton, and Hewitt)	
Dixon)	
Defendants.)	

The McBee Election Commission without any evidence of any election law violation or improper absentee ballots ordered a new election for Mayor and Council of the Town of McBee. In its order ordering a new election the commission found that Sydney Baker a volunteer working for the election of Mr. Odom, as mayor, admitted that she assisted in the filling out 10 to 15 absentee ballots. There is no evidence in the record that supports this "finding".

The testimony in the records is that Ms. Baker used her personal iPad to transmit the voters request for an absentee ballot to the office of voter registration for 10 to 15 voters. The absentee ballots were then mailed to the voters and she never touched a ballot. She said she may have witnessed voters' signatures. She testified she followed all laws and had nothing to do with how any votes were cast.

The MEC without any evidence found that Ms. Baker's testimony was not credible and without any evidence found that Ms. Baker was a paid volunteer for the Odom campaign.

The MEC found Ms. Baker's testimony to be not credible because it had overturned Mr. Odom's election in 2016 for mayor. According to the Commission, Ms. Baker, delivered 35 to 45 absentee ballots in that election. The Appellants do not know where the MEC came up with these findings because the 2016 election contest was not part of the record of the hearing on the protest. The MEC improperly used evidence outside of the record to overturn the election. Attached to the 2020 Order of the MEC is the 2016 order of the MEC and record of the 2016 hearing.

ELECTRONICALLY FILED - 2020 Dec 18 1:46 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

The MEC further found without any evidence that Ms. Baker was a paid volunteer with the Odom campaign and as a paid campaign volunteer her assistance to voters in obtaining absentee ballots rendered the results of the election doubtful and new election must take place. The MEC gives no basis for its conclusion.

The South Carolina election commission allows absentee ballots to be requested by email. Ms. Baker on her iPad submitted the voters request for an absentee ballot for 10 to 15 absentee ballots which were sent directly to the voters. These voters then voted their ballots. She testified that on a few of the ballots after they were in the envelope to return to the election commission, she may have witnessed the voters' signature, but she did not in any way assist the voters.

The MEC in its decision states no legal basis for overturning the election because there is none. Section § 7-15-330, South Carolina Codes provides that a qualified elector can request an absentee ballot, and this is what was done. At the voter's request Ms. Baker transmitted the voter's request to the election commission. Ms. Baker testified that she may have done this for 10 to 15 voters. There was absolutely no evidence showing that Ms. Baker did anything improper.

Section § 7-14-420 South Carolina Code (1976 as amended) requires that absentee ballots must be challenged on election day before the return envelope is opened. None of the absentee ballot at issue were challenged.

"There are two prerequisites to maintaining an election contest in South Carolina: (1) the contest notice must allege irregularities or illegalities and (2) the alleged irregularities or illegalities must have changed or rendered doubtful the results of the election in the absence of fraud, a constitutional violation, and a statute providing that such irregularity or illegalities should invalidate the election" *Butler v Town of Edgefield, 328 S.C 238,493 S.E.2d 838 (S.C 1997).*

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The respondents in their election protest failed to allege evidence of irregularities or illegalities. The protest contained paragraph 4 which states that "upon information and belief a representative of Mr. Odom took improper procedures and steps regarding absentee ballots". This allegation is insufficient to support the MEC's decision. The protest gave appellants no notice of what the protestants contended was illegal or irregular. Because the protest did not allege what was improper or illegal the issue of the absentee ballots was not properly before the commission.

A notice of contest filed pursuant to Section§5-15-130 should briefly state facts or a combination of facts sufficient to apprise the election commission and winning candidate of the reason for the challenge. It is not enough to allege fraud generally or mere conclusion of the protesting person. *Taylor v Atlantic Beach Election Commission, 363 S.C. 8, 609 S.E 2nd 500 (Sup. Ct 2005).*

The MEC as is required by our law does not state anything Ms. Baker did which was a violation of the law. It makes a decision that by Ms. Baker assisting voters to obtain an absentee ballot by transmitting his or her application to the voter registration office that this action rendered the results of the election doubtful and required a new election. The MEC cites no legal authority for its decision because none exist.

The MEC has substituted its opinion for how the election should have concluded for the will of the voters without any legal basis. The MEC overturned the election results without any legal basis. Rather than following the dictates of our election laws and the will of the voters it has substituted its opinion in place of the will of the people. This decision should not stand.

Respectfully submitted,

[SIGNATURE PAGES FOLLOWS]

ELECTRONICALLY FILED - 2020 Dec 18 1:46 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: s/John E. Parker
John E. Parker. SC Bar No. 4442
P.O. Box 457
101 Mulberry Street East
Hampton, SC 29924
(803) 943-2111
jparker@pmped.com

ATTORNEYS FOR APELLANT

December 18, 2020
Hampton, South Carolina

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

To: Mayor Campolong; McBee Town Council
From: McBee Municipal Elections Commission

RE: PROTEST HEARING – November 13, 2020

November 16, 2020

The McBee MEC Commission held the Protest Hearing concerning the formal protest and contest of the results of the September 1, 2020 election by Charles Short, Charles Sutton and Hewitt Dixon on Friday, November 13, 2020. A quorum consisting of David Vandenberg and Linda Sterling represented the MEC, and Martin Driggers, McBee attorney, was in attendance.

Protecting the integrity of our town's elections is the primary responsibility and objective of the commission, and the hearing was held to ensure that every vote was cast freely and legally. It was not our position to pass judgement on the individual ballots. Our position was to discern if there were any irregularities or illegalities that would question the integrity of the election.

Due to several absentee ballot irregularities obtained by an employee of *Alligator Rural Water-Sewer Company* and her connection with candidate, Glenn Odom, the commission unanimously felt there was sufficient evidence to overturn the results of the September 1st election.

An Order will be forthcoming and the commission requests that the McBee Town Council hold a new election.

Respectfully,

Linda Sterling, *MEC Chairperson*

ELECTRONICALLY FILED - 2020 Nov 29 9:43 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

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

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

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

subpoena, right?
A. Yeah, maybe so. I hope you get yours too.
Q. Was that a threat?
A. No, sir.
Q. Sounded like it. I feel threatened now.
A. Oh, really? Okay.
Q. So you said you thought that Sydney -- you felt sure that Sydney felt threatened, right? Did you say that?
A. I can't tell you the workings of her mind.
Q. Well, we can have it read back, but Mr. Spencer asked you a question, did she feel threatened, you said I'm sure --
A. Yes, she feels threatened.
Q. Okay. And I would agree unless you're a mind reader, you can't tell anybody what's in her mind?
A. Right.
Q. So you must have spoken to her after she got hers, right?
A. Sunday when I got that letter.
Q. Do you know that she's needs to be -- she's supposed to be here?
A. If she has subpoena, I guess. I don't know. I don't know what's going on. I just know I don't

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

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DIRECT EXAMINATION

BY MR. BOWERS:

Q. Good morning, Ms. King. Thank you for being here. State your full name for the record, please.

A. Terri King.

Q. Ms. King, what do you do for a living?

A. I am the part-time town administrator for McBee and I'm a bookkeeper.

Q. Okay. You provided a letter dated September 7 regarding this election matter. Do you recall that?

A. Yes.

Q. I'm going to hand it to you. I've previously handed a copy to Mr. Spencer. Does that look like your letter?

A. Yes.

Q. It says that according to your -- How about this, would you read it into the record, please?

A. "I am the Town Administrator of the Town of McBee, South Carolina. I maintain and have control of the town records and official documents for the Town of McBee. According to those records as of September 6, 2016 the following properties are not within the official town limits of the town of McBee: 901 South Seventh Street, 90 North First Street - no

such address per Chesterfield County Codes Enforcement.

"Attested this the 7th day of September 2016."

Q. And as you sit here today, do you stand by this letter?

A. No.

MR. BOWERS: I would like to introduce this as Protestants' next Exhibit, Number 5.

(Protestants' Exhibit Number 5 was marked for identification.)

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: No objection.

MR. BOWERS: One more quick question.

BY MR. BOWERS:

Q. I'm sorry, Ms. King. This is a demonstrative we put together. It's a town map. Ms. King, do you recognize this map?

A. Yes.

Q. What is that a map of?

A. The city limits of McBee.

Q. Okay. Would you in your official capacity have custody and control of this map?

A. We do have a copy of that, yes.

Q. Disregard all the pins, but tell us, this

part--it looks like it's colored in yellow--what does that denote?

A. Town limits.

Q. That's the town limits?

A. Per the county, yes.

Q. Per the county?

A. Yes.

Q. Do you have any reason to dispute that these are accurate?

A. No. We update it with the census department every year.

Q. So sitting here today under oath in your official capacity with the town, you can attest that this is a true and accurate depiction of the town limits inside this yellow area?

A. Yes.

MR. BOWERS: I would like to introduce this into evidence. We'll get you a smaller copy because we got a regular size sheet but we would like to introduce this --

CHAIRPERSON STERLING: Exhibit 6.

MR. BOWERS: -- as Protestants' Number 6.

CHAIRPERSON STERLING: Mr. Spencer?

MR. SPENCER: No objection.

(Protestants' Exhibit Number 6 was later marked for identification.)

MR. BOWERS: No further questions. Answer any questions Mr. Spencer may have.

CHAIRPERSON STERLING: Mr. Spencer, would you like to cross-examine?

CROSS-EXAMINATION

BY MR. SPENCER:

Q. Ms. King, you relied on that map to make the determination you made?

A. One of the addresses I called the County to verify, the 90 North First Street. We called the County because we --

Q. What about 901 Seventh Street?

A. I relied on the plat number of that address. It was not in the town limits.

Q. And that was all you relied on?

A. Yes.

Q. I'll show you the voter registration list of the people who voted here at the poll. Whose name is listed at 901 South Seventh?

A. Shirley Sullivan.

Q. Does anybody live there with her that you know of?

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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just -- this is one of the envelopes that we've already said is going to be in the record.

MR. BOWERS: May I approach?

CHAIRPERSON STERLING: Yes, absolutely.

BY MR. BOWERS:

Q. Is that your envelope you're holding?

A. That's her envelope.

Q. That's her envelope?

A. Yes.

Q. May I see that?

A. Yes.

Q. Did you bring that with you here today?

A. Yes, I did.

Q. Will you open it up and show us what's inside. The subpoena that asked you to come here? Anything else?

A. I was not served.

Q. You were not served?

A. No, I wasn't.

Q. Okay. How did you know to come?

A. I was asked to come before, yes, because you said her vote was challenged and this is why I'm here.

Q. I gotcha. Is there anything else in that envelope?

A. That's it.

Q. Okay. So this document is -- I will represent to you that this document is the back of the envelope for the absentee ballot. Is that yours or is that hers?

A. This is mine, 229 West Maple Avenue.

Q. Okay. It says POA for Alberta Bristo, right?

A. Uh-huh.

Q. Is that yes?

A. Probably, yes.

Q. Does that mean power of attorney?

A. No.

Q. It doesn't?

A. No. I don't have power of attorney.

Q. What does POA mean?

A. I didn't put that there. I don't know who put that there.

Q. Is that your handwriting?

A. Yes, it is.

Q. But that's not your handwriting?

A. Yeah, it is. This right here?

Q. Yes, ma'am.

A. I didn't put that there.

Q. I'm a little confused. Is this your handwriting or not?

A. That's my handwriting, yeah.

Q. This is your handwriting but you didn't put it there?

A. Yes, it is, uh-huh, that's my handwriting.

Q. But you're testifying you didn't write that?

A. I wrote this. I didn't write that. This is my handwriting.

MR. SPENCER: Object.

CHAIRPERSON STERLING: Could we see that?

MR. BOWERS: Yes. You might want to come up here too Billy. It's confusing, she said that's her signature and that's her handwriting but she said she didn't write that.

CHAIRPERSON STERLING: My first reaction, it doesn't really appear to be the same kind of handwriting.

MR. SPENCER: She testified that was her handwriting?

CHAIRPERSON STERLING: No, she said this was her handwriting.

MR. BOWERS: Come here, Billy. This is going to be a little unusual.

BY MR. BOWERS:

Q. I'm easily confused.

A. Uh-huh, so am I.

Q. That's your name right there?

A. Yes, it is.

Q. In your handwriting, right?

A. Yes.

Q. And then next to it, I'll read for the record, it says POA for Alberta Bristo. You see that?

A. Uh-huh.

Q. Is that in your handwriting?

A. This is my handwriting. That's not.

Q. That's not, okay. I got it now. Thank you. You don't know who wrote that?

A. No, I don't.

Q. Do you know anybody named Leslie Newton?

A. Yes, I do.

Q. Who is that?

A. All I know is Leslie Newton.

Q. Is she a friend?

A. Yeah. I know her. Yes.

Q. So do you have your mother's power of attorney?

A. No, I don't need it.

Q. Why?

A. That's my mother. I take care of her. I'm 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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going to look up the code. We'll leave it at that.

MR. SPENCER: Challenge my ballot and I'm not --

CHAIRPERSON STERLING: Let's move on.

MR. BOWERS: Let me ask you a question on that point. Was this hearing duly noticed to the public?

CHAIRPERSON STERLING: Yes.

MR. BOWERS: The public was given notice of the hearing, right?

CHAIRPERSON STERLING: Uh-huh.

MR. BOWERS: Yes?

CHAIRPERSON STERLING: Yes. Gotcha.

MR. BOWERS: She knew there was an issue with her ballot in the first place. She's on notice there is a hearing.

MR. SPENCER: It was not in the batch of the challenged ballots.

MR. BOWERS: May I proceed?

CHAIRPERSON STERLING: Proceed.

MR. BOWERS: I'm sure Mr. Spencer is going to object to this one too on the same grounds and I'll stipulate to his objection. This is voter Macey Gillis. Voted a provisional

ballot. This is part of your record already as well. He did not sign the provisional ballot envelope as required. So therefore, it shouldn't be counted.

MR. SPENCER: He wasn't given notice?

MR. BOWERS: He was given public notice just like everybody else was.

CHAIRPERSON STERLING: Thank you, Mr. Spencer.

MR. SPENCER: I object.

CHAIRPERSON STERLING: So noted. Thank you.

MR. BOWERS: Call Shilon Green to the stand. He might be outside. I apologize. I thought Mr. Green was here. He's not but he'll be right back.

CHAIRPERSON STERLING: Proceed with your next one.

MR. BOWERS: We'll hold that one in abeyance. I would like to call William Bullard to the stand. Mr. Bullard.

Madam Chairwoman, I'm going to hold this one as well. Mr. Bullard is not here. He is under subpoena. If he appears, we'll call him -- we'll recall him but if not, we'll just

move on.

CHAIRPERSON STERLING: Mr. Green is here.

MR. SPENCER: On the ones that did not appear, I would like for the affidavit of service to be filed. I understand that some of these things were not personally served, that they were taped to a door, which is not personal service of a subpoena. It has to be left with a person.

I would like to see the affidavits of service on all of these because if it says they just left it at the house and taped it to the door, then that's not proper service. They've got to give it to an adult in the household just like you serve -- a process server.

MR. BOWERS: No problem. We provide all those.

CHAIRPERSON STERLING: Absolutely. So noted and you shall have it.

MR. SPENCER: And I would like to move to have the process server subpoenaed by the Court.

CHAIRPERSON STERLING: Reason being? Same reason?

MR. SPENCER: To find same reason --

CHAIRPERSON STERLING: Mr. Bowers?

MR. BOWERS: No objection if you want to subpoena him, but I mean are we going --

MR. SPENCER: If the Court is going to hold -- make a decision based on them not appearing such that they would give weight to throwing their ballot out, then proof of service has got to be had.

CHAIRPERSON STERLING: So noted.

MR. SPENCER: I would want to be able to examine him, did you tape the subpoena to the door like you did Ms. Newell or did you serve it, because Ms. Newell didn't have to come today because she wasn't served. You can't tape it to the door.

CHAIRPERSON STERLING: So noted.

MR. BOWERS: There's no dispute -- With Ms. Newell there's no dispute that the process server left it on the door.

CHAIRPERSON STERLING: We will consent to having the process server subpoenaed.

MR. BOWERS: There's no dispute to that.

MR. SPENCER: But it was said that 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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questions. Thank you.
CHAIRPERSON STERLING: Mr. Green, thank you. One more before we go to lunch?
MR. BOWERS: Madam Chairman, if it would be appropriate and there's no objection, I would like to take a lunch break now. And then we may be finished. I would like to -- Go ahead.
MR. SPENCER: We've got Mr. Jackson here.
CHAIRPERSON STERLING: Would you like to do Mr. Jackson now?
MR. BOWERS: No. I don't need to ask him any questions. I've already got into evidence what I need.
CHAIRPERSON STERLING: Fine. We'll break for an hour for lunch, or 45 minutes, whatever is good for you guys.
MR. BOWERS: An hour is good.
CHAIRPERSON STERLING: One hour. I don't have a clock, so what time is it? We'll return at 2:00.
MR. BOWERS: 2:00 or 1:00?
CHAIRPERSON STERLING: I mean 1:00.
(Whereupon, a lunch break was taken at 12:04 p.m. Proceedings

resumed at 1:08 p.m.)

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AFTERNOON PROCEEDINGS
CHAIRPERSON STERLING: Municipal Election Commission resuming the protest hearing. Mr. Bowers, please proceed.
MR. BOWERS: Thank you, ma'am. Madam Chairwoman, at this time we call Thomas Dewey Kelly to the stand. Is Mr. Kelly here? Thomas Kelly? Dewey Kelly?
Mr. Kelly was subpoenaed to be here. He's not here. I've only got one copy of this, but I will show you his address on the register -- on the voter registration list is 266 West Pine Avenue. That's inside the town limits. On his voter absentee ballot envelope where you have to put your name and address, he actually put down his correct address at the time he voted which is 450 North Fifth Street. You might say, why is that important? I'll tell you why. Because 450 North Fifth Street is outside the town limits and he's not eligible to vote. You have -- This is already in the record.
CHAIRPERSON STERLING: Right, it's in the record.

MR. BOWERS: But I'll just to show it to you. The address is outside the town limits and so he's legally ineligible --
MR. SPENCER: What evidence do you have that's outside the town limits?
MR. BOWERS: The map. I can go back and call Ms. King if you want to.
MR. SPENCER: No, you can show me on the map.
MR. BOWERS: I don't live here. It's somewhere outside the yellow area. We can get that for you. We won't hold the proceeding for that but I'll --
CHAIRPERSON STERLING: So noted. We'll go back to that.
MR. BOWERS: We'll get Ms. King come and confirm it's outside the town limits.
CHAIRPERSON STERLING: Mr. Spencer, you okay with that?
MR. SPENCER: Yes, ma'am.
MR. BOWERS: Obviously if it's not outside to the town limits, the vote should count. I'm not questioning that. We submit that 450 North Fifth Street is outside the town limits and, therefore, should be ineligible to vote.

That's something we can find out here very quickly or confirm very quickly.
I do have one administrative matter. These are documents -- We subpoenaed the records from Mr. Pat Wise [sic] at the County Election Commission. We subpoenaed the records from his office. This is what he brought here today. It's the voter registration list, it's the poll list, and voter registration applications. I would just like to make that part of the record. Any objection?
MR. SPENCER: No. That came from Kevin Thurmon's office, correct?
MR. BOWERS: Correct.
MRS. WISE: You said me.
MR. BOWERS: Did I? I'm sorry.
CHAIRPERSON STERLING: Excuse me? What did you say?
MR. SPENCER: Came from our County --
MR. BOWERS: I misspoke, but it came from the County Clerk's office.
CHAIRPERSON STERLING: Registrar.
MR. BOWERS: So I would like to enter those. Let's go one by one I guess. The voter 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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election. I think we all agree and acknowledge that in order to be eligible to vote in the Town of McBee you have to be a resident, a citizen of the Town of McBee at the time the election is held. And Ms. Bristow testified under oath that she lives in Camden. That's one.

We talked to -- I want to bring your attention to the Sullivans, Leon and Shirley Sullivan, both of whom according to the poll records reside at 901 South Seventh Street. Well, we heard the town clerk give uncontroverted evidence that 901 South Seventh Street is outside the town limits. There's two more votes that should not have counted.

Vera Ruth, very nice lady, came to the stand, testified that she voted for her mother. It said -- We never could confirm who wrote POA for Alberta Bistro [sic]. She asserted that was not her handwriting. I believe her. But somebody wrote -- As the record reflects, somebody wrote POA for Alberta Bistro. I would submit that the law does not allow you to vote for someone else through a power of attorney. And Ms. Bistro's vote should not have counted.

We heard Shilon Green get up and

testify about a vacant lot. A vacant lot at 65 South Side Road in McBee that Denise Hough apparently supposedly lives at. Denise Hough is an absentee voter. Ms. Hough who was -- who was subject to subpoena was not here, but we proved through photograph evidence and also direct testimony from Mr. Green that that's a vacant lot.

And my argument on that is, you have to be registered at an address -- at a home address in the Town of McBee. There's no legitimate way that she is a resident of a vacant lot. So we think her -- I'm not saying there's fraud but I do think that's an improper registration. That should not have been counted.

We actually argued this a little while ago. Heather Byrd was here earlier this morning. She simply is not on the voter registration list, therefore, not eligible to vote.

Thomas Dewey Kelly, his address is outside the town limits.

Macey Gillis you'll recall did not sign a provisional ballot as required by the law.

Mr. Ponds, no signature on his absentee ballot as required by the law.

CHAIRPERSON STERLING: Excuse me. Could I interrupt? The oath was unsigned by Mr. Ponds?

MR. BOWERS: Let me make sure I'm telling you right.

CHAIRPERSON STERLING: On Sheldon Ponds? We were going to check his envelope that his oath was unsigned.

MR. BOWERS: The oath was unsigned, correct. Thank you for that correction.

CHAIRPERSON STERLING: Uh-huh.

MR. BOWERS: Then we have the Wright family--William, Diamond, Gloria, Latasha, Judy, Keyona, and June. Seven voters all registered to vote at 337 South Fifth Street. Seven voters registered to vote out of that house.

We heard Mr. Outen, the code director for the County, testify that the timing of the demolition permit and the timing of the application for a permit to put a new residence on there. And we heard him testify there's been no inspection done, so therefore there cannot be power running to that property. So we would submit that those are improper registrations because those -- The evidence is ample that they

didn't actually live there. Now they might have lived somewhere else. I'm not saying they didn't. They had to live somewhere else, but they don't live at the address that's on the voter registration rolls. And therefore, those votes shouldn't count.

By my count that's 16 votes that we believe the uncontroverted testimony reflects that they shouldn't count. One more. My team reminded me of Ms. Willie Jackson when she registered to vote lived outside the town limits. Her vote shouldn't count.

I want to read some law to you now, just one statute. I won't bore you with all of it, I'll just read the relevant portion. South Carolina Code Section 7-15-330. It says in relevant part: 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: Could you read 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

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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

ELECTRONICALLY FILED - 2020 Dec 30 4:27 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA COUNTY OF CHESTERFIELD Glenn Odom Appellant, vs. McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon Respondents.	IN THE COURT OF COMMON PLEAS Case No: 2020-CP-13-00785 **RESPONDENTS' SHORT, SUTTON, DIXON MOTION TO RECONSIDER**

YOU WILL PLEASE TAKE NOTICE that the Respondents Short, Sutton, and Dixon, by and through their undersigned counsel, pursuant to Rule 59 of the *South Carolina Rules of Civil Procedure*, will move this Honorable Court to reconsider the order filed on December 29, 2020 in the above captioned matter. Respondents will request that his Honorable Court reconsider the decisions held within that order on several issues including findings of fact and conclusions of law, sufficiency of evidence, preservation of the record, and any further issues more fully detailed in Respondents' forthcoming brief to be filed with the Court.

/s/Wallace H. Jordan, Jr.
Wallace H. Jordan, Jr., SC Bar No.: 76222
WALLACE H. JORDAN, JR. P.C.
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
Phone: (843)662-4474
Fax: (843)662-6024

/s/ Karl S. Bowers, Jr.
Karl S. Bowers, Jr., SC Bar No.: 16141
BOWERS LAW OFFICE, LLC
1419 Pendleton Street
Columbia, South Carolina 29201
Post Office Box 50549
Columbia, South Carolina 29250
Phone: (803) 753-1099
ATTORNEYS FOR RESPONDENTS

December 30, 2020
Florence, South Carolina

ELECTRONICALLY FILED - 2021 Jan 07 3:45 PM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA) COUNTY OF CHESTERFIELD)	IN THE COURT OF COMMON PLEAS
Glenn Odom) Appellant,) vs.) McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon) Respondents.)	Case No: 2020-CP-13-00785 **RESPONDENTS' SHORT, SUTTON, DIXON MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO RECONSIDER**

Respondents, Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel submit this Memorandum in Support of Respondents' Motion to Reconsider following facts and argument of law:

FACTUAL BACKGROUND

On November 13, 2020, an election contest hearing was held. The McBee Election Commission (hereinafter "MEC") ordered a new election on the basis that Sydney Baker (hereinafter "Ms. Baker" or "Baker") was a paid campaign volunteer with the Glenn Odom (hereinafter "Mr. Odom" or "Odom") campaign and had assisted in procuring at least ten (10) and up to twenty-eight (28) absentee ballots in violation of S.C. Code Ann. § 7-15-330. On November 20, 2020, the MEC issued a formal order of their decision. That same day, Appellant filed a Second Amended Notice of Appeal. On December 21, 2020, this Honorable Court held a hearing for this appeal. On December 29, 2020, the Court overturned the decision of the MEC, finding that Ms. Baker had not violated said statute because she had only assisted electors with making his or her own request for an absentee ballot, that the MEC had no evidence that Ms. Baker was a paid volunteer of Odom's campaign, and that the MEC had improperly used the

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previous 2016 MEC order as a basis of their decision. Respondents filed a motion to reconsider on December 30, 2020.

I. SYDNEY BAKER'S ACTIONS AMOUNTED TO MORE THAN MERELY ASSISTING ELECTORS IN MAKING HIS OR HER OWN REQUEST FOR AN ABSENTEE BALLOT AND THOSE ACTIONS VIOLATED S.C. CODE ANN. § 7-15-330.

Ms. Baker had far more influence with the collective absentee votes than merely assisting voters with making his or her own request for an absentee ballot. Ms. Baker did not passively help random people who approached her for assistance and provide them with tools to request an application on their own accord. She purposefully canvassed McBee to solicit votes and requested the application on their behalf using the equipment she brought to their home. She testified:

> I called and went door to door. I asked if the people would like to vote. If they said yes, I asked if they would prefer if they would like to vote absentee if they were working or if they were over 65. They said yes. ***I helped them obtain an absentee ballot.*** (Transcript p. 9 *emphasis added*).

To request an absentee ballot application online, you must know a voter's name, their birthdate, the county in which they are registered to vote, and the last four digits of their social security number. This information is entered into a web page on the scvotes.org website that then generates an application. The voter applicant can either request that application be mailed to them at their registered address or may print it out and mail it to their county voter registration and election office to be processed. Ms. Baker testified that she assisted entering that information, printed out the application, and she and the voter completed the mail in process together. She stated, "I had an iPad that was my personal iPad and a printer in my truck. If they wish to do so, we did so right then." (Transcript p. 13).

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The website is designed for persons to request applications in the privacy of their own homes, by themselves, with no assistance. A print out of the website is attached hereto as Exhibit 1. This site only references the voter, "Please enter ***your*** County, Name, Date of Birth, and last four digits of ***your*** Social Security Number." REQUEST ABSENTEE APPLICATION, https://info.scvotes.sc.gov/eng/voterinquiry/VoterInformationRequest.asp?PageMode=Absentee Request (last visited Dec. 30, 2020). (*emphasis added*). Nowhere on the site does it mention allowing someone else to enter this information for you. It does not contemplate the assistance Ms. Baker provided because S.C. Code Ann. § 7-15-330 does not allow it. Under statutory law, Ms. Baker would have to make the request by mail or in person and she would have to register as an authorized representative to assist a voter.

Attached hereto as Exhibit 2 is SEC FRM 1055-201207. This form is the necessary documentation required to assist a voter in requesting an absentee ballot application for a voter by mail. Notice the numerous restrictions the state of South Carolina has in place for assisting someone to request an absentee ballot application. First, the voter must ask the person to make the request for the application on their behalf. Second, this person may become the authorized representative and must affirm they are not a candidate or somehow paid or reimbursed by a candidate to procure an application. Third, the voter is unable to go to the polls. (Note, the September 1, 2020 election was not under the more relaxed absentee voter laws of the presidential primary or presidential election and therefore this third requirement was still in place.) Fourth, the authorized representative swears an oath that they meet the statutory definition of an authorized representative. The form even contemplates that someone may be the authorized representative for multiple voters but that person still needs to swear an oath that they are a duly authorized representative and this form must be recorded.

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Ms. Baker's assistance did not stop at the online application process. She followed through the entire voting process from the application, to helping the voter complete the ballot, to witnessing the voter's signature. She testified, "If they needed help as far as which in what to put what, I answer questions. If they needed somebody to witness because there's an old person there, I signed as a witness." Ms. Baker was acting as these voters' authorized representative. (Transcript p. 11). She testified that she was so involved in this election and the collective voting process that she was not surprised that her name appeared as a witness on twenty-eight (28) absentee ballots, nearly three (3) times the margin of victory in this election. *Id.* Her role was not some passive participant and the record clearly reflects this.

This Court notes that the Absentee Voter Detail reinforces the notion that these voters self-registered online. However, the record reflects that some of the voters were not aware that their name appeared on this detail in such a manner. When questioned about the method from which she requested her absentee voter application, Elizabeth Murphy testified that she does not ". . . use the internet. . ." *Id.* at 56. She was asked again unequivocally if she used the internet to request her vote. Mrs. Murphy replied, "No." *Id.* Mrs. Murphy's name appears on the voter detail as being self-registered online. Mrs. Murphy did however testify that Sydney Baker had assisted her and her disabled husband. *Id.* at 54-5. This testimony illustrates that Baker had a more active role in requesting these applications because these voters were not aware of how they were requested. If Ms. Murphy was not aware that Ms. Baker had requested the application online, it shows that Ms. Murphy was not fully cognizant of the actions of Ms. Baker and was not the person entering the information on the iPad, "going on the internet." The MEC, as the trier of fact, drew conclusions Ms. Baker acted much more focused and not merely passively providing someone with access to the internet to request an application on their own. The

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testimony shows Baker entered Mr. and Mrs. Murphy's personal information into the website on their behalf and requested the absentee application be generated to be printed, completed, and mailed. Had Ms. Baker implemented the statutorily mandated procedure to obtain voters' applications, she would have to first swear an oath that she was a duly authorized representative that would be recorded with the county before the applications would be placed in her hands. She used the internet application process to circumvent this requirement and prevent detection.

Almost the exact same testimony was elicited from June Wright. Mr. Wright testified that Sydney Baker helped him. *Id.* 76-7. Mr. Wright's testimony is even more noteworthy because he testifies that he cannot read. *Id.* at 76. Mr. Wright testified, "I asked them to help me and, you know, because I can't read, you know. And during that time couldn't go up there..." *Id.* Mr. Wright squarely fits the criteria of requiring an authorized representative to help assist him because he lacks the ability to request an absentee application on his own. He was requesting that Baker be his authorized representative to assist him throughout the voting process. Mr. Wright lacked the capacity to be able to request the online application by himself. However, Mr. Wright also appears to have self-registered online for his application without any assistance. When asked if *he* had requested the application through the internet, he responded *Baker* had completed the process for him:

> Q: And it says that you requested your absentee ballot through the internet?
>
> A: No, sir.
>
> Q: That's not correct?
>
> A: No, sir. Sydney, she helped me out, and like I say, she help me with that.
>
> Q: Okay. So, I guess two questions in there. You didn't request it, she did?
>
> A: No. She help me, I asked her to help me to, you know, vote.

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Q: But she didn't do through the internet?

A: No. (*Id.* at 77).

It is apparent in Mr. Wright's testimony that he was not even present at the time Ms. Baker made this online request because he was not aware it was even made online. Mr. Wright also testified in response to a question presented by Appellant's counsel that he did not even mail in his application:

Q: That's Ms. Baker? Sydney Baker and ***she ordered it and it came in the mail to you?***"

A: Yes, sir. (Id. at 75 *emphasis added*).

Ms. Baker was the sole person to facilitate Mr. Wright getting an absentee ballot because he could not do it himself. His testimony is not limited to just helping him with the application. He said she helped him to vote in violation of S.C. Code Ann. § 7-15-330.

Other testimony and evidence bolstered the position that Baker had a more focused role in procuring absentee applications. Michael Williams testified that he had requested an absentee ballot application by phone. *Id.* at 67. The voter detail shows that he self-registered online. Rayshawn Bracey testified that he requested his absentee ballot application at Alligator Rural Water Sewer Company (hereinafter "Alligator Rural Water") the location of Ms. Baker's employment. *Id.* at 71-2. Investigator, David Milligan, also testified that his investigation revealed that Sydney Baker had a very active role in procuring absentee votes. *Id.* at 19-22. The twenty-eight (28) absentee ballot envelopes that contained Baker's signature as a witness also show that she was involved in the later parts of the voting process and more than assisting applicants in procuring an application.

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The Court's order strains to make a distinction by ordering that S.C. Code Ann. § 7-15-330 is not violated if one fills out the information online *with* the voter rather than *for* the voter. If that were the case, why would the legislature require the registration of those who help absentee voters? Why would the statute restrict authorized representatives to only being able to request applications by mail or in person? Even if that were the case, how can this Court discern that subtle difference here with the record provided to such a fine detail that it can overturn a decision from a trial level tribunal through appellate level review? What evidence in the record shows that is the only actions Baker took on behalf of all the voters she assisted? There is evidence within the record that shows she did more than assist the voter with the online application process. The voters themselves explain how Baker requested the absentee ballot application for them, not that Baker showed them how to do it or did it with them.

Additionally, the mail in form equivalent of the online application process requires all the restrictive formalities that the law provides. Why would an online process of the requesting an application (that differs only from other processes in that eliminates one additional step of requesting the individualized application by mail, telephone, or in person) remove all those formalities and ignore all those protections the law provides for absentee voting? Surely, that is not the intention of the legislature.

"The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature." *Bryant v. State*, 384 S.C. 525, 529, 683 S.E.2d 280, 282 (2009). "The statutory language must be construed in light of the intended purpose of the statute." *Florence Cnty. Democratic Party v. Florence Cnty. Republican Party*, 398 S.C. 124, 128, 727 S.E.2d 418 (S.C. 2012). "This Court will not construe a statute in a way which leads to an absurd result or renders it meaningless." *Id.*

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S.C. Code Ann. § 7-15-330 allows a voter:

> To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the board of voter registration and elections as established by the county governing body, for the county of the voter's residence. S.C. Code Ann. § 7-15-330 (2015).

But the statute restricts an authorized representative to requesting the application through the mail or in person process only, requires them to register, and swear an oath:

> 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.*** *Id.* (emphasis added).

The statute also prohibits a candidate or a paid or compensated campaign volunteer from being an authorized representative. *Id.* "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." *Id.* It is clear from language of the statute that the legislature prohibits persons helping voters to request absentee ballot applications online. The statute specifically restricts a person's assistance to mail or in person application requests only so that it may be monitored and tracked by registering with the county. It also closes the door to potential undue influence by restricting those persons that help from being associated with a candidate's campaign.

As the order stands now, the Court interprets the statute to mean that anyone with any level of involvement in the election and the voting process can assist with procuring an absentee ballot application online without having to register with the county as an authorized

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representative without violating S.C. Code Ann. § 7-15-330. When the record is taken into contemplation, someone can actively canvass and solicit absentee votes, assist those solicited voters throughout the entire voting process, and not be required to register as an authorized representative. Someone who is so closely tied with a candidate that it appears they remain employed by that candidate, were previously adjudicated to be a campaign volunteer of said candidate, adjudicated to be involved in unlawful absentee voting practices on behalf of said candidate, may provide any manner of assistance to a significant amount of absentee voters without violating S.C. Code Ann. § 7-15-330. Someone may lawfully request and mail in an absentee ballot application for a voter who cannot read and is not even present when the request is made without being required to register as an authorized representative. Someone who attests under oath that they never use the internet and did not request their application via the web is deemed to be accurately reflected in the voter detail that states they self-registered through the internet for their application without the assistance of another person. This order creates a glaring hole in the fabric of election integrity and opens the door to rampant absentee voter fraud. South Carolina law does not allow violations of this magnitude to be ignored, regardless of whether they can be definitively tied to the outcome of the election.

In *George v. Municipal Election Com'n*, the South Carolina Supreme Court held that not providing voters with voting booths violated the South Carolina Constitution and South Carolina statutory law because it stripped voters of their ability to vote in secret, making the election void, and requiring a new election. *See George v. Municipal Election Com'n*, 335 S.C. 182, 516 S.E.2d 206 (S.C. 1999). The *George* Court noted that no overlying voter fraud had been alleged but the arguments were presented only by stipulations that the booths had not been provided. "Appellants conceded no one testified he or she saw the vote made by another person, no one

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testified he or she refused to vote due to the method of voting, and no one testified he or she was confused or intimidated during the process." *Id.* at 185. However, the court found that these blatant constitutional and statutory violations were such a high degree that they necessitated a new election. The court decries, "where there is a total disregard of the statute, it cannot be treated as an irregularity, but it must be held and adjudicated to be cause for declaring the election void and illegal." *Id.* at 187 (*quoting Moon v. Seymour*, 182 Ga. 702, 186 S.E. 744, 745 (1936). The *George* Court reiterates the importance of curbing major statutory violations regardless of whether fraudulent activities are definitively shown. "***The Court . . . will not sanction practices which circumvent the plain purposes of the law and open the door to fraud.*** *Id.(emphasis added).* We have the same total constitutional and statutory disregard here that has the potential to open the door to fraud.

