

State of South Carolina

Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

March 16, 2012

VIA OVERNIGHT MAIL

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
1800 G St. N.W.
Washington, D. C. 20006

RE: Request for Expedited Review of Voting Change Submission made by Executive Order 2012-03 ("Order" affecting voting) issued by Governor Nikki R. Haley of South Carolina ("submitting authority") pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Dear Chief of Voting Section:

On behalf of Governor Nikki R. Haley, I am submitting the enclosed Order issued today by Governor Haley for preclearance review pursuant to Section 5 of the Voting Rights Act of 1965, as amended, and the administrative guidelines set out in 28 C.F.R. Part 51. Pursuant to 28 C.F.R. § 51.34, I am requesting expedited consideration of this request for the reasons set forth in this letter.

In accordance with 28 C.F.R. § 51.27 the following information relevant to this Order is provided for your consideration:

- (1) **Action Embodying Change:** A copy of the Order, which is the action embodying change affecting voting, is enclosed. This Order was issued March 16, 2012.
- (2) **Change Affecting Voting:** This Order may be subject to preclearance because it substitutes the South Carolina State Election Commission and the Horry County Election Commission for the Atlantic Beach Municipal Election Commission as the authorities to conduct a municipal election for the Town of Atlantic Beach. (Copies of statutes creating municipal election commissions and authorizing county election commissions to conduct municipal elections enclosed.)

- (3) **Reason for the Change:** On November 5, 2011, the Atlantic Beach Municipal Election Commission declared the results of the Town's November 1, 2011 Election void, leaving in place incumbents who had lost the popular vote. (See enclosed transcript of November 5, 2011 protest hearing before the Atlantic Beach Municipal Election Commission.) In the months since then, the Municipal Election Commission has failed to set a new election date. In a 2011 decision, the South Carolina Supreme Court expressed serious concerns about the Atlantic Beach Municipal Election Commission's ability to conduct a lawful municipal election due to repeated misconduct by the commissioners. (Cole v. Town of Atlantic Beach Election Commission, 393 S.C. 264, 712 S.E.2d 440 (2011) (copy enclosed).) In order to ensure that the new election is expeditiously set and lawfully conducted, the Governor is designating the State Election Commission and the Horry County Election Commission as the authorities to conduct the election.
- (4) **Date on Which Change Will Take Effect:** The new election will be held on May 22, 2012, which takes into consideration the requirement of South Carolina Code § 5-15-50 that municipal elections be conducted on at least 60 days notice. (Copy of statute enclosed.)
- (5) **Statutory Authority:** Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides as follows: "When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result." (Copy of statute enclosed.) The South Carolina State Election Commission and Horry County Election Commission are competent authorities to conduct elections in the Town of Atlantic Beach, which is located in Horry County, South Carolina. These facts were made to appear to the satisfaction of the Governor.
- (6) **Statement of Anticipated Effect on Minorities:** There is no anticipated effect on members of any racial or language minority group by setting this date for the special election or by having the State Election Commission and Horry County Election Commission conduct this special election.
- (7) **No Past or Pending Litigation:** There has not been any litigation concerning this potential change, though the South Carolina Supreme Court expressed extreme concerns about allowing the Atlantic Beach Municipal Election Commission to continue conducting elections in Cole v. Town of Atlantic Beach Election Commission, 393 S.C. 264, 712 S.E.2d 440 (2011) (copy enclosed).

We are requesting an expedited review of this Order because the results of the November 1, 2011 Election have been declared void and incumbents have been permitted to retain their seats since that point, potentially against the will of the voters. (Copies of local newspaper stories covering this election enclosed.)

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Swati S. Patel".

