

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas
J. Derham Cole
Circuit Court Judge

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MAY 03 2013

Case No.: 2012-CP-26-4403
Appellate Case No.: 2012-213489

S.C. SUPREME COURT

Windy Price.....Appellant,

v.

Horry County Election Commission,
South Carolina Election Commission,
Jake Evans, Josephine Isom, and
Charlene Taylor Defendants.

Of whom Horry County
Election Commission and
South Carolina Election
Commission are..... Respondents.

APPENDIX TO RECORD ON APPEAL

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Pursuant to Rule 212(b) and the written consent of all parties, Appellant Windy Price submits the attached as an Appendix to the Record on Appeal. The appendix consists of the second page of Judge Cole's August 15, 2012, Order, which was inadvertently omitted from the original record.

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(1) Page two of Order of Judge J. Derham Cole (dated 15 Aug 2012)0001
(2) Consent of Parties0002



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1 May 2013

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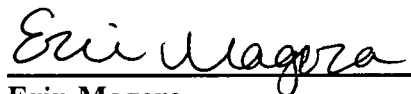
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CERTIFICATE OF SERVICE

I certify that I have served the *Appellant's Appendix to Record on Appeal* on the Clerk of the Supreme Court at P.O. Box 11330, Columbia, SC 29211 and on counsel for the Respondents by serving copies of the same via U.S. Mail on May 1, 2013 to the following:

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1 May 2013

the Horry County Election Commission (“Commission”) upholding the election results is affirmed.

Factual and Procedural Background

Controversies involving election and elections protests in the Town of Atlantic Beach are not new to the courts of this state. The South Carolina Supreme Court has noted that it “has unfortunately become familiar with the Town of Atlantic Beach’s municipal elections, and the disputes that inevitably accompany them.” *Cole v. Town of Atl. Beach Election Comm’n*, 393 S.C. 264, 267 & n.1, 712 S.E.2d 440, 442 & n.1 (2011) (citing *Armstrong v. Atlantic Beach Mun. Election Comm’n*, 380 S.C. 47, 668 S.E.2d 400 (2008); *Taylor v. Town of Atlantic Beach Elec. Comm’n*, 363 S.C. 8, 12, 609 S.E.2d 500, 502 (2005)). In the *Cole* decision, the Court also stated that it “questions whether future election protests can be properly conducted in Atlantic Beach without direct monitoring by the State Election Commission.” *Id.*, 393 S.C. at 275, 712 S.E.2d at 446. This appeal presents yet another controversy involving the Town.

On May 22, 2012, the Commission conducted an election for Mayor and for two Town Council seats for the Town of Atlantic Beach pursuant to Executive Order 2012-03 issued by Governor Nikki R. Haley and filed with the Secretary of State on March 16, 2012.¹ Invoking the authority of the Governor under South Carolina Code Section 7-13-1170, the Executive Order transferred

¹ The basis upon which Governor Haley exercised her discretion to issue the Executive Order is set forth in the body of the Executive Order itself.