There is a constitutional right in South Carolina an open election free from undue and unwarranted influence. "All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office." S.C. CONST. art. 1 § 5. To protect that right to a free and open election, the South Carolina Constitution grants the right to the legislature to write laws to monitor elections, contest them, and restrict candidates and those acting on their behalf from exacting influence on voters. "The General Assembly shall provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the administration of elections and for absentee voting, insure secrecy of voting, establish procedures for contested elections, and enact other provisions necessary to the fulfillment and integrity of the election process." S.C. CONST. art. 2. § 10. The legislature created a legal framework to assist absentee voters that balanced a person's right to vote absentee with the ability of all other voters to have

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an open and free election. If someone helps a voter with the absentee process, they must be an authorized representative under statutes § 7-15-310(7) and § 7-15-330 and the absentee voter must swear an oath that they ". . .received no assistance in voting [their] ballot that [they] would not have been entitled to receive had [they] voted in person at my voting precinct." § 7-15-220 (2012). We can absolutely say these statutory provisions were not held in strict compliance through the testimony evidence offered at the hearing. This total statutory disregard cannot stand. These statutes must be strictly followed.

It is evident throughout record that Ms. Baker's actions were not merely assisting absentee voters to self-register for an application online. In some instances, like that of Mr. Wright, Ms. Baker was stepping into the role of the voter and taking all actions necessary to complete the entire voting process. In order to do that lawfully, she must be a registered authorized representative. Her actions are a direct violation S.C. Code Ann. § 7-15-330 because the statue only provides her a way to assist voters through mail or in person request and registering as an authorized representative if she was not a paid campaign volunteer. In 2016, the MEC did not approve of the level of influence then Candidate Odom had over the election through Sydney Baker and absentee votes. Ms. Baker has continued those unsanctioned actions in this election. The MEC **must** have the ability to protect their elections and close the door to potential fraud by overturning elections where proven repeat constitutional violators and statutory offenders have acted in their elections. The only remedy to combat such issues is to order a new election. For these reasons, Respondents request that this Court reconsider the previous order and uphold the decision of the MEC.

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II. PREVIOUS MEETINGS AND DECISIONS OF THE MEC WERE PROPERLY RAISED AT THE HEARING AND WERE THUS A PROPER BASIS FOR THE MEC'S DECISION.

"When a court takes judicial notice of a fact it 'admit[s] into evidence and consider[s], without proof of the facts, matters of common and general knowledge.'" *Dept. of Social Services v. Janice C.*, 678 S.E.2d 463, 466, 383 S.C. 221 (Ct. App. 2009) (*quoting Moss v. Aetna Life Ins. Co.*, 267 S.C. 370, 377, 228 S.E.2d 108, 112 (S.C. 1976). Judicial notice applies to facts of "such common knowledge that it is accepted by the general public without qualification or contention, or its accuracy may be ascertained by reference to readily available sources of indisputable reliability." *Bowers v. Bowers*, 349 S.C. 85, 94, 561 S.E.2d 610, 615 (Ct. App. 2002). "A court can take judicial notice of its own records, files, and proceedings for all proper purposes including facts established in its records." *Freeman v. McBee*, 280 S.C. 490, 494, 313 S.E.2d 325, 327 (Ct. App. 1984). "Judicial notice may be taken at any stage of the proceeding." *Dept. of Social Services*, 279 S.C. 623, 678 S.E.2d 463 at 466.

"The admission and rejection of evidence is largely within the sound discretion of the trial judge, and the exercise of this discretion in either admitting or rejecting evidence will not be reviewed by the [appellate court] absent a clear showing that the trial judge abused his discretion, committed legal error in its exercise, and prejudiced the appellant's rights." *Cudd v. John Hancock Mutual Life Ins. Co.*, 310 S.E.2d 830, 833 (Ct. App. 1983). "Failure to object when evidence is offered constitutes a waiver of the right to object, and the issue may not then be raised for the first time on appeal." *Altman v. Griffith*, 642 S.E.2d 619, 372 S.C. 388 (Ct. App. 2007).

Prior adjudications of the MEC were raised for consideration during the hearing. Counsel for Appellant first raised the issue during the litigation over Ms. Sullivan's qualifications to vote

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in the election. While Respondents were presenting their case in chief, counsel for Appellant objected stating, "Madam Chairman, we object to this and Mr. Driggers can address this. This lady was -- the town had said she was a resident. She had been okay to vote and Mr. Driggers was involved in it, and that matter has occurred. I don't know how you would be questioning that here today." (Transcript p. 26). Counsel for Appellant goes on to state, "The town's already dealt with this issue." *Id.* at 27. Counsel for Appellant was requesting the MEC take judicial notice of a prior adjudication of the town. Counsel's statement is clear that he expected that no issue previously adjudicated before this tribunal to heard again and that the MEC use their prior findings in order to make determinations throughout this hearing.

Moreover, counsel for Respondents specifically requested the MEC consider the order during their deliberations. During Attorney Jay Jordan's (hereinafter "Attorney Jordan" or "Jordan") closing remarks he states:

> There's no secret -- we've been -- McBee has been down this road before. And my heart breaks for the folks in McBee having gone down this road time and time again. And I know you're familiar based on that one Carmichael case. Which the Carmichael case clearly says that when you have a high level of absentee votes, you should be suspect. And in this case we have a high level of absentee votes and I would say you -- you should be suspect. The key ingredient in that suspect should be this. When you look at the numbers -- and urge you to do this when you go back and deliberate. *Id.* at 88-9.

Attorney Jordan goes on to specifically request that the MEC use prior orders to make their decision in this case. He requests, "We also believe that if you look back at what the MEC has done in prior McBee situations, that that precedent has been established by the MEC clearly states that a new election should be established." Attorney Jordan unequivocally requests the

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MEC take judicial notice of their prior decisions and use them as a basis for the making the decision in the case at hand.

It is well established South Carolina Law that election matters are general knowledge from which judicial notice may be taken. *See Brown v. Baskin*, 80 F.Supp. 1017 (D. S.C. 1948) *(finding that it is common knowledge of which judicial notice may be taken that a large number of African Americans voted at a primary election after enrollment was provided by preliminary injunction)*; *Elmore v. Rice*, 72 F.Supp. 516 *(finding that it is common knowledge that prior to the passage of the thirteen, fourteenth, and fifteenth amendments of the Constitution of the United States, there were repeated attempts to restrict voting privileges in many parts of the country.)* It is common knowledge to the citizens of McBee that there has been repeated issues with their municipal elections. It is common knowledge to McBee citizens and those citizens comprising of the membership of the MEC that the 2016 election was overturned because the MEC did not find then Candidate Glenn Odom's testimony to be truthful about his campaign relationship with Sydney Baker and that Baker has a history of interfering in McBee elections through absentee votes. This Court was even cautious as to the notoriety these McBee election cases have within the community that it issued a gag order restraining the parties from discussing the details of the order of the court until such time as a final order had been executed and filed. The happenings of 2016 are common knowledge sufficient enough to be the basis of judicial notice. Moreover, it does not even have to be common knowledge for the MEC to take judicial notice because they were the governing body that made the 2016 decision. Pursuant to *Freeman v. McBee*, the MEC can take judicial notice of any of its own records.

This Court does not have the authority to question the admission or exclusion of evidence of the MEC unless the MEC abused its discretion in making that decision. What discretion was

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abused when the MEC used a prior ruling which included the very persons acting in the same manner at issue in this case and take judicial notice of that relationship and the on-goings of that case to determine the credibility of the witness in this case? The order of this Court states the previous order was not part of the record, but it is clear that both parties of this action requested the MEC to take judicial notice of prior adjudications. Counsel for Respondents specifically requested that the MEC consider the order that ended up becoming the basis of this current order before the Court. The request can be properly made in a closing statement pursuant to *Dept. of Social Services v. Janice C.*. If counsel for Appellant had issue with that request, he should have objected to it when the request was made. This issue is now not ripe for appellate review because it was not preserved pursuant to *Altman v. Griffith.* Thus, it cannot be a basis from which this Court can reverse the decision of the MEC. As such, this Court must uphold the decision of the MEC.

III. THE EVIDENCE IN THE RECORD SUPPORTS THE DECISION OF THE MEC.

"In a civil action, proof to a certainty is not required." *Hutson v. Cummins Carolinas, Inc.*, 280 S.C. 552, 314 S.E.2d 19, 23 (Ct. App. 1983). "Where the evidence as a whole warrants a verdict for plaintiff, it will not be disturbed on appeal merely because no one of the evidentiary facts alone would warrant it." *Speaks v. Southern Ry. Co*, 73 S.E. 625, 625, 90 S.C. 358 (S.C. 1912). ". . .[A]ny fact in issue may be established by circumstantial evidence, if the circumstances, which must themselves be proven lead to the conclusion with reasonable certainty." *Marks v. Indus. Life & Health Ins. Co*, 212 S.C. 502, 48 S.E.2d 445, 446-47 (S.C.

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1948). "A well connected train of circumstances is as cogent of the existence of a fact as any array of direct evidence and may even outweigh opposing direct testimony." *Id.* at 47.

"Simply because testimony is uncontradicted does not render it undisputed . . . a [trier of fact] is not required to accept uncontradicted witness testimony, as credibility is a question for the [trier of fact]." *Hoard v. Roper Hosp. Inc.*, 387 S.C. 539, 694 S.E.2d 1, 6 (S.C. 2010). "Even when evidence is not contradicted, the [trier of fact] may believe all, some, or none of the testimony and the matter is properly left to the [trier of fact] to decide." *Ross v. Paddy*, 340 S.C. 428, 434, 532 S.E.2d 612, 615 (Ct. App. 2000).

> The fact that evidence is not contradicted by direct evidence does not render it undisputed, as there still remains the question of its inherent probability and the credibility of the witness or his interest in the result . . . there must be nothing in the circumstances or surroundings tending to impeach the witness or to throw discredit on his statements. If there is anything tending to create distrust in his truthfulness, the question must be left to the [trier of fact]. *Thompson v. Bearden*, 200 S.C. 519, 21 S.E.2d 189, 191 (S.C. 1942).

"The general rule is that the burden of evidence is imposed on the party best able to sustain it; so the party having peculiar knowledge of the facts or control of evidence, relating to an issue, has the burden of evidence as to it." *Roberts v. Roberts*, 296 S.C. 93, 370 S.E.2d 881 (S.C. App. 1988).

There is ample evidence to the support the MEC's decision. First Respondent's look at Ms. Baker's testimony more fully detailed above. Ms. Baker admitted to helping absentee voters with the entire voting process, from the beginning of procuring an absentee ballot application, helping them complete the ballot, and to the end of process by witnessing the voters' signature after they voted on the sealed envelope, prepared to be delivered. This evidence was corroborated by the testimony of Elizabeth Murphy and June Wright.

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Baker testified that she was an Alligator Rural Water employee. Baker testified that she was an unpaid volunteer and Odom was no longer an employee of Alligator Rural Water, but South Carolina law allows the trier of fact to believe and disbelieve some of a witness's testimony simultaneously. The MEC obviously did not believe Ms. Baker's assertions that she was not paid volunteer for the Odom campaign. It is within their right as the trier of fact to do so. *Thompson v. Bearden* demands that this determination remain with the MEC. Evidence was presented to bolster this conclusion. This evidence resides within the record. Baker's actions themselves draw the conclusion that she purposefully used internet application process to circumvent the statutory registration requirements because she was a paid campaign volunteer, the internet application process does not require registration, and she would be denied if she attempted the mail in or in person process. The computer printout still showing Odom as manager of Alligator Rural Water was offered into evidence. Rayshawn Bracey testified that he went to Alligator Rural Water to request his absentee ballot application. Baker's assertions about her relationship with Odom was refuted through the judicial notice of the previous 2016 order and transcript outlining their established relationship and Baker's involvement with procuring absentee ballots. This evidence was properly considered as fully detailed above.

The absentee voter detail reveals that both June Wright and Elizabeth Murphy registered the request for an absentee application on July 1, 2020. July 1, 2020 is a Wednesday, a typical workday for Baker as she described in her testimony. July 1, 2020 is a particularly noteworthy day because eighteen (18) persons registered to request an absentee ballot application for a small town municipal election on a single day. These facts draw conclusions that Baker was indirectly compensated by Odom as her employer at Alligator Rural Water through her wages.

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Baker and Odom were in the best position to present evidence that a paid volunteer relationship did not exist between them. Baker could have provided financial records that showed she was not paid either directly, indirectly, or compensated for her time by Odom. Ms. Baker admitted to requesting those applications online in violation of S.C. Code Ann. § 7-15-330, which requires that she do it by mail or in person and registering as an authorized representative only if she is not a paid volunteer of the Odom campaign. Baker could have provided a time sheet from Alligator Rural Water showing the dates she took off that coincided with work days where she volunteered. Odom could have provided financials and documentation showing that he truly had severed ties with Alligator Rural Water. No evidence of this nature was offered. So, the MEC relied solely upon the evidence that Respondents either offered or solicited from witnesses called at the hearing.

Due to the limited discovery allowed in election challenges, Respondents had to rely upon the circumstantial evidence they could acquire. Under South Carolina law, circumstantial evidence is sufficient evidence to form the basis of a verdict. Baker's testimony establishes her actions that violated S.C. Code Ann. § 7-15-330. These violations were corroborated with the testimony of Elizabeth Murphy and June Wright. David Milligan about his investigation and what it revealed about Baker. Baker's relationship with Odom was established through her testimony and through the 2016 order and transcript. This evidence was further bolstered by the website printout with both of their names appearing as contacts for Alligator Rural Water. Respondents even provided this Court with a contemporaneous newspaper article that quoted Odom as still acting manager of Alligator Rural Water. Evidence draws conclusions that she was indirectly compensated for her volunteer work by Alligator Rural Water through Baker's own testimony about work hours, the testimony of Elizabeth Murphy and June Wright, and the

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absentee voter detail listing the dates from which she assisted these voters. While there is no proverbial "smoking gun," there does not have to be one according to South Carolina law. The evidence, when viewed as a whole, is numerous, proves Respondents' position, and supports the decision of the MEC that the overall integrity of this election is questioned.

Respondents provided a well connected train of circumstances to the tribunal that the MEC obviously felt outweighed Baker's direct testimony. The copious evidence the MEC used to reach that conclusion is clearly founded within the record. As such, the MEC's decision was not made on mere speculation and conjecture. The decision was firmly based on founded evidence, a repeated history of these actions, and the constitutional and statutory need to close the door on these types of actions to protect the integrity of the election. South Carolina Law cannot allow us to turn a blind eye to these election integrity defects. The decision was not wholly unsupported by the evidence and must be upheld.

CONCLUSION

The Respondents respectfully request that this Honorable Court take the above argued reasons, facts, and case law into consideration and modified the December 29, 2020 to affirm the decision of the MEC.

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Respectfully Submitted,

/s/Wallace H. Jordan, Jr.
Wallace H. Jordan, Jr., SC Bar No.: 76222
WALLACE H. JORDAN, JR. P.C.
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
Phone: (843)662-4474
Fax: (843)662-6024

/s/Karl S. Bowers, Jr.
Karl S. Bowers, Jr., SC Bar No.: 16141
BOWERS LAW OFFICE, LLC
1419 Pendleton Street
Columbia, South Carolina 29201
Post Office Box 50549
Columbia, South Carolina 29250
Phone: (803) 753-1099
ATTORNEYS FOR RESPONDENTS

January 6, 2021
Florence, South Carolina

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EXHIBIT 1

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Request Absentee Application

SCVotes.gov

Help

You will need a printer to complete this process. If you do not have a printer, call or email your county voter registration office to request an application be mailed to you.

Please enter your County, Name, Date of Birth, and last four numbers of your Social Security Number. Press 'Submit' to continue to the next page to select the absentee reason and the election.

*County

First Name:

Last Name:

*Date Of Birth

Last Four Digits of SSN:

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EXHIBIT 2

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REQUEST FOR ABSENTEE BALLOT APPLICATION BY AUTHORIZED REPRESENTATIVE			County	
			Election Date	
Name of Election				
Name of Authorized Representative				
County of Residence		Voter Registration Number		
Phone		Email		

This request must be completed by an Authorized Representative (AR) requesting an absentee ballot application on behalf of a voter who has asked the AR to request an application on his behalf and who is unable to go to the polls for one of the reasons listed below. Any person may request an absentee application for an immediate family member without completing this form. Immediate family means a person's spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

To be an authorized representative, each box must be checked:

- ☐ I have been asked by a registered voter to request an application for absentee ballot on their behalf.
- ☐ I am not a candidate OR a member of a candidate's paid campaign staff OR a volunteer reimbursed for time expended on campaign activity.
- ☐ The voter is unable to go to the polls because of either:
  - An illness or disability and is confined in a hospital, sanatorium, nursing home or place of residence; or
  - A physical handicap is unable to go to his polling place due to existing architectural barriers which deny him physical access to the polling place, voting booth or voting apparatus or machinery.

I swear, or affirm, that I meet the above-stated legal definition of an "authorized representative." I am not a candidate, or a member of a candidate's paid campaign staff, or a volunteer reimbursed for time expended on campaign activity for any candidate for an office for which this election is being held.

Signature of Authorized Representative _____ Date _____

	Name of Voter	Date of Birth	Voter Registration Number
1			
2			
3			
4			
5			
6			
7			
8			

Submit request to county voter registration office. Use additional forms for voters in other counties.

SEC FRM 1055-201207

SOUTH CAROLINA ELECTION COMMISSION

ELECTRONICALLY FILED - 2021 Jan 13 10:59 AM - CHESTERFIELD - COMMON PLEAS - CASE#2020CP1300785

STATE OF SOUTH CAROLINA COUNTY OF CHESTERFIELD GLENN ODOM, Plaintiff, v. MCBEE MUNICIPAL ELECTION COMMISSION, CHARLES SHORT, CHARLES SUTTON AND HEWITT DIXON, Defendants.	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2020-CP-13-00785 **APPELLANT'S OPPOSITION TO MOTION TO RECONSIDER**

Appellant believes the Court's Order, which Respondents ask the Court to reconsider, correctly decided that the MEC without sufficient evidence overturned the McBee Election for Mayor and Council.

The Respondents in error contend that the assistance Sydney Baker gave to voters in obtaining absentee ballots violated S.C. Code Ann. § 7-15-330. Respondents' Exhibit 1 shows the form Ms. Baker used to help to some voters transmit their request for an absentee ballot to the voter registration office. The Respondents in error attempt to conflate Ms. Baker's assistance with a violation of section 7-15-330. This section applies when a representative of a candidate applies by mail or in person for a ballot for a voter. In this case the voter sought the ballot as shown by the absentee voter detail list.

The Respondents are asking the Court to disenfranchise voters because Ms. Baker assisted the voters in emailing Exhibit 1 to the voter registration office. The Respondents cite no authority for this position and on its face it is unreasonable and a violation of the voter's rights. Even if section 7-15-330 applied to what Ms. Baker did, her actions would not disqualify the vote. The

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penalty for a violation of section 7-15-330 is a misdemeanor with a fine of not more than five hundred dollars or imprisonment for not more than three years.

Our Supreme Court stated the following about when an election law violation will result in a new election:

> This Court, like many others, recognizes that perfect compliance in every instance is unlikely, and the Court is loathe to nullify an election based on minor violations of technical requirements. To that end, courts have developed principles to determine whether such provisions are mandatory or directory. As a general rule, such provisions are mandatory in two instances: when the statute expressly declares that a particular act is essential to the validity of an election, or when enforcement is sought before an election in a direct proceeding. After an election in which no fraud is alleged or proven, when the Court seeks to uphold the result in order to avoid disenfranchising those who voted, such provisions are merely directory even thought the Legislature used seemingly mandatory terms such as "shall" or "must" in establishing the provisions. "Courts justly consider the main purpose of such laws, namely, the obtaining of a fair election and an honest return, as paramount in importance to the minor requirements which prescribe the formal steps to reach that end, and, in order not to defeat the general design, are frequently led to ignore such innocent irregularities of election officers as are free of fraud, and have not interfered with a full and fair expression of the voter's choice."

George v. Municipal Election Comm'n 335 S.C. 182, 516 S.E 2nd 206(S.C 1999) The assistance Ms. Baker provided the voter in obtaining a ballot did not violate section 7-15-330, and even if it did, it would not require a new election. The Respondents seek to disenfranchise the voters of McBee to further their own interest.

The respondents contend that the MEC properly used a prior MEC decision involving the plaintiff to make its decision. The defendants contend that the prior decision was in evidence at the hearing. This contention is factually incorrect. The defendants did not request the MEC to take judicial notice of the prior decision and the plaintiff did not have an opportunity to object. The prior decision of the MEC has no relevance to this appeal unless the defendants are contending the MEC can order a new election based on the election which took place years earlier. The defendants'

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position is clearly meritless. The court in its decision held that the 2016 election decision was of no consequences in the appeal because of the finding that Ms. Baker had not done anything inappropriate in assisting the voters.

The defendants without any legally valid reasons seek to disenfranchise the voters of McBee, and the court in its previous order properly upheld the results of the election.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: /s/John E. Parker
John E. Parker. Sc Bar No. 4442
P.O. Box 457
101 Mulberry St. E
Hampton, SC 29924
(803) 943-2111
jparker@pmped.com
ATTORNEYS FOR APPELLANT

January 13, 2021
Hampton, South Carolina

MCBEE MUNICIPAL ELECTION COMMISSION HEARING

CONCERNING ELECTION OF SEPTEMBER 1, 2020

HELD THURSDAY, SEPTEMBER 3, 2020

MCBEE TOWN HALL

MCBEE, SOUTH CAROLINA

12:00 P.M.

REPORTED BY: Laura Chamblee
Chamblee Reporting Service
1117 Pinehurst Drive
Hartsville, South Carolina 29550
(843)917-4777

APPEARANCES:

LAW OFFICE OF WALLACE H. JORDAN, JR.
BY: WALLACE JORDAN, JR., ESQUIRE
626 West Evans Street
Florence, South Carolina 29501
843-662-4474
jordanlawsc@gmail.com
Representing Candidates Charles Short, Charles Sutton, and Hewitt Dixon

SPENCER LAW FIRM
BY: WILLIAM SPENCER, ESQUIRE
301 West Main Street
Chesterfield, South Carolina 29709
843-623-2144
lawfirmspencer@gmail.com
Representing Candidates Glenn Odom, Robbie Liles, and James Linton

SWEENY, WINGATE & BARROW, P.A.
BY: MARTIN S. DRIGGERS, JR., ESQUIRE
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
843-878-0390
msd@swblaw.com
Representing the Town of McBee

ALSO PRESENT:

CHAIRWOMAN PAULETTE HUMPHRIES

MEC MEMBER PAM SULLIVAN

MEC MEMBER DAVID VANDENBERG

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CHARIWOMAN HUMPHRIES: If everyone will be seated if you can. If you can find a seat.

I would like to call this provisional ballot hearing to order, and this is concerning the election on 9/1, which will refer to the previous count that we had, the unofficial count that we had, on that evening of September 1st.

We, at that time, had 14 total challenges to the absentee ballots--13 here, one from the county level. Today we're going to hear from those challenges and the challenges to the provisional ballots that we have from in-person voting.

All ballots were sealed and locked in the ballot box since 9/1, since the evening of 9/1, and we have just removed the seals from those and will be looking at those shortly.

Now, I would ask Mr. Driggers to administer the oath to the MEC members at this time.

MR. DRIGGERS: Absolutely. Stand and raise your right hand. Repeat after me: We do

solemnly swear or affirm that we are duly qualified according to the Constitution of this State to exercise the duties of the office to which we've been appointed, and that we will to the best of our ability discharge the duties thereof and preserve, protect, and defend the Constitution of this State and of the United States, so help me God.

(Commission members so swore.)

CHAIRWOMAN HUMPHRIES: All right. We'll go ahead and start with the challenges that were made on 9/1 from the absentee ballots. All right. I'm going to begin, because this was an absentee ballot that was challenged, but it was challenged by the Chesterfield office. The name of Donna Faulkenberry.

Ms. Faulkenberry registered in Kershaw County in August, after this ballot was received in Chesterfield but before the election. So since she had registered in another district, another county, before the election, she could not be -- she could not be counted. So this was challenged by, like I said, Mr. Thurman in Chesterfield.

Is Ms. Faulkenberry here? No. And she's

had notification. That was taken care of by Chesterfield since it was a challenge from there.

MR. ODOM: She couldn't register in another county to vote since she was already registered and voted here. I don't concur with --

CHAIRWOMAN HUMPHRIES: According -- I'll have to tell you what Mr. Thurman told me. This was done by him. He said that the person has to be a resident of the county and be on our voter registration list on the day of the election. And since she had registered in Kershaw County prior to that, her voter registration -- she was now on Kershaw County's voter registration list.

MR. ODOM: We're fine.

CHAIRWOMAN HUMPHRIES: Okay. That was the explanation to me.

MR. ODOM: We're fine.

CHAIRWOMAN HUMPHRIES: So I call for a vote to accept or reject.

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: Okay. Now we'll start with the ones we had from --

MR. JORDAN: Madam Chair, Jay Jordan on

behalf of candidates Short, Dixon, and Sutton. Of course, I made issue, I believe, 13 of the 14 challenges, I or Mr. Curtis did. Upon further review, we wish to withdraw five of those challenges.

CHAIRWOMAN HUMPHRIES: Okay.

MR. JORDAN: We would withdraw the challenge as to Mr. George Richardson, Ms. Denise Johnson, Mr. and Mrs. Martin, and Ms. Phillips.

CHAIRWOMAN HUMPHRIES: And Ms. Phillips?

MR. JORDAN: Ms. Artiayana Phillips. Upon further review, we do not believe the challenges were appropriate; and therefore, we would withdraw said challenges.

CHAIRWOMAN HUMPHRIES: Thank you very much.

MR. JORDAN: Hopefully that will speed this process up a little bit.

CHAIRWOMAN HUMPHRIES: At this time five challenges have been withdrawn -- four. Four. Challenges have been withdrawn from Tuesday night, and those include Eldred Martin, Artiayana Phillips, Susan Martin, George Richardson, and Denise Johnson. So if you are here to -- in reference to these ballots, you

can -- you are excused and may go home.

UNIDENTIFIED SPEAKER: They're all sitting out in the hallway.

CHAIRWOMAN HUMPHRIES: Oh, are they?

MR. DRIGGERS: I'll go get them.

UNIDENTIFIED SPEAKER: Gail is telling them.

CHAIRWOMAN HUMPHRIES: Any other comments before we start going over these other ballots?

MR. SPENCER: I believe there was a challenge to a ballot by Mickie Holley.

CHAIRWOMAN HUMPHRIES: Yes, sir.

MR. SPENCER: Candidates Odom, Liles, and Linton do not oppose that challenge.

CHAIRWOMAN HUMPHRIES: They do not oppose that challenge?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: So therefore, we can reject this ballot?

MEC MEMBER SULLIVAN: The challenge was made by them.

CHAIRWOMAN HUMPHRIES: Well, they challenged --

MR. SPENCER: We're not going to contest it.

CHAIRWOMAN HUMPHRIES: Therefore, do you agree to reject this ballot on the basis of the challenge?

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Mr. Vandenberg?

MEC MEMBER VANDENBERG: Yes.

CHAIRWOMAN HUMPHRIES: Do I need to restate the reasons?

MR. DRIGGERS: I would say, for the record, that you need to call and make sure he's not here.

CHARIWOMAN HUMPHRIES: Is Mickie here?

MR. ODOM: It's a she.

CHAIRWOMAN HUMPHRIES: Is Mickie here? Mickie Holley.

MS. STOUDEMIRE: No, ma'am.

CHAIRWOMAN HUMPHRIES: She is not here. Okay. We had a challenge of Ms. Mickie -- Miggy -- Mickie. They're twins. Mickie Holley was challenged on Tuesday night, the 1st. And that challenge is not opposed. So therefore, we will reject -- we will vote as to whether to accept or reject the ballot. Ms. Sullivan?

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

CHARIWOMAN HUMPHRIES: Okay. We are in agreement. So the ballot for Mickie Holley is rejected.

MR. SPENCER: Madam Chairperson, I didn't identify myself for the record. My name is Billy Spencer. I'm here as counsel for candidates Odom, Liles, and Linton.

CHARIWOMAN HUMPHRIES: Okay, thank you very much. So we'll continue with the others. I'm going to go on here.

Josmar Vega. Vargas? Josmar was challenged on the basis of residency. I would like to hear from the challenger now, please.

MR. JORDAN: Thank you, Madam Chair. Your Honor -- I apologize if I call you Your Honor during the course of this. It's a force of habit. During the course of this process, we retained the services of a licensed in the state of South Carolina private investigator. And I would like to hand up an affidavit from Mr. David Milligan in connection with that, if I may. I'll have one -- hand one to counsel for opposition as well.

Simply put, if you'll refer to paragraph 6, upon investigation it was determined that, and

it is sworn by the affidavit under penalty of perjury, that in fact only -- there is only one residence within the 84 West Pine A-B section. That would be an elderly lady. Whereas, lot A was found to be vacant.

So for purposes of our investigation, it appears that, again, sworn by a licensed investigator by the State of South Carolina under penalty of perjury, that that residence is unoccupied. Therefore, we do not believe that the voter meets the necessary resident requirement and should be found to be rejected.

CHAIRWOMAN HUMPHRIES: Thank you. Is Mr. -- Is Mr. Vargas here?

MR. SPENCER: He's not able to attend, Your Honor. He's a double amputee and blind and has to be carried to dialysis. And he's carried to dialysis. I can call a witness--he's not able to attend--a witness that he does reside at that address. I've got his electric bill from Duke Energy showing the bill in his name at that address and where -- This is his electric bill. He lives there with his wife, Patricia. These are rent receipts in his wife's name.

MR. JORDAN: May I make a point of inquiry?

So two things: Can I get a spelling as to what this gentleman's name is according to -- I've heard Vargas and --

CHAIRWOMAN HUMPHRIES: Well, the actual ballot, as well as the account in his name, is spelled -- well, the ballot says V-E-G-A-S; the account -- the electric bill says V-E-G-A. But when Ms. Sullivan actually informed him of the meeting, he said Vargas.

MR. JORDAN: So we essentially have an individual that we have at least three different names for?

CHAIRWOMAN HUMPHRIES: Well, no.

MEC MEMBER SULLIVAN: He is Hispanic, so he has a different pronunciation for his name than we would -- than I would. Where I would say Vegas, he says Vargas.

MR. JORDAN: And a different spelling at least in two different places; is that also correct?

MEC MEMBER SULLIVAN: It's just -- Can we look at the ballot?

CHAIRWOMAN HUMPHRIES: It's V-E-G-A.

MEC MEMBER SULLIVAN: It's V-E-G-A.

MR. JORDAN: And then am I also correct

that, and I didn't get a copy of it, but I believe submissions included the wife's statement that they lived together? Did I hear that correctly?

MR. SPENCER: No, that's the rent receipt.

CHAIRWOMAN HUMPHRIES: He said that the wife paid the rent. And so the rent receipt is in her name.

MR. SPENCER: And the wife is not challenged.

CHAIRWOMAN HUMPHRIES: Patricia.

MR. SPENCER: She voted out of the same household.

MR. JORDAN: I don't believe that's correct. I think, according to the absentee voter roll, the wife lives at a different address. One is at 84 West Pine and one is at 36 West Oak, according to y'alls documents.

MR. SPENCER: I've got a witness that's going to testify--he's a neighbor--that they live together.

MR. JORDAN: I was just making those inquiries. I can cross-examine the witness at the appropriate time.

CHAIRWOMAN HUMPHRIES: So in summary, we

have a statement from an investigator saying that the residence at 84 West Pine, Lot A, was vacant --

MR. JORDAN: That's correct.

CHAIRWOMAN HUMPHRIES: -- there was no one there. Now, I did not have, nor did voter registration have -- They just had 84 West Pine, is what I was given on voter registration. They do not have an A nor a B given on his voter registration.

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Just 84 West Pine.

MS. STOUDEMIRE: I can clarify that. There are two apartments there--A is on the left, B is on the right. He and his wife, Patricia, live in A; his mother lives in B.

UNIDENTIFIED SPEAKER: That's correct.

CHAIRWOMAN HUMPHRIES: The investigator said that he talked to the lady in B. Does she speak English?

MS. STOUDEMIRE: Very little.

MR. DRIGGERS: I think we need to get anything being said under oath.

MR. SPENCER: I've got a witness that can be sworn in that could testify to these facts.

CHRISTOPHER DEASON

being first duly sworn, testified as follows:

CHAIRWOMAN HUMPHRIES: Witness Christopher Deason has been sworn in as a witness for this hearing and we will hear from him.

MR. SPENCER: I'll examine him. William Spencer, Billy Spencer.

CHAIRWOMAN HUMPHRIES: Attorney Billy Spencer will be questioning the witness.

DIRECT EXAMINATION

BY MR. SPENCER:

Q All right. Would you state your name again, please?

A It's Christopher Shawn Deason.

Q Where do you reside, Mr. Deason?

A 36 West Oak Avenue, McBee, South Carolina.

Q 36 West Oak Avenue?

A Yes, sir.

Q Do you know a Josmar Vega?

A Josmar Vega, yes sir, I do.

Q Are you a neighbor of theirs?

A Yeah, pretty much.

Q Do you know where they live?

A Yes, sir, I do.

Q Where do they live?

A In the apartments right beside the library. They stay in -- You go in the bottom; they stay on the left side apartment.

Q Do you know the street address?

A I don't really know the exact address.

Q Is it on West Pine Street?

A I assume.

Q Are there two apartments there?

A There are two apartments there. One on the right side and one on the left side.

Q Do you know who stays in the right side?

A Yes, sir, Josmar's mom stays there.

Q Do you know her name?

A I don't know her name. She don't really speak English very well. Like she don't understand English at all, really.

Q Who lives in the apartment next?

A On the left side, Patricia and Josmar stay there.

Q To your knowledge are they married?

A Yeah, they got married I think like three months ago.

Q Is he under any kind of disability?

A Yes, sir. He has no legs and he's on dialysis.

Q Do you ever have reason to see the ambulance pick him up at that address --

A Yes, sir.

Q -- and take him to dialysis?

A I've actually had to help them load him from there a time or two.

Q Any question in your mind but that he lives at that address in the town of McBee?

A No, sir. That's exactly where he lives.

MR. SPENCER: That's all.

MR. DRIGGERS: Recognize Mr. Jordan.

CHAIRWOMAN HUMPHRIES: Attorney Jay Jordan will now examine the witness.

MR. JORDAN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. JORDAN:

Q Mr. Deason --

A Yes, sir.

Q -- could you repeat your address you gave a minute ago?

A It's 36 West Oak Avenue.

Q 36 West Oak Avenue?

A Yes, sir.

Q You're not a resident at 307 South 5th Street?

A No, sir.

Q Have you ever lived at 307 South 5th Street?

A No, sir.

Q Are you aware that you, under the prior government records, acknowledged living at 307 South 5th Street?

A No, sir, I haven't.

Q Have you ever lived at that address?

A No, sir.

Q Do you have any knowledge about who lives there?

A Hold on, I may have. Like -- I'm not sure of the address there, but I may have stayed there.

Q Is that --

A Where is it at, like, in McBee?

Q I can't answer that for you. Have you lived in McBee your whole life?

A My whole life, yes. But you expect me to know every address -- I'm supposed to know every address that you just spit out?

Q Do you know where South 5th Street is?

A No, not right off.

Q Yet you said you lived there for some period of time; is that right?

A I didn't say I lived there. I said that I stayed on 36 West Oak Avenue.

Q Let's get back to that. 36 West Oak Avenue, who is the owner of that property?

A My mom owns that property. And before that, my grandparents owned it.

Q And that's your residence?

A Yes, sir.

Q And I should have cleared some of this up earlier. I think you said you're a lifelong resident of McBee; is that right?

A Yes, sir. I stay --

Q Are you employed?

A Yeah, I was employed at -- I just got a job today, but I was employed at Talley Metals for seven years prior to this.

Q And so how long have you known Mr. and Mrs. Vega?

A My cousin was -- probably like 10 or 12 years I've known Patricia. I've only known Josmar since she has been associated with him as, you know, dating him or whatever until they got married.

Q Approximately how long ago was that?

A Probably like five or six years maybe.

Q So to your knowledge, he's been a resident

at that address for the last five or six years?

A That's not what I said. I said he had been with her -- Why are you trying to twist my words?

Q I'm sincerely not trying to twist your words.

A You most sincerely are. I said that he was with her that long. I'm not sure how long they've stayed there. It's been a while, though.

Q When was the last time you saw him in that residence?

A Probably like a week ago.

MR. JORDAN: No further questions, but I'm assuming I'm going to have the opportunity to deal with Mr. Deason in a little bit as to his challenged ballot.

THE WITNESS: Indeed.

MR. SPENCER: I have no further questions.

CHAIRWOMAN HUMPHRIES: Thank you. Do you have any questions? Any questions for --

MR. DRIGGERS: I don't have any questions.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MEC MEMBER SULLIVAN: No, I don't.

CHAIRWOMAN HUMPHRIES: Mr. Deason, you are excused.

MR. SPENCER: Stay around for yours.

THE WITNESS: Yes, sir.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Let me clarify a couple of things here for those that are listening and for you. We have several pieces of information here that we need to bring forth.