Swati S. Patel
Chief Counsel

Contact Information:

Swati S. Patel
Chief Counsel
Office of the Governor
P.O. Box 12267
Columbia, South Carolina 29211
Direct Line: (803) 734-5095
Fax: (803) 734-5167
swatipatel@gov.sc.gov

cc: Ms. Marci Andino, Executive Director, S.C. State Election Commission (w/encl)

Enclosures

Attachment 1

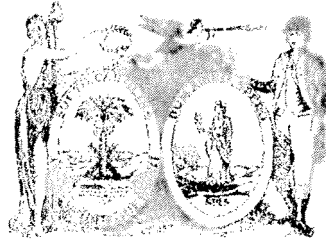
Executive Order 2012-03

State of South Carolina
Executive Department

FILED

MAR 16 2012

Mark Hammond⁸
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2012-03

WHEREAS, on November 1, 2011, the Town of Atlantic Beach held an election for Mayor and two at-large Council seats; and

WHEREAS, the results of that election were protested; and

WHEREAS, on November 5, 2011, the Municipal Election Commission for the Town of Atlantic Beach held a public hearing regarding the election protest. During this hearing, the Municipal Election Commission heard testimony and took evidence regarding voting irregularities associated with the November 1, 2011 election. At the conclusion of the hearing, the Municipal Election Commission declared the results of the November 1, 2011 election void and ordered that a new election for Mayor and two at-large Town Council members would be held within 180 days; and

WHEREAS, the Municipal Election Commission still has not reduced its November 5, 2011 ruling to a written order, nor has it set a date for the new election; and

WHEREAS, Section 5-15-50 of the South Carolina Code of Laws (1976), as amended, requires at least sixty days notice for municipal elections; and

WHEREAS, because of the Municipal Election Commission's delay, it is now too late for the Municipal Election Commission to conduct a new election for Mayor and Town Council members within the time period it previously ordered and comply with the notice requirements of Section 5-15-50; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides as follows: "When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other

person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”; and

WHEREAS, this is the second consecutive election for Mayor or Town Council that the Municipal Election Commission has overturned; and

WHEREAS, Town of Atlantic Beach election controversies have reached the South Carolina Supreme Court on three prior occasions. These controversies have highlighted problems in the Town's electoral process such as: poll workers not following proper procedures for challenged ballots (*Taylor v. Town of Atlantic Beach Election Commission*, 363 S.C. 8, 609 S.E.2d 500 (2005)); voters being denied the right to vote despite establishing residency (*Armstrong v. Atlantic Beach Municipal Election Commission* 380 S.C. 47, 668 S.E.2d 400 (2008)); and the Municipal Election Commission failing to comply with the statutory procedure for contesting election results (*Cole v. Town of Atlantic Beach Election Commission*, 393 S.C. 264, 712 S.E.2d 440 (2011)); and

WHEREAS, the South Carolina Supreme Court, in *Cole v. Town of Atlantic Beach Election Commission*, expressed grave doubts about the ability of the Municipal Election Commission to properly conduct future elections; and

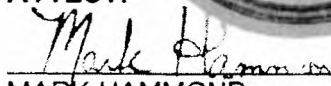
WHEREAS, the Horry County Election Commission and the State Election Commission are competent and qualified to conduct and supervise an election in the Town of Atlantic Beach; and

WHEREAS, continued controversy in this election will erode the public trust in our system of municipal elections, and a properly conducted and supervised election is necessary to ensure the full and fair expression of the citizenry's choice for these elective offices.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held for the office of Mayor and two at-large Town Council members of the Town of Atlantic Beach on May 22, 2012 or at the earliest possible date and time after sixty days notice has been provided to the citizenry and as is permitted by the United State Department of Justice; and (b) designate the Horry County Election Commission and the State Election Commission to perform the necessary official duties pertaining to the election, including noticing the election, conducting the election, counting the votes, declaring the result, and resolving any protest associated with the election.



ATTEST:


MARK HAMMOND
SECRETARY OF STATE

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 16th DAY OF
MARCH, 2012.


NIKKI R. HALEY
GOVERNOR

Attachment 2

Applicable South Carolina Statutes and
Municipal Ordinances

APPLICABLE SOUTH CAROLINA STATUTES

South Carolina Code § 5-15-50. Establishment of municipal ward lines and time for general and special elections; public notice of elections.

Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality. Public notice of the elections shall be given at least sixty days prior to such elections.

South Carolina Code § 5-15-90. Municipal elections conducted by municipal election commission; composition of commission and terms of members; training and certification program.

(A) All municipal elections held under the provisions of this chapter must be conducted by a municipal election commission composed of three electors who must be residents of the municipality and who must be appointed by the municipal governing body. The terms of the members are six years except of those first appointed one shall serve a term of four years and one a term of two years.

