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March 11, 2022

VIA ELECTRONIC FILING

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

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S.C. SUPREME COURT

RE: Glenn Odom v. McBee Municipal Election Commission, Charles Short, Charles Sutton, and Hewitt Dixon
Appellate Case No. 2021-000165
RGSL File No. 7703-1500

Dear Ms. Howard:

Pursuant to Rule 208(b)(7), SCACR, Appellants Charles Short, Charles Sutton, and Hewitt Dixon submit this notice of supplemental authority to the Court in advance of oral arguments on March 17, 2022.

On September 14, 2021, the Attorney General of South Carolina—pursuant to section 1-7-90 of the South Carolina Code—issued an opinion in response to a request from Representative Lee Hewitt. See S.C. Att’y Gen. Op., 2021 WL 4553066, at *1 (Sept. 14, 2021). In the opinion, the Attorney General’s office concluded that section 7-15-330 of the South Carolina Code

limits persons who may request an application to the voter, a member of the voter’s immediate family, or their authorized representative, which is defined in section 7-15-310(7). Section 7-15-330 also prohibits candidates and members of a candidate’s staff, including paid volunteers, from requesting an absentee ballot application on behalf of a voter unless the voter is an immediate family member. In our review, we did not find a signature requirement in order to request an absentee ballot application other than the requirement that an authorized representative must sign an oath declaring he or she meets the statutory definition of representative.

Id. at *3.

Appellants certainly recognize that “Attorney General opinions, while persuasive, are not binding upon this Court.” *Charleston Cnty. Sch. Dist. v. Harrell*, 393 S.C. 552,



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560-61, 713 S.E.2d 604, 609 (2011). After all, “[t]he construction of a statute is a judicial function and responsibility.” *Anderson v. S.C. Election Comm’n*, 397 S.C. 551, 555, 725 S.E.2d 704, 706 (2012) (per curiam). But the Attorney General’s opinion is still “significant” and “pertinent” to the Court’s analysis. Rule 208(b)(7), SCACR.

To that end, Appellants would rely upon the Attorney General’s opinion in further support of their arguments on pages 11-15 of the Final Brief of Appellants and pages 13-14 of the Final Reply Brief of Appellants.

We appreciate the Court’s time and consideration of this matter that just came to the undersigned counsel’s attention today.

With warmest regards, I remain

Respectfully yours,

Robert E. Tyson, Jr.

Enclosure

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