One is that we do have an energy bill in the name of Josmar Vega from Duke Energy at 84 West Pine Avenue, Apartment A. We have that bill here. We have a rent receipt that was issued to Patricia Vega for Apartment A at 84 West Pine Avenue. And we have had testimony that Patricia and Josmar Vega are married and that they reside there together. We have testimony from witness Christopher Deason that he has known these individuals for several years and that he has had to help Mr. Vega with being -- with transport, due to his physical condition, and knows that he stays -- has stated to his knowledge Mr. Vega resides at 84 West Pine Avenue, Apartment A.

We have a statement from an investigator on the part of the challenger that Apartment A at

84 West Pine Avenue was vacant when it was visited by this investigator.

Do we have any further evidence that needs to be presented at this time?

MS. BOYKIN: I can let you know that when you pull that up on Google Maps, 84 West Pine, it puts you in that field across the railroad tracks. That's why you're getting a vacant lot. Those apartments are 84 West Pine. And the reason why I know this is the road sign is actually in town. And I do see -- There is an ambulance there every day picking him, twice a day, picking him up, dropping him off.

CHAIRWOMAN HUMPHRIES: Ms. Dawn Boykin has made a statement that the addresses may be incorrect if you try to do a search for 84 West Pine Avenue, Lot A, and that the apartments in question is not able -- you can't locate it through Google Map.

MR. SPENCER: Do you need her testimony sworn, Your Honor?

CHAIRWOMAN HUMPHRIES: I think so. I'd just rather do things open and aboveboard here.

DAWN BOYKIN,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SPENCER:

Q Would you state your name, again.

A Dawn Boykin.

Q Ms. Boykin, where do you live?

A I live at 164 North 5th Street, McBee.

Q And do you know where Josmar Vega --

A Yes.

Q -- and Patricia Vega live?

A On 84 West Pine Avenue in the apartment.

Q How do you know that?

A The ambulance is there all the time. Actually my husband has had to help assist at one time because the ambulance holds up traffic. And I travel that road every day. So I mean I know that is the gentleman that's there and he lives in that apartment. I mean there's no doubt. I knew the last name was different. And now looking at the records, yeah, the last name is Vega.

Q And you had some information about the address, 84 West Pine?

A When you search that address, it will show the lot across the railroad tracks on the left-hand side, which if I'm not mistaken Anthony Breedman owns that property because that's where it pinpoints. It

does not pinpoint --

Q That's on Google Maps?

A Yes.

Q And are you volunteering this information for any particular purpose?

A Just saying that I know he lives there. There's no doubt that that gentleman lives there. He has to be transported by the ambulance. I mean, I know he's there with his wife that lives in that apartment.

Q And I assume --

A And the only reason I know a bunch of this is because my husband is the maintenance man and I know a lot of people in town. So...

MR. SPENCER: Thank you very much.

MR. JORDAN: No questions for Ms. Boykin.

CHAIRWOMAN HUMPHRIES: Any questions?

MEC MEMBER SULLIVAN: No.

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: Thank you, Dawn. At this point, I think, with the evidence that's been presented and the statement, to be perfectly honest, of the investigator that says Lot A was vacant, not apartment A, I'm assuming he meant Apartment A and Apartment B, because I

consider a lot a piece of property. But I know from personal knowledge -- I do not know -- Let me clarify.

I do not know Mr. Vega, personally. I don't know -- I didn't know what his name was. I do know that there's an ambulance that is called to 84 West Pine Avenue, Apartment A, very often for transport. And sometimes it's called for -- he has to be -- they have to do lifting assistance. I know the fire department has had to help him when he falls or whatever. So I do know that there is an individual that lives there that has a physical disability.

It just seems the facts are coinciding here. And it is my personal opinion that Mr. Vega does reside at that apartment. I don't know why -- And the fact that the lady next door did not know Josmar. It's very, very possible that she did not know what she was being asked if her -- if English is a second language, if she understands it at all.

So at this time I think I'll poll our committee members and ask whether it should be rejected or accepted. Are there any other statements that we need to hear on Mr. Vega?

MR. SPENCER: No, Your Honor.

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: Ms. Sullivan, reject or accept?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

MR. BURGESS: Excuse me. Is it possible that y'all can get to mine because I have to go to work. My name is Rashad Burgess.

CHAIRWOMAN HUMPHRIES: Your name is what?

MR. BURGESS: Rashad Burgess.

CHAIRWOMAN HUMPHRIES: Did you vote in person?

MR. BURGESS: Yes, ma'am, I did.

CHAIRWOMAN HUMPHRIES: Does anyone have an objection to going to his ballot? Mr. Jordan, do you have an objection to --

MR. JORDAN: -- taking him out of order?

CHAIRWOMAN HUMPHRIES: Yes.

MR. JORDAN: No, ma'am. I do think we need to find -- because I didn't make that challenge, I think.

CHAIRWOMAN HUMPHRIES: That was in-person.

MR. JORDAN: Gotcha. So no objection to

taking Mr. Burgess so he can get on to work.

CHAIRWOMAN HUMPHRIES: Mr. Burgess, we'll hear from the challenger first. He was challenged for incorrect county, precinct, or district is what is checked here.

MR. SPENCER: Do we know who made the challenge?

MR. JORDAN: Julia Nicole Teal.

UNIDENTIFIED SPEAKER: Let me see if she's here.

MR. SPENCER: Your Honor, Ms. Teal is here and I believe she wishes to withdraw the challenge.

CHAIRWOMAN HUMPHRIES: Do you wish to withdraw?

MS. TEAL: I do wish to withdraw my challenge.

CHAIRWOMAN HUMPHRIES: Ms. Teal has withdrawn her challenge of the in-person ballot for Rashad Burgess. We appreciate both of them being here. And, Mr. Burgess, you are excused. Thank you. You can go to work.

Do you vote to accept or --

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: I do, too. Now we're back in order, right? Our next challenge, absentee ballot, Jada Matthews. Jada Matthews. Mr. Jordan?

MR. JORDAN: Thank you, Your Honor. Your Honor, at this time I would again submit an affidavit. I won't go through the rigmarole every time to explain the individual -- the affiant other than to say it's the same individual, Mr. Milligan. I'll also supply a copy of the affidavit to opposing counsel.

According to this information, of course, if Ms. Gattison, Matthews, and Wright are here -- And I would ask that we be allowed to take this affidavit for all three individuals because they all reside at the same address. So you can duplicate the affidavit I suppose. But according to the statement they gave, the voters did not request -- the ballots were unsolicited. They received them in the mail and voted and sent them back. I believe it's clear under South Carolina law that an absentee voted by -- that was not requested by the individual is an improper ballot. For those reasons we would ask that those three ballots be rejected at the

appropriate time.

CHAIRWOMAN HUMPHRIES: Do you have any of these three people here that could testify to the fact they didn't -- other than this paper?

MR. JORDAN: No, ma'am. I'm presenting that by way of affidavit.

MR. SPENCER: Your Honor, the only protest was concerning residency. No other deficiencies.

MR. JORDAN: I agree with that except to say residency is a key issue, and that it makes it invalid before you get to that issue. So that's a superseding issue.

MR. SPENCER: I don't believe that's before this body, Your Honor. It's just whether or not they're residents of the Town of McBee.

CHAIRWOMAN HUMPHRIES: Was there knowledge of this before the challenge on Monday night -- Tuesday night?

MR. JORDAN: I don't have the answer to that question.

CHAIRWOMAN HUMPHRIES: Because the only challenge that I recorded that night was on residency, so I think that was not known.

So the question here is whether we address

the fact that the absentee ballots were not requested because the only challenge made on Tuesday night was residency.

MR. JORDAN: Correct. You need first to establish if you can hear the challenge, I suppose.

CHAIRWOMAN HUMPHRIES: I understand that your investigator -- this is the same investigator, I'm assuming?

MR. JORDAN: Yes, ma'am, throughout.

MR. SPENCER: And he's not here.

CHAIRWOMAN HUMPHRIES: Pardon me?

MR. SPENCER: He's not here and I can't cross-examine him. And he intimidated -- The word is he intimidated a lot of these people. And action was taken by the Chesterfield County Sheriff's Department investigating this man for harassing people about their voting and where they lived.

MR. JORDAN: I'm assuming the Sheriff is not here either to corroborate that.

MR. SPENCER: No, but scuttlebutt gets around town. They're here to say they live in town.

UNIDENTIFIED SPEAKER: I would say that the

deputy that's on duty today for McBee was the one that took the incident report for the investigation.

MR. SPENCER: He's been investigated, this investigator.

CHAIRWOMAN HUMPHRIES: I think we're getting into -- If y'all will have a seat, please. I think we're getting into more of a legal issue than this Commission has the authority to address, because if someone requested absentee ballots for these people with their personal information, the information that's needed to get an absentee ballot, that would be a definite violation of a law. And that is not what we have authority to determine at this point. I think that would require someone beyond our authority.

The only thing that I can see at this point that -- and if this challenge needs to go farther after this, then that's what -- whoever will have to determine if it's worth that and if it's that important. If this factually was done, then it would be that important because it is illegal.

But at this point all we can determine is

whether these three people reside in this town, if they were on the official voter list from Chesterfield, and we can determine that they voted and legally reside in McBee. I think that is the only thing that is within our authority to determine at this point in time.

MR. JORDAN: I believe they're here and can answer that under oath if available.

CHAIRWOMAN HUMPHRIES: Right, but I'm just saying I don't think we can address this matter here.

MR. SPENCER: Then there's nothing to rebut. They challenged residency and no evidence has been put up that they're not residents.

MR. JORDAN: If they're here, I can call them as witnesses to establish that.

MR. SPENCER: No, you cannot. If there's nobody here to challenge their residency, they don't have to say anything.

CHAIRWOMAN HUMPHRIES: Do you have any evidence that they are not residents?

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: So the challenge on Tuesday night was based on --

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: -- this?

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: So the challenge was not actually based on residency. It should have been improper receipt of absentee ballots or something.

MR. JORDAN: I guess what I'm inquiring is the procedure. Do you make the determination as the Chair or do y'all take a formal vote?

CHAIRWOMAN HUMPHRIES: We will take a formal vote. I'm just asking you if that's why you said residency. We actually have to have some evidence in hand about the residency itself if that was the reason for the challenge. Do you have anything in connection with the residency?

MR. JORDAN: Not as to these three individuals. But I would like it -- You did say it was a formal vote to determine whether or not to take up the challenge; is that correct? Essentially, I think we're still back at square one.

CHAIRWOMAN HUMPHRIES: We can do that. To take up this challenge?

MR. JORDAN: To determine whether or not you can even address the challenge. I don't think we ever sort of got out of the gate on the issue; is that fair to say?

MR. SPENCER: I didn't understand.

CHAIRWOMAN HUMPHRIES: I think I got it.

MR. JORDAN: Does that make sense?

CHAIRWOMAN HUMPHRIES: I will ask my fellow Commission members: Do we want to address the challenge to receipt of absentee ballots that were not requested?

MEC MEMBER SULLIVAN: No.

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: Yes or no, do we address this issue?

MEC MEMBER VANDENBERG: I don't think we should address it.

MR. DRIGGERS: I think that there is -- No evidence has been handed up at this time. If the voters are here, that can be considered evidence. If they're here, the challenge is on the table, I think they can be called to ask about residency.

CHAIRWOMAN HUMPHRIES: Residency. I'm talking about the receipt of the absentee

ballots that were not requested. Can we -- can we address that when it was not a part of the challenge?

MR. DRIGGERS: No, it would need to be limited to residency.

CHAIRWOMAN HUMPHRIES: So I'm not going to consider residency right at this moment. Do we address any challenge made based on the fact these people did not request an absentee ballot?

MEC MEMBER VANDENBERG: No.

CHAIRWOMAN HUMPHRIES: No.

MEC MEMBER SULLIVAN: No.

CHAIRWOMAN HUMPHRIES: So that particular part will have to go to someone else beyond us if it's addressed again.

MR. JORDAN: I think you get another shot at it in --

CHAIRWOMAN HUMPHRIES: That's what I wanted, another shot. Now, let's go to the residency issue for each of these people. Jada Matthews. And we're going to do them individually. I'm not going to do people as a group. I know that they all live in the same place or they say the registration is at the same place.

MR. JORDAN: I would just say you can be pretty quick about it because we're not going to have anything to hand up. So there is...

CHAIRWOMAN HUMPHRIES: So we can just -- You don't have a challenge?

MR. JORDAN: No, I'm not going to withdraw my challenge, for purposes of the record. I just don't have anything to put up to support the challenge. So then it's your decision on what to do with it from there.

CHAIRWOMAN HUMPHRIES: Thank you, sir. Mr. Spencer, do you have anything to say?

MR. SPENCER: Just that those ballots should be counted with the rest and considered unchallenged, no longer be provisional ballots.

CHAIRWOMAN HUMPHRIES: Okay. In the matter of Jada Matthews, we will vote either to accept or reject this ballot.

MS. GARDNER: She is outside if you need her. I just spoke with her, she said she was outside.

MR. SPENCER: No, we're fine.

CHAIRWOMAN HUMPHRIES: We didn't have any -- Blanche, we didn't have any evidence, actually, to support the challenge at this time,

so they don't have to defend it. Ms. Sullivan, accept or reject Jada Matthews?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept or reject June Wright at the same address?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept or reject Margaret Gattison?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: The next person we have is Geraldine Odom. Mr. Jordan, I'll hear from you if you have anything.

MR. JORDAN: Madam Chair, I'll call Blanche Gardner as a witness on the residency issue concerning Ms. Geraldine Odom.

BLANCHE GARDNER,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q Are you a resident of McBee, South Carolina?

A No, I live outside the town limits.

Q But you live in the area; is that correct?
A Oh, yeah.
Q Do you have firsthand knowledge, do you know Ms. Odom?
A I do know her.
Q What can you tell me about her? How long have you known her?
A I've been knowing her a long time.
Q In what capacity, is she a friend?
A Used to be a friend, yeah.
Q So where does she live, to the best of your knowledge?
A She resides at the nursing home, the Morrell Nursing Home.
Q Where is that located?
A Hartsville.
Q How long has she been a resident there?
A I can't tell you how long she's been there, but I know that I used to go with a friend of mine to the nursing home and do a ministry, you know. I would go with her and I would see her there.
Q And that's been for the last how long?
A Well, it was before the pandemic started, so -- because of the nursing home being closed.
Q So prior to the spring --

A Yeah.

Q -- she was a resident in Hartsville, is that your firsthand knowledge?

A Yeah.

MR. JORDAN: Thank you. No further questions.

CROSS-EXAMINATION

BY MR. SPENCER:

Q Ma'am, do you know her daughter?

A I do.

Q Do you know where her daughter lives?

A She lives out on Juniper, I think it is.

Q Here in the town of McBee?

A Yes, sir.

Q Do you know where Ms. Odom was registered to vote prior to going to the nursing home?

A No. I assume here. I don't know. I really don't know.

Q And your testimony is she left some address in Hartsville and went directly to the nursing home?

A No, I'm not saying that. I'm saying that she resides at the nursing home.

Q Okay, okay. All right.

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

We will stipulate she's in the nursing home.

CHAIRWOMAN HUMPHRIES: Thank you. So it's my understanding that Ms. Odom originally lived -- she originally lived in McBee, Blanche?

THE WITNESS: I don't know where she lives. She used to live in --

CHAIRWOMAN HUMPHRIES: You know where the daughter lives?

THE WITNESS: Yeah, the daughter lives in McBee.

CHAIRWOMAN HUMPHRIES: Do you know how long she has been in the nursing home?

THE WITNESS: I can't say that. I honestly don't know, but I do know that I used to go down there with my friend, and she did a devotional type thing, and I would go with her sometime, and we would go there and visit people there. We did see her. And that was before the nursing home got shut down, so that would be at least before Christmas or -- yeah, last Christmas.

MEC MEMBER SULLIVAN: Right.

CHAIRWOMAN HUMPHRIES: The question that comes to my mind is: Does anyone have any evidence as to whether she changed her address

to -- her legal residence to the nursing home? Because what we have to go by is -- what we have at our disposal is the voter registration list. And that is what they go by to mail out the ballots, is what her registered voter physical address is. Does anyone have any evidence that she changed her legal, physical address?

MR. JORDAN: No, ma'am, but I do wish to address the point you just made. I think if you go to Section 8.4 of the -- which is the election protest law, it establishes the issues you're required to look at for residency. And I think you're required to look at where she eats, sleeps, and intends to return to.

So if she's been in the nursing home for an extended period of time, I respectfully disagree that her registration at a prior date and time specifically deals with her residence under the law. And that's specifically annotated at 7-1-25 of the South Carolina Code. The question of residence tends to turn on specific facts.

MR. SPENCER: We're prepared to put up those specific facts. I have no more questions of this witness.

CHAIRWOMAN HUMPHRIES: You have no more?

MR. SPENCER: Of this witness.

MR. DRIGGERS: Put on the record that she was excused.

CHAIRWOMAN HUMPHRIES: Ms. Gardner has been excused from the witness chair. Do we have another?

MR. SPENCER: Yes, Lynn Odom Tiller.

CHAIRWOMAN HUMPHRIES: Lynn Odom Tiller will be sworn in as a witness.

LYNN ODOM TILLER,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SPENCER:

Q Ms. Tiller, how are you related to Geraldine I. Odom?

A That's my mother.

Q And at the present time, where is she staying?

A She's at Morrell Nursing Home right now.

Q Where is it located?

A In Hartsville.

Q Do you recall when she first went to Morrell?

A The very first time, she went about five years ago for rehab and came back home after that was

over with.

Q The first time she went to Morrell Nursing Home for rehab, where was she living?

A On 9th Street here in McBee.

Q At your home, where you live?

A No, she had her own residence here then.

Q So when she went to Morrell, to start with, she was a resident of McBee?

A Yes.

Q Has she ever come back home from Morrell --

A Yes.

Q -- for a period of time?

A She came back home and then had more trouble and a heart attack and had to go back for more rehab.

Q Do you know how many times she's been and come back?

A She's been and came back one time.

Q So she came back home after being in Morrell Nursing Home?

A Yeah.

Q When she went to Morrell Nursing Home, she was a resident of McBee?

A Yes.

Q I'm going to show you a copy of -- Would

you tell me what that is?

A That's her checking account.

Q And what address is on her checking account?

A 24 East Juniper Avenue, McBee.

Q And do you recognize this? What is this?

A That's the registration to her car.

Q Is it registered in her name?

A Yes.

Q What address is on that vehicle registration?

A 24 East Juniper Avenue, McBee.

Q Does she get her mail at 24 East Juniper Avenue, McBee, South Carolina?

A Yes, sir.

Q Do you recognize that?

A Yes. That's her voter registration card.

Q What does it show is the registration date?

A Registration date is on 2010, June of 2010.

Q And that's for Chesterfield County, right?

A Yes.

MR. SPENCER: I'll pass these up.

BY MR. SPENCER:

Q One more question, Ms. Tiller. If she were to get to feeling better, in your opinion, where

would she go if she left Morrell?

A She would have to come to my house.

MR. SPENCER: Your witness.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: Mr. Jordan will now examine the witness.

CROSS-EXAMINATION

BY MR. JORDAN:

Q Ms. Tiller, thank for being here today. I apologize if I go back over some previous questions. How old is your mother?

A She was born in '39. So that makes her, what, 80?

Q I believe that's correct, 80 years old. I think you testified earlier, when was her first time in the nursing home?

A It's been about six years ago, she had knee surgery. She went to rehab.

Q And then she came back?

A She came back to McBee.

Q When she came back to McBee, did she live in her house or your house?

A She lived in her house then.

Q Her house. And then about how long did she live there?

A I reckon six or eight months.
Q So that would mean that she went back to the nursing home after that?
A She had a heart attack.
Q That was due to her physical issues that you just described, that heart attack?
A Yes.
Q Was that a severe heart attack or a minor heart attack?
A Minor.
Q Minor heart attack. And she's lived at the nursing home there in Hartsville since that time?
A Yes.
Q And that was approximately four years ago?
A About three or four years ago, yes.
Q Since that three or four years ago period, has she moved back in her house?
A No.
Q Moved back in your house?
A No.
Q Is she under any kind of government assistance or anything like that?
A She's on Medicare and I think she's got Medicaid, I'm not sure about that, and she gets social security.

Q Tell me about her treatment. She needs to be in that nursing home; does she not?

A She has severe breathing problems.

Q Around-the-clock care?

A Yes.

Q Is there any movement afoot -- Maybe I can say that in a better way. Do you have any plans in the immediate future for her to move in with you?

A No.

Q Any plans for her to move back in her old house?

A No.

Q What's the status of her house?

A We had to sell with her in the nursing home.

Q So it's no longer available?

A No.

MR. JORDAN: I believe that's all I have for this witness.

MR. SPENCER: May I follow up on that?

CHAIRWOMAN HUMPHRIES: Yes.

REDIRECT EXAMINATION

BY MR. SPENCER:

Q Has a Court anywhere ever declared her to be incompetent?

A Oh, no.

Q Is she on Medicaid?

A I think so but I'm not sure. That would be the nursing home that done all that. I've never applied for Medicaid for her, so I can't say for sure she is.

MR. SPENCER: Thank you. That's all I have.

CHAIRWOMAN HUMPHRIES: Thank you. Ms. Tiller, has your mother made any effort or request to move her voter status to another county?

THE WITNESS: No, not to me, no. No, she has no desire to do that.

CHAIRWOMAN HUMPHRIES: She has not expressed any desire to be able to vote --

THE WITNESS: No.

CHAIRWOMAN HUMPHRIES: -- in Darlington County and Hartsville?

THE WITNESS: No, she hasn't.

MEC MEMBER VANDENBERG: Just to clarify, the law for South Carolina voter registration is that you eat, breathe, sleep within 30 days of the election; is that correct?

MR. JORDAN: I'm sorry, repeat that for me.

MEC MEMBER VANDENBERG: If you eat, breathe, sleep, everything, you actually reside at this address, within 30 days of the election?

MR. JORDAN: I don't know that you can boil it down that specifically. I think what the law tells you is you're to consider all relevant facts associated with where that person lays their head, essentially.

So again, the fact that she has resided and lived in that Darlington County nursing home for at least three years I think is strong evidence that she is. And here's the other question, because I definitely pick up on the question of her eligibility, but the real question is: She's just as eligible, if you take that standard, to vote in Darlington. Then you run the risk of her voting in two places. Again, when you take --

CHAIRWOMAN HUMPHRIES: No -- I'm sorry. I'll reply in just a minute.

MR. JORDAN: When you take the facts in total, she's lived in Darlington County, she's laid her head in Darlington County for the last three consecutive years. Not 30 days, not 60 days, not 90 days, but three years.

CHAIRWOMAN HUMPHRIES: Just a comment based on what you just said. It's my understanding that if she registers in another county, that is automatically reported to the former county of registration and her name is removed.

MR. JORDAN: She would be eligible to do that, yes, ma'am.

CHAIRWOMAN HUMPHRIES: I'm saying, I mean she could not vote in two different places is what I'm saying.

MR. JORDAN: I'm not saying -- I'm saying she had the ability. If she called up Darlington County and said, I want to register to vote, they would register her to vote.

CHAIRWOMAN HUMPHRIES: And she would be taken off here.

MR. JORDAN: Correct.

CHAIRWOMAN HUMPHRIES: I just wanted to be clear on the fact. I don't know if anyone else understood it that way, but I got the impression that you were saying she could vote in two different places.

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: I didn't think that's what you meant but I wanted to clarify.

Any other comments? Do you have any comments?

MEC MEMBER SULLIVAN: No.

CHAIRWOMAN HUMPHRIES: I do have -- I'm sorry.

MR. SPENCER: In the South Carolina election handbook there's a whole thing about residential care facilities, where your residency is. If you're on Medicaid, there's a federal law which says you have an intent to return home. I don't care if you've got dementia, I don't care if you've got Alzheimer's, I don't care if can't walk again, there's a presumption that you will return back home. And that's so people don't have to get rid of their home when they go to the nursing home. It's not counted as an asset against them. So they would have no reason to make the nursing home their residence. That would mess up their Medicaid.

She's got to keep that home. She can't get rid of it, she would come off Medicaid. So there's always a presumption, regardless of physical condition or how ridiculous we might think it is, yeah, she's coming back home, there's that legal presumption under federal law

that her intent is to get out of that thing if she got better and go home.

It's not a home. Okay? You can go to a resort and get a new home. You can go to Florida or Hilton Head and get a new home in your retirement. This is a care facility. And the election handbook makes provision for it. This would change total law to say people in a nursing home don't reside. Because if she died, her estate is going to be probated right here in Chesterfield County. She's going to be a resident of Chesterfield County -- The probate judge is going to open her estate at her death, not Darlington County.

I do nursing home patients all the time. If they're up here in Cheraw and they're from Charleston, they go back down to Charleston to have their estate probated.

MR. JORDAN: May I address two brief issues? Number one, I do agree that her estate would be probated here because she owns property here. However, owning property --

MR. SPENCER: That's not the only reason.

MR. JORDAN: However, that's not the basis by which a voter is established as a domiciled

resident under the law. Again, the witness clearly testified that she has no intention in the near team, in the immediate future, to come back home. And to go to some federal law which is clearly not 7-1-25, which is what she -- I would ask you to look at, clearly says it is the intent. But we clearly established her intent is not to be back here in the near term. She's lived there three years and there's no immediate plan to bring her back. I think the witness -- unless I misheard, I think her home is sold.

CHAIRWOMAN HUMPHRIES: Her house has sold.

MR. JORDAN: Her house was sold.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: I have a question for clarification. This is my own personal clarification. According to law that you stated, what happens with a person who is a student and attends school year-round out of State?

MR. JORDAN: I think it's up to that person, depending on where their intent is to be. If they intend -- if it's to come back home, then the intention to come back -- The

reality is a school is not like a nursing home. You don't need the care to go to school. You don't need around-the-clock provision to go to school. You could argue, I guess, an out-of-control 18-year-old may need that around-the-clock care. But the reality is this individual is in a specific place because she needs around-the-clock care which as described can't be provided her at this time back home. So clearly she cannot have the intention --

MR. SPENCER: There's no medical evidence to that, Your Honor.

MR. JORDAN: I think her daughter is credible.

MR. SPENCER: She's not credible to give medical evidence.

CHAIRWOMAN HUMPHRIES: Gentlemen, I think we've heard enough. Thank you very much for your input. Lynn, thank you for your willingness to be here and you're excused.

THE WITNESS: Thank you.

CHAIRWOMAN HUMPHRIES: So the issue at hand, the question at hand, is whether we actually consider Ms. Geraldine Odom to be eligible to vote in McBee because she is

currently housed at a nursing home in Hartsville, which is in Darlington County.

MR. JORDAN: Can I clarify that? Instead of housed, I would clarify my question to take it as domiciled, I think that's --

MR. SPENCER: No, that's not -- Domiciled is a legal term, Your Honor. Domiciled is -- It's a legal term.

CHAIRWOMAN HUMPHRIES: She has been admitted to; is that satisfactory?

MR. JORDAN: I think the question at hand that you have to decide is where is she domiciled. That's ultimately -- When I was asking for clarification for the record, that's what you're considering. Not where she's housed or not where she has property, but where she is, in fact, technically domiciled. I think that's the technical question that has to be answered by you.

CHAIRWOMAN HUMPHRIES: I put Ms. Sullivan on the hot seat first every time. Based on what we've heard, do you think that we should accept or reject Ms. Geraldine Odom's ballot?

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: You said reject.

Ms. Sullivan?

MEC MEMBER SULLIVAN: I'm going to say reject.

CHAIRWOMAN HUMPHRIES: You're going to say reject?

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Okay.

MR. SPENCER: May I ask what the reasoning is? Is there going to be a reason put in the record? Is it merely because she's in a nursing home? I would like that clarified. Got a court reporter right here, I'd like it clarified. Is it because she's in a nursing home that you rejected it?

MEC MEMBER VANDENBERG: The issue is residency. She is not presently here in this county at this time during this election.

MR. JORDAN: May I be heard briefly on the issue? I think the only question is -- for y'all to consider, is, under the sum total of the facts presented to you, you determined that her domicile does not meet the necessary requirement for her to be a voter under the law. I think that's the only question. Because I think, again, clearly it's the summary of the

facts that determines -- Based on a summary of the facts.

CHAIRWOMAN HUMPHRIES: Does that sum up the way that she's no longer --

MEC MEMBER SULLIVAN: She's not in McBee. I just don't think she lives here at the moment in order to vote in this election.

CHAIRWOMAN HUMPHRIES: So you don't consider her residence to be here in McBee at this point in time?

MEC MEMBER SULLIVAN: Yes, correct.

CHAIRWOMAN HUMPHRIES: Is that what you wanted them to say?

MR. SPENCER: I wanted them to say because the only evidence you got is she's in a nursing home.

MR. JORDAN: I object to that. That's not the only evidence.

MR. SPENCER: What evidence do you have? We got her address as East Juniper Street. Her mail is Juniper Street. Her car registration is Juniper Street. She's violating the law. She can't register her car here if she lives down there.

MR. JORDAN: The summary of the facts that

have been presented in the case --

MR. SPENCER: The lady is not here.

MR. JORDAN: -- indicates she's domiciled in Darlington County.

MR. SPENCER: Only she can testify to her domicile.

MR. JORDAN: Then why did you call a witness?

MR. SPENCER: Because can't get here.

CHAIRWOMAN HUMPHRIES: All right. Gentlemen, it's obvious that this is not going to be rectified at this point in time. So we're going to -- we have a vote of the Commission to reject this ballot. If you would like to pursue it farther, then go through the proper channel at that time.

MR. ODOM: One question.

CHAIRWOMAN HUMPHRIES: Yes, sir.

MR. ODOM: We would like for the Chairman also to vote on the -- All three need to vote on the decision.

CHAIRWOMAN HUMPHRIES: Well, actually my vote was to accept. And if you would like my reasoning...

MR. JORDAN: Well, I believe the first time

it was to reject it.

CHAIRWOMAN HUMPHRIES: No, I did not say. I did not vote. I did not say anything. I had two votes to reject. Two to one. What I said was the decision of the Commission was to reject. Okay?

MR. JORDAN: Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Does anybody want my reason for accepting? Do you want any reason for accepting or do you care?

MR. ODOM: I do, Madam Chair.

CHAIRWOMAN HUMPHRIES: My reason is that I have known people that are in the nursing home. And I don't think that just because we don't have a nursing home in McBee that they give up their right to vote and give their input into political elections. I mean, I don't care who it is, what their political preference is. I just think that because they're ill enough that they have to be taken care of in a nursing, that they would not be able to -- that they're not aware of the facts and can't vote in an election. So that was my reasoning for accepting. But we voted two to one to reject; so therefore, this goes in the --

MR. ODOM: Madam Chair, can you call the Sullivans next? Her brother has called. He's sick. So Ms. Sullivan voted provisional. And her friend, they're here. So could they come because she's got to go check on a sick brother.

CHAIRWOMAN HUMPHRIES: Mr. Jordan?

MR. JORDAN: No objection. Was that an in-person?

CHAIRWOMAN HUMPHRIES: It was in-person.

MR. JORDAN: So I didn't make that objection.

CHAIRWOMAN HUMPHRIES: I just wanted to make sure.

MR. JORDAN: Never interfere with --

CHAIRWOMAN HUMPHRIES: Shirley Sullivan.

MR. JORDAN: Can you tell me who issued that objection?

CHAIRWOMAN HUMPHRIES: Lacy Price. And it says, not in area, needs to provide proof of residence. Lacy was one of the poll managers, I'm pretty sure.

MR. JORDAN: All right.

CHAIRWOMAN HUMPHRIES: I don't have a list in front of me, but I'm fairly certain. And I do have some information on that myself because

I thought this was going to arise. Since I don't -- I'm looking at faces and I know Mr. Odom asked if we could go ahead and do that. I don't if they have any input really, but I do.

MR. DRIGGERS: Is the challenger here?

CHAIRWOMAN HUMPHRIES: Lacy Price is not here. She was a -- She's not here, is she?

UNIDENTIFIED SPEAKER: No.

CHAIRWOMAN HUMPHRIES: Ms. Sullivan does not appear on the voter registration list for McBee because there has been some confusion as to the location of her home in reference to the town limits. So she was given a provisional ballot because she wasn't on the list somehow. Okay?

But according to -- According to the minutes of the Council, and I'm looking for the date on this, she was drawn out of town by the map. It was indicated that she was out of town, but they are actually within the town limits. And I'm looking -- I just got this right at the beginning of the meeting, so I'm having to try to -- According to the Town Council, they were -- they voted to include her in the town limits and she was approved to be a resident.

I know I'm sounding like I don't know what I'm talking about, but I'm just scanning the document trying to find the date. But that's the explanation. And the challenger is not here. And I'm sure that was why she challenged, but I do have documentation here. And Chesterfield County office has requested an official letter from McBee verifying that they can add her to the voter registration list. So her name is on there but she --

MR. SPENCER: And that would include Frank Johnson. They reside at the same place. He was challenged for the same reason.

CHAIRWOMAN HUMPHRIES: Frank Johnson?

MR. ODOM: He lives there with her.

CHAIRWOMAN HUMPHRIES: Frank Johnson is not in the provisionals.

MR. ODOM: Both of them voted provisionally.

CHAIRWOMAN HUMPHRIES: We don't have a Johnson in -- We'll take this one at a time. Ms. Shirley Sullivan, the challenger is not here. I understand that Lacy Price is not here. So since the challenger did not appear, then we will vote to accept or reject it.

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept. So the Commission accepts this ballot since there is no challenger here.

You're Frank Johnson?

MR. JOHNSON: Yes.

CHAIRWOMAN HUMPHRIES: You did not use a voting machine; you voted one of these?

MR. JOHNSON: Yes, ma'am. Did the same thing she did. Put it in the box right behind hers.

CHAIRWOMAN HUMPHRIES: We can't -- That would be a question for the County. I do not have a ballot here for Mr. Johnson at all.

So is there anyone else out there that has to go somewhere?

MR. ODOM: I don't think so.

CHAIRWOMAN HUMPHRIES: Well, let's move on and finish with these absentee ballots. Ms. Sullivan, by the way, we accepted your ballet. Thank you. I'll have to inquire of Chesterfield about Mr. Johnson.

MR. JOHNSON: Thank you.

MR. JORDAN: Madam Chair, could we sort of

summarize what just took place for purposes of the record with Mr. Johnson?

CHAIRWOMAN HUMPHRIES: Sure. I will.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: The ballot for Ms. Shirley Sullivan was accepted due to the lack of challenger appearing.

Mr. Frank Johnson also stated that he voted provisional ballot, but it is not included in the provisional ballots supplied to us at the in-person voting. So that will be turned over to or referred to the County Election Commission.

And right now we're going to consider Mr. Christopher Deason. The challenge was for residency, correct?

MR. JORDAN: That's correct.

CHAIRWOMAN HUMPHRIES: Would you like to make a statement at this time?

MR. JORDAN: Is Mr. Deason present?

CHAIRWOMAN HUMPHRIES: He was earlier.

UNIDENTIFIED SPEAKER: He's still out there.

MR. JORDAN: Do you have a copy of his -- Can you verify, for my purposes, what his

address is on the envelope?

MEC MEMBER SULLIVAN: 221 North 8th Street.

MR. JORDAN: Could you repeat that for me?

MEC MEMBER SULLIVAN: 221 North 8th Street. On the front of it, it says 36 West Oak Avenue.

MR. JORDAN: I guess for purposes of speeding up a little bit, if I could just call Mr. Deason and ask him some questions, that might speed it up.

CHAIRWOMAN HUMPHRIES: That will be fine.

MR. JORDAN: If he's present and will answer questions.

CHAIRWOMAN HUMPHRIES: That was the witness' address.

MEC MEMBER SULLIVAN: 36 West Oak Street.

MR. JORDAN: Can I get some clarification from the experts here. When I'm looking at the absentee ballots voter detail, these dates up here indicate what? That there was a request for a ballot? Very top, those dates. That's simply when they requested a ballot, correct?

(Reporter's Note: The response was not audible to the reporter.)

CHAIRWOMAN HUMPHRIES: Mr. Christopher Deason has been called as a witness and he will

now be sworn in.

MR. JORDAN: I'll stipulate he was previously sworn.

CHAIRWOMAN HUMPHRIES: Mr. Jordan.

CHRISTOPHER DEASON,

having been previously sworn, was recalled as a witness, and testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q Mr. Deason, this is going to be very easy. You're a Gamecock fan, I'm a Gamecock fan, so it's going to be quick and easy. You testified earlier your address, I believe, was 36 --

A West Oak Avenue.

Q How long have you lived there?

A I mean my family has owned that address forever. I've been there five months at this particular time.

Q When you say you've been there, that's where you -- that's where you sleep?

A That's where I sleep, that's where my meal goes, that where I live, my kids live. That's where I live.

Q Gotcha. You've never resided at 307 South 5th Street in McBee?

A I've stayed at numerous places in McBee, but that address is still in the town limits.

Q I understand. I'm trying to get an answer to why the Chesterfield County Election Commission has you at one place and you're at the other and if you're qualified to vote at either one.

A Yes, sir.

Q So you did, in fact, at one previous time perhaps reside there but you don't today?

A Yes, sir.

Q You did testify you lived at 36 West Oak Street?

A Yes.

MR. JORDAN: No further questions. It appears, based on what counsel has showed me, that he does meet the qualification for residency, so we withdraw the challenge as to Mr. Deason.

CHAIRWOMAN HUMPHRIES: The challenge for Christopher Deason has been withdrawn. Therefore, it's accepted. And now we have --

MR. SPENCER: Does that include his wife, too, Jennifer Deason?

MR. DRIGGERS: One at a time.

CHAIRWOMAN HUMPHRIES: Is he going to be a

witness for her?

MR. SPENCER: She's at work; she's not here.

CHAIRWOMAN HUMPHRIES: Can you just remain there and be sworn in. We'll now consider the ballot for Jennifer Deason. Jennifer Deason. Do you want to examine him?

MR. JORDAN: We'll withdraw the challenge for Ms. Deason as well.

CHAIRWOMAN HUMPHRIES: The challenge for Ms. Jennifer Deason has been withdrawn; therefore, her ballot will be accepted. You are excused.

THE WITNESS: Thank y'all.

CHAIRWOMAN HUMPHRIES: Let's go ahead and do the provisional ballots for in-person. We'll do the provisional ballots for in-person voting. Our first provisional ballot does not have a challenger listed. So, therefore, we have no option but to accept that one since there is no challenger.

MR. SPENCER: Name?

CHAIRWOMAN HUMPHRIES: Name is Jennifer Carraway. Jennifer Carraway. There's no challenger.

UNIDENTIFIED SPEAKER: Nobody challenged her that I know of that day.

MR. JORDAN: I was just going to get clarification as to how it came to the Commission if there's not a challenger.

CHAIRWOMAN HUMPHRIES: It says it's a fail safe ballot, so...

MR. ODOM: Is she on the voter registration roll?

UNIDENTIFIED SPEAKER: Can we get the address?

CHAIRWOMAN HUMPHRIES: Pardon me?

UNIDENTIFIED SPEAKER: The address.

CHAIRWOMAN HUMPHRIES: 41 West Cypress. 41 West Cypress, McBee. But the street that she is registered under is in Hartsville.

MR. ODOM: She's not on the town voter registration list.

MR. JORDAN: Madam Chair, may I be heard? So 30 minutes ago I was told, and I'm not trying to rehash that, but if I didn't have -- if I couldn't solidify my objection, then the objection wasn't essentially ripe to be heard. So I think your first inclination was absolutely correct. If the challenger is not here, then

there is no challenge essentially.

CHAIRWOMAN HUMPHRIES: That's what I have been told. The challenger has to appear.

MR. JORDAN: I mean, I made a challenge for residency and it was deemed an improper challenge. It couldn't even be heard and I was here. So if that challenger isn't even here, I don't think it can be anything but counted.

MR. DRIGGERS: If they want to take it up, you know, after the fact...

CHAIRWOMAN HUMPHRIES: I think we're going to have to go the way of these that were rejected. If you want to discuss this one later, make a note and bring it up later in appeal. But I don't have a challenger on here.

UNIDENTIFIED SPEAKER: We didn't challenge.

MR. DRIGGERS: There's no challenger.

CHAIRWOMAN HUMPHRIES: I actually have no choice, but... This next ballot is Robert M. Horton. And the challenge was by Lacy Price who is with the -- who was with the staff, I think, polling staff. And it says, does not live in town. Lacy Price is a member of the polling staff and she's not here.

(Off-the-record discussion among the

Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Ms. Lacy Price was the challenger and she is not here.

UNIDENTIFIED SPEAKER: Ms. Humphries, that is Mike Horton, and he lives in town.

MR. JORDAN: Again, if she's not here, the challenge is dismissed.

CHAIRWOMAN HUMPHRIES: She just had that he didn't live in town.

UNIDENTIFIED SPEAKER: On 3rd Street?

UNIDENTIFIED SPEAKER: Cindy (inaudible) checked it on her map. I don't know what kind of app it was, but she showed me he lives in McBee.

CHAIRWOMAN HUMPHRIES: We don't have any concrete evidence one way or the other. Since the challenger is not here, do you move to accept?

MEC MEMBER SULLIVAN: Accept.

CHAIRWOMAN HUMPHRIES: Well, we don't have to do that if it's not challenged. Thomas Dewey Kelly. Challenger, Blanche Gardner. Address, out of town limits. I know Ms. Gardner is here.

MR. JORDAN: Could you repeat the name?

CHAIRWOMAN HUMPHRIES: Thomas Dewey Kelly,

K-E-L-L-Y.

MR. JORDAN: Is there an address on that?

CHAIRWOMAN HUMPHRIES: The address is 450 North 5th Street.

Blanche, come up, please. Ms. Blanche Gardner will be -- has been called as a witness. Do we have questions for Ms. Gardner? She challenged based on address out of town limits. Do y'all need to examine?

MR. SPENCER: I've got a copy of his driver's license and some bills.

CHAIRWOMAN HUMPHRIES: Blanche, you challenged his address as out of town limits. I've got 450 North 5th Street.

MS. GARDNER: Yeah, because Rhonda Booty Pate, he lives down past her, and that is outside town limits.

MR. KELLY: I do not live past her. I live before her.

MS. GARDNER: Before her, then. Whichever. I just spoke with her before I came here. She did an affidavit the last time, the election, a signed affidavit, that that was outside the town limits. I don't know what happened to it then, but she -- she did a signed affidavit and she

said she could do that again if it's needed.

CHAIRWOMAN HUMPHRIES: So this -- this North 5th Street, is that, as far as you know, the correct address?

MS. GARDNER: Yeah. Yeah.

CHAIRWOMAN HUMPHRIES: Do you have any questions at all? Anybody?

MR. JORDAN: I can ask some questions.

CHAIRWOMAN HUMPHRIES: If you have something.

MR. JORDAN: Yes, ma'am.

BLANCHE GARDNER,

having been recalled as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q 450 North 5th Street, is that in the town limits or outside the town limits?

A It's outside the town limits.

Q That's outside the town limits. And you know that based on your lifelong living here?

A Yes.

Q I think you worked at the Water Department?

A I worked for the Town.

Q For?

A Six years.

Q So that's the basis for your opinion?

A Well, the girl, Booty, lived in that mobile home, I think, before her father passed away and then she moved into his house. But I just spoke with her before I came here.

Q Thank you.

A She said that was correct.

MR. JORDAN: Sounds like we agree on where he lives. It's just a question of whether it's in town or out of town.

MR. SPENCER: He's on the voter registration books. The County recognizes him as being in the town limits. His driver's license and his bill shows at that address that you have, and that's the same thing voter registration has.

CHAIRWOMAN HUMPHRIES: So he was not turned aside for the -- for not being on the list. Do y'all have any more questions for Ms. Gardner?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: Blanche, you're excused. Mr. Kelly, would you come up please.

THOMAS DEWEY KELLY,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Mr. Kelly, can you verify your address, please?

A Yes, ma'am. 450 North 5th Street, McBee.

Q 450 North 5th Street. To your knowledge are you within the town limits of McBee?

A Yes, ma'am, I am.

Q Do you have town water?

A Yes, ma'am.

Q You do have town water.

A Uh-huh.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MR. SPENCER: No, ma'am.

MS. GARDNER: You don't have to live in town limits to have water.

CHAIRWOMAN HUMPHRIES: That was just an indicator for me. I just wanted to find out. Mr. Jordan, do you have any questions?

DIRECT EXAMINATION

BY MR. JORDAN:

Q Did you bring a copy of a tax bill, by chance, with you?

A No. All that is escrowed in. But I done a

pin drop the other day, I'm in the city limits. SLED investigated four years ago, last election. Even SLED come to them and told them, he's in the city limits. You can sit in my living room and do a pin drop and catch the city limits. Half my land is in the city limits and part of it is not.

Q When you talk about your land, how many acres are you talking about?

A I have bought two and a half, but it's still in Ms. Rhonda Pate's name because she hadn't put it in my name, yet. But I've got a receipt saying where the land in paid for in full.

Q So you purchased some land, some of which in the city limits, some of which is not?

A Correct.

Q The dwelling, where is that, on which part of the land? If I'm going towards your house, is it on the front part or the back part?

A Well, it's -- If I'm sitting in my living room, you can go to Google Maps and Google it and drop a pin, me sitting in the living room, I am in the city limits. My trailer part is in the city limits. Just a very small portion of it ain't.

Q So a portion of the neighborhood you live is in the limits and a portion is out?

A Correct.

Q And you're testifying that the portion you're in is in?

A In the city limits.

Q But you didn't bring a tax bill or anything like that to corroborate. You have a water bill; is that right?

A Yeah.

MR. JORDAN: Thank you.

CHAIRWOMAN HUMPHRIES: Any other questions for Mr. Holly?

MR. SPENCER: No.

CHAIRWOMAN HUMPHRIES: Dewey, you're excused. Following the guidelines I was given, if -- and you have the voter registration list there, do you not, Mr. Jordan?

MR. JORDAN: We don't have it.

CHAIRWOMAN HUMPHRIES: Both of you?

MR. SPENCER: We have a copy.

CHAIRWOMAN HUMPHRIES: Is he on the McBee voter registration list?

MR. SPENCER: Yes, ma'am.

MR. JORDAN: I don't know the answer. I have an absentee list, but I don't have --

CHAIRWOMAN HUMPHRIES: You have the

absentee list?

MR. JORDAN: Correct. That was what I showed you earlier.

CHAIRWOMAN HUMPHRIES: That's what -- This is what this is from, this voters registration list? Mr. Jordan, would you like to look at this?

MR. JORDAN: Yes.

CHAIRWOMAN HUMPHRIES: It is my understanding that when the County office has -- they check the voter registration list, if his address is on there, they have looked at the map and have ascertained that he is -- that the address is within the town limits, if it's on the voter registration list, because we don't have a town map to look every address up. So that's what we have to go by. So...

MR. JORDAN: Your Honor, I'll admit I'm confused if he lives in or out at this point. So I'm not -- I think evidence has been submitted.

CHAIRWOMAN HUMPHRIES: Well, what I think his understanding is, is that the majority of the mobile home that he lives in is in the town limits. It's just his property is split in and

out, I think. And maybe just a portion of the mobile home is outside of the town limits. But if he's on -- if that address is on this printout, and this is the voter registration list, then I think we have no option except to accept that he is within town limits. But we will certainly have a vote on that.

MEC MEMBER SULLIVAN: I accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: I vote to accept based on what we know.

MR. SPENCER: May I get the list back?

CHAIRWOMAN HUMPHRIES: Oh, I'm sorry, here. Terry Peterson. And the challenger -- lives at 280 --

MS. STOUDEMIRE: That was mine and we withdraw it.

CHAIRWOMAN HUMPHRIES: I was trying to read the address. Terry Peterson, and the challenger is Gail Stoudemire.

MR. JORDAN: Basis for the challenge?

CHAIRWOMAN HUMPHRIES: The basis for the challenge is incorrect county, precinct, or district. In other words, not registered.

MR. DRIGGERS: She withdrew.

CHAIRWOMAN HUMPHRIES: Did you with withdraw?

MS. STOUDEMIRE: Yes.

MR. SPENCER: She withdrew her objection or challenge.

CHAIRWOMAN HUMPHRIES: The challenge is withdrawn. The challenge has been withdrawn for Terry Peterson, so we will accept his ballot.

The next one that I have here is Jerry Sullivan. And let me explain that, first of all, we're going to lay this to the side. It's neither accepted nor rejected. It's not even considered because Mr. Sullivan had completed the voting process and had already voted on the voting machine before the challenge was issued, is my understanding.

MS. GARDNER: Could I say something?

CHAIRWOMAN HUMPHRIES: Ms. Gardner, yes, ma'am.

MS. GARDNER: I'm the one that challenged that, but I was told it was someone else, and we couldn't identify this person with his mask on. And I apologized to him later that I challenged him by mistake. And I tried to withdraw it, but she said it had already gone in, and I couldn't

do it at that time.

MR. DRIGGERS: Is she listed as the challenger?

CHAIRWOMAN HUMPHRIES: Blanche is listed as the challenger. We can't have two votes from a person. Since he had completed the voting process, they actually shouldn't have let you, is my understanding --

MEC MEMBER SULLIVAN: He voted on the machine before --

CHAIRWOMAN HUMPHRIES: He had completed the voting process before the challenge was issued.

MR. JORDAN: So it's already been counted?

CHAIRWOMAN HUMPHRIES: It's already been counted.

MEC MEMBER SULLIVAN: And he's my husband.

CHAIRWOMAN HUMPHRIES: For the record, Mr. Sullivan had completed the in-person voting process and had already submitted his ballot on the voting machine and scanner. So that vote is a matter of record already. So the provisional ballot is not valid.

MR. ODOM: How do we know that?

MS. GARDNER: I don't know that he actually voted. He didn't put it in that machine. He

never went over there to do that because I stopped him and had them -- I filled the paperwork. They were in here to challenge somebody else. There were two in here at the same time being challenged.

MEC MEMBER SULLIVAN: So you're saying it never went into the --

UNIDENTIFIED SPEAKER: They took his ballot before he could put it in the machine.

CHAIRWOMAN HUMPHRIES: Jerry said he had completed the process.

UNIDENTIFIED SPEAKER: He went to the first machine.

MR. DRIGGERS: We need to get all this on the record.

MS. GARDNER: I don't think he ever --

BLANCHE GARDNER,

having been recalled as a witness, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Ms. Gardner, Mr. Jerry Sullivan, there was a challenge for Mr. Jerry Sullivan.

A Yes.

Q Can you tell me what he had -- what the

situation was? Can you do the sequence of events when he was challenged?

A I was told outside that this guy coming in was not -- didn't live here; he lived somewhere else. Angelus or somewhere. They had mistaken him for someone else.

So I came in and told them that I wanted to challenge this guy's vote. And he was over here, but now he did not go through the process of putting that ballot in that machine over here to certify it or whatever you do. And so she stopped him. She said, sir, she wants to challenge your vote. And so he went over there and he looked so funny.

Then I recognized that it was Jerry. And I told her, after he started filling out that stuff, and I had filled out my part, that it was Jerry. So I told her that I didn't want to challenge it. She said it's too late now, that I had already went through that process and I would have to go ahead with it. I don't know why she said that, but she did tell me that. So he filled out the thing, his part, and turned it in.

Q So you're saying that you tried to stop the challenge but...

A I tried to stop the challenge. Gail and

them was in here, too, because they said -- we were kind of confused as to what was going on.

Q But they wouldn't let you stop the challenge once it had already started?

A She would not let me stop the challenge because I had already started the process.

Q To your knowledge, he did not actually complete the scanning of the paper --

A No.

Q -- printout?

A No, he didn't. He did not vote.

Q He didn't complete --

A He didn't complete it. That's what he didn't do. He didn't complete that process.

Q So he did not -- so he wouldn't have it in his hand if he had completed the process? It takes it, right?

A Right, it takes it. He didn't go through that process.

MR. JORDAN: May I ask, so the original understanding was that he had voted, completed the voting process. What was the basis for that understanding that he had completed the voting?

CHAIRWOMAN HUMPHRIES: That he had told his wife that he had finished.

MR. JORDAN: So he talked to you?

THE WITNESS: He thought he was through.

CHAIRWOMAN HUMPHRIES: He thought he was finished, but apparently they caught him before he actually put the --

MS. GARDNER: Put that thing in that scanner, yeah.

CHAIRWOMAN HUMPHRIES: All right. Do y'all have any questions for Blanche, Ms. Gardner?

MR. JORDAN: No, ma'am.

CHAIRWOMAN HUMPHRIES: Blanche, you're excused. Gail, would you just verify, please.

GAIL STOUDEMIRE,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Would you relate the facts as you see them from the question of Mr. Sullivan?

A Just as Ms. Blanche said. She tried to withdraw when she realized -- he pulled his mask down and she recognized him. He had gone to the first machine, had marked his ballot at that point in time. And that's when she protested. And Ms. Lacy took it and said, you've already protested, there's nothing we can do, we'll put it in the envelope.

But to my knowledge, you wouldn't have anything in that envelope if he had already voted because that machine takes what's inside that envelope in the second machine they feed it into.

Q Yes, it does, it keeps the paper copy.

A It keeps that, yes. So the fact that you've got that in there shows that he not feed it -- she did not let him feed it into the machine.

Q Anything else that you need to add?

A No.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am.

We have verification by sworn witnesses that Mr. Sullivan did not complete the voting process on the night of the election, the day of the election. So therefore, his provisional ballot is here. Blanche, Ms. Gardner, do you still want to challenge this ballot?

MS. GARDNER: No.

CHAIRWOMAN HUMPHRIES: So, are you withdrawing your challenge?

MS. GARDNER: Yes.

CHAIRWOMAN HUMPHRIES: So the challenge to Mr. Sullivan's ballot has been withdrawn and, therefore, it will be accepted.

UNIDENTIFIED SPEAKER: I have a question.

Why was he trying to vote the second time? What was the reason?

MS. GARDNER: He didn't try to vote a second time.

MEC MEMBER SULLIVAN: He only voted once. They took his ballot.

MS. GARDNER: He only voted once. At that point I came in, he had already started that process, but he did not put it in the scanner.

UNIDENTIFIED SPEAKER: But he had put it in the scanner. When did his vote actually go in?

MR. JORDAN: It did not.

MS. GARDNER: No, it didn't go in.

MR. JORDAN: It wouldn't be in that envelope.

CHAIRWOMAN HUMPHRIES: We're going to continue with this next provisional ballot. We have a Dmitri, and it looks to us as -- Is it L-O-L-L; is that correct?

MR. SPENCER: That's right.

MR. JORDAN: That is correct.

CHAIRWOMAN HUMPHRIES: And we have a challenge from Nicole Teal. Incorrect county, precinct, district. The address is 462 West Oak Avenue.

NICOLE TEAL,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Ms. Teal, what is your challenge based on?

A The concern was when I was coming in, I saw them pull up in a car with a Colorado license plate. And I've lived in McBee pretty much all my life and I had never seen them in my life. So that was my concern. So considering that, I challenged.

Q Is he on the -- From the voter registration list we have a Dmitri Loll at 462 West Oak Avenue that actually matches the information that was provided on the provisional ballot envelope. And do you have any other substantiating material?

A No, ma'am.

CHAIRWOMAN HUMPHRIES: All right. You're excused.

THE WITNESS: Thank you.

CHAIRWOMAN HUMPHRIES: Any other comments? Did you wish to --

MR. JORDAN: No, ma'am.

MR. SPENCER: They are present outside and have got their driver's license photo and other identifying information if there's any question

that y'all have.

CHAIRWOMAN HUMPHRIES: So are they outside? Just have them, for the record, come in. We'll swear them in and have them attest to their address.

DMITRI LOLL,

being first duly sworn, testified as follows:

EXAMINATION

BY CHAIRWOMAN HUMPHRIES:

Q Would you pronounce your last name for me?

A Loll, L-O-L-L.

Q Loll?

A Yes.

Q I just want to pronounce it correctly, thank you. Mr. Loll, can you verify your residence address, please, for me.

A 462 West Oak Avenue.

Q 462 West Oak Avenue, okay. And you registered with voters registration for our county, correct?

A Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Do you have any questions?

MR. JORDAN: I do have just a few questions.

DIRECT EXAMINATION

BY MR. JORDAN:

Q How long have you lived in McBee?

A Close to six months now.

Q And you said you registered with the voter registration. How did you go about doing that?

A I think it was with a card. I got a card in the mail.

Q Where did you get the application?

A DMV.

Q For voter registration?

A I think it was there.

Q Tell me the process by which you requested an absentee ballot, please?

A I didn't request one.

Q You didn't request one?

A Whenever I went to --

CHAIRWOMAN HUMPHRIES: This is an in-person.

MR. JORDAN: Oh, this is provisional.

BY MR. JORDAN:

Q So you voted in-person, sorry. How long have you lived at that address you described?

A About six months.

Q Where did you live previously?

A Colorado.

Q And do you have any property in your name here? Car, anything like that?

A No.

MR. JORDAN: No further questions.

MR. SPENCER: I have no questions.

CHAIRWOMAN HUMPHRIES: You have none. Anyone else? Mr. Loll, you're excused. Thank you very much.

Based on the information that's been provided, we'll vote on the acceptance or rejection of this ballot. Any other comments from the attorneys?

MEC MEMBER SULLIVAN: I accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

Erik Tubbin. Hold just one second. We'll hear from the challenger first. Be patient with me. Ms. Teal challenge.

MS. TEAL: We'll throw it out.

CHAIRWOMAN HUMPHRIES: You're going to withdraw the challenge?

MS. TEAL: Uh-huh.

CHAIRWOMAN HUMPHRIES: Okay. Mr. Erik Tubbin of 462 West Oak Avenue, the objection --

the challenge has been withdrawn by Ms. Teal, so we will accept his ballot.

Angela Pond. Angela Pond. And this is another -- this was another challenge by one of the poll managers. Says it's not in the book of Town of McBee, didn't change address 30 days before election on the registration. Angela Pond. I've got 737 South 9th Street. The challenger, is she not here?

MR. JORDAN: If there's no challenger, there's nothing to consider.

CHAIRWOMAN HUMPHRIES: Then that's accepted. I don't know what -- okay. Those are all of the provisional ballots that we have at this point. Now, we will have to check on Mr. Frank Johnson because he voted -- he said he voted provisional ballot and we do not have it here. So I'll have to turn that over to the County Election Commission.

MR. ODOM: Recommendation to note, look on the voter's sign-in. He said he signed in with Shirley Sullivan. So that will say he signed in. I don't know because the ballot is not there, but that's just for the record. He signed the voter roll is what he told me.

CHAIRWOMAN HUMPHRIES: I think that would be something for them to investigate because, I mean, I just don't have a ballot, so I can't do anything with it.

MR. ODOM: Let's see if it affects the election.

CHAIRWOMAN HUMPHRIES: Those are all of the provisional ballots we have, all of the challenges from the absentees. And we do have several ballots that we needed to -- absentee ballots that we needed to examine based on the voter oath that was signed. There may be some problems with the voter oath that were signed and we'll determine that at this point.

Is there anybody that -- I don't think this will concern challengers or whatever, so if they're here -- I mean if the -- I don't know that we need to have a lot of -- People that need to go anywhere, they can.

I actually talked to Mr. Thurmond at the County office about this situation and he told me what to examine for to see if it was counted or not. For instance, here is one that has only the signature of the voter, there's no date, there's no signature of witness or anything, so

we cannot count it.

UNIDENTIFIED SPEAKER: Do you announce who the voter is?

CHAIRWOMAN HUMPHRIES: Okay. This was Patricia Vega. And there was no witness signature or anything on the voter oath and that is one of the requirements.

This says Shayna McDonald, and there is no -- well, hold on.

MEC MEMBER VANDENBERG: It's missing an address.

CHAIRWOMAN HUMPHRIES: Address is not there.

MR. DRIGGERS: It's required.

CHAIRWOMAN HUMPHRIES: There is no address for the witness, and that's one of the requirements.

In case -- I don't know if y'all have examined the -- you may have examined the way they actually send these out. They actually have highlighted the areas that they're supposed to complete.

This is Patricia Harris, Patricia Harris, and there is no witness signature nor address.

MR. DRIGGERS: I think you probably should

vote on all those.

(Off-the-record discussion among the Commission and the Town Attorney.)

CHAIRWOMAN HUMPHRIES: Elizabeth Murphy, she -- her own signature is omitted.

I have one here that was questionable but I have -- I got -- I received advisement on this matter. And this one is missing the date of a signature. And I was advised that that should be accepted, not rejected. It has the voter's signature, the witness's signature, the witness's address. Everything except the date of the signature. And I was advised that we should --

UNIDENTIFIED SPEAKER: What's the name? What's the name?

CHAIRWOMAN HUMPHRIES: Kevin J. Johnson.

Alfred Jones, Jr. And there is no witness signature nor address for the witness.

This is Bryson Ponds, and there is no address given for the witness, so we cannot accept that one.

UNIDENTIFIED SPEAKER: Kevin just called. Mr. Frank had put it in the blue box instead of the box it should have been put in. He's just

found it. He's getting a deputy to bring it down here. He said you will have to continue the meeting until he can get here with it.

CHAIRWOMAN HUMPHRIES: He's bringing the ballot?

UNIDENTIFIED SPEAKER: Yes, the provisional for Mr. Johnson.

CHAIRWOMAN HUMPHRIES: Frank Johnson?

UNIDENTIFIED SPEAKER: Yes. It had been put in a blue box. Anyway, Kevin is on his way.

CHAIRWOMAN HUMPHRIES: This was a ballot for Linnie Wright. The only thing missing is the date. So we will -- oh, well, yeah --

MR. ODOM: The name again?

CHAIRWOMAN HUMPHRIES: Linnie Wright, L-I-N-N-I-E.

We'll move to accept or reject in a minute. We're going to vote on these; we're just evaluating right now.

This is one that we don't have to consider. I just wanted to be transparent. This one is for Jalisa White. It was returned to sender, no mail receptacle, unable to forward, and was returned to Chesterfield County Voter Registration Office. So apparently the

individual never received it and it was returned to the Chesterfield office and they sent it in with everything else. But it hasn't been filled out at all.

MR. JORDAN: Madam Chair, Linnie Wright, what was the situation with that ballot?

CHAIRWOMAN HUMPHRIES: It didn't have a date.

MR. JORDAN: Thank you. So it's going to be counted?

MR. SPENCER: Yes.

CHAIRWOMAN HUMPHRIES: Well, we're going to vote on that but it should be. We're going to vote, first of all, these two that we've accepted -- well, that look acceptable. Accept or reject Kevin Johnson, no date?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

Linnie Wright, no date. Accept or reject?

MEC MEMBER SULLIVAN: Accept.

MEC MEMBER VANDENBERG: Accept.

CHAIRWOMAN HUMPHRIES: Accept.

I'm going to call out this group that had the incomplete voter oath. We have Shayna

McDonald, Patricia Harris, Elizabeth Murphy, Alfred Jones, Bryson Ponds, and Patricia Vega. Accept or reject, Ms. Sullivan?

MEC MEMBER SULLIVAN: Reject.

MEC MEMBER VANDENBERG: Reject.

CHAIRWOMAN HUMPHRIES: Reject based on incomplete voter oath.

Is there any other consideration before we open the ballot and count them? Does anyone else have any consideration of anything to consider here before we open these ballots and count them?

Why don't we take like a -- I know it's been -- Let's take a 10-minute break, go the bathroom, get water, whatever, while we try to wait for Mr. Johnson because we do not want his vote appearing here and being the only one we open. We want to maintain confidentiality if we can.

(A break was taken at 2:23 p.m.

Proceedings resumed at 3:21 p.m.)

CHAIRWOMAN HUMPHRIES: The concerned parties and the Commission have decided that we are going to proceed with the meeting and start with opening and tallying the ballots that we

have accepted for today. So we'll do that at this time.

Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Odom and Linton. Odom, Liles, Linton. Odom, Liles, Linton. Short, Dixon, Sutton. Odom, Liles, Linton. Odom.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Liles, Linton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Odom, Liles.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Linton. Odom, Liles, Linton. Short, Dixon, Sutton. Short, Dixon, Sutton. Odom, Liles, Linton.

No choice for mayor, Dixon, Sutton. Short, Dixon.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: Sutton.

UNIDENTIFIED SPEAKERS: Tally.

CHAIRWOMAN HUMPHRIES: You got your totals from today?

MEC MEMBER VANDENBERG: Yes.

MEC MEMBER SULLIVAN: Yes.

CHAIRWOMAN HUMPHRIES: Short?

MEC MEMBER SULLIVAN: Four.

MEC MEMBER VANDENBERG: Four.

CHAIRWOMAN HUMPHRIES: Odom?

MEC MEMBER SULLIVAN: Eighteen.

MEC MEMBER VANDENBERG: Eighteen.

CHAIRWOMAN HUMPHRIES: Dixon?

MEC MEMBER SULLIVAN: Five.

MEC MEMBER VANDENBERG: Five.

CHAIRWOMAN HUMPHRIES: Liles?

MEC MEMBER SULLIVAN: Seventeen.

MEC MEMBER VANDENBERG: Seventeen.

CHAIRWOMAN HUMPHRIES: Linton?

MEC MEMBER SULLIVAN: Eighteen.

MEC MEMBER VANDENBERG: Eighteen.

CHAIRWOMAN HUMPHRIES: Sutton?

MEC MEMBER SULLIVAN: Five.

MEC MEMBER VANDENBERG: Five.

CHAIRWOMAN HUMPHRIES: Okay. We do have the totals from Tuesday night and including the ballots from today. So I'm going to read those out. Short --

MR. DRIGGERS: Just to be clear, we can't certify until we have the last vote.

CHAIRWOMAN HUMPHRIES: Right, we do have another one coming, but I don't know when that will come. It may come at dinner time.

Short, 203. Odom, 212. Boykin, 34. Dixon, 174. Liles, 201. Linton, 210. Sutton, 191. Do you want me to repeat any of those?

UNIDENTIFIED SPEAKER: How many did you say Linton had?

CHAIRWOMAN HUMPHRIES: Linton is 210. Anyone else? Those will not be official until we get that last ballot in. Like I said, I don't know when that's going to be. At this

point, let me remind you that any protest needs to be filed by 7:00 p.m. tonight.

The deputy brought in the vote. So y'all -- I'll go ahead and --

UNIDENTIFIED SPEAKER: Have y'all voted to accept that one yet?

CHAIRWOMAN HUMPHRIES: We can do that. It was the one that was in question with Ms. Shirley Sullivan. Same address.

UNIDENTIFIED SPEAKER: Frank Johnson.

CHAIRWOMAN HUMPHRIES: This was Frank Johnson's. Do I have any discussion about him? He is at the same residence as Ms. Shirley.

MR. JORDAN: Was his vote challenged as in-person?

CHAIRWOMAN HUMPHRIES: I can't remember. Let me see the envelope. Let me see what it says on here. Not in area, needs to provide proof of residence. And the challenger is not here because it was one of the poll managers. But like I said, he actually resides with Ms. Sullivan, and we've already approved and accepted hers. So I think it would be reasonable --

Well, let's consider this now. She's not

here so we actually don't have to vote on this one since Ms. Price is not here. If there's no serious objection, I'm going to go ahead and open it and see what it says. Odom, Dixon, Linton.

Some our tallies will change. Odom will be 213. Dixon will be 175. Linton will be 211. Are we in agreement?

MEC MEMBER SULLIVAN: Yes.

MEC MEMBER VANDENBERG: Yes.

CHAIRWOMAN HUMPHRIES: Does anyone have any comments? At this time, please remember the filing times. At this point, I adjourn this meeting. This hearing is essentially adjourned.

(Pause in proceedings.)

CHAIRWOMAN HUMPHRIES: I move that the McBee Municipal Election Commission certifies the official results of the September 1st election, and a signed copy will be attached to the written record of the hearing.

Do you certify the election?

MEC MEMBER SULLIVAN: I vote to certify the election.

MEC MEMBER VANDENBERG: I vote to certify the election.

CHAIRWOMAN HUMPHRIES: I agree. We are adjourned.

(Exhibit No. 1 was marked for identification.)

(The hearing adjourned at 3:38 p.m.)

REPORTER'S CERTIFICATE

SOUTH CAROLINA, DARLINGTON COUNTY:

I, LAURA CHAMBLEE, serving as Certified Court Reporter in the within stated matter, do hereby certify that the foregoing 106 pages of typewritten matter constitute a true, correct, and complete transcript of the evidence as adduced upon the hearing in said case.

This the 10th day of September 2020.

Laura Chamblee

LAURA CHAMBLEE
Notary Public in and for SC
My Commission expires:
September 27, 2028

Town of McBee

COUNCIL MEMBERS
Beulah Bolton
A.C. McLeod, Jr.
Glenn Odom
Charlie Sutton

MAYOR
John Campolong

ADMINSTRATOR
Terri King

Canvass Sheet-certification of Candidates
GENERAL ELECTION
SEPTEMBER 1, 2020

We, the Municipal Election Commission of the Town of McBee, hereby certify the following official results for the election of September 1, 2020:

Note winners by an asterisk beside name or highlight name

	MAYOR	
	CANDIDATE NAME	TOTAL VOTES
*	Glenn Odom	213
	Charlie Short	203
	Write-in: Ladarius Newton	1
	Write-in Jordan Mendoza	1

	COUNCIL	
	CANDIDATE NAME	TOTAL VOTES
	Dawn Boykin	34
	Hewitt O. Dixon	175
*	Robbie Liles	201
*	James Linton	211
	Charlie Sutton	191
	Write-in: Ladarius Newton	1

9-3-2020
Date

EXHIBIT LC 1 9/3/20

MCBEE MUNICIPAL ELECTION COMMISSION HEARING

CONCERNING ELECTION OF SEPTEMBER 1, 2020

HELD FRIDAY, SEPTEMBER 4, 2020

VIA CONFERENCE CALL FROM THE OFFICE OF

SWEENY, WINGATE & BARROW, P.A.

3:00 P.M.

REPORTED BY: Laura Chamblee
Chamblee Reporting Service
1117 Pinehurst Drive
Hartsville, South Carolina 29550
(843)917-4777

APPEARANCES:

LAW OFFICE OF WALLACE H. JORDAN, JR.
BY: WALLACE JORDAN, JR., ESQUIRE
626 West Evans Street
Florence, South Carolina 29501
843-662-4474
jordanlawsc@gmail.com
Representing Candidates Charles Short, Charles Sutton, and Hewitt Dixon
(Appearing via conference call)

SPENCER LAW FIRM
BY: WILLIAM SPENCER, ESQUIRE
301 West Main Street
Chesterfield, South Carolina 29709
843-623-2144
lawfirmspencer@gmail.com
Representing Candidates Glenn Odom, Robbie Liles, and James Linton
(Appearing via conference call)

SWEENY, WINGATE & BARROW, P.A.
BY: MARTIN S. DRIGGERS, JR., ESQUIRE
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
843-878-0390
msd@swblaw.com
Representing the Town of McBee

ALSO PRESENT:

CHAIRWOMAN PAULETTE HUMPHRIES
(Appearing via conference call)

MEC MEMBER PAM SULLIVAN
(Appearing via conference call)

MEC MEMBER DAVID VANDENBERG
(Appearing via conference call)

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E X H I B I T S

EXH. NO. DESCRIPTION PAGE

No. 1 Protest of Election Results 12

- - -

PROCEEDINGS

- - -

CHAIRWOMAN HUMPHRIES: I will now, as Chair of the Municipal Election Commission for the Town of McBee, call this meeting to order.

The purpose for this meeting is hearing a challenge or a contest to the election results that were certified on September 3, 2020. And due to the emergent nature of the meeting and the restrictions in place in the Town of McBee, due to the Coronavirus, the hearing is taking place by conference call.

On the call today should be the MEC members; and counsel for the election challengers, Mr. Jay Jordan; and counsel for the respondent, Mr. Billy Spencer. And if you would, I would ask each of you to identify yourselves, the members that are logged on, if you would identify yourselves and state your role in this meeting, for the record.

MR. JORDAN: This is Jay Jordan. As yesterday, I represent candidates Short, Dixon, and Sutton, and have filed the protest on their behalf and hereby are requesting that we schedule a formal hearing in the not-too-distant future.

CHAIRWOMAN HUMPHRIES: Thank you.

MR. JORDAN: And I am on the call by myself.

MR. SPENCER: This is Billy Spencer. I was the attorney at the hearing yesterday representing candidates Odom, Liles, and Linton. And I'm here by myself and, of course, representing the respondents in the contested case.

But I do have some information to give, for the record. I learned this morning, and I had some knowledge, that my clients were going to employ someone other than me to handle the contested case hearing and any subsequent appeal of it. And so that person is Mr. Johnny Parker. He is from Hampton, South Carolina. He is a personal attorney of one of the candidates, Mr. Glenn Odom.

And so I've tried to accommodate Jay and Martin, as far as, ahead of time, trying to find a date that suited everybody. Mr. Parker, of course, is already on vacation and away from his office. And he's an older lawyer and, of course, doesn't have a modern cell phone with his calendar and all that kind of thing on it. His secretary keeps up with all of that, and she's

away.

So I'm going to have to -- I know he's a lawyer with a good reputation. And since he represents the respondents in this case, would have no reason to want the hearing heard except as expeditiously as possible. But, you know, I have to say I don't know his schedule. I was hoping I would be able to when we met this afternoon. And so the date of the 25th was thrown out as a possible date at 3:00 o'clock. And I do know from speaking to his secretary that the date, when the 18th was brought up, would be a better date for him, rather than the 25th, but that's not to say that if it is the 25th, he couldn't try to make things happen.

CHAIRWOMAN HUMPHRIES: Okay. We'll keep that in mind as we proceed. Thank you, sir.

MR. SPENCER: All right. Yes, ma'am.

CHAIRWOMAN HUMPHRIES: Okay. Is Mr. Vandenberg on the phone?

MEC MEMBER VANDENBERG: Yeah, David Vandenberg here, MEC member.

MEC MEMBER SULLIVAN: Pam Sullivan, MEC member.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am.

MEC MEMBER SULLIVAN: You're welcome.

CHAIRWOMAN HUMPHRIES: And then, of course, we have Mr. Driggers.

MR. DRIGGERS: That's right, Martin Driggers here as the attorney for the Town of McBee and the MEC.

CHAIRWOMAN HUMPHRIES: All right. And that is everyone, correct?

MR. DRIGGERS: I believe so.

MR. SPENCER: Yes, ma'am, I believe so.

CHAIRWOMAN HUMPHRIES: We'll continue and expedite this if at all possible, this call today.

Pursuant to the South Carolina Code of Laws 5-15-130, this hearing has been scheduled relative to the previously referenced matter for today. And the hearing is being transcribed by a court reporter to preserve the record, of course.

By consent of the candidates, their counsel, and the members of the MEC, hopefully, we have -- the parties have agreed to continue this hearing until a later date. And at the time we are proposing September 25th at 3:00 p.m. at the Town Hall of McBee in McBee, South Carolina, where we can have a more thorough discussion of these

issues, any issues, and taking of evidence and testimony.

Are there any questions or clarification? And I know, Mr. Spencer, you've already said that we do have the consideration of the new counsel for Mr. Odom. And, you know, we'll have to notify or -- You will notify him of this?

MR. SPENCER: Yes, I will.

CHAIRWOMAN HUMPHRIES: Okay.

MR. SPENCER: And I'm going to have him send Mr. Driggers a notice of his appearance.

CHAIRWOMAN HUMPHRIES: Okay. I appreciate that. Are there any other questions or clarification from anyone?

MR. JORDAN: This is Jay Jordan, again.

MR. DRIGGERS: Go ahead.

MR. JORDAN: Go ahead.

MR. DRIGGERS: I was just going to say, Jay and Billy and the council members, this is Martin Driggers, attorney for the Town. I was going to propose, I've got a copy of the protest that Mr. Jordan provided to everybody at the hearing. So I was just going to make that Exhibit 1 to this transcript, just so it's there, and we don't have to search for it later.

MR. JORDAN: Sure, that would be great. I was just going to say, in responding to Mr. Spencer as to Mr. Parker, certainly I understand with a new lawyer getting involved in the case, I'm all for setting September 25th as a prospective date, but certainly recognize that given many different schedules, including members of the MEC and Town Council and other lawyers, that that may have to be readdressed at an appropriate time and I understand that.

CHAIRWOMAN HUMPHRIES: Thank you. Any other comments? Okay. So, Mr. Driggers, you said that you are putting that as part of the record?

MR. DRIGGERS: That's correct. Just so everybody is on the same page, it's a three-page document titled Protest of Election by Candidates Charles Short for Mayor of Town of McBee; Charles Sutton and Hewitt Dixon for Town Council member seats, the Town of McBee. And it's signed by Mr. Jordan. Is that the same thing you've got, Mr. Spencer?

MR. SPENCER: Yes, I was served with that yesterday before we left.

MR. DRIGGERS: We'll just make that as an exhibit and I'll hand it to the court reporter so

that we can know what's being referenced.

CHAIRWOMAN HUMPHRIES: Okay.

MEC MEMBER VANDENBERG: David here. Is there a copy of that that is going to be distributed to the MEC members?

MR. DRIGGERS: Absolutely. We'll do the same thing for y'all. I'll get that to you.

CHAIRWOMAN HUMPHRIES: All right. Thank you. Any other comments or any clarification that we have from anybody at this time? Okay.

So to summarize, we've agreed that the date is tentative, depending on the availability of the new counsel, Mr. Parker, and we will take that into consideration if he absolutely cannot attend or is unable to fit that into his schedule.

But at the time -- At this time I would entertain a motion to continue today's hearing until September 25th at 3:00 p.m. at the Town Hall of the Town of McBee for the purposes of hearing the election contest filed by Mr. Charles Short, Mr. Charlie Sutton, and Mr. Hewitt Dixon. Do I have such a motion? Anyone?

MR. JORDAN: Does that come from the members of MEC?

MR. DRIGGERS: Yeah, the Commission members.

CHAIRWOMAN HUMPHRIES: Do I have such a motion?

MEC MEMBER SULLIVAN: Yes. I move that we continue this protest hearing at the Town Hall of McBee on the 25th at 3:00 p.m.

CHAIRWOMAN HUMPHRIES: Thank you, ma'am. So moved. Second to the motion, do I have a second?

MEC MEMBER VANDENBERG: I second this motion.

CHAIRWOMAN HUMPHRIES: Thank you. And all in favor, would you signify by responding with an auditory vote of aye.

MEC MEMBER VANDENBERG: Aye.

CHAIRWOMAN HUMPHRIES: Okay. All those in favor of this motion respond by saying aye, please.

MEC MEMBER SULLIVAN: Aye.

MEC MEMBER VANDENBERG: Aye.

CHAIRWOMAN HUMPHRIES: All those opposed? Anyone? I think -- I think I'm hearing the council members, am I not? David, that was you and Pam?

MEC MEMBER SULLIVAN: Yes.

MEC MEMBER VANDENBERG: That's correct.

CHAIRWOMAN HUMPHRIES: Okay. All right. So if there's no more discussion, the motion is carried to continue this on September 25th at 3:00 p.m. at the McBee Town Hall. Is there any other discussion at this time? If not -- Does anyone else have anything that is relevant to this subject at hand? Okay.

Then I hereby declare this meeting adjourned to reconvene on September 25th at 3:00 p.m. at the Town Hall of the Town of McBee. A notice will be sent out to all the counsel and the members, to all counsel and members of the committee.

MR. DRIGGERS: Okay. Thank y'all very much.

(Exhibit No. 1 was marked for identification.)

(Proceedings adjourned at 3:14 p.m.)

REPORTER'S CERTIFICATE

SOUTH CAROLINA, DARLINGTON COUNTY:

I, LAURA CHAMBLEE, serving as Certified Court Reporter in the within stated matter, do hereby certify that the foregoing 15 pages of typewritten matter constitute a true, correct, and complete transcript of the evidence as adduced upon the hearing in said case.

This the 10th day of September 2020.

Laura Chamblee

LAURA CHAMBLEE
Notary Public in and for SC
My Commission expires:
September 27, 2028

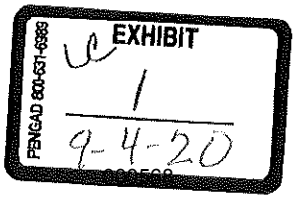
BEFORE THE ELECTION COMMISSION OF THE TOWN OF MCBEE

PROTEST OF ELECTION
BY CANDIDATES CHARLES SHORT,
FOR MAYOR OF TOWN OF MCBEE
CHARLES SUTTON, AND HEWITT DIXON
FOR TOWN COUNCIL MEMBER SEATS OF
THE TOWN OF MCBEE

Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel, come now to protest and contest the results of the election held September 1, 2020 for the Office of Mayor and Town Council Seats of the Town of McBee. The announced candidates for Mayor were Charles Short and Glenn Odom. The announced candidates for Town Council were Charles Sutton, Hewitt Dixon, Robbie Liles, James Linton, and Dawn Boykin. In support of their protests, Mr. Short, Mr. Sutton, and Mr. Dixon would show the following:

1. Persons were permitted to cast ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

2. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full ballots who did not reside within the town limits of the town of McBee, South Carolina.



3. Persons who vacated the town limits of the town of McBee, South Carolina and therefore abandoned and/or otherwise canceled their registration and ability to vote in this municipal election nonetheless were never required to re-register and/or reinstate their registration, rather they voted with an invalid registration that was never canceled but should have been and therefore the vote is void.

4. Upon information and belief, a representative of Mr. Odom took improper procedures and steps regarding absentee ballots.

5. Protestants Charles Short, Charles Sutton, and Hewitt Dixon have not had sufficient time to survey the full extent of the voter rolls, absentee ballots, and other documents relating to the election. However, upon information and belief, those records will be shown to contain irregularities including but not limited to the following:

a. Votes cast without proper voters' signatures.

b. Voter totals at variance with the number of signatures on the voter rolls.

c. Inaccurate record-keeping that calls into question the integrity of the vote.

d. Other irregularities that render the result doubtful.

6. Due to the overwhelming number of absentee ballots, it is believed that said ballots will be shown to contain irregularities including but not limited to the following:

a. Absentee ballots without proper signatures of the voter or a witness.

b. Absentee ballots were cast which had not been properly requested by the voter.

c. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full absentee ballots.

d. Persons were permitted to cast absentee ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

e. The total number and percentage of absentee ballots compared to in-person ballots present prima facie evidence of irregularities.

f. Other irregularities that render the result doubtful.

7. The total number of ineligible voters case exceeded the difference in the vote totals between candidates.

8. Irregularities in the election render the results of the election doubtful.

The protestants Charles Short, Charles Sutton, and Hewitt Dixon therefore respectfully request that a new election be ordered so that the will of the electorate may be properly determined.

Respectfully Submitted,

Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

McBee Election Hearing

Q & A Court Reporting Services
Post Office Box 4563 (29502)
273 West Evans Street
Florence, South Carolina (29501)
Telephone: (843) 673-9845
E-mail: info@qacourtreporting.com
Visit: www.qacourtreporting.com

WHEREUPON,

Ms. Sterling: We will now come to order with commissioners David Vanderberg, Linda Sterling and Town Attorney Martin Driggers in attendance. In accordance with our November 10th order by Judge Henderson to hold this hearing within the week, the M.E.C. is in the compliance. Let the record reflect that this meeting is being recorded by a court stenographer, is being recorded via Zoom for viewer purposes and all M.E.C. meetings and hearings recorded via Zoom will be made available to any interested party. Are all the lawyers ready?

Mr. Bowers: We're ready, Your Honor.

Mr. Parker: Yes, Madam Chairman, we're ready.

Ms. Sterling: Would any lawyer like to make an opening statement?

Mr. Jordan: Madam Chair--- Chairwoman, my understanding is the first witness is Ms. Baker. I think she has somewhere to be.

Ms. Sterling: Correct.

Mr. Jordan: Given that, we would be fine with dispensing the opening statements to -- so that we can get straight to the witnesses so

that we wouldn't hold them any longer than necessary if that's okay with the other side.

Mr. Parker: That's fine.

Ms. Sterling: Great. Okay.

Mr. Jordan: So in that situation, we would go ahead move forward and call Ms. Baker so --

Ms. Sterling: Sure.

Mr. Jordan: -- that we can take her testimony.

Ms. Sterling: Is Sydney in here or is she in the hallway?

Mr. Odom: She's coming in right now.

Ms. Sterling: Thank you.

Mr. Odom: Sydney, over there. Madam Chair, if you will do us a favor? All I can hear is like a football game on out here, all these people talking. Has to do with old age.

Ms. Sterling: I hear you.

Mr. Jordan: Ms. Baker?

Ms. Baker: Yes.

Mr. Jordan: If you'll have a seat right here for us.

Ms. Sterling: Okay.

Mr. Jordan: Thank you, Madam

Chairman.

Mr. Vanderberg: This for me?

Mr. Jordan: Ms. Baker, how are you today?

Ms. Baker: I'm fine.

Ms. Baker's Testimony

By Mr. Jordan:

Q Ms. Baker, we never met before, so I'm introducing myself. My name is Jay Jordan. I'm an attorney. I represent some parties in this action that brings us here today.

Ms. Sterling: Excuse me. Do we swear Ms. Baker in?

Mr. Jordan: I apologize. I got the go ahead without realizing it wasn't time.

Ms. Sterling: I don't know who swears who in?

Mr. Driggers: You, as the Chair. Yeah, you can swear her in.

Ms. Sterling: I don't know how to swear anybody in.

Mr. Driggers: All right. Ask her to raise her right hand.

Ms. Sterling: Raise you right hand, please.

Mr. Driggers: Do you promise.

Ms. Sterling: Do you promise?

Mr. Driggers: To tell the truth.

Ms. Sterling: To tell the truth?

Mr. Driggers: The whole truth.

Ms. Sterling: The whole truth?

Mr. Driggers: And nothing but --

Ms. Sterling: And nothing but the truth?

Ms. Baker: Nothing but.

Ms. Sterling: There you go. Thank you. It's like Perry Mason. Continue.

E X A M I N A T I O N

By Mr. Jordan:

Q Ms. Baker, you ready? Let's try again. You're from McBee, South Carolina. Is that right?

A Yes.

Q And where are you employed?

A Alligator Water.

Q And approximately how long have you been employed there?

A About six years.

Q Okay. And what do you do there? What's your job description?

A I'm the lab director.
Q All right. Tell me what that means.
A I do the treatment and the testing and report to DHEC.
Q Okay. And I think you said you'd been there about six years
A Yes.
Q Are you salary, hourly, what kind of employee are you?
A I am hourly.
Q Hourly. Are you under a contract of any kind?
A No.
Q Okay. What are you -- you said you were hourly. What are your standard working days, hours, et cetera?
A Typically Monday through Friday. Eight to five, Monday to Thursday; eight to twelve on Friday.
Q Okay. Who's your boss at Alligator Water?
A Gail Edwards.
Q Okay. Tell me a little bit about the structure there. Who's -- who owns -- who's the head honcho in charge, owner and that kind of

thing?

A There is no owner.

Q All right. What's Mr. Odom's responsibility to Alligator Water?

A I don't work with Mr. Odom.

Q Does he work at Alligator Water?

A No. He does not.

Q Is he involved with Alligator Water?

A Not anymore. No.

Q Not anymore. What does that mean?

A Previous general manager. He's no longer the general manager.

Q Okay. Does he come to the office from time to time?

A Occasional.

Q Define occasional for me?

A He's like a butterfly. He don't stay nowhere long.

Q Okay. When was the last time you saw him at Alligator Water?

A I haven't been there all week. I'm actually supposed to be in quarantine right now.

Q Okay.

A My son was exposed to Covid, so it's been a while.

Q When you say it's been a while?
A It's been at least two weeks.
Q At least two weeks?
A Yeah.
Q So within the last two weeks, you -- he was at Alligator Water when you were at Alligator Water?
A I been in and out in the field and at the office. I'm never in one place more than one time a week. I'm either at the shop or I'm in the field.
Q Okay. All right. That's not exactly what I asked, but let's back up and make sure we're on the same page.
A We pass each other, to put it short.
Q So in the last two weeks, you were at Alligator Water and he was at Alligator Water. Is that fair?
A At least once.
Mr. Parker: Madam Chairman, we object. This has no relevance to this hearing.
Ms. Sterling: Objection noted.
Mr. Jordan: I'm simply laying the foundation for the questions I'm about to ask, but I can certainly speed up.

By Mr. Jordan

Q So Ms. Baker, tell me about your involvement in the municipal -- recent municipal election here in McBee South Carolina.

A I volunteered to help citizens.

Q Tell me how you did that?

A I took time off, unpaid time off to assist the citizens in voting if they would like to.

Q All right. Describe for me, you say assistance, what does that assistance mean to you?

A I called and went door to door. I asked if the people would like to vote. If they said yes, I asked if they would prefer if they would like to vote absentee if they were working or if they were over 65. They said yes. I helped them obtain an absentee ballot. If not, I moved on.

Q Did you register with the county in order to do this position?

A You don't have to volunteer.

Q I didn't ask you if you had to or not. I just simply asked you --

A No.

Q -- if you registered with the county

in this -- in any capacity?

A No.

Q Okay. Approximately how many individuals do you think you met with?

A I -- I really don't recall.

Q More than -- more than ten?

A I guess. That's reasonable.

Q More than 20?

A I didn't kept tab -- keep track of how many.

Q I'm just -- and again, I'm not asking you for a specific number. More than -- more than 50?

A Might have been 10, 15 maybe.

Q Ten to fifteen. And back to that assistance, that assistance you provided, again, if you wouldn't mind, I want to go a little bit deeper into that. So you ask them questions about their -- the desire to vote? Is that fair?

A Uh-huh.

Q Do you assist them in the application process?

A Yes. That's what I meant by assistance. I help them obtain a ballot. I never touch the ballot. I help them obtain a ballot.

Q Okay. And then what happens when they get the ballot?

A If they needed help as far as which in what to put what, I answer questions. If they needed somebody to witness because there's an old person there, I signed as a witness. But I never touched a ballot since.

Q Approximately -- and again I'm not asking for an exact number -- but approximately how many -- how many times did you witness someone's --

A I'm going to guess and say 10 to 15 because I didn't keep track. I don't know.

Q Would it surprise you that your name appeared on at least 28 ballots?

A Like I said, I'm guessing. I didn't keep track.

Q I'm just asking would that surprise you?

A No. It wouldn't. I don't keep track of numbers.

Q If someone said they didn't need assistance, what would you do then?

A Nothing. I left them alone. I don't believe in harassing people like this.

Q Like this?
A Yes.
Q What do you mean by that?
A Like harassing people to vote, pressuring people to vote. I don't -- no. I don't do that.
Q Okay. Did you keep any kind of track of those or the individuals that you talk to?
A No. I mean, a mental note.
Q Did -- when you would actually help someone complete the application, would you do that online or through the mail?
A Clarify, because you mean the return info?
Q No. The first part of it. The application to get the --
A How did we obtain the applications?
Q Correct.
A Via the web.
Q Okay. Walk me through that process.
A I had a mobile office. I would go door to door. I had an iPad that was my personal iPad and a printer in my truck. If they wish to do so, we did so right then. And if not, I moved on.

Q And that iPad and printer, that's your personal --

A Yes.

Q -- property?

A Yes.

Q Do you use that in your work at Alligator Water?

A No. I do not.

Q Never?

A Never.

Mr. Jordan: Indulge us for just a second, Madam Chair.

By Mr. Jordan

Q Ms. Baker, just a couple more questions and I know you've got to get going. I want you to look at a document.

Mr. Jordan: If I may approach? Is that --

Ms. Sterling: Sure.

Mr. Jordan: Get my mask on.

Mr. Parker: Can we see that, please?

Mr. Jordan: Yes, sir. I'll get you a copy.

Ms. Baker: Here, I'll pass it.

Mr. Jordan: Yeah. Thank you very

much.

Ms. Baker: Here you go. I already know where we're going with it. It's fine. This is outdated information. I control the website. I have been out. I have been busy. I have not updated the website. Mr. Odom is no longer the general manager of Alligator Water.

By Mr. Jordan:

Q Okay. Let me just verify a couple of details. This appears to me to be a printout detailing the personnel from Alligator Water. Is that correct?

A That's off our website.

Q This does in fact come from your website?

A Uh-huh.

Q Okay. And clearly in the top left corner it says November 13th, 2020.

A And well, I'm going to reiterate my statement.

Q I'm going to let you do that. I just want to verify -- kind of get on the record what this document is.

A Sure.

Q So what you're telling me is that

while this is accurate at one point in time, it may be accurate on the website; if we pull it up today, it is not accurate for what is going on down the street? Is that what you're testifying today?

A It's not accurate for right now. It's outdated information. It has not been updated.

Q But you would agree with me that at least according to the website, according to this document, it clearly says that Mr. Glen Odom is a manager at Alligator Rural Water; is that right?

A Yes.

Q All right. As the manager, would he essentially be -- that implies to me that he has authority at Alligator Water based on --

A At one point in time, he did.

Q And in that -- in that authority capacity, he would have been your supervisor. Is that fair to say?

A At one point, but no time recent.

Q Okay. I believe that's all I have. One second please. Ms. Baker, just for finishing, you testified that it would be your responsibility or part of your job description to update this, correct?

A It's a shared responsibility.

Q Okay. When should this have been updated? Two weeks ago? Two months ago?

A More like earlier in the year. About half a year ago. About in June.

Q Back in June? Okay. All right. Thank you.

A Yeah.

Mr. Parker: Are you ready for me to proceed?

Ms. Sterling: Oh, yes. I'm sorry. I was just sitting here thinking.

E X A M I N A T I O N

By Mr. Parker:

Q Ms. Baker?

A Uh-huh.

Q When you helped people vote, did you have anything to do with how they voted?

A Absolutely not.

Q Did you try to influence them how to vote?

A Absolutely not.

Q Did you see them vote?

A Nope.

Q And did you do anything incorrectly?

Did you follow the statutes and laws of South Carolina in dealing with the absentee ballots?

A Yes.

Mr. Parker: I have nothing further.

Ms. Sterling: Thank you. Are you finished with Ms. Baker?

Mr. Jordan: Yes, ma'am.

Ms. Sterling: You also, Mr. Parker? You may be dismissed. Thank you.

Mr. Bowers: Beg the court's indulgence for just a moment.

Ms. Sterling: Absolutely.

Mr. Jordan: Madam Chair, do we have cleaning supplies? Mr. Sutton made a good point that Ms. Baker is --

Ms. Sterling: Yeah. We're getting it.

Mr. Jordan: -- quarantining. She -- we might want to wipe --

Mr. Driggers: Yeah. I think we've got some right there.

Mr. Jordan: Thank you, Mr. Sutton.

Mr. Bowers: Madam Chair, we would call David Milligan to the stand, once it's clean.

Ms. Tisha: Yes, this is clean.

Ms. Sterling: Raise your right hand, Mr. Milligan. Do you promise to tell the truth, the whole truth and nothing but the truth?

Mr. Milligan: Yes, I do.

Ms. Sterling: Thank you.

D I R E C T E X A M I N A T I O N

By Mr. Bowers:

Q Mr. Milligan, good afternoon. Mr. Milligan, tell -- tell -- tell the -- if you would, tell the commission what your involvement was in this -- in this case.

A Sure. I'm a licensed private investigator and have been for approximately 24 years. I was hired by Mr. Jordan's firm to canvas the -- the vote list and interview potential voters, absentee voters, and determine addresses and whereabouts at time of the election as far as if they lived in the town limits or not.

Mr. Bowers: Beg the court's indulgence just for --

Ms. Sterling: Sure.

Mr. Bowers: -- just for a quick moment.

By Mr. Bowers:

Q Mr. Milligan, is that the sum total of

what you were retained to do?

A Generally, yes. Yeah.

Q Okay. Did you -- did you serve any process to anybody?

A My office did. I did not personally go. Someone else -- because I was involved in an investigation required of me, I had a -- I've got an employee that served subpoenas for the hearings. Yes.

Q Okay. Tell the court about your -- if that's the case, tell them what you -- what did you find out?

A During the --

Q During your investigation. The process -- the work that you've done, tell the court that.

A I was --

Q In your own words, what you found out.

A Sure. I was probably -- mid-August, I came in with a voter list of potential voters. I believe they were possibly absentee voters. What I did was basically knocked on doors, canvassed the neighborhoods, talked to the, you know, potential voters to determine if they lived at the address or not and identify who lived there or if

they didn't. There were numerous voters on the list that were not residing at the address on the list that was provided. There were voters that told me that Sydney from Alligator Water had come out and asked if they wanted to vote, provided them with applications. Some were told that she was coming back --

Mr. Parker: We object to that --

Mr. Milligan: -- with absentee ballots.

Mr. Parker: -- this is hearsay and inadmissible.

By Mr. Bowers:

Q Yeah. Don't talk about what Sydney may or may not have said. Just talk about what you said or what you observed, but not what any other person said.

A There were -- again, there were numerous voters that told me that --

Mr. Parker: I object. This is hearsay.

By Mr. Bowers:

Q Yeah, let me help you rephrase a little bit. What did your -- and don't talk about what -- what numerous voters said. What did you

discover based on your investigation?

A I discovered that there were unsolicited absentee ballots mailed.

Mr. Parker: I object. He couldn't know that without no reason other than hearsay. That's hearsay. He's not qualified to testify about ballots.

Mr. Bowers: Right. And that's not hearsay at all. I -- that's not hearsay. That's the product of his investigation. It's not -- nobody told him that. That's what he determined on his own. On his own --

Mr. Parker: He couldn't determine it other than by what people told him.

Mr. Bowers: Well, hold on for a second. Hold on to that because we've got some documents here that I think will help.

Ms. Sterling: Well, I think if that, then I don't think that's hearsay.

Mr. Parker: That's exactly what hearsay is.

Ms. Sterling: If the person who --

Mr. Parker: If the statement that's outside this hearing said and he's saying what they said that's hearsay.

Ms. Sterling: The way I heard it was he knocked on the door and that person said they received an unsolicited ballot.

Mr. Parker: And then he's testifying as to what someone out of court's told him which is the exact definition of hearsay.

Ms. Sterling: Okay.

Mr. Bowers: Madam Chair, I will just again say that this is a fine line as a -- it's a thin read. But I know what hearsay is, but that's the product of an investigation which is a step beyond that.

Mr. Parker: We object to it on the grounds of hearsay.

Ms. Sterling: Objection noted.

By Mr. Bowers:

Q Mr. Milligan, did you -- did you go to the Chesterfield County offices and obtain property tax notices?

A I did an online search through their office, yes.

Q Okay. And what did that yield? What did you find out from that?

A That --

Q Based on what you would expect from

these public records?

A Right. There were addresses that were provided on the sheet that were not at the address that's on the sheet because the tax records showed that they live at different addresses that were different than those.

Q But how many of those were -- did you discover where the -- the tax records did not match up with the place where the person actually resided?

A Probably I think maybe five. I know there was a South Fifth Street address, and I know on South Fifth Street that was a different address than what was provided on the voter rolls.

Mr. Parker: Madam Chairman, we object to this. This is totally irrelevant because the tax notices don't tell anything about residents. I have tax -- I get tax notices but it wouldn't indicate my addr--- that I live there because I don't get them at my house. I get them at my office. So that means absolutely nothing.

Ms. Sterling: So noted.

Mr. Bowers: It's still relevant Madam Chairwoman because these are public records and again it's the product of --

Mr. Parker: And it's irrelevant for --

Mr. Bowers: Let me finish. Let me finish.

Mr. Parker: Sure.

Mr. Bowers: And it's the product of his investigation and so he determined based on these records and after meeting with the people. Not with what they told but what he discovered in direct communication with them.

By Mr. Bowers:

Q I'm going to hand you eight -- I think I counted them correctly -- eight pieces of paper.

Mr. Bowers: I'll let you see them, too, in minute, John.

By Mr. Bowers:

Q Take a look at them and let us know what those are?

A These are the tax notices of one particular address that I was searching to determine if they were inside of the town limits or not. And the obvious is a different address.

Q Okay.

A These are all the same person I believe or two people involved.

Q These are all just for two people?

A Yes.

Q Okay. Do we have any other copies of this?

Mr. Jordan: One second. Madam Chairman, can we just have five minutes real quick. We've got so many papers here we're trying to get for the right thing. We want to make sure that we handover the actual copy of it. Opposing council and the witness to have opportunity to testify.

Ms. Sterling: Absolutely.

Mr. Jordan: Five minutes.

Ms. Sterling: Absolutely.

Mr. Bowers: Apologize for the confusion. We're ready to proceed.

Ms. Sterling: Okay.

Mr. Bowers: Johnny, I'm going to hand you this. It's a copy -- it's a -- a legit and -- I'll direct your attention to the third page of the bundle is what I'm going to be focused on. All right.

By Mr. Bowers:

Q Mr. Milligan, I will hand you this in a minute. I'm going to show it to you first.

Okay. Does this look familiar to you?

A Yes.

Q Okay. Who's the person that you are looking at here?

A Shirley Sullivan.

Q Okay. What would you do with regard to these records?

A That was -- that name was on a different address than on the voter poll, and I pulled the county records and determined that that's her property where she lived and also discovered, independently, that she lives on a 901 South Seventh Street.

Mr. Parker: Madam Chairman, we object to this and Mr. Driggers can address this. This lady was -- the town had said she was a resident. She had been okay to vote and Mr. Driggers was involved in it, and that matter has occurred. I don't know how you would be questioning that here today.

Mr. Bowers: Would you let me -- let me finish the examination, and maybe we'll figure it out. But I understand -- I don't understand your objection?

Mr. Parker: My objection is that I

assume you're trying to insinuate that this lady's not a resident and not checked for voting here in town.

Mr. Bowers: I'm actually not trying to insinuate it I'm trying to prove it.

Mr. Parker: Well, you can't prove it. The town's already dealt with this issue.

Ms. Sterling: Yeah. I don't know the whole story, but I believe you do?

Mr. Parker: Mr. Driggers does.

Ms. Sterling: Yeah. About Ms. Sullivan's -- I believe at one of your meetings you discussed it and it was changed?

Mr. Parker: That she was --

Ms. Sterling: I just wasn't privy to that but I do know --

Mr. Driggers: I don't know. I mean I can't answer questions about it.

Ms. Sterling: That's something -- yeah, I really think this is moot point with Ms. Sullivan because I do believe the town brought it up at one point, and they found out that she actually did live within the limits -- or they were changing it. I'm not even sure. Mr. Sutton, would you happen to know?

Mr. Driggers: We can't ask Mr. Sutton. He's not --

Ms. Sterling: Okay. Okay. Yes, I don't know if you want to go ahead if there's another point to it, but I really believe there is something in the town that the town council has discussed. I just don't know. I can't say for certain so --

Mr. Driggers: If they have any questions just for you but --

Ms. Sterling: Right.

Mr. Driggers: -- just ask the question's improper.

Ms. Sterling: That's what -- that's why you're here.

Mr. Driggers: And if they are just let him ask him, and Mr. Parker can ask questions after.

Ms. Sterling: Then go ahead and with the preface that there is an issue with the town and Ms. Sullivan.

Mr. Bowers: There -- I acknowledge there is an issue and my understanding -- and obviously I wouldn't be up here if I didn't think it was legitimate. It's my understanding that

the -- the town said okay, but that there's an issue but there's process that Ms. Sullivan had to complete --

Ms. Sterling: Okay.

Mr. Bowers: -- in order to be eligible to vote. And it's my understanding that she didn't complete that process. We did issue a subpoena to her and she did not appear to -- is Ms. Sullivan here? I don't know Ms. Sullivan? Ms. Sullivan's not here. So she had an opportunity to clear the air, and she didn't appear, and we had -- we gave her an opportunity to appear with the subpoena, and she didn't show up. And so she's not entitled --

Mr. Parker: The time for challenging her ballot is way gone it was day of the election.

Mr. Bowers: Well, and that's a different -- that's a different objection.

Mr. Parker: No, that's the only way to challenge the vote. Is to do it at the day of the election.

Mr. Bowers: There's after discovery.

Mr. Parker: Now you can for fraud after that.

Mr. Bowers: There's after discovered

evidence.

Ms. Sterling: Okay. We'll allow it.

By Mr. Bowers:

Q Page three, what does this tell you based on these public records?

A That she doesn't pay town taxes and that's how I determined that she didn't -- did not reside in the town limits.

Q Okay.

Mr. Parker: That's totally a false statement. You don't have to pay town taxes to be a resident if you own property outside of the town.

Mr. Bowers: To your best --

Mr. Parker: Ridiculous.

By Mr. Bowers:

Q Based on your review of these documents, did you identify any other property owned by Ms. Sullivan --

A I did not.

Q -- in town? Okay.

A And I learned through my investigation that she resided at 901 South Seventh Street which is where the tax notices are.

Q Thank you.

Mr. Bowers: Beg the courts indulgence.

Ms. Sterling: Okay.

By Mr. Bowers:

Q Mr. Milligan, did you swear out a -- did you swear out an affidavit in this case?

A I believe I did.

Q Okay. You're a licensed private investigator. Licensed by SLED for approximately 23 years. Is that correct?

A Correct.

Q Prior to being a private investigator, you were in law enforcement as the training officer for the city of Florence --

A Yes.

Q -- Police Department?

A Yes, sir.

Q Have you been a police chief in South Carolina?

A I was. Yes.

Q You were hired obviously to help to investigate this case. Right?

A Yes.

Q And you went to 287 South Fifth Street to conduct that investigation, and what did you

find out from that investigation?

A 287 South Fifth Street is the address that absentee ballots were mailed unsolicited and came in the mail box.

Q Okay. This is my only copy. Do we have another? We've got the original, don't we?

Mr. Driggers: I think we submitted that original at the challenge hearing. So that's why we don't have here at the M.E.C. Possession of that original.

Mr. Bowers: We can make a copy, though.

Mr. Milligan: That's a different address -- that was an ex residence.

By Mr. Bowers:

Q I understand. I understand. And that's Fifth Street. Right?

A Correct.

Mr. Bowers: A brief -- very brief respite?

Mr. Parker: Of course.

Mr. Bowers: Madam Chairwoman, at this point, we think we're finished with this examination. Johnny's happy -- obviously happy for me to --

Ms. Sterling: Mr. Parker?

Mr. Bowers: -- but the subject -- but I want to keep him here subject to recall. If that's okay with you, Johnny?

Mr. Parker: Yeah.

Ms. Sterling: Thank you.

C R O S S E X A M I N A T I O N

By Mr. Parker:

Q Who is paying you?

A The law firm of Jordan, Wallace Jordan.

Q Who is paying -- at -- he's not paying you because lawyers don't pay private investigators. Clients do. Who is paying you?

A I'm not sure who the --

Q Who is the client?

A -- involved clients are. I haven't met them.

Q Well, who are they?

Mr. Bowers: Objection. Relevance?

By Mr. Parker:

Q Who are -- who are the clients?

Mr. Bowers: Objection. Relevance? I mean, can we at least have a -- have a ruling.

Ms. Sterling: He can answer.

Mr. Milligan: I'm not sure.

Ms. Sterling: Okay.

Mr. Milligan: I don't -- I don't -- I have not met the --

Ms. Sterling: Okay. That's an answer.

Mr. Milligan: -- the plaintiffs.

By Mr. Parker:

Q Whether -- whether you have not met them, do you know their names?

A I know last -- yes. I know a Sutton and --

Mr. Sutton: Present.

Mr. Parker: Are you paying him?

Ms. Sterling: Present.

Mr. Sutton: I am.

By Mr. Parker:

Q Mr. Sutton is paying you?

Ms. Sterling: Okay.

Mr. Milligan: Yes. Yes, sir.

By Mr. Parker:

Q And Mr. Sutton's not paying you?

A Not that I know of.

Q You don't know who's paying you?

A I was hired by Wallace Jordan's law

firm to handle this investigation.

Q And you -- you have an affidavit here. Correct? That we just saw and you saw and identified it. And who did you talk to a 287 South Fifth Street?

A I talked to Jayda Matthews and June Wright and a Gadison female, I believe.

Q And they -- and you're testifying as to what they told you?

A Yes.

Q And you don't know how they got a ballot, do you? They said they were mailed to them? That's what you said.

A I'm saying I spoke to Mr. Wright on three -- two different occasions. And he said that he received an absentee ballot in the mail?

Q Yes. And he voted?

A He said he -- they all said they filled it out and sent it back in.

Q Nobody helped them?

A The only -- I didn't -- I don't know about that part.

Q You'd of found out about that because that's what you were investigating.

A No. My -- I was questioning their --

if they received ballot -- absentee ballots and if they would ask for an absentee ballot.

Q Why were you questioning that?

A To determine if they had gone through the process --

Q Who had asked you to --

A -- to request an absentee ballot.

Q -- determine that?

A The -- the law firm.

Q They asked you to go seek out people that had absentee ballots and how they got them?

A Yes.

Q And --

A And to determine the addresses were correct, where they lived.

Q And -- and you determined -- how many did you look at? How many addresses?

A Probably 40 or 50.

Q And how did you determine that they were correct?

A Knocked on the door to find out if they lived at the address, and if the person that was listed lived there or not.

Q And if that person answer the door and said no, then you'd of determined they didn't live

there?

A If they weren't the person that I was asking for, yes.

Q And even though they may have not wanted you to know they were.

A That's possible and some were vacant.

Q And you went to some vacant houses?

A Yes, sir.

Q And nobody was living there?

A Correct.

Q And when did you go to the vacant houses?

A On the first two trips in early August. Mid August, there were -- the original list, there were vacant properties.

Q And you went there to -- why did you go to a vacant property?

A They were on the voter list as an occupant that voted.

Q Did you contact that person to see where they lived?

A I did not.

Q You made no attempt to do that?

Ms. Sterling: Mr. Parker?

Mr. Parker: We don't have anything

further.

Ms. Sterling: You'd like to -- Okay. Thank you.

Mr. Bowers: Briefly. Very brief redirect?

Ms. Sterling: Sure.

R E D I R E C T E X A M I N A T I O N

By Mr. Bowers:

Q Mr. Milligan, after the question's I've asked you and after the questions that Mr. Parker asked you, are you still confident in your answer that you gave me?

A Yes, sir.

Q Okay.

Mr. Bowers: Nothing further.

Ms. Sterling: Thank you. Mr. Milligan you can leave. Thank you. Do you still want Mr. Milligan for redirect?

Mr. Jordan: Yes. We'd like him to stick around. I don't think he has any objection to that.

Ms. Sterling: Okay. Thank you.

Mr. Bowers: Madam Chairwoman, I would call to the stand Mr. Jeffrey Taylor.

Ms. Sterling: Raise your -- do you

swear to tell the truth, the whole truth and nothing but the truth?

Mr. Taylor: I do.

Ms. Sterling: Thank you.

By Mr. Bowers:

Q Mr. Taylor, good afternoon.

A Good afternoon.

Q How are you?

A I'm good.

Q Let's get this out of the way so Johnny doesn't have to ask. Who's paying you?

A You are.

Q Thank you. Mr. Taylor, I've got your C.V. here. I know you know it but I want to go through it briefly.

A Yes, sir.

Q So you went to Michigan State University?

A Yes, sir.

Q Criminal justice and criminal -- criminalistics?

A Bachelor of science in criminalistics.

Q Okay. What is that?

A It's basically the study of forensic science.

Q Okay.

A A study of the full scope of forensic sciences.

Q Will you read -- I'm going to hand to the -- a copy of this to the -- to the board as well. We don't need to cover everything but we hit the highlights of your experience and resume.

A Upon completion of my Bachelor of Science and Bachelor of Arts at Michigan State University, I was hired by the secret service. Be in their three-year question document and training program. The program consisted of extensive studies of the legal textbooks, field question documents, writing essays on various document problems, as well as attending professional seminars and workshops.

During this training program, I examined cases routinely submitted to the laboratory. I reported my findings to several examiners for their review. Upon completion of the three-year training program I was accepted and qualified by the secret service as an examiner of questioned documents. In addition to that, I went through a two-year, three-part testing program by the American Board of Forensic Document Examiners.

I'm a diplomate with them and I have to do a certain amount of continuing education credits throughout the year to maintain my certification.

Q What did we retain you to do in this case?

A Basically examine, I think, voter's oath signatures and compare those D.M.V. records as well voter registration records.

Q And so on --

A Two weeks ago.

Q Yeah, on --

A Wednesday. It was all done on Wednesday night with you present.

Q Right. And you reviewed documents -- there were documents from the county. Correct?

A Yeah, numerous documents taken from the ballot box.

Q Right. They were --

A There were few of them that came in, and they were unsealed here in front of all of us.

Q Okay. And you looked at all those documents?

A Yes.

Q We spent -- we spent --

A About three hours.

Q -- several hours doing -- okay.
A I appreciate your patience on that, too.
Q And so you looked at all those documents and came up with some conclusions. Correct?
A Yes, that's correct.
Q All right. Have you ever been qualified as an expert witness?
A Approximately 56 times in state, federal and territory courts.
Q Okay. Would the times that you were -- those 56 or so times that you had been qualified as an expert witness, was it in the same field and the same general area as what we're talking about here?
A Always forensic document examination.
Q Okay.
Mr. Bowers: I'd like to move him in as expert witness.
Ms. Sterling: Uh-huh.
Mr. Driggers: Ask if there's any objections.
Ms. Sterling: Pardon? Do you have any objections -- objections, Mr. Parker?

Mr. Parker: We don't have any.

Ms. Sterling: Thank you.

Mr. Bowers: Okay. Thank you.

By Mr. Bowers:

Q Kind of open ended but I'll go ahead and jump in. What did you find out?

A I determined that there were some signature irregularities between the voter oath signatures and the known signatures that were supplied near what was reported to be known of a few authors. That would be Melvin Murphy, Robert T. Elkins, Michael Williams, and Rayshawn Bravia, I think it is. Based on the known signatures reviewed, the writers do appear to have the skill level necessary to produce the voter registration signature -- or voter oath signature on these documents.

Ms. Sterling: Excuse me, could you explain the skill level? What you meant by skill level?

Mr. Taylor: Certainly. Certainly. I can never play basketball to Michael Jordan's ability. You can't be like Mike. Same with writing. If you have rapidly naturally executed signatures that are highly skilled, it's

impossible for somebody that does not have that ability to obtain it.

Ms. Sterling: Okay.

Mr. Taylor: And if you look at them, you kind of see the difference between them and --

Ms. Sterling: Thank you.

By Mr. Bowers;

Q But you can't tell a hundred percent -- with a hundred percent certainty, can you?

A Not in this case because it just didn't have enough known writing for comparison but I think it's unlikely that those four authors authored their voter registration or voter oath signatures.

Q Based on your years and years of experience?

A Yes. Absolutely.

Q And education. Did you -- is that it about the questionable signatures?

A There were a couple other issues that -- one was with the -- I believe it was the voter registration of Caroline Stevens, Caroline B. Stevens. It is not in agreement with the voter -- voter oath or the -- I think what we

had on record for the D.M.V. And also the same holds true -- well, with Ryan Roberts, his signature on voters oath is not in agreement, at all, with the S.C. application. Perhaps with the ballot or the S.C. D.M.V. signature I have for him.

Q And those are records that were provided -- not the D.M.V. records but the rec--- the records for the county were the ones that were provided here --

A Yes, sir, on Wednesday night. Yeah.

Q Okay.

Ms. Sterling: Okay.

By Mr. Bowers:

Q And then what happened to those -- those public records after we finished up on Wednesday night?

A We stacked them up and left them right here.

Q Okay. Are they still --

A As far as I know, they were here.

Q Are they still here or did we --

Ms. Sterling: We put everything in the seal box.

Mr. Driggers: They're still in box.

Ms. Sterling: They're still in seal box.

Mr. Bowers: Okay.

Ms. Sterling: In the police --

Mr. Driggers: In the locked safe.

Mr. Bowers: Okay.

Ms. Sterling: And it's locked.

Mr. Bowers: Perfect.

Ms. Sterling: Locked box.

Mr. Bowers: So to the extent that opposing council wants to see them, I'm happy to make that available. Assuming it's okay with y'all.

Ms. Sterling: It's fine with us.

By Mr. Taylor:

Q What other -- if any, what other infirmities did you identify during your three plus hours?

A I think that's about it with regards to irregularities with that box.

Q Did you -- did you see any -- any envelopes because you saw all the voter oaths right?

A Yes.

Q Did you happen to see any that did not

have a witness -- lacked a witness signature?

A There was, I think, a few of those. I didn't document those.

Q Okay.

A I just documented what I examined. There was some addresses missing, I think, from the top portion. I'm not sure if that needs to be done for many of them. But I was using that to understand what the name might be.

Q Okay.

A Hand printed name.

Q So you had some -- some addresses that were missing.

A Yes.

Q And then some where the witness signature was missing. But you don't know exactly how many?

A No.

Q Sitting here because you didn't document those?

A That was not what I was -- basically.

Q Okay.

Mr. Bowers: Beg the courts indulgence for a second. Nothing further. Please answer any questions that Mr. Parker may have for you.

Ms. Sterling: Thank you. Mr. Parker?

Mr. Parker: Thank you, Ms. Chair.

C R O S S E X A M I N A T I O N

By Mr. Parker:

Q You came up with the total of six people that you questioned their signatures?

A Yes, sir.

Q And in a minute we going to bring some of those people in here.

A Okay.

Q To say you wrong. And would you be surprised at that?

A Very.

Q Very surprised if Mr. Bracey comes in and says that's my signature and I signed that?

A I would like to have him fill out some known signatures so I can make the comparison.

Q Well, I mean, if I sign my name I probably know what my signature looks like?

A Yes, but I've been told fibs before.

Q And they change all the time, signatures?

A Yes, they do.

Q They change a great deal all the time some times.

A Sometimes. And injuries, illnesses, things like that.

Q If somebody's bedridden and had a stroke their signature may change?

A Yes.

Q Or things like that, any kind of illness or infirmity could change a signatures greatly, can't they?

A Yes, sir.

Q And you don't whether any of these people had any of those?

A Not necessarily but the four instances that I found were the skill level simply wasn't there to write what's on the voter registration card or voter's oath signature. The voter's oath signature was not the one affected in this. It was a higher skill level than the mail in.

Q And if something had happened, their skill level would have gone down, potentially?

A Yes.

Q And you don't know whether something had happened to them or not?

A No, but I think the dates were such that they were before the voter oath signature, so if something happened to them on those day it

seems to me that they would still be affected by that on the voter's oath.

Q Now let's look at about -- you picked out six people that you thought something was wrong with. Correct? You looked at all the -- all the absentee ballots?

A One of the ballots was a voter registration card for Caroline, yes.

Q But you looked at the absentee ballots in the envelopes. Correct?

A Yes, sir. The envelopes.

Q And you looked at 290 ballots or so --

A Yes, sir.

Q -- already been counted and voted, but you looked at the envelopes and there were approximately what, 250 or so? I mean, 150 I think?

A 160.

Q 150?

A Approximately.

Q And you looked at those and these are the ones that you saw some issue with. Correct?

A Yes, sir.

Q And you -- as you've stated, you can't be certain about these, can you?

A Not a hundred percent but I'm pretty confident in my opinion.

Mr. Parker: I don't have anything further. Excuse me just a minute. We don't have anything further.

Ms. Sterling: Thank you.

Mr. Bowers: Quick redirect.

Ms. Sterling: Sure.

By Mr. Bowers:

Q Mr. Taylor, with a reasonable degree of certainty in your profession, in your field, you believe you're right on those six?

A Yes, sir. I think it's unlikely they prepared signatures --

Q Okay.

A -- where I indicated.

Q All right.

Ms. Sterling: Okay. Thank you very much.

Mr. Taylor: Thank you.

Mr. Bowers: Thank you. Nothing further for this witness. I'll pass it on to my colleague once we get ready.

Mr. Jordan: Madam Chair --

Ms. Sterling: Yes.

Mr. Jordan: -- my understanding is we may have actually had someone who we subpoenaed actually show up.

Ms. Sterling: Uh-huh.

Mr. Jordan: That we have previously not gotten to speak to. So what I would like is maybe a ten minute recess to go see I can find that person. We may not have anything else to put up but let me talk to her and see if we do need to put something, someone else up.

Ms. Sterling: Mr. Parker?

Mr. Jordan: If we could take just a ten minute recess, we might just end up turning it over to Mr. Parker, but I need to talk to her first.

Mr. Parker: That's at your discretion.

Ms. Sterling: I know but I was just being nice. Yes. Go ahead. Ten Minutes.

Mr. Jordan: Thank you.

Ms. Sterling: And we'll stretch.

Mr. Bowers: I think I neglected to pass up a copy that I would like to put in the record of Mr. Taylor's C.V.

Ms. Sterling: Okay.

Mr. Parker: Okay.

Ms. Sterling: Thank you.

Mr. Bowers: Thank you.

(Whereupon, a break was taken from the proceedings.)

Ms. Sterling: Mr. Jordan.

Mr. Jordan: Thank you, Madam Chair. Madam Chair, I would call Ms. Elizabeth Murphy and ask that she be sworn?

Ms. Sterling: Raise your right hand, Ms. Murphy. Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Murphy: I do.

Ms. Sterling: Thank you. You can put your hand down.

D I R E C T E X A M I N A T I O N

By Mr. Jordan:

Q Ms. Murphy, you are a resident of McBee, South Carolina --

A You're going to have to speak up a little for me. I'm sorry.

Q Okay. Let me get over here so you can see me a little better. You're -- Ms. Murphy, you're a resident of McBee. Is that correct?

A I am.

Q All right. And what's your address for purposes of the record?

A My address? 49 South Fifth Street, McBee South Carolina.

Q Okay. And did you vote in the recent municipal election here in McBee?

A Did I vote in the municipal absentee, yes.

Q Tell me the process by which you voted?

A Well, two young people came to my house to assist with the registration and voting. And I thought I followed their directions and I voted absentee. I thought that's what I was doing.

Q And was one of those individuals Sydney Baker?

A Repeat?

Q Was one of those Sydney Baker?

A Skinning?

Q Sydney Baker?

A What did he say?

Mr. Bowers: Sydney Baker.

Ms. Murphy: Sydney Baker. Yes, was one.

By Mr. Jordan:

Q Okay. I'm going to ask you to look at a document if I may approach the witness so I can ask better. Ms. Murphy, I'm going to get you to look at this document. This is what's call an absentee voter list. And if you look at this, I believe you appear to be number 58 on the list.

A Can you move in closer?

Q All right. Right here.

A Uh-huh.

Q Is that you name? Elizabeth Murphy?

A That's it, Elizabeth Murphy.

Q Yep. And I believe that the address of 49 South --

A 49 South --

Q -- Fifth Street --

A -- I know it's --

Q -- is that right?

A -- right.

Q And then if you follow with me over here it appears that it says here that you registered yourself and you did so on the internet? You see? You agree with me that that's what that says?

A I see what you're saying.

Q Okay.
A Okay.
Q Now --
A Question?
Q We agree what that says. I want to ask you, did you ever --
A Let me say this.
Q Okay.
A I don't use -- if they mean internet computer --
Q Yes, ma'am.
A -- I don't use my own. I do have a computer now I might have done it on the telephone. Now I won't -- I can't stand up to a cord, wall or anywhere. I might have because there are times when I will do things by the phone, but I don't use the internet per se on the computer.
Q Okay. So just one more question then. You didn't use the internet to register to vote in the municipal --
A No.
Q -- race? Okay. Thank you.
Mr. Jordan: That's all I have.
Ms. Murphy: As far as my brain

remembers.

Mr. Jordan: Thank you. Please answer questions for Mr. Parker.

Ms. Sterling: Mr. Parker?

C R O S S E X A M I N A T I O N

By Mr. Parker:

Q Let me ask you.

Mr. Parker: Apparently they disallowed her vote for not having a signature.

By Mr. Parker:

Q You're Elizabeth Murphy, right?

A I am Elizabeth.

Mr. Parker: At the election so I don't know why we going through this, which her vote was disallowed.

A Thank you.

Mr. Jordan: For purposes -- we're not contesting ballots. We're talking about the overall election.

Ms. Sterling: Okay.

Mr. Parker: That just don't make no sense to me.

Ms. Sterling: You have any other questions?

Mr. Parker: I do have other

questions.

Ms. Sterling: Okay.

By Mr. Parker:

Q So your husband -- you've got a husband. Correct? That's Melvin Murphy? Is Melvin --

A Melvin is my husband.

Q -- Murphy your husband?

A Right.

Q And they have said something about his signature. Do you know anything about how he voted by absentee ballot?

A Melvin, I did vote for because he had a massive heart attack stroke September 26th. But now during the voting he was back home and he was doing okay. I had his permission and asked him for whom he wanted and he gave me the names and that's what I did. And they were in -- that was in front of Sydney, the guy and whoever they sent to my house.

Q And he was a man that was there?

A He was.

Q A man was there?

A A young man with her, yes. With Sydney Baker.

Q But your husband, Melvin, he voted for who he wanted to?

A Yes. He told me who he wanted to -- to vote for. He -- he's of that sound mind. He -- he goes through his periods.

Q Did anyone try to get you t vote for anybody or try to influence you?

A I don't pressure people he just ask -- the people in mind that he wanted to vote for.

Q And he voiced that to you and you assisted him, correct?

A I -- I am -- it would be -- I did the -- the actual signing for him.

Q Thank you.

A And I have permission being the wife, but I don't have the -- something else you call it?

Q Power of attorney?

Ms. Sterling: Power of attorney.

Ms. Murphy: Power -- there's the words.

Mr. Parker: All right. Thank you.

Ms. Sterling: Any other questions?

Mr. Parker: I don't have anything further.

Mr. Jordan: No questions.

Ms. Sterling: Thank you, Ms. Murphy.

Mr. Parker: Thanks for coming.

Ms. Murphy: I'm done?

Ms. Sterling: Bye. Ms. Melvin -- you're done.

Ms. Murphy: I can go back to my husband?

Ms. Sterling: Yes, you can.

Ms. Murphy: Thank you very much.

Mr. Bowers: Thank you, ma'am.

Ms. Sterling: She's sweet. Mr. Jordan?

Mr. Jordan: No other witnesses, Madam Chair. We do reserve the right to call rebuttal witnesses. Any witnesses Mr. Parker may call and, of course, we would like the opportunity for a closing statement at the end?

Ms. Sterling: Yes. Mr. Parker.

Mr. Parker: All right. We would call --

Mr. Driggers: Wait one second. You want to talk about the issue with Brice -- Bracey?

Mr. Parker: Yes. We -- we would like to call Mr. Bracey who Mr. Taylor said he didn't

think his signature was correct.

Ms. Sterling: Uh-Huh.

Mr. Parker: I have personally talked to Mr. Bracey. He said it was his signature and is at work with --

Mr. Jordan: Objection. Hearsay. That's misreported.

Mr. Parker: Settle down now, you should wait. I wanted to tell him to testify for it as --

Mr. Jordan: I just wanted to get you back.

Ms. Sterling: So noted.

Mr. Parker: But we wanted to call him.

Ms. Sterling: Uh-Huh.

Mr. Parker: And have him testify by telephone or either by -- we can do it by Zoom, and he can say he can do it. If we -- if he's got that ability, we'll do that but he said he couldn't get off work. But he tells me that that was his signature and did sign it.

Ms. Sterling: Okay.

Mr. Parker: It's evidently real.

Mr. Driggers: He needs to know if you

object to that.

Ms. Sterling: All right, guys. Any Objections by Mr. Jordan or Mr. Bowers?

Mr. Bowers: One second.

Ms. Sterling: Sure.

Mr. Jordan: Madam Chair, I don't want to be the bad guy but we would object. I don't know how we can actually verify on a phone call that that's exactly who they say they are. I realize we're in different times, but I've never seen anyone testify over the phone.

Ms. Sterling: I believe they're talking about a Zoom.

Mr. Parker: Zoom if we can do it. But his phone tells you who it is because he pops up on your phone and it's got his name there unless he's using somebody else's -- he's made up a name. But that's -- and I've talked with somebody that's not who is because I don't know him but his phone when it comes in it shows you who it is.

Mr. Jordan: Except to say as Mr. John -- Mr. Parker just said, if someone took my phone and used it and said they were me the person on the other end would have no way of to

know that it wasn't me.

Mr. Parker: I don't think that's highly likely. But if we get him on Zoom, you can look at him.

Mr. Bowers: Do you know what he looks like?

Mr. Jordan: I do not know what he looks like.

Mr. Bowers: Yeah.

Mr. Parker: What's that?

Mr. Bowers: We don't know what he looks like.

Ms. Sterling: Well, I would think somebody in this -- in this --

Mr. Parker: Well, if he walked in here you wouldn't know if it was him either. Because you don't know him.

Ms. Sterling: Well, he -- if -- I think --

Mr. Parker: Now if he will, we're happy to do that.

Ms. Sterling: Yeah. Well, I -- I -- objection noted. If you want do it but then we'll discuss it. Yeah?

Mr. Jordan: We might -- we've made

our objection.

Ms. Sterling: Right.

Mr. Jordan: It's in the hands of M.E.C. and --

Ms. Sterling: Right.

Mr. Jordan: -- they can do as they choose.

Mr. Parker: All right.

Ms. Sterling: So you can go ahead and --

Mr. Parker: Call him?

Ms. Sterling: -- call him if you'd like to.

Mr. Parker: We'll --

Ms. Sterling: And we'll deal with that.

Mr. Parker: Before we do that, we're going to call Mr. Michael Williams.

Ms. Sterling: Uh-huh.

Mr. Parker: Can you get him in here. Mr. Williams, you can have a seat there.

Ms. Sterling: That's an awful scary mask.

Mr. Parker: They saying they like you're mask.

Mr. Williams: Yeah. Everybody does.

Ms. Sterling: Please raise your hand --

Mr. Williams: One of a kind.

Ms. Sterling: Please raise your right hand. You going to tell the truth, the whole truth and nothing but the truth?

Mr. Williams: Yes, ma'am.

Ms. Sterling: Thank you.

D I R E C T E X A M I N A T I O N

By Mr. Parker:

Q Would you state your full name?

A Michael Cheyenne Williams.

Q And where do you live, Mr. Williams?

A At 36 West Oak Avenue, McBee, South Carolina.

Q And how long have you lived there?

A About ten years. My family's owned it.

Q Did you vote in the McBee election on September 1st?

A Yes, sir, I did.

Q And did you vote -- how did you vote, by absentee ballot?

A Yes. I did.

Q And there's been testimony that your absentee ballot was not signed by you. Is that accurate?

A No, sir, I did sign it.

Q And is there any question about the signature on the ballot is your signature?

A There shouldn't be. No, sir.

Q And do you know of any reason why anybody would say that?

A No, sir.

Mr. Parker: Answer any questions they may have for you.

Ms. Sterling: Mr. Jordan?

Mr. Jordan: Thank you, Madam Chair.

C R O S S E X A M I N A T I O N

By Mr. Jordan:

Q Mr. Williams, what's your full name?

A Michael Cheyenne Williams with a C.

Q And what's your address?

A 36 West Oak Avenue, McBee, South Carolina.

Q And you've already testified that you voted in the recent municipal election?

A Yes, sir.

Q How did you go about requesting your

ballot?

A I don't remember right. I mean my minds not right. I done called the number on the thing, on the sheet, and they sent me the package when I got home from work. And all I remember is I signed it and put it back in the long sheet thing and put it back in the thing.

Q Okay. So on that -- back up a second. The package that you received, that you filled out, how did you get that package? Do you know how you got --

A It was at my house when I got home.

Q Did -- you never requested it?

A Yeah, I did.

Q How did -- Okay. You did request it?

A Right.

Q How did you request it?

A By phone I guess.

Q Okay.

A I mean I ain't really sure.

Q So -- so -- so if I'm looking at a document that says you did by the internet that wouldn't be correct?

A Not that I can remember.

Q Okay. All right. Thank you, sir.

Mr. Parker: Nothing --

Ms. Sterling: Mr. Parker?

Mr. Parker: -- further.

Ms. Sterling: Anybody else? Awesome. Mr. Byers?

Mr. Parker: You're excused.

Ms. Sterling: -- you're excused, thank you.

Mr. Odom: Let me see if I can call Rayshawn.

Mr. Parker: Can you call him? We going to see if we can get Mr. Bracey.

Mr. Odom: All right. I'm going -- I'm going to put Rayshwan -- Rayshawn --

Ms. Sterling: Does anybody know what Rayshawn looks like?

Mr. Odom: I'm going to put you -- put you on speaker phone, Rayshawn. That's Rayshawn Bracey if you want to swear him.

Mr. Parker: Rayshawn?

Mr. Bracey: Yes.

Mr. Parker: We're here at this hearing on the election and Ms. Sterling, Ms. Chairman, is going to swear you in to testify in the case.

Mr. Bracey: All right.

Ms. Sterling: Can you raise your right hand? Like I can see it.

Mr. Bracey: Yes. My hand is raised. I'm driving but my right hand is raised.

Ms. Sterling: Okay. Take it easy. Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Bracey: Yes, ma'am.

Ms. Sterling: Thank you. Don't get in an accident.

D I R E C T E X A M I N A T I O N

By Mr. Parker:

Q Rayshawn state your full name, please?

A Rayshawn Cortez Bracey.

Q And your address?

A One -- 137 West Cypress Avenue.

Q In McBee?

A Yes, sir. McBee, South Carolina 29101.

Q And did you vote in the September 1st McBee elections?

A Yes, sir.

Q And did you vote by absentee ballot?

A Yes, sir.

Q And did you sign your name on the absentee ballot?

A Yes, sir.

Q And did you do everything -- try to do everything correctly and vote correctly?

A Yes, sir.

Q There's been testimony here that that was not your signature on the absentee ballot. Is that correct?

A No, that was my signature on the absentee ballot. I signed my absentee ballot. I did.

Mr. Parker: I don't have anything further, but they may have some questions for you.

Ms. Sterling: Mr. Jordan? One moment, Bracey.

Mr. Bracey: Okay.

C R O S S E X A M I N A T I O N

By Mr. Jordan:

Q Mr. Bracey, can you hear me?

A Yes, sir, I can hear you.

Q All right. Just a few questions. I think you've already testified. You live on Poplar Avenue. Is that correct?

A No, sir, Cypress, Cypress Avenue.

Q I'm sorry. Is it 137 Cypress?
A Yes, sir.
Q Okay. Now if you don't mind, tell me how do you received -- did you receive a packet in the mail for you to vote? Is that right?
A Yes, sir.
Q All right. Tell me how did that came to be?
A Like, you know, it came through the mail. And, you know, I got it and, you know, circled the person who I wanted to vote for. I signed it and then I sent it off -- back on off.
Q Okay. How did you go about requesting it to come to your house?
A Through the -- through the web--- the website. Look like in the water tower place. Like, you know, where they say we can go register to vote and I had it -- I had it sent to my house 137 West Cypress. And that's where it came. I signed it and sent it back on.
Q Tell me a little bit more about the water tower place?
A Say that again for me?
Q Tell me a little bit more -- you said the water tower place?

A Yes, sir.
Q Explain that to me?
A What do you want me -- what do you want me to explain about the water tower place?
Q What did it have to do with your registering or requesting a ballot?
A Yeah, to vote. You know. So my ballot could be sent to my address?
Q Did you go there to do it?
A Yes, sir.
Q All right. What made you go there?
A Well, I mean, like I been there before. I voted.
Q Okay. Do you remember the approximate date you did that?
A Nope.
Q I'll take that as a, no.
Ms. Sterling: Where is it?
Mr. Bracey: No. I don't -- I'm sorry I don't remember.
By Mr. Jordan:
Q One moment, please. All right, Mr. Bracey, wrapping up, are you -- when you say the water tower place are you talking about Alligator Water?

A Yes, sir. That's what I meant. I didn't mean to say the water tower place. I'm sorry. I meant the water.

Q Okay. All right.

A I'm just. Oh, God.

Mr. Jordan: Thank you very much.

Ms. Sterling: Thank you. Mr. Parker, anything else?

Mr. Parker: No.

Ms. Sterling: Thank you, Mr. Bracey? We're all set. You can go home and go to work.

Mr. Bracey: Okay. Is that it?

Mr. Odom: That's it.

Mr. Bracey: All right. Y'all have a great day.

Ms. Sterling: You too. Thank you.

Mr. Bracey: Bye.

Mr. Odom: Does anybody know if June Wright's out there? About the absentee?

Mr. Parker: Let's call him.

Ms. Sterling: How we doing, Mr. Parker?

Mr. Parker: We got one.

Ms. Sterling: Okay.

Mr. Parker: One moment. Can we have

just a minute?

Ms. Sterling: Sure.

Mr. Parker: Thank you.

(off the record.)

Ms. Sterling: Mr. Wright, could you raise you right hand, please?

Mr. Wright: Yes, ma'am.

Ms. Sterling: Do you swear to tell the truth the whole truth and nothing but the truth?

Mr. Wright: Yes, ma'am.

Ms. Sterling: Thank you.

D I R E C T E X A M I N A T I O N

By Mr. Parker:

Q Your name is June Wright?

A Yes, sir.

Q And you Live in McBee?

A Yes, sir.

Q And you're a registered voter in McBee?

A Yes, sir.

Q In the September 1st election, did you vote by absentee ballot?

A Yes, sir.

Q And how did you get the absentee

ballot?

A Well, I sent for help because I can't read and --

Q That's Ms. Baker? Sydney Baker and she ordered it and it came in the mail to you?

A Yes, sir.

Q And this Mr. Milligan got you to sign the affidavit that said you received an absentee ballot unsolicited without you asking about it. Is that correct?

A If I did -- because I can't read. I don't -- I don't -- I might of signed something but I don't know.

Q But did you tell him something that wasn't true?

A No.

Q And the ballot was -- your absentee ballot was solicited through Ms. Baker. Correct?

A Yes.

Q And you voted how you wanted to vote?

A Yes, sir.

Q And this affidavit you signed, you couldn't read it?

A No, sir.

Q So you had -- you signed -- you didn't

sign it, he signed it and said you said that but you didn't tell him that, did you?

A No, sir.

Mr. Parker: I don't have anything further.

Ms. Sterling: Mr. Jordan?

Mr. Jordan: Thank you, Madam Chairwoman.

C R O S S E X A M I N A T I O N

By Mr. Jordan

Q Mr. Wright?

A Yes, sir?

Q Just a few questions for you. And I apologize but you live at 287 Fifth Street?

A No, sir. Yeah. 287. Yes that where I live at now.

Q All right. And I think you testified to Mr. Parker that Ms. Baker assisted you in requesting a ballot. Is that right?

A No. I asked her -- I asked them to help me and, you know, because I can't read, you know. And during that time couldn't go up there so she -- and the -- it came through mail.

Q Okay. And I apologize I'm not trying to -- but if I asked you to look at something --

let me just do this. Let me just explain what this document says, and you tell me do you agree or disagree with it. This document that I'm looking at is the absentee voter document for the election. And it says that you requested your absentee ballot through the internet?

A No, sir.

Q That's not correct?

A No, sir. Sydney, she helped me out, and like I say, she help me with that.

Q Okay. So I guess two questions in there. You didn't request it, she did?

A No. She help me, I asked her to help me to, you know, vote.

Q But she didn't do through the internet?

A No.

Q Okay.

Mr. Jordan: Thank you. No further questions.

Ms. Sterling: Mr. Parker?

Mr. Parker: No questions, thank you.

Ms. Sterling: Thank you. You're excused.

Mr. Bowers: Thank you. Thank you for

coming.

Mr. Wright: Thank y'all.

Mr. Parker: We -- we don't have anything further.

Ms. Sterling: Mr. Jordan?

Mr. Jordan: I believe Mr. Bowers is going to call one rebuttal witness.

Ms. Sterling: Okay.

Mr. Jordan: If we can have just a moment?

Ms. Sterling: Sure. Guess who won't be here.

Mr. Driggers: That's right. Wouldn't miss it for.

Ms. Sterling: What's a boss?

Mr. Bowers: Madam Chair, very quickly if I may call Mr. Taylor back in rebuttal.

Ms. Sterling: You're still under. Okay.

Mr. Bowers: Very quickly.

R E D I R E C T E X A M I N A T I O N

Q Mr. Taylor, you've been sitting -- and you're still under oath. You know that?

A Yes.

Q You've been sitting in here the entire

time we've been going?

A Yes.

Q Okay. And we -- you saw Mr. Michael Williams come in and testify?

A Yes, sir.

Q Okay. I think he was the guy that everybody liked his mask?

A Yeah.

Mr. Driggers: Melvin Murphy. There's a Michael Williams, I think, and a Melvin Murphy?

Mr. Bowers: Okay.

By Mr. Bowers:

Q So Michael Williams was here --

Ms. Sterling: That was Michael Williams.

Mr. Bowers: Yeah. That was Michael Williams. Okay.

By Mr. Bowers;

Q Tell the M.E.C. based on what his own statements about his mental capacity what you -- sitting back here watching his testimony, tell the court what you observed?

Mr. Parker: Madam, we object to this. He's not qualified to do that. He's a handwriting expert. He's not a psychologist.

Mr. Bowers: No. Of course, not.

Ms. Sterling: No.

Mr. Taylor: I can say that --

Mr. Parker: No. I object. He is not qualified and we object on that basis.

Ms. Sterling: Okay. Objection noted.

Mr. Bowers: He's absolutely qualified to testify what --

Ms. Sterling: Because he's --

Mr. Bowers: -- I'm not asking for a psychological decision or determination. What we're talking about is the skill -- the writing skill level necessary to prepare the voter oath, and he's absolutely qualified to talk -- talk -- test to that.

Ms. Sterling: Yes, he is.

Mr. Bowers: Okay.

Mr. Taylor: I can say that the voter -- voter oath signatures found on both Michael Williams and Melvin's Murphy's ballots were of a significantly higher skill level than their known writing.

By Mr. Bowers:

Q So you --

A I do not think that they had the

ability to sign either one of those documents. Either one of them signed their own name on those documents. And that's based on, again, their skill level found in their known writing.

Q And that's Mr. Murphy -- Mister --

A Mr. Murphy.

Q Murphy --

A And Mr. Williams.

Ms. Sterling: Thank you.

Mr. Odom: Murphy, didn't sign.

Ms. Sterling: Right. Yeah. We got that. Yeah. Mr. Parker?

Mr. Parker: We must be mixed up. Mr. Murphy was the gentleman who --

Ms. Sterling: Right. His wife signed it.

Mr. Parker: His wife signed it.

Mr. Taylor: Okay.

Ms. Sterling: Right. Because he had a stroke. Mr. Murphy had a stroke and --

Mr. Bowers: Strike Mr. Murphy.

Ms. Sterling: And she --

Mr. Bowers: And Mr. Williams --

Ms. Sterling: Right. It was Williams.

Mr. Bowers: That was my mistake. Noted.

Ms. Sterling: I was under the assumption it was Williams. Right. Okay. Mr. Parker?

Mr. Parker: Nothing.

Ms. Sterling: Okay. Thank you.

Mr. Jordan: We may have one more witness. Give us just a second.

Ms. Sterling: Okay.

Mr. Bowers: Two minutes? Thank you.

(Off-the-record discussion.)

Mr. Bowers: Thank you for your indulgence everybody.

Ms. Sterling: Okay.

Mr. Bowers: Thank you. Appreciate it.

Mr. Jordan: Madam Chair, I believe that concludes this presentation of the protest and certainly Mr. Parker has or -- excuse me. Does Mr. Parker have anything else or are we --

Ms. Sterling: Mr. Parker? Do you have something?

Mr. Bowers: No, we have nothing.

Ms. Sterling: You want to do closing

arguments or a closing statement, Mr. Jordan?

Mr. Jordan: Yes, Your Honor, I'll be doing that for our side. First off, let me say thank you to the M.E.C. As a former election commissioner from over in Florence County, I know your job is very thankless and thank you for what you're doing. I want to go through a few reasons why that I believe it is necessary for the M.E.C. to order a new election for the September 1st municipal election for this year. First off you've heard multiple pieces of multiple witnesses and seen multiple pieces of evidence that clearly demonstrate there are multiple issues with this race.

We asked Ms. Baker and she was nice enough to show up today. She testified that she essentially, as a volunteer I believe, her testimony went door to door trying to sign people up. We saw no documentation, and I think she admitted that there was no documentation. That she registered with the county or did anything like that to establish herself as a person who could do such. In addition to that -- and I believe she reviewed that the Alligator Water, essentially directory, that clearly demonstrates

that -- despite what she said, clearly demonstrates that Mr. Odom is her superior at Alligator Water. So essentially what we believe we have in this scenario is a situation where Ms. Baker, as an employee or -- or for Mr. Odom, is out in the community trying to register folks to vote which we believe is in violation of South Carolina Law. Being paid by a candidate to go out and do those things is not what the law intends.

Certainly absentee voting exists for a reason. For folks that can't get to the polls, there's a mechanism by which they can vote and that's as it should be. But what it shouldn't be is where a candidate, through a representative of them, goes out and essentially puts together -- builds a list of voters to vote. And we have -- I think she testified -- she didn't remember the number. When I asked her if it was 28 or so, she didn't dispute that. We believe that at least 28 times she did that.

Now the other side of that is we can't say how many times she did that and the ballot never made it. So we believe at least 28 times. The other thing that we believe is an important -- and you saw me ask folks over and over again by

using the absentee voter detail list, how those folks went about the process of getting a ballot. Because contrary to what people may say, it is important how you go about requesting the ballot. The law says there is a procedure by which you request that absentee ballot.

In this situation, what we've seen over and over on this list is that folks did it on their own by themselves via the internet and clearly that's not what happened here. Nowhere on this list do you see Sydney Baker showed up and -- as it should if she was duly representative in that capacity to do that. Again, another example, I will also point you to again to Mr. Bracey's situation. It gives us extreme concern that he references his going to Alligator Water to request his ballot via the internet. That gives us extreme concern.

Again, despite the recent change according to Ms. -- the testimony of Ms. Baker, Mr. Odom is well known to worked and run Alligator Water. So that is another element of concern that we have. Also, you heard from our hand writing expert and he told you several things. He told you that there were multiple

ballots that were cast that in his professional opinion the individual who signed it simply did not have the capacity to sign such. And I also want to point out that he also said in his review of 160 or so ballots, that we all sat here and watched him go through, that during that course of that time there were multiple ballots that testified to that had a number of issues such as witness signature and things like that.

Now I'm going to stop here in just a second and take on issue that I know Mr. Parker's already addressed, and we'll do so at the end. There is an opportunity under the law to contest the ballot. That time has come and gone. We're not attempting to contest a ballot. We have not asked you to throw out a particular ballot. What we're saying is that when you add all this together, you need to throw out the election.

We're not asking you deal with a specific ballot. We're saying all these issues together with these ballots equal the necessary -- the need for another election. Those are two different things. If it were such that the only opportunity you had to were raise an issue by way of contesting the ballot, then why would we ever

have a protest? It's an absurdity that the two -- that those two things are to totally different things required and allowed to by the law or under the law. So we believe those are two totally separate things.

Also you heard Mr. Milligan testify to some irregularities related to folks being allowed to vote inside the city limits when clearly there is documentation that they don't pay the necessary taxes, and, therefore, clearly establishing that they're not residents of McBee. And, therefore, they should not have been allowed to vote. Yet another number of ballots that should not have been cast.

The last thing in my mind is the most important thing. There's no secret -- we've been -- McBee has been down this road before. And my heart breaks for the folks in McBee having gone down this road time and time again. And I know you're familiar based on that one Carmichael case. Which the Carmichael case clearly says that when you have a high level of absentee votes, you should be suspect. And in this case we have a high level of absentee votes and I would say you -- you should be suspect.

The key ingredient in that suspect should be this. When you look at the numbers -- and urge you to do this when you go back and deliberate. When you look at the numbers, when you look at the individuals who voted in person versus the individuals who voted by absentee ballot, you cannot square how different those statistics are. The fact that approximately 74% of voters in person voted one way in -- in the in person voting. And then when you compare that to the statistics in the absentee voting and only 10% of those voted like the 74%, 74, 75, 25, 74, 26, verses 90, 10. That is an unbelievable -- that should make the hair on the back of your neck stand up and scream. That is unbelievable statistic that can not be ignored.

In summary, we believe all those things, when you put them together, demand that a new election be called for. We also believe that if you look back at what the M.E.C. has done in prior McBee situations, that that precedent has been established by the M.E.C. Clearly states that a new election should be established. So for all those reasons we will respectfully ask that the M.E.C. order a new election for the town of

McBee.

Ms. Sterling: Thank you. Mr. Bowers, do you have anything?

Mr. Bowers: He spoke well.

Ms. Sterling: Mr. Parker?

Mr. Parker: Thank you, Sterling -- Chairman Sterling. This to me is a travesty that is trying to take place. These gentlemen, of course, they've told us that they represent -- they're trying to take away the will of the people. Who they want to vote for. The right to vote is the most sacred thing we have. And for them to come in and say, well, your vote doesn't count. Every effort in the law is every effort should be made to make the votes count. Now realistically what they have done is have hand writing expert, Mr. Taylor, come in and say that there were six ballots that were -- that he questioned the signature of and three of those witnesses testified that the fact that the people were supposed to sign them did sign them. No one testified on the other three so we don't know whether or not his testimony about that is accurate but we know that on three of them it's inaccurate. And that's the record that you have

before you.

And this guy, you know, he says this, but the person that signed it said, yes, I signed it. And I think people know when they sign something and when they don't. And on a deeper level, none of these issues are before you because they had to challenge these votes at the time of the election. They had -- that's when they had the time to make the challenge and the statute tells you how to do that. It tells you in 713830 that you have to challenge the ballot at time of the election, on the day of the election, and you have to notify the voter that you're challenging so the voter can come in and tell his side of it.

And we know in this case that at least three of them would have come in and said that was my vote if it was challenged and it would have been counted at that time. Now what they want to do is eight weeks later, after the election, come up with an expert witness to say, well, I don't believe these signatures are valid even though people say they are. And therefore on that disallow this election so they have to look at it as we look at it and say, well, would it have changed the results? Well, six votes wouldn't

change the results.

So they had to come up with some other theory to try to upset the election because they don't have the voters if you disallowed all of them changed the election. So they come up with this idea that somehow they can generally, without any specific, say we think that some went on wrong therefore you give us a new election. We lost, the people of McBee voted to elect Mr. Odom to the council but they want you to say, well, you elected these people but we're not going to let them in because of the generalization that we don't think that you should have done what you did therefore even though it's legal and it's within the law, we want the election commission to really do something that's illegal and that is to upset this election.

And we -- you don't have the authority to do that because if they'd of had 20 votes in here and nobody come in and contested it, even though it's too late, they may make some case. There is a statute of 713810 that says that after the fact that we're here like today that you can -- the only thing that you can upset the -- the ballots on is where there's after discovered

evidence of voters who have voted in a precinct or for a district office other than the one for which they are entitled to vote.

So in other words, if in fact there was someone voting here that didn't have the right to vote here, they could contest that after the night of the election and didn't have to make a challenge them for it. Other than that, that's the only thing that you can do. And they have -- had challenged it, they didn't challenge. They did challenge a good number and actually that -- that night there were -- I think I can find the count of it. There was one, two, three, four, five, six, seven were rejected that night. They made objections to those because -- I don't remember exactly whether those were all absentee ballots or not. I assume they were. But there were challenges that were granted and so all of this is taken place and what they want to do is do it -- have a do over.

Well, the law doesn't allow you to have do over. It requires you to do it that night and they do it. So clearly, under the law which is the commissions duty to uphold, is that there is no way to upset this election because if you

rule that all six of the people that issued -- didn't vote that way and they weren't legitimate ballots, Mr. Odom would still be elected. There's not enough votes to overturn the election. Even if you take it -- you shouldn't hear any of that because it's too late.

And we, of course, filed a petition to dismiss on that ground which wasn't heard. But we filed that, of course, reserved that. We thought the whole thing should have dismissed. And we also believe that they -- that this actually having this hearing today is a violation of the law because the statute says that you have to make the protest within 48 hours. It has to be heard. Now we agreed by consent to continue that to September the 25th.

And then it was rescheduled to that time and I was on the way up here to have the hearing when I get the call, without any input from us, that in fact the hearing had been canceled and we then filed our motion to dismiss this because it's not timely. It should have been held on the 25th and the only way it could go on would be backing some of the parties. So we believe that this -- the -- the -- this whole

thing should be dismissed without even hearing any evidence because they did not comply, we believe, with the law in this section 513--- sorry. I can't get in that right off top of my -- the top of my head but I had it right here. But in any event the statute is clear of that fact. It has to be held within 48 hours after the filing of the protest and what not. It was my agreement continue to September 4th until September 25th. And I'll be happy to answer any questions that any of you may have about and position we have.

Ms. Sterling: Uh-huh.

Mr. Parker: And as Mr. Jordan made some mention -- and I only mention this because I know y'all know it. About the abnormal amount of absentee ballots. Well, there were a lot less absentee ballots in McBee than there was in the national election we just had. I guess he is going to claim something was wrong with that election for president we just had which was historic numbers of absentee ballots because of the corona virus. Just pointing it out and saying, well, because of the number of absentee ballots, y'all give us a new election and to deprive voters of McBee of their vote which it

would be totally illegal and not correct.

And we believe that the commission should make a decision on these six votes even though we think the time is late. We think that they missed the opportunity. But if you did, you could make a decision based on those and you have to certify the election of Mr. Odom as new councilman and we appreciate your time. Thank you.

Ms. Sterling: Thank you very much. Anything else guys?

Mr. Jordan: If I may Madam Chair, just a couple things that Mr. Parker brought up. Certainly he brought his issue by way of ripping damage to the circuit court saying that this M.E.C. didn't have the authority to act today. That was denied by the circuit court and, of course, is why we're here. The other thing, of course, we -- we believe they're way more than six, and we established through multiple different things and so that number is way more than six. And then lastly -- and Mr. Parker brought this up but the presidential election. I think also the June primary is a good example and zero individuals in McBee voted by mail in absentee in

the June primary.

So again, wasn't going to bring that up but since Mr. Parker brought it up about that --

Mr. Parker: I don't believe that's in evidence the --

Mr. Jordan: Neither was the presidential election.

Mr. Parker: Yeah. But some people vote actually for the president. Everybody doesn't know what happens in McBee.

Ms. Sterling: Okay. I want to thank everybody for their participation. I'm going to make a motion to adjourn this hearing. Second?

Mr. Driggers: No. You got to make a decision first. You can't have a --

Ms. Sterling: Decision to what?

Mr. Driggers: We got to make a decision on --

Ms. Sterling: Oh, I was going to go off and --

Mr. Driggers: Yeah. Yeah. But we're not going to adjourn the hearing.

Ms. Sterling: Oh were not going to hear --

Mr. Driggers: Recess. We're going recess.

Ms. Sterling: Okay. We're going to go on recess. Thank you.

(Whereupon, a recess was taken from the proceedings.)

Ms. Sterling: Everybody here?

Mr. Bowers: Yes, ma'am.

Ms. Sterling: Hope I can read my handwriting. Please forgive me. Okay. The M.E.C. takes this really seriously. Very seriously. The commission has listened and deliberated very carefully, and it's not our position to pass judgment on any individual ballot, and we are just questioning the integrity of the election. Therefore, due to a number of irregularities regarding an employee of a candidate involved in the absentee ballot process and questionable signatures, we feel there is sufficient evidence to call for a new election, and this was reached by unanimous decision. A written order will be further -- will be forthcoming on Monday. Thank you. This hearing is adjourned.

State of South Carolina)
)
County of Chesterfield)

In Circuit Court of the
Fourth Judicial Circuit
2020-CP-13-00732

Glenn Odom,

Plaintiff,

vs.

McBee Municipal Election
Election Commission,
Charles Short, Charles Sutton
and Hewitt Dixon,

Defendants.

Transcript of Record

Chesterfield, South Carolina
December 21,2020

B E F O R E:

The Honorable Roger E. Henderson

A P P E A R A N C E S:

Mr. John Parker, Esquire
Attorney for Plaintiff

Mr. Butch Bowers, Esquire
Mr. Jay Jordan, Esquire
Mr. Martin Driggers, Esquire
Mr. Will Curtis, Esquire
Attorneys for Defendants

Lisa Carter
Circuit Court Reporter

I N D E X

WITNESSES PAGE

(NO WITNESSES TESTIFIED IN THIS HEARING)

(NO EXHIBITS WERE INTRODUCED IN HEARING)

THE COURT: Mr. Parker, this is your appeal so I'm gonna let you identify this matter and you can go into your argument.

MR. PARKER: Thank you, Your Honor. We're here today on the matter of Glen Odom versus the McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon. And we're here on our appeal of an order of the Municipal Election Commission ordering a new election that was signed on November 19, 2020. We do not believe that that order was with any legal basis whatsoever. Mr. Odom won the obeisant mayor over Mr. Short by votes of 2013 to 2000, excuse me, 213 to 203. And clearly they have done nothing to have upset that. Really what we're here about is the Commission found a new election based upon the fact that Cindy Baker went out and she assisted voters in getting an absentee ballot by forwarding by email their application for absentee ballot.

The Commission, without any legal basis, found that that was illegal and it was the basis for upsetting the election and changing the results of the voters of McBee substituting their opinion for the voters. Of course, you know, I've been involved in a lot of things and I look at it and people are supposed vote in this country and their vote should be respected. But what we have here and we've had here in McBee is an attempt to waylay the will of the

voters and the will of the people and substitute more at the opinion of the Municipal Election Commission which has been substituted here. There is no evidence in the record. The record as I've stated it is simply that Ms. Baker, by her iPad and printer, was able to submit people's request for an absentee ballot which was mailed directly to them. She testified she never did anything to assist any voter. And the Election Commission without, interesting to me, without any legal basis in the order says that they're going to order a new election and they falsely, in the order, stated that Ms. Baker had admitted assisting and the filling out of 10 to 15 absentee ballots and she never admitted to anything. In fact, testified to the contrary. She didn't witness anybody voting nor did she help anybody fill out an absentee ballot. And so the order is just absolutely false insofar as what it says.

And then they go on and in order to reach this result "I find that Ms. Baker was an employee of Mr. Odom" which clearly she was not. She testified and was truthful that - in fact, Mr. Odom had resigned before this as the, as head of Alligator - as manager of Alligator - and was no longer in that position which when she done this and it didn't matter if he was because she had nothing to do with being paid by him. They found that she was a, was not a, that she was a paid volunteer with the Odom campaign and there

was not one shred of evidence to that. There is absolutely -- you can read this order and see that clearly the Municipal Election Commission in McBee was a arm of the people who opposed Mr. Odom in doing there will. Rather than trying to be fair and be impartial, they were, in fact, partial and absolutely the arm of his opponents. Not necessarily Mr. Short, but other people who are promoting Mr. Odom's -- upon their notice we got, it's got a name on there, John Martin, whose wanting us to oppose him but I don't know what he would be doing here. But he's probably one of the ones that - if he was - we could ask him whether if he's one of the ones that are behind all this in trying to subvert the will of the voters in McBee but instead to remote, not the voters, then the majority but the minority. And we think that clearly we are entitled to have him declared the winner in that election because he was. As the, they voted, and he was certified as the winner but then this appeal, of course, took place. From the legal standpoint we don't think that they had anything before the Commission to start with because they've never alleged any of this in a petition. They just said that what they said was that there were illegal votes cast by absentee ballots. That was all. No further evidence on that. And we think clearly that we're entitled to have the results of the MEC overturned and Mr. Odom to be declared the winner. And

after they have a chance I'll be happy to answer any thing that the court may have. Thank you.

THE COURT: All right. Thank you, Mr. Parker. Mr. Bowers?

MR. BOWERS: Good morning, Your Honor. May it please, the court? Butch Bowers ---

THE COURT: Yes, sir.

MR. BOWERS: Butch Bowers here on behalf of Mr. Short, Mr. Sutton and Mr. Dixon. In reply to my friend and fellow Hampton County native, Mr. Parker, he and I, it sounds like he and I agree on, at least, one thing and that is, I tried to write it down when Mr. Parker said this, he said "somebody is trying to waylay the will of the voters" well, that's exactly what we think has happened here. And we think, and the court's order, sorry, Your Honor, the Commission's order reflects that.

I do have a couple initial threshold matters I'd like to bring up to the court. Your Honor, respectfully we believe that Mr. Parker has, has either waived or not preserved any of the issues that he is arguing today. As you're aware -- I was not -- Your Honor, I was not there for the writ of mandamus hearing. As you will recall Representative Jordan was here or was there for it and once you allowed us to move forward most, if not all, of Mr. Parker's issues again were either waived or not preserved.

So I wanted to put that on the record. So as again as a threshold matter we think this appeal should be denied because of that lack of preservation.

I would like to go onto the merits, Your Honor, of our arguments. The first thing I want to talk about is the standard of review and I know I don't need to tell you this, you know it better than anybody here in this hearing but I'll just lay down the foundation. In municipal election cases we review the judgment of the Circuit Court of holding or overturning the decision of a Municipal Election Commission to correct errors of law. And your honor that is Gecy versus Bagwell, 642 S.E. 2d 569 a South Carolina Supreme Court case in 2007. And I'm sure you're well aware of the Gecy case, and I hope I'm pronouncing that correctly. So that's the standard and review. And when we look at, when we look at the order it's pretty clear that there's really only one thing that is that's an issue here and that is, and Mr. Parker correctly identified it and that is what role if any did Cindy Baker have in this, in this matter. That's, that's, that's what this all boils down to. The key issue is, was she in violation of South Carolina Code 7-15-330? Operative language that's the statute that's several paragraphs long but the operative language is this, Your Honor if you'll allow me to read it, "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." Well, there is no dispute that Ms. Baker is not a member of Mr. Odom's immediate family so the question boils down to, is she a, was she paid either as campaign staff or as a volunteer reimbursed for her time? Was she, you know, was she involved in that capacity? And we submit, Your Honor, that she absolutely was acting in that capacity and the Election Commission found as such. And Your Honor, I want to also clarify something and I want to make sure that this is this in the record, I'm looking at the transcript, this is Page 10 of the transcript around lines 10 or 11, "I'm just, and again, I'm not asking you for specific number, more than, more than 50?" That's a question from our side. And then Ms. Baker answered, "Might have been 10, 15, maybe." So she clearly testified that she had something to do with 10 to 15 ballots. When we get back to, to the standard of review for second, one of the other things that's important is "all inferences must", you know, "must be in favor of upholding the election results." That's Taylor versus the Town of Atlantic Beach Election Commission. That's 609 S.E. 2d 500. That's a 2005 Supreme Court case. And so what I would like

to bring up to the court, Your Honor, is that the MEC, the Municipal Election Commission absolutely did not just fall in line with our arguments were. I'll give you some examples: They refused to rely on evidence presented by our handwriting expert. They refused to rely on tax record that we thought showed clearly the addresses did not match up with, with citizens, they didn't allow that. They also -- they -- the Municipal Election Commission even allowed a lady name June Wright to cast a ballot for her incapacitated husband. So the MEC clearly complied with requirement to, for inferences to uphold the election. They did everything they could to uphold the election. But when he got to Ms. Baker the evidence was pretty clear. And when I finish, Your Honor, if it please, the Court? I'd like to turn one thing over to Representative Jordan, but for now I also want to put this into the record, there can be no conjecture or speculation. This is gonna be a key that I'm gonna turn it over to Mr. Jordan here in a minute, that's Fielding versus South Carolina Election Commission 408 S.E. 2d 232. It's a 1991 decision. And that's basically, you know, there can be no conjecture or speculation to overturn an election. Well, as we've already order from the MEC and, you know, Martin can talk about it if he wants to as well, but the order is clear that they believe that Cindy Baker engaged in the conduct

that we're talking about. And one of the -- and they she denied at first that she was, that she was an employee or that Mr., that she was an employee of Mr. Odom. But then when she was presented with in evidence she was presented with a copy of a website print out that admitted, it was admitted into evidence that showed that Mr. Odom was, in fact, an alligator employee. Beyond that not only was that it showed that Odom was an employee at the time of the hearing and all times prior to, he was employed at Alligator Water, Ms. Baker ironically enough testified that she was responsible for maintaining this very website and the very page that showed key personnel of Alligator Water. And so if she clearly, she had the opportunity to take Mr. Odom's name off the list and she didn't do it. So that is -- yeah, that was another piece of evidence that frankly is uncontroverted that -- and so we think the Municipal Election Commission order is absolutely valid. They also, the MEC, also said that they're real familiar with Ms. Baker. Well, I believe they're providing or allowed to rely on prior cases including that involve Ms. Baker. So I don't think there's anything, anything improper with that.

So Your Honor with that I do have one, again, I apologize for the length of my argument here, but I do want to share this with - I want to turn this over to Representative Jordan only because he was at, he was

participating in the last hearing that y'all had that I was not there for and so I want to turn it over to him. I'm gonna switch chairs for a second, if that's okay?

THE COURT: Yes, sir.

MR. BOWERS: Thank you, sir.

MR. JORDAN: Thank you, Your Honor. And I'll be brief and as Mr. Bowers said and as you, I know, remember when we did the writ of mandamus hearing back weeks ago now and I was lead counsel for our side for that issue at those hearings and because this issue directly, connected directly to that and Mr. Bowers can speak to this, he asked if I would handle it. The other side being the MEC hearing or perhaps even today cannot un-connect themselves from Ms. Baker and the activities she has done. Not only that judge and as you've seen through this web process we had to walk our clients through those who wanted to attend. What I'd ask Your Honor to remember we started that writ of mandamus hearing back weeks ago Ms. Baker actually got on the WebEx hearing as you were going down the roll and calling out who was present, you actually called Ms. Baker's name to which point in time she immediately withdrew from the hearing. I think you had said, we'll I must've run her off after she signed on. Again, judge, I think that goes to the point that she's connected to team Odom. She is an agent of that side of the fence and they can't separate themselves from

that issue. And I wanted to be on the record that she had attempted to participate via writ of mandamus and how she would have known about other than her connections with the Odom team. I don't know. As I said we were running late this morning because we had to jump through all the necessary hoops to try to get on this portal. It's not the easiest simplest thing to do. And with that, judge, I think that'll end our time for this and we'll certainly answer any questions you have related to the process, judge.

THE COURT: Okay.

MR. BOWERS: Your Honor, I'll close with this and I appreciate your time and consideration while we're arguing. We got it in our brief so it's already there but I just want to raise, raise one final time, on Pages 11 and 12 of our brief, you know, we believe that the decision can be upheld, even if you don't buy any of these other arguments, that it can be held on an additional sustaining ground and that is that Ms. Baker admitted that she violated the Statute 7-15-330. She admitted that. She is not an immediate family member of any of the voters that she assisted. And so she testified that she did not register with Chesterfield County Voter Registration Election Office pursuant to the statute. And so even if, even if everything else goes by the waste side we believe that the

violation of her, violation of the statute is yet another sustaining ground for upholding the election. And with that Your Honor I'll be happy to answer any questions you may have or, obviously, if Mr. Parker has a reply, I'll be happy to hear that as well. Thank you, sir.

THE COURT: All right. Thank you, sir.

MR. PARKER: Can you hear me, Your Honor?

THE COURT: Hold on just a minute. Mr. Driggers, is there anything you want to add before I hear from Mr. Parker?

MR. DRIGGERS: Yes, sir, Your Honor, just very briefly. Of course, we reiterate with what the Commission held in their order which has been detailed this morning already. The only thing I would add is that ordering a new election is really the only relief that the Commission has available if they find that there's been some issues. And so it wasn't they were, you know, just trying to order a new election or, you know, to do something that broad but under the statute that's all that they had left once they found these violations. So I just wanted to be sure that was clear.

THE COURT: Okay. Thank you, Mr. Driggers. All right, Mr. Parker?

MR. PARKER: Your Honor, it's amazing to me as I look at this and I, you know, we in this country are

supposed to want people to vote and encourage them to vote and what we have here is an attempt to not count votes because that's to certain people's advantage. There is no testimony in the record that Ms. Baker was paid something as a volunteer and there is just no evidence. Fortunately, in this country in order to make points and for Commissions to make findings there has to be evidence. Here there is absolutely no evidence. There is no evidence that she did anything improper and the Statute 7-15-330 it talks about absentee ballots and enough of it's purpose and not about electronically convey applications for an absentee ballot. The testimony in this case is and the only testimony is Ms. Baker at the request of voters transmitted their application to the Election Commission. She did nothing else. And there's no testimony that that's a violation of any law. They went on to find that she was a paid volunteer for the Odom campaign without any, absolutely, any evidence to support that nor if that was true would it matter, because she didn't do anything wrong. But that's the -- they want to, even though Mr. Odom barely won the election, they want to subvert the will of voters and have a new election because they don't like the outcome of that. I would make this point in 7-15-330 which is what they're relying on, it does not provide anything about well, we're going to throw out any votes if an application for absentee

ballot was some how improper. They've cited no evidence. No case. No anything that would allow that to happen because what we want to do is count votes, not count votes. Of course, in today's world and looks like to me rather than the will of the people counting we want to have our side win at whatever cost regardless of what the law is and regardless of what the rules are our side is supposed to win so it doesn't win something's got to be wrong, therefore, we are entitled to a new election. I, um, clearly in our view they're not entitled to that because there is no statutory basis for it whatsoever and that's why in their order they didn't cite any statutory basis for what they did. They just did it. Thank you.

THE COURT: Mr. Bowers?

MR. BOWERS: Yes, Your Honor, I would just simply say that Mr. Parker's argument is passionate but it's a policy argument. It is not a legal argument. And, you know, he mentioned 7-15-330 and so that there is no, there's no violation if you, if the statute does not and I'm paraphrasing what he said, but if I understood his argument correctly, he said with there's no, there is no provision for a penalty for violating 7-15-330. Well, yeah there is. You violated the statute and it's in the election codes and so the only, as Mr. Driggers was saying a minute ago, the only remedy for that is a new election

when there's been a violation that has a direct impact. And let's be clear about this, nobody is, nobody is disputing that Cindy Baker was partial of this election. Everybody recognizes that. She appeared and was cross-examined under oath. And, again, the record reflects that she, she admitted that she helped 10 to 15 people. That's her words and not mine. And that's enough to warrant a new election. That, in and of itself, is enough. And so Your Honor we just, again, we rely on our briefs and we rely on our prior arguments and we respectfully request that you uphold the will of the Election Commission because the Municipal Election Commission, I'll leave you with this, the Municipal Election Commission represents all of the citizens of McBee, not just one party or the other, not just one group or the other. The Municipal Election Commission represents everybody in the Town of McBee. And they, the Municipal Election Commission has been, to my knowledge, I don't know that they care who wins or loses, what they do care about is a fair election and that fair election was not had because of Ms. Baker's transgressions. And so the court, ah, the Commission has done the right thing by ordering a new election and we hope Your Honor will sustain it.

Thank you, sir. I appreciate the opportunity to appear before you.

THE COURT: Okay. Thank you, Mr. Bowers. Mr. Bowers is there any statute that you can point me to that says someone can't assist in helping people get absentee ballots or encouraging them to vote?

MR. BOWERS: Your Honor, certainly they can you can do that but they have to go through the appropriate protocols to do that.

THE COURT: All right. Well, my question is, you know, I don't have a copy of the transcript. I was not provided with that. But, you know, the statute says, "a qualified, to vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail". Did Ms. Baker herself make the request or did the individuals make the request and she just assisted them in making their own request or did she send in these request herself? It's a fine line.

MR. BOWERS: She was using her, my understanding and I, you know, I don't want to misstate anything in the record, but my recollection and Johnny can correct me if I'm wrong or Martin can too, but my recollection is that Ms. Baker testified that she, she signed up people to vote on her iPad.

THE COURT: She didn't sign them up to vote, she made the request to the election, ah, to the voter

registration is my understanding. She made the request on her laptop and her printer. But did she do it in her name as a representative or did the individuals do it themselves? I mean, I think that's an important distinction. I mean, the statute is clear "that the elector themselves or a member of the immediate family" if the elector themselves made the request there's nothing wrong that I see.

MR. BOWERS: Well, my understanding is that and I've got ---

THE COURT: Did anybody ever present any of the actual request that went into voter registration at this hearing?

MR. BOWERS: I'm sorry, Your Honor, could you say that one more time?

THE COURT: Did anybody present a copy of the request that was received by voter registration at this hearing? I don't think so.

MR. BOWERS: I don't recall seeing that. No, sir, Your Honor.

THE COURT: I think that would've been important to see who actually made the request whether it was made by this Ms. Baker lady or by the individual voters themselves. I got another question. In the order that was submitted on Page 4 talks about 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. Where in the world does this figure of 28 come from? You talk about no conjecture or no speculation, I see that this must be speculation with regards to that number. The only testimony was 10 to 15 people she helped. That was your statement.

MR. BOWERS: Right. And Your Honor I believe that Mr. Driggers would probably be a better one to answer for that one. But I would say that -- I want to say in the transcript that there is a number of up to 28 that she witnessed.

THE COURT: Who testified to that?

MR. BOWERS: Ms. Baker did.

THE COURT: I thought you just said her testimony was 10 to 15.

MR. BOWERS: The Court's indulgence here for a second. We're looking through the transcript, I want to say it was 28.

THE COURT: It sure it would have been nice if somebody had provided me with a copy of the transcript.

MR. BOWERS: Yes, sir, I totally agree with that. I apologize for not making it available to you. I would've assume that you already have it but, you know, what happens when you assume.

THE COURT: I'm dependent on y'all to provide me the information.

MR. BOWERS: Your Honor, on Page 11 of the transcript, let's see, we asked the question, "Would it surprise you that your name appeared on at least 28 ballots?" Reply, "Like I said I'm guessing. I didn't keep track." Question, "I"m just asking would that surprise you?" "No, it wouldn't." So that's where the 28 came from. I was - but for my purposes of my primary argument - I was only talking about the 10 to 15 that she absolutely confirmed because that was enough to get us, hopefully to get us a new election.

THE COURT: When you say that her name appeared on 28 ballots, did anybody go any further? I mean, was that with regards to a request for an absentee ballot or was she a witness for some people who voted by absentee? Do we know that answer? It could be two different things.

MR. BOWERS: Your Honor, could I beg the Court's indulgence just for second?

THE COURT: Sure. Sure. This is important.

MR. BOWERS: Yes, sir.

(Whereupon, the attorneys take a moment to speak amongst themselves)

MR. BOWERS: Your Honor, thank you for that. I'm just trying to make sure I've got accurate information.

And so my recollection is that from, and of course Mr. Parker or Mr. Driggers can correct me if I'm wrong, was that there were 28, 28 voters that she - we believe she signed up. But we don't really know for a fact because she never registered with the county to be able to do that. So there was a little bit of conjecture but we were certain that she did 10 to 15 because she acknowledged that.

THE COURT: Because she never registered as a representative, I mean, how do you say that she was a representative, they didn't apply in their own name in their own writing? I think -- that's why I think somebody should have had these request for absentee ballots in some shape, form, or fashion at the hearing. I mean, it could have been, some of them could have been done by phone but you're saying they were all done by computer which meant they were transmitted by email or something. There certainly would be a record of that. If Mr. Curtis is on the team he can speak for himself.

MR. BOWERS: You know what, I'm gonna let him speak if it's okay with you, Your Honor? I'm gonna have him speak because he's talking about some of the detail that, frankly, I'm not acutely aware of.

THE COURT: Sure.

MR. BOWERS: If you don't mind. I appreciate it.

THE COURT: No, that's fine. It's my request.

MR. BOWERS: Thank you, sir.

MR. CURTIS: Your Honor, good morning.

THE COURT: Good morning.

MR. CURTIS: Basically the argument is, Your Honor, we used the McBee absentee voter detail during the hearing itself and that is a print out that you can get from voter registration that shows exact details on how you requested as absentee ballot application. And we cross-referenced this throughout the testimony that we got during that hearing. And I have an digital copy here on the computer but I don't have it printed out and we can email that to you if you'd like to see it. But within that it details how someone would request an application and because Ms. Baker did not go register herself as an authorized representative each one of these voters and those 28 shows that they self registered through the Internet despite her testimony that she helped them go online and request those. That's the issues we were getting at.

THE COURT: But it shows that they self requested?

MR. CURTIS: Yes, sir. But she testified that she helped them through the Internet.

THE COURT: Well, I mean, what in the statute -- where the statute does it say somebody can't help somebody?

MR. CURTIS: It doesn't, Your Honor, but they have to be an authorized representative to be able to help them.

THE COURT: Why would they have to be an authorized representative in just helping somebody? They have to be an authorized representative if they make the request, not if they help somebody.

MR. CURTIS: Excuse me, Your Honor, 7-15-330 requires that someone be representative, signed up as an authorized representative to request an absentee ballot on behalf of someone else.

THE COURT: But she didn't do that. They self requested it and the print out shows that.

MR. CURTIS: She testified that she assisted them by going on her iPad, putting information into it, and then requesting that absentee ballot application be sent to their house.

THE COURT: But the same statute that you're referring to says, "a person requesting an application for a qualified elector as the qualified elector authorized representative must request an application to vote absentee ballot in person or by mail. And must, himself, be a registered voter. And must sign a note to the effect that he fits the statutory definition of a representative." Again, I don't see where she was trying to say she was there representative. She was just assisting them in making a self request. Why wouldn't the print out show that, whatever, Baker or whatever her name is, Ms. Baker,

ah, wouldn't the print out show that she made the request if she made the request for them and that's what they're talking about?

MR. CURTIS: It should have, Your Honor, if she was an authorized representative. Further down in the voter detail there is one voter in particular who had an authorized representative to help him during the voter processing. It shows on the voter detail that she was registered as a authorized representative for him.

THE COURT: And again I don't see that Ms. Baker was making the application on their behalf. They made it themselves just using her computer.

MR. CURTIS: She was going online to request the application by mail.

THE COURT: That's still assisting. That's not making the actual application themselves for somebody.

MR. CURTIS: It's a request ---

THE COURT: Just like you had to help Mr. Bowers this morning because he's not technically astute in using a computer what's the difference? You helped him this morning.

MR. CURTIS: Again ---

THE COURT: My law clerk helps me every day.

MR. CURTIS: Again, Your Honor, 7-15-330, "to vote by absentee ballot, a qualified elector or a member of his

immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail ---

THE COURT: I'm looking at the same statute as you are ---

MR. CURTIS: Again, it goes to that authorized representative.

THE COURT: If the authorized representative is making a request not the individual themselves. Anyway that's -- we're going to beat a dead horse so I've gone over that. It will depend on how I interpret it as opposed to how y'all interpret it so we'll just have to wait and see.

MR. CURTIS: Yes, sir, Your Honor. I'll get this back over to Butch.

THE COURT: I would -- how long is this transcript?

MR. BOWERS: We're looking right now, Your Honor.

THE COURT: I really would like to have a copy of the transcript and like to review it. All I've got is the order that MEC submitted plus your various memos but I'd like to see the transcript itself.

MR. BOWERS: Your Honor, we're happy to email it to you. It's 97 pages it looks like ---

THE COURT: Good gracious.

MR. BOWERS: --- transcript material but it's, you know, can you see this, Your Honor?

THE COURT: All I can see is a piece of paper with some typing on it.

MR. BOWERS: It's a -- it's a -- it's a typical transcript with -- so like one page, it's not very wordy, I'll put it that way.

THE COURT: Right. I mean, unlike the Court of Appeals and the Supreme Court I was not provided with a transcript of record just an order. So if no one has any objection I would like to see that transcript and have an opportunity to review it myself.

MR. BOWERS: Obviously, we have no objection, Your Honor. We're happy to provide that to you, again, immediately.

THE COURT: Mr. Parker, would you like to address Mr. Curtis's argument that this lady was not a registered authorized representative and, therefore, all these vote should be discounted?

MR. PARKER: Yes, Your Honor. Are you able to hear me?

THE COURT: Yes, sir, I can hear you.

MR. PARKER: What she did in the record is clear on this. And they are trying to make something facts that are not there. What she did was they said they would like to vote absentee ballot. She then transmitted by her iPad their application. Not her application, their application.

And then the vote, the absentee ballot was sent to them. And what she did absolutely is not a violation of any sanction or anything else. All she was, was transmitting their request for an absentee ballot which was mailed for them. And they have cited no authority whatsoever that you cannot count that vote because she transmitted that application. And as Mr. Curtis admitted on the voter registration it shows that, in fact, the voter requested the absentee ballot because they did. And that's why they didn't, of course, make a big issue and there's no evidence and nothing in that order that says from what they did wrong because there was nothing done wrong.

But, in addition, I would argue and I think it's clear they said well there's no, nothing in the statute to provide what would happen if you violated that statute and it is. It makes it a criminal penalty. It's a crime to violate that statute. And if, in fact, she did violate that statute she would be in criminal jeopardy but she didn't violate it. And that's the thing about, I say about this is there's an effort here to disallow votes because it's to their advantage to the people who are advantaged, therefore, we get a new election because we lost the election and we don't like the results and we want to take away each peoples right to vote. I'll be honest with Your Honor it's just not, it's not a way this country ought to

operate nor should the Town of McBee operate in that way and we think that clearly the winners of the election should be declared the winners.

THE COURT: All right. Excuse me, y'all. All right. Thank you, Mr. Parker. Anything else, Mr. Bowers or Mr. Driggers?

MR. BOWERS: Your Honor ---

MR. DRIGGERS: Go ahead.

MR. BOWERS: No, go ahead, Martin.

MR. DRIGGERS: I was just going to say briefly, Your Honor, that transcript was filed when the order was. I apologize that it didn't get to you or didn't get the link or whatever it normally goes out but we do have that on file with Chesterfield as part of the case.

THE COURT: Okay. So the clerk has it?

MR. DRIGGERS: The clerk has it, Your Honor, yes.

THE COURT: Okay. Have you got that Ashley? I'll check with her.

THE CLERK: It should be in the binder, Judge.

THE COURT: Okay.

THE CLERK: It should be in that stuff that I printed also and I emailed Cole something. That's the only transcript that I saw on file.

THE COURT: Okay. All right. I'll check with Ashley when we finish today.

MR. DRIGGERS: But we certainly can get your copy. I was just letting you know that we did provided it and it should have been ---

THE COURT: All right. Yeah, my clerk says he just got it. So if everything is not there I'll let you know, Martin or Mr. Bowers so you can send me a complete copy. So it appears I can get a hold of it so. That being said anything else, Mr. Bowers?

MR. BOWERS: Yes, sir. Just one final thing ---

THE COURT: Yes, sir.

MR. BOWERS: --- in response to Mr. Parker, you know, he makes some fine arguments but if, if you find as the MEC found that Ms. Cindy Baker was an employee of Mr. Odom then everything else really is immaterial because 7-15-330 clearly and unequivocally prevents that from happening. And so -- and again the MEC sitting in it's sound discretion based on the facts in the hearing found that Ms. Baker was, in fact, a either a paid employee or paid campaign staff of Mr. Odom and that the record is there. I know Mr. Parker doesn't like it but facts are stubborn things and it's there in the record. There's enough in there to uphold and sustain the election. So with that, Your Honor, we appreciate the opportunity to appear before you.

THE COURT: All right. Let me say -- let me ask

Mr. Parker a question.

MR. PARKER: Thank you, Your Honor.

THE COURT: Mr. Parker, what about the fact that they found that she was a paid employee of Mr. Odom? That would be critical. I realized that the website still showed him as the manager of the water company and she's employed by the water company.

MR. PARKER: And she explained that. I mean, all of us who deal with websites know that you don't immediately change the websites. She testified to the facts and was truthful that she, that Mr. Odom retired and testified when he retired and that he no longer had a position there with them. She said she was not. In her testimony, you read it, was credible. They want to say it wasn't incredible because that suits their purposes. But, in fact, she was very credible and she told what, exactly what she had done. But none of that really makes any difference because she didn't request anything. The voter requested the ballot. She simply provided the means that it was transmitted to the election commission. It was the voters application not hers. And they are conflating those two things. Those are two real separate things. It would be the same thing if the voter wanted to file a request for an absentee ballot and rather than e-mailing it they put it in an envelope and she delivered it to the voter registration. It would be

the same thing. And I can't think of any reason why you would want to take away somebody's vote because they asked somebody to transmit that and that's what they're doing. They want to take away the right of these 10 people to vote because it suits their ends to do so. These people voted the way -- we don't know who they voted for but they have the right to vote whoever they voted for and they shouldn't be taken away.

THE COURT: Okay. Thank you, sir. Mr. Jordan, did you have something that she wanted to say?

MR. JORDAN: Your Honor, may I add just one brief thing? I asked that you take judicial notice on one issue that on November 11th of this year Mr. Odom is quoted, is listed as the manager of Alligator Water and it's quoted in the local newspaper as such dealing with alligator water issues. This concept as simply as a website not being updated simply doesn't hold water in light of the surrounding facts, Judge. That's all. Thank you very much, Your Honor.

THE COURT: All right. Thank you. All right. That'll conclude this hearing. I'll obviously need time to review this transcript and go back through the statutes and the memorandum. So I'll let you hear from me as soon as I possibly can especially since I'm retiring as of December 31st. I'll let you hear from me before then for sure.

MR. PARKER: Thank you, Your Honor.

THE COURT: All right. Thank you.

(CONCLUSION OF THE HEARING ON DECEMBER 21, 2020)

CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Chesterfield County, South Carolina, on the 21ST day of December, 2020. Hearing was held during WebEx hearing.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

April 18, 2021

Request Absentee Application

SCVotes.gov

Help

You will need a printer to complete this process. If you do not have a printer, call or email your county voter registration office to request an application be mailed to you.

Please enter your County, Name, Date of Birth, and last four numbers of your Social Security Number. Press 'Submit' to continue to the next page to select the absentee reason and the election.

*County

First Name:

Last Name:

*Date Of Birth

Last Four Digits of SSN:

Absentee Application Request

SCVotes.gov

Help

Voter Information for

Certificate Number:

Date of Birth:

Gender:

Race:

Residential Address:

County:

Active Registered Voters:

Voting Precinct:

Precinct Location:

Precinct Address:

Get driving directions to the Precinct*

*Driving directions are based on Google Maps; the South Carolina State Election Commission cannot guarantee the accuracy of the search results.

Voting Districts

US Congressional District	SC Senate District	SC House District
County Council	School District	School Board District At Large
City Council District	Municipality	Magistrate Jury Area

If the above information is incorrect, please contact:

000702

The election(s) for which you are eligible for an Absentee Application are listed below.

| Print Application

*Select the reason for which you are voting absentee:

NOTE: The party selection below applies to all selected primaries above. If you want to choose two different parties for two separate primaries, you will need to produce the application for each primary separately.

Select the political party for which you would like to receive a primary ballot:

If your ballot should be mailed to a different address, please update the address information below.

US International

Attn

Address

Apt/Suite

City State SC Zip

Absentee Application Request

SCVotes.gov

Help

Voter Information for

Certificate Number:

Date of Birth:

Gender:

Race:

Residential Address:

County:

Active Registered Voters:

Voting Precinct:

Precinct Location:

Precinct Address:

Get driving directions to the Precinct*

*Driving directions are based on Google Maps; the South Carolina State Election Commission cannot guarantee the accuracy of the search results.

Voting Districts

US Congressional District	SC Senate District	SC House District
County Council	School District	School Board District At Large
City Council District	Municipality	Magistrate Jury Area

If the above information is incorrect, please contact:

Print your application(s):

Vote by Mail?

In order to vote absentee in SC, you must complete an Absentee Ballot Request for each election you are voting in. If you would like to vote by mail, please click the Print Absentee Application(s) button to print your request form for all of the selected elections. These must be SIGNED and mailed to the specified address in order for you to receive a ballot in the mail.

Print Absentee Application(s)

000706

South Carolina Application for Absentee Ballot

Election: Application No: Ballot Style:

Name:

Precinct: Runoff Ballot Requested:

Walk-in Applicant: Identification Provided: Party:

Mailing Address for Absentee Ballot:

Voting Districts:
Congressional:
Senate:
House:
CntyCouncil:
School:
SchoolAL:
CityCouncil:
Municipality:
MagistrateJuryArea:

****Complete the steps below and return this application to the address at the bottom of this form****

Step 1 Check the appropriate box to indicate the reason you are requesting an absentee ballot:

- ☐ 1. Member of the Uniformed Services on Active Duty
- ☐ 2. Member of the Merchant Marine
- ☐ 3. Spouse or dependent of a member of the Uniformed Services or Merchant Marine
- ☐ 4. U.S. Citizen temporarily residing outside of the United States due to employment, service with the American Red Cross, USO, Peace Corps, etc.
- ☐ 5. U.S. Citizen permanently residing outside of the United States
- ☐ 6. Physical Disability, Illness or Injury
- ☐ 7. Student, their spouse or dependents residing with them who are outside their county of residence
- ☒ 8. For reason of employment will not be able to vote on Election Day
- ☐ 9. Government employee, their spouse or dependents residing with them, who are outside their county of residence on Election Day
- ☐ 10. Person on Vacation who will be outside their county of residence on Election Day
- ☐ 11. Serving as a juror in a state or federal court on Election Day
- ☐ 12. Admitted to the hospital as emergency patient on the day of the election or within a four-day period before the election
- ☐ 13. Death or funeral in the family within a three-day period before the election
- ☐ 14. Confined to jail or pre-trial facility pending disposition or arrest or trial
- ☐ 15. Attending a sick or physically disabled person on Election Day
- ☐ 16. Certified poll watcher, poll manager, county registration board or election commission member or staff working on Election Day
- ☐ 17. Persons sixty-five years of age or older
- ☐ 18. For religious reasons, I do not wish to vote on Saturday **(valid for Presidential Preference Primary only)**

Step 2

I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects, and I hereby apply for an absentee ballot for the reason indicated above. Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7-25-20.

Signature: _____ _____
Date

Phone: _____ Email Address: _____

(Email and phone used for emergency contact purposes or military/overseas citizens ballots only)

Step 3

If you would like your ballot to be mailed to an **address other than the one listed above,** please indicate the correct address below:

Street Address: _____

City, State, Zip: _____

Active Duty Military and Overseas Voters:
Active duty military personnel and their dependents assigned outside of their county of residence and overseas citizens may vote by fax or email. All other ballots will be mailed via the U.S. Postal Service. If you are eligible and would like to receive your ballot by fax or email, please indicate your preference here:

- ☐ Fax (___)____-_____
- ☐ Email *(Provide email address above)*

EVERY VOTE MATTERS. EVERY VOTE COUNTS.

000706

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

13-CHESTERFIELD

									Application				Ballot				
App#	Regis#	Name	Address	Precinct	Bal Style	Party	ABS Address	Requestor Information	Request Method	Req Date	Issued Date	Returned Date	Issued Date	Sent Method	Returned Date	Returned Method	Returned By
60	131077320	Alford, Nola E	188 W Elm Ave McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
1	470157537	Baker, Terry	221 N Eighth St Mc Bee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
46	471253911	Berry, Cassie	133 W Cypress Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail			
91	134912361	Black, Cassandra M	653 S Ninth St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020	07/15/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
90	134913885	Black, Marcus J	653 S Ninth St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020	07/13/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
52	471255192	Blackmon, Makalia	132 E Maple Ave McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/23/2020	08/03/2020	By Mail			
85	130269276	Blackwell, Virginia H	154 E Oak Ave McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
49	471255776	Blue, Jordyn	115 E Maple Ave McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/23/2020	08/03/2020	By Mail			
147	260543603	Bolton, Beulah S	510 S Third St McBee SC 29101	015			510 S Third St McBee SC 29101	Self	In Person	07/30/2020	07/30/2020	07/30/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
102	134901357	Bowman, Ervin M	289 E Peachtree Ave McBee SC 29101	015				Self	Internet	07/16/2020	07/16/2020	07/17/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
209	134915171	Boykin Sr., William H	164 N Fifth St McBee SC 29101	015			164 N Fifth St McBee SC 29101	Self	In Person	08/26/2020	08/26/2020	08/26/2020	08/26/2020	In Person	08/26/2020	In Person	Self
210	134922959	Boykin, Kristal D	164 N Fifth St Mc Bee SC 29101	015			164 N Fifth St Mc Bee SC 29101	Self	In Person	08/26/2020	08/26/2020	08/26/2020	08/26/2020	In Person	08/26/2020	In Person	Self
160	470656324	Bracey, Ray Shawn Q	386 W Poplar Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
132	470288089	Bracey, Simone S	137 W Cypress Ave McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
196	470367413	Brackett, Krysti E	27 E Peachtree Ave Mc Bee SC 29101	015				Self	Internet	08/17/2020	08/17/2020	08/18/2020	08/18/2020	By Mail	08/27/2020	By Mail	Self

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

185	470750384	Brister, Clifton T	80 E Maple Ave Mc Bee SC 29101	015				Self	Internet	08/11/2020	08/11/2020	08/12/2020	08/12/2020	By Mail	08/28/2020	In Person	Self
28	470033305	Brister, Dakota L	340 E Cedar Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail			
3	134913421	Brown Jr., Danny T	401 Union Church Rd McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/15/2020	08/03/2020	By Mail			
2	471247510	Brown, Aleigha	401 Union Church Rd McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/15/2020	08/03/2020	By Mail			
45	470453365	Brown, Darian D	133 W Cypress Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail			
6	471240363	Brown, Kathy	173 N Ninth St McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
35	471240373	Brown, Laurie	86 W Pine Ave Apt A McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/15/2020	08/03/2020	By Mail			
159	131827491	Butler, Charlene	463 W Elm Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/05/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
158	134924179	Butler, Mia P	463 W Elm Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
110	470274120	Byrd, Chelsea	210 E Oak Ave McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	07/27/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
152	132624071	Carr, Herman T	58 W Elm Ave Mc Bee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/07/2020	08/07/2020	By Mail	08/28/2020	By Mail	USPS
155	471277867	Carraway, Brandon	34 E Cedar Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/12/2020	08/12/2020	By Mail			
78	471258693	Cheek, Brandon	429 W Ash Ave McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020						
26	130269833	Clark, Lou E	35 E Poplar Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
189	134903205	Cole, Ivey L	368 E Maple Ave McBee SC 29101	015				Self	Internet	08/12/2020	08/12/2020						
190	134912366	Cole, Justin I	368 E Maple Ave McBee SC 29101	015				Self	Internet	08/12/2020	08/12/2020						
53	470253058	Davis, Kedrick D	169 E Ash Ave Mc Bee SC 29101	015				Self	Internet	07/01/2020	07/01/2020						

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

15	470650559	Deason, Christopher S	307 S Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
119	134911853	Deason, Jennifer E	307 S Fifth St Mc Bee SC 29101	015				Self	Internet	07/24/2020	07/24/2020	07/27/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
133	470142709	DeJesus, Sabrina S	137 W Cypress Ave Mc Bee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
44	165074079	Dewitt, Edward J	303 S Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
164	471207829	Dixon, Christofer A	310 S Seventh St Mc Bee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/07/2020	08/07/2020	By Mail			
167	470059957	Dixon, Christopher Lewis	312 S Seventh St Mc Bee SC 29101	015				Self	Internet	08/07/2020	08/07/2020	08/07/2020	08/07/2020	By Mail			
71	134915177	Dixon, Emma J	249 W Cedar Ave Mc Bee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
103	235611709	Dixon, James B	312 S Seventh St McBee SC 29101	015			312 S Seventh St McBee SC 29101	Self	Internet	07/17/2020	07/17/2020	07/17/2020	08/03/2020	By Mail	08/10/2020	By Mail	USPS
165	470363001	Dixon, Sidney O	310 S Seventh St Mc Bee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/07/2020	08/07/2020	By Mail			
25	470171336	Driggers, Eva Elkins	34 E Cedar Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
183	134923751	Dugan, Douglas D	380 W Oak Ave McBee SC 29101	015				Self	Internet	08/11/2020	08/11/2020	08/14/2020	08/14/2020	By Mail	08/26/2020	By Mail	USPS
182	134917499	Dugan, Judy M	380 W Oak Ave McBee SC 29101	015				Self	Internet	08/11/2020	08/11/2020	08/14/2020	08/14/2020	By Mail	08/26/2020	By Mail	USPS
50	471068297	Edwards, Dontavis H	249 W Cedar Ave McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/15/2020	08/03/2020	By Mail	08/17/2020	In Person	Self
67	470949843	Elkins, Rebecca	34 E Cedar Ave Mc Bee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
124	134912725	Elkins, Robert T	34 E Cedar Ave Mc Bee SC 29101	015				Self	Internet	07/27/2020	07/27/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
138	471275876	Everett, Brittany D	391 S Seventh St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
188	470254657	Fair, Demetrius O	337 S Fifth St McBee SC 29101	015				Self	Internet	08/12/2020	08/12/2020						

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

21	134921473	Faulkenberry, Donna Kay	512 Main St N Bethune SC 29009	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
19	131425610	Faulkenberry, Wanda K	33 E Oak Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
123	215401053	Floyd, Michelle D	340 E Juniper Ave Mc Bee SC 29101	015				Self	Internet	07/27/2020	07/27/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	USPS
129	471270837	Floyd, Sean	340 E Juniper Ave Mc Bee SC 29101	015				Self	Internet	07/28/2020	07/28/2020	08/13/2020	08/13/2020	By Mail	08/27/2020	By Mail	Self
170	471278379	Fragala, Bryce S	153 W Cypress Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/19/2020	08/19/2020	By Mail	08/27/2020	By Mail	Self
122	470650577	Frantz, Charles H	122 N Third St McBee SC 29101	015				Self	Internet	07/27/2020	07/27/2020	07/27/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
156	470653474	Freeman, Amber S	271 W Oak Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/19/2020	08/19/2020	By Mail	08/27/2020	By Mail	Self
24	130269380	Frostick, Elizabeth M	104 N Tenth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
134	134902098	Gainey, Daniel L	102 N Fifth St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
106	470367436	Gainey, Garrett T	89 N First St McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	07/20/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
105	470482916	Gainey, Mallori A	126 N Fifth St McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	07/20/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
120	134901918	Gainey, Melodi S	102 N Fifth St McBee SC 29101	015				Self	Internet	07/27/2020	07/27/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self
36	165090241	Gattison, Margaret R	287 S Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
154	470062852	Gillis, Macey L	34 E Cedar Ave Mc Bee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/12/2020	08/12/2020	By Mail			
33	471247576	Grace, Christy	131 E Juniper Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/27/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
75	470354615	Hall, Donald E	391 S Seventh St Mc Bee SC 29101	015				Self	Internet	07/08/2020	07/08/2020						
88	470060032	Hall, Lori J	312 S Seventh St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020	07/10/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
89	470060034	Hall, Stevens	312 S Seventh St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020	07/10/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

113	131425962	Hammond, Margie A	124 Union Church Rd McBee SC 29101	015			124 Union Church Rd McBee SC 29101	Self	Phone	07/23/2020	07/23/2020	07/31/2020	08/03/2020	By Mail	08/17/2020	By Mail	USPS
125	132624469	Hammonds, Lisa R	208 E Juniper Ave McBee SC 29101	015				Self	Internet	07/28/2020	07/28/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
127	470940263	Hammonds, Shane J	208 E Juniper Ave McBee SC 29101	015				Self	Internet	07/28/2020	07/28/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
208	470137061	Harper, Willie Lee	317 S Ninth St McBee SC 29101	015			PO Box 502 McBee SC 29101	Self	In Person	08/24/2020	08/24/2020	08/24/2020	08/24/2020	In Person	08/24/2020	In Person	Self
148	470629565	Harris, Patricia S	381 W Elm Ave McBee SC 29101	015			381 W Elm Ave McBee SC 29101	Bolton, Bea Sister 510 S Third St McBee SC 29101	In Person	07/30/2020	07/30/2020	07/30/2020	08/03/2020	By Mail	08/17/2020	By Mail	USPS (No Witness Signature)
207	134909335	Hart, Lucille	331 S Ninth St McBee SC 29101	015			PO Box 502 McBee SC 29101	Self	In Person	08/24/2020	08/24/2020	08/24/2020	08/24/2020	In Person	08/24/2020	In Person	Self
23	130269386	Helms, Johnny W	336 N Ninth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
22	130279935	Helms, Myra G	336 N Ninth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
51	471255771	Hemby, Zoey	111 S Third St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/15/2020	08/03/2020	By Mail	08/21/2020	By Mail	Self
137	134909180	Hilton Sr., Lloyd D	633 W Pine Ave McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
161	132168475	Hinson Jr., J S	78 E Juniper Ave McBee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/14/2020	08/14/2020	By Mail	08/28/2020	By Mail	USPS
157	132624229	Hinson, Teresa M	78 E Juniper Ave McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/14/2020	08/14/2020	By Mail	08/31/2020	By Mail	USPS
111	471267036	Holley, Mickie A	58 W Oak Ave McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	08/04/2020	08/04/2020	By Mail	08/18/2020	By Mail	Self
10	471240399	Holley, Nickie	96 N Ninth St McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/10/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
201	470749498	Holloman-Ponds, Timothy	264 Union Church Rd Mc Bee SC 29101	015				Self	Internet	08/19/2020	08/19/2020	08/20/2020	08/20/2020	By Mail	08/27/2020	By Mail	Self
151	130279936	Horton, Betty M	258 N Fifth St Mc Bee SC 29101	015			PO Box 44 McBee SC 29101	Self	Phone	08/04/2020	08/04/2020	08/12/2020	08/12/2020	By Mail	08/17/2020	By Mail	USPS
99	470489200	Horton, Minnie R	126 E Juniper Ave McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	08/07/2020	08/07/2020	By Mail	08/21/2020	By Mail	Self

Absentee Voter Detail

09/01/2020 21206 Town of McBee General Election

Sort By: VoterName

168	470031722	Huggins, Jackson F	338 N Fifth St McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
169	134923076	Huggins, Kattie C	372 N Fifth St McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
163	470641831	Jackson Jr., Arthur F	166 W Elm Ave McBee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
162	134915847	Jackson, Joshua T	166 W Elm Ave McBee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
72	134912985	Jackson, Willie L	166 W Elm Ave McBee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
204	134907014	Jefferson, Mary T	146 Union Church Rd McBee SC 29101	015			PO Box 303 McBee SC 29101	Self	In Person	08/21/2020	08/21/2020	08/21/2020	08/21/2020	In Person	08/21/2020	In Person	Self
76	134917090	Jenkins, Destinee E	12 N Fifth St Mc Bee SC 29101	015				Self	Internet	07/08/2020	07/08/2020						
112	471267037	Jenkins, Latasia B	507 S Sixth St McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	08/04/2020	08/04/2020	By Mail	08/18/2020	By Mail	Self
130	132666358	Johnson, Denise T	720 S Eleventh St McBee SC 29101	015			PO Box 222 McBee SC 29101	Self	In Person	07/29/2020	07/29/2020	07/29/2020	08/03/2020	By Mail	08/19/2020	By Mail	USPS
153	134916475	Johnson, Kevin J	720 S Eleventh St McBee SC 29101	015				Self	Internet	08/05/2020	08/05/2020	08/07/2020	08/07/2020	By Mail	08/21/2020	By Mail	Self
191	134909286	Johnson, Perry L	73 E Cypress Ave McBee SC 29101	015				Self	Internet	08/14/2020	08/14/2020	08/21/2020	08/21/2020	By Mail	08/31/2020	In Person	Ray Rogers
131	132666360	Johnson, Windell L	720 S Eleventh St McBee SC 29101	015			PO Box 222 McBee SC 29101	Self	In Person	07/29/2020	07/29/2020	07/29/2020	08/03/2020	By Mail	08/19/2020	By Mail	USPS
95	132665393	Jones Jr., Alfred	504 S Seventh St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/15/2020	08/03/2020	By Mail	08/24/2020	By Mail	USPS
194	134908116	Jones, Carrie E	3861 Highway 145 S Chesterfield SC 29709	015			153 W Cypress Ave McBee SC 29101	Self	In Person	08/14/2020	08/14/2020	08/14/2020	08/14/2020	In Person	08/14/2020	In Person	Self
27	346238136	Jones, Phillip C	81 E Ash Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020						
55	471250857	Jordan, Brittany	215 N Third St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020						
166	470622871	Kelly, Juliana J	266 W Pine Ave McBee SC 29101	015				Self	Internet	08/06/2020	08/06/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
69	132726627	Kelly, Patricia J	266 W Pine Ave McBee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self

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68	132726629	Kelly, Thomas T	266 W Pine Ave McBee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
205	131659539	King, Kenneth	436 Union Church Rd McBee SC 29101	015				Self	Internet	08/23/2020	08/23/2020						
206	134903142	King, Teressa L	436 Union Church Rd McBee SC 29101	015				Self	Internet	08/23/2020	08/23/2020						
96	134911154	Kirkley, Donald E	338 N Fifth St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/23/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
97	471133218	Kirkley, Jordan K	338 N Fifth St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/23/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
84	134903107	Knight, Johnny C	55 E Juniper Ave McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
109	470411376	Lee II, John C	210 E Oak Ave McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	07/27/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
73	356281271	Liles, Mary E	111 S Third St Mc Bee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/15/2020	08/03/2020	By Mail	08/21/2020	By Mail	Self
101	132666366	Linton, Vickie T	77 W Oak Ave Mc Bee SC 29101	015				Self	Internet	07/16/2020	07/16/2020	07/17/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
40	471016014	Littles, Tarry A	34 N Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/09/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
8	471240414	Loll, Dmitri M	462 W Oak Ave McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020						
43	132624259	Lowery, Princess B	34 N Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/09/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
74	134902682	Mack, Pamela F	195 Union Church Rd McBee SC 29101	015				Self	Internet	07/03/2020	07/03/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
144	471275948	Martin, Eldred Lee	153 W Cypress Ave McBee SC 29101	015				Self	Internet	07/30/2020	07/30/2020	08/19/2020	08/19/2020	By Mail	08/27/2020	By Mail	Self
143	471275950	Martin, Susan R	153 W Cypress Ave McBee SC 29101	015				Self	Internet	07/30/2020	07/30/2020	08/19/2020	08/19/2020	By Mail	08/27/2020	By Mail	Self
38	470847412	Matthews, Jada A	287 S Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
108	471265514	McDonald, Elijah Bleu	129 W Cypress Ave McBee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	07/20/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self

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32	471247540	McDonald, Shaynah	129 W Cypress Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
203	134916915	McFarland, Andrew	845 S Seventh St McBee SC 29101	015			845 S Seventh St McBee SC 29101	Self	Phone	08/21/2020	08/21/2020	08/26/2020	08/26/2020	By Mail	08/31/2020	By Mail	USPS
12	471240417	Melton, Henry	173 E Oak Ave McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
4	134922744	Melton, Taylor R	173 E Oak Ave Mc Bee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
172	134911787	Mendoza, Adan N	117 N Third St McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/11/2020	08/11/2020	By Mail	08/26/2020	By Mail	USPS
173	134904380	Mendoza, Earlynda L	117 N Third St McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/11/2020	08/11/2020	By Mail	08/26/2020	By Mail	USPS
174	470737253	Mendoza, Lee J	117 N Third St McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/11/2020	08/11/2020	By Mail	08/28/2020	By Mail	USPS
11	471178397	Mims, Jennifer Brooke	210 E Oak Ave Mc Bee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/10/2020	08/03/2020	By Mail			
14	134916379	Morris, Dollie Jean	36 W Oak Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
48	134911461	Munn, Mirandy R	121 W Pine Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/15/2020	08/03/2020	By Mail			
58	134902891	Murphy, Elizabeth C	490 S Fifth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
59	134902883	Murphy, Melvin	490 S Fifth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
54	446956033	Murphy, Sherrie K	266 W Pine Ave Mc Bee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	08/12/2020	08/12/2020	By Mail	08/27/2020	By Mail	Self
181	134909303	Nails, Leshia C	362 W Maple Ave McBee SC 29101	015				Self	Internet	08/11/2020	08/11/2020	08/12/2020	08/12/2020	By Mail	08/27/2020	By Mail	Self
140	134903105	Napier, David L	70 S Fourth St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/21/2020	By Mail	Self
141	134911767	Napier, James M	70 S Fourth St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/27/2020	By Mail	Self
100	130278515	Nelson, Mary	648 S Ninth St McBee SC 29101	015				Self	Internet	07/16/2020	07/16/2020	07/17/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
80	470364950	Newton, LaDarius A	106 Southside Rd Mc Bee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self

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81	131982442	Newton, Leslie L	106 Southside Rd McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
5	134922802	Odom, Geraldine I	24 E Juniper Ave Mc Bee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/17/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
64	134904298	Pate, Era E	781 S Ninth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
31	470977789	Patel, Nimisha Jashbhai	174 E Pine Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail			
30	471052771	Patel, Shreya	174 E Pine Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020						
7	165062047	Perdue, Cassie	173 N Ninth St McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
195	134913139	Peterson, Terry	280 E Cedar Ave McBee SC 29101	015			PO Box 501 Mc Bee SC 29101	Self	Phone	08/17/2020	08/17/2020						
41	471240365	Phillips, Artyiana	34 N Fifth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/09/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
211	134913211	Ponds, Amy H	284 Union Church Rd McBee SC 29101	015			PO Box 411 McBee SC 29101	Self	In Person	08/27/2020	08/27/2020	08/27/2020	08/27/2020	In Person	08/27/2020	In Person	Self
79	470363063	Ponds, Bryson L	653 S Ninth St McBee SC 29101	015			653 S Ninth St McBee SC 29101	Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/21/2020	By Mail	Self
200	471179446	Ponds, Christopher M	284 Union Church Rd McBee SC 29101	015				Self	Internet	08/19/2020	08/19/2020	08/20/2020	08/20/2020	By Mail	08/27/2020	By Mail	Self
114	470367452	Ponds, Sheldon T	124 Union Church Rd McBee SC 29101	015			124 Union Church Rd McBee SC 29101	Hamond, Margie Grand Mother 124 E Union Church Rd McBee SC 29101	Phone	07/23/2020	07/23/2020	07/31/2020	08/03/2020	By Mail			
115	134922748	Ponds, Shiheem T	444 S Tenth St McBee SC 29101	015			124 Union Church Rd McBee SC 29101	Hammond, Margie Grand Mother 124 Union Church Rd McBee SC 29101	Phone	07/23/2020	07/23/2020	07/31/2020	08/03/2020	By Mail	08/31/2020	By Mail	USPS
139	471253464	Powell, Shealey B	391 S Seventh St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	08/13/2020	08/13/2020	By Mail	08/28/2020	By Mail	USPS

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177	470653511	Price, Dalton R	379 W Poplar Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/12/2020	08/12/2020	By Mail	08/18/2020	By Mail	Self
179	131657801	Price, Diane	379 W Poplar Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/12/2020	08/12/2020	By Mail	08/18/2020	By Mail	Self
176	470653534	Price, John A	379 W Poplar Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/12/2020	08/12/2020	By Mail	08/18/2020	By Mail	Self
178	130273519	Price, John L	379 W Poplar Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/12/2020	08/12/2020	By Mail	08/18/2020	By Mail	Self
175	165063433	Price, Michelle E	379 W Poplar Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/12/2020	08/12/2020	By Mail	08/18/2020	By Mail	Self
197	134920047	Ratliff, Sheita	463 W Elm Ave McBee SC 29101	015				Self	Internet	08/18/2020	08/18/2020						
199	132665257	Rhoad III, Henry P	342 S Seventh St McBee SC 29101	015			342 S Seventh St McBee SC 29101	Self	Phone	08/19/2020	08/19/2020	08/24/2020	08/24/2020	By Mail			
47	470363006	Richardson, Clinteast R	24 W Walnut Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
98	131425410	Richardson, George W	198 E Walnut Ave McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/17/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
118	131409746	Roary, Willie Mae	565 S Seventh St McBee SC 29101	015			565 S Seventh St McBee SC 29101	Self	Phone	07/24/2020	07/24/2020	08/03/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
16	134921943	Roberts, Ryan C	36 W Oak Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
184	044286804	Robinson, Calvin B	362 W Maple Ave McBee SC 29101	015				Self	Internet	08/11/2020	08/11/2020	08/12/2020	08/12/2020	By Mail	08/27/2020	By Mail	Self
116	132624412	Robinson, Don	588 S Tenth St McBee SC 29101	015				Self	Internet	07/23/2020	07/23/2020	07/24/2020	08/03/2020	By Mail	08/10/2020	By Mail	USPS
117	132624794	Robinson, Retha D	588 S Tenth St McBee SC 29101	015				Self	Internet	07/23/2020	07/23/2020	07/24/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
62	134913635	Rodgers, Edward W	697 S Ninth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
61	134913634	Rodgers, Ethel	697 S Ninth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
63	235724574	Rodgers, Vincent V	697 S Ninth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
18	134923632	Rogers, Ray H	33 E Oak Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
70	132665173	Ruth, Vera M	229 E Maple Ave McBee SC 29101	015				Self	Internet	07/02/2020	07/02/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self

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56	130277857	Segars, Kenneth C	130 E Cypress Ave McBee SC 29101	015			PO Box 403 McBee SC 29101	Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/13/2020	In Person	08/13/2020	In Person	Self
57	130277715	Segars, Martha A	130 E Cypress Ave McBee SC 29101	015			PO Box 403 McBee SC 29101	Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/13/2020	In Person	08/13/2020	In Person	Self
128	132726575	Shore, John W	56 N Fifth St McBee SC 29101	015				Self	Internet	07/28/2020	07/28/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
126	134922282	Smith, Shana J	448 S Tenth St McBee SC 29101	015				Self	Internet	07/28/2020	07/28/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
39	470048053	Smith, Shanequa Y	135 W Cypress Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail			
180	131409772	Sowell, Jessie B	554 W Maple Ave McBee SC 29101	015				Self	Internet	08/10/2020	08/10/2020	08/13/2020	08/13/2020	By Mail	08/24/2020	By Mail	USPS
186	130282257	Sowell, William D	391 N Fifth St McBee SC 29101	015				Self	Internet	08/12/2020	08/12/2020	08/13/2020	08/13/2020	By Mail	08/24/2020	By Mail	USPS
136	467089951	Sprott, Bradley G	337 N Third St Mc Bee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
146	471276532	Sprott, Noah G	1789 Baylor Dr Rock Hill SC 29732	015				Self	Internet	07/30/2020	07/30/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
135	470685719	Sprott, Tracie Nicole	337 N Third St McBee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
142	165068640	Stevens, Betty G	358 W Oak Ave Mc Bee SC 29101	015				Self	Internet	07/29/2020	07/29/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self
121	470451604	Stevens, Brianna N	358 W Oak Ave McBee SC 29101	015				Self	Internet	07/27/2020	07/27/2020	07/27/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
145	471276870	Stevens, Caroline B	450 N Fifth St McBee SC 29101	015				Self	Internet	07/30/2020	07/30/2020	08/11/2020	08/11/2020	By Mail	08/21/2020	By Mail	Self
20	132664604	Tarlton, Karen R	33 E Oak Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self
107	471263892	Thompson, Breanna	133 W Cypress Ave Mc Bee SC 29101	015				Self	Internet	07/17/2020	07/17/2020	08/04/2020	08/04/2020	By Mail			
104	134909064	Tiller, Joshua R	427 W Pine Ave McBee SC 29101	015			427 Pine Ave McBee SC 29101	Self	Internet	07/17/2020	07/17/2020	07/21/2020	08/03/2020	By Mail	08/20/2020	By Mail	USPS
9	471240412	Tubbin, Erik F	462 W Oak Ave McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020						

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192	132666825	Tyner Sr., Sim C	89 N First St McBee SC 29101	015				Self	Internet	08/14/2020	08/14/2020	08/17/2020	08/17/2020	By Mail				
193	132666824	Tyner, Cherri A	89 N First St McBee SC 29101	015				Self	Internet	08/14/2020	08/14/2020	08/17/2020	08/17/2020	By Mail				
86	134902854	Vause, Susan K	55 N Seventh St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020							
87	134902853	Vause, Thomas V	55 N Seventh St McBee SC 29101	015				Self	Internet	07/09/2020	07/09/2020							
150	470777605	Vega, Josmar U	84 W Pine Ave McBee SC 29101	015			PO Box 563 McBee SC 29101	Vega, Patricia Spouse 36 W Oak Ave McBee SC 29101	Phone	07/31/2020	07/31/2020	08/06/2020	08/06/2020	By Mail	08/18/2020	By Mail	Self	
149	134922492	Vega, Patricia L	36 W Oak Ave Mc Bee SC 29101	015				Self	Internet	07/31/2020	07/31/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
29	471250867	Wallace, Jonathan	340 E Cedar Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail				
77	471258708	Williams, Faith	34 N Fifth St McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/23/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self	
17	285905278	Williams, Michael C	36 W Oak Ave McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self	
202	131658741	Williams, Towanda M	396 S Fourth St McBee SC 29101	015			396 S Fourth St McBee SC 29101	Self	Internet	08/20/2020	08/20/2020	08/21/2020	08/21/2020	By Mail	08/28/2020	By Mail	USPS	
198	134912131	Wilson, Doris	452 W Poplar Ave McBee SC 29101	015			PO Box 204 McBee SC 29101	Self	Phone	08/18/2020	08/18/2020	08/26/2020	08/26/2020	By Mail	08/31/2020	By Mail	USPS	
13	471247556	Withrow Jr., Robert	450 N Fifth St McBee SC 29101	015				Self	Internet	06/24/2020	06/24/2020							
171	470060334	Wright Jr., Eugene A	117 W Cypress Ave McBee SC 29101	015			117 W Cypress Ave McBee SC 29101	Self	Internet	08/10/2020	08/10/2020	08/14/2020	08/14/2020	By Mail				
66	470060335	Wright Jr., William	121 W Elm Ave McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self	
187	134915676	Wright, Bailey W	337 S Fifth St McBee SC 29101	015				Self	Internet	08/12/2020	08/12/2020	08/12/2020	08/12/2020	By Mail				
92	470363044	Wright, Danielle	507 S Sixth St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
37	471240369	Wright, Jalisa	84 W Pine Ave McBee SC 29101	015			84 W Pine Ave Apt D McBee SC 29101	Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/12/2020	By Mail	Ballot returned by USPS No	

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Sort By: VoterName

65	131425921	Wright, June J	287 S Fifth St McBee SC 29101	015				Self	Internet	07/01/2020	07/01/2020	07/08/2020	08/03/2020	By Mail	08/10/2020	By Mail	Self	
83	131409769	Wright, Linnie M	85 W Walnut Ave McBee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
94	134912977	Wright, Mary A	507 S Sixth St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/15/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
82	134919304	Wright, Mary L	85 W Walnut Ave Mc Bee SC 29101	015				Self	Internet	07/08/2020	07/08/2020	07/10/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
34	471247563	Wright, Quanisha	653 S Ninth St McBee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/15/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
93	134922536	Wright, Tkeyah M	507 S Sixth St McBee SC 29101	015				Self	Internet	07/13/2020	07/13/2020	07/31/2020	08/03/2020	By Mail	08/18/2020	By Mail	Self	
42	471201906	Wright, Torion B	141 W Elm Ave Mc Bee SC 29101	015				Self	Internet	06/30/2020	06/30/2020	07/08/2020	08/03/2020	By Mail	08/28/2020	In Person	Self	
211									In Person (11) Internet (190) Phone (10)	211	211	192	192	Blank (19) By Mail (183) In Person (9)	167	Blank (44) By Mail (154) In Person (13)		

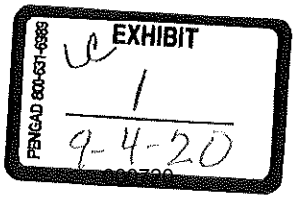
BEFORE THE ELECTION COMMISSION OF THE TOWN OF MCBEE

PROTEST OF ELECTION
BY CANDIDATES CHARLES SHORT,
FOR MAYOR OF TOWN OF MCBEE
CHARLES SUTTON, AND HEWITT DIXON
FOR TOWN COUNCIL MEMBER SEATS OF
THE TOWN OF MCBEE

Charles Short, Charles Sutton, and Hewitt Dixon, by and through undersigned counsel, come now to protest and contest the results of the election held September 1, 2020 for the Office of Mayor and Town Council Seats of the Town of McBee. The announced candidates for Mayor were Charles Short and Glenn Odom. The announced candidates for Town Council were Charles Sutton, Hewitt Dixon, Robbie Liles, James Linton, and Dawn Boykin. In support of their protests, Mr. Short, Mr. Sutton, and Mr. Dixon would show the following:

1. Persons were permitted to cast ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

2. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full ballots who did not reside within the town limits of the town of McBee, South Carolina.



3. Persons who vacated the town limits of the town of McBee, South Carolina and therefore abandoned and/or otherwise canceled their registration and ability to vote in this municipal election nonetheless were never required to re-register and/or reinstate their registration, rather they voted with an invalid registration that was never canceled but should have been and therefore the vote is void.

4. Upon information and belief, a representative of Mr. Odom took improper procedures and steps regarding absentee ballots.

5. Protestants Charles Short, Charles Sutton, and Hewitt Dixon have not had sufficient time to survey the full extent of the voter rolls, absentee ballots, and other documents relating to the election. However, upon information and belief, those records will be shown to contain irregularities including but not limited to the following:

a. Votes cast without proper voters' signatures.

b. Voter totals at variance with the number of signatures on the voter rolls.

c. Inaccurate record-keeping that calls into question the integrity of the vote.

d. Other irregularities that render the result doubtful.

6. Due to the overwhelming number of absentee ballots, it is believed that said ballots will be shown to contain irregularities including but not limited to the following:

a. Absentee ballots without proper signatures of the voter or a witness.

b. Absentee ballots were cast which had not been properly requested by the voter.

c. Persons who had not provided accurate information for the voter rolls were nonetheless allowed to cast full absentee ballots.

d. Persons were permitted to cast absentee ballots who did not reside within the confines of the town limits of the town of McBee, South Carolina.

e. The total number and percentage of absentee ballots compared to in-person ballots present prima facie evidence of irregularities.

f. Other irregularities that render the result doubtful.

7. The total number of ineligible voters case exceeded the difference in the vote totals between candidates.

8. Irregularities in the election render the results of the election doubtful.

The protestants Charles Short, Charles Sutton, and Hewitt Dixon therefore respectfully request that a new election be ordered so that the will of the electorate may be properly determined.

Respectfully Submitted,

Wallace H. Jordan, Jr., SC Bar No.: 7622
626 West Evans Street
Post Office Box 2010
Florence, South Carolina 29503
(843)662-4474 Telephone
(843)662-6024 Facsimile

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

Case No. **2020-CP-13-00785**

Appellant Case No. 2021-000165

Glenn Odom, ... Respondent,

v.

McBee Election Commission,
Charles Short, Charles Sutton, and Hewitt Dixon, ...Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certified that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Signature Page to Follow

SWEENY, WINGATE & BARROW, P.A.

/s/Martin S. Driggers, Jr. .
Martin S. Driggers, Jr. (S.C. Bar No. 13668)
Richard E. McLawhorn, Jr. (S.C. Bar No. 100179)
115 Cargill Way, Suite B
Hartsville, South Carolina 29211
T: (803) 256-2233
F: (803) 256-9177
msd@swblaw.com
rem@swblaw.com
ATTORNEYS FOR TOWN OF MCBEE MUNICIPAL ELECTION COMMISSION

BOWERS LAW OFFICE, LLC

/s/Karl S. Bowers, Jr.
Karl S. Bowers, Jr.
S.C. Bar No. 0016141
P.O. Box 50549
Columbia, SC 29520
Telephone: (803) 753-1099
Fax: (803) 250-2985
butch@butchbowers.com

ROBINSON GRAY STEPP & LAFFITTE, LLC

/s/Robert E. Tyson, Jr.
Robert E. Tyson, Jr.
(SC Bar No.: 10820)
Vordman Carlisle Traywick, III
(SC Bar No.: 102123)
Post Office Box 11449
Columbia, South Carolina 29211
Phone: (803) 929-1400
rtyson@robinsongray.com
ltraywick@robinsongray.com

WALLACE H. JORDAN, JR. P.C.

/s/Wallace H. "Jay" Jordan, Jr.
Wallace H. "Jay" Jordan, Jr.
(SC Bar No.: 76222)
Post Office Box 2010
Florence, South Carolina 29503
Phone: (843) 662-4474
jordanlawsc@gmail.com

ATTORNEYS FOR APPELLANTS CHARLES SHORT, CHARLES SUTTON, AND HEWITT DIXON