(B)(1) Each municipal election commissioner and each staff person designated by the commission, shall complete, within eighteen months after a commissioner's initial appointment or his reappointment after a break in service, or within eighteen months after a staff person's initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a commissioner or staff person has successfully completed the training and certification program, the State Election Commission shall issue the commissioner or staff person a certification, whether or not the commissioner or staff person applies for the certification.

(2)(a) The provisions of this section do not exempt a member or staff person from completing the training and certification program required in item (1).

(b) A member appointed or reappointed after a break in service before the effective date of this section or a staff person employed or reemployed after a break in service before the effective date of this section shall successfully complete a training and certification program by the latter of:

(i) eighteen months after the member's appointment or reappointment after a break in service or the staff person's employment or reemployment after a break in service; or

(ii) ninety days after the effective date of this section.

(c) On and after the effective date of this section, a member appointed or reappointed after a break in service or a staff person employed or reemployed after a break in service shall complete the training and certification program required in item (1) within eighteen months after the

member's appointment or reappointment after a break in service or staff person's employment or reemployment after a break in service.

(3) If a member does not fulfill the training and certification program as provided in this section, the municipal governing body, upon notification, shall remove that member from the board unless the municipal governing body grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(4) Following completion of the training and certification program required in item (1), each commission member, and staff person designated by the commission, shall take at least one training course each year.

South Carolina Code § 5-15-145. Transfer of authority to conduct municipal elections to county elections commission.

(A) Municipalities are authorized to transfer authority for conducting municipal elections to the county elections commission. County elections commissions are authorized to conduct municipal elections.

(B) As a condition of the transfer of authority to conduct elections pursuant to this section, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement. The municipal ordinance must state what authority is being transferred and the county ordinance must accept the authority being transferred.

(C) When the total responsibility for the conduct of a municipal election is transferred to a county election commission, pursuant to the provisions of this section, the municipal election commission is abolished.

(D) If the municipality, by ordinance transfers a portion of the responsibilities for the conduct of a municipal election to a county election commission, the municipality shall not abolish the municipal election commission.

(E) A municipality which by ordinance transfers authority for conducting municipal elections to the county election commission under this section may by ordinance set the filing dates for municipal offices, and the date by which candidates must be certified to the appropriate authority to be placed on the ballot, to run concurrently with the filing dates set by law for countywide and less than countywide offices or other filing dates as may be mutually agreed upon between the municipality and the county election commission.

South Carolina Code § 7-13-1170. Ordering of new election by Governor.

When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.

CHAPTER 7

Elections

State Law Reference: Nomination and election for municipal office, S.C. Code 1976, Sec. 5-15-10, et seq.

- § 1-7-1 Election of Mayor and Council Members.
- § 1-7-2 Dates of Elections.
- § 1-7-3 Nonpartisan Election and Runoff Method; Notice.
- § 1-7-4 Notice of Candidacy.
- § 1-7-5 Election Managers.

Sec. 1-7-1 Election of Mayor and Council Members.

The council shall be composed of a mayor and four (4) council members. The mayor shall be elected at large. Council members shall be residents of Atlantic Beach during their entire terms of office. Mayor and council members shall serve four (4) years, whose term shall be staggered at two (2) year intervals.

State Law Reference: Selection of method of election, S.C. Code 1976, Sec. 5-15-20; terms of office, S.C. Code 1976, Sec. 5-15-40.

Sec. 1-7-2 Dates of Elections.

General elections shall be held on the second Tuesday in November of each off-numbered year, with special elections being held as the need therefor may arise, and on the date as specified by the governing body.

Sec. 1-7-3 Nonpartisan Election and Runoff Method; Notice.

(a) The nonpartisan election and runoff method as set out in section 5-15-62 of the Code of Laws of South Carolina 1976 is hereby adopted as the method of election to be used in the town.

(b) Public notice shall be given at least sixty (60) days prior to each general and special election, and a second election shall be conducted two (2) weeks after the initial election between one (1) more than the number of candidates necessary to fill the office for which no candidate received a majority of the votes cast, with such second election being between the candidates

receiving the largest number of votes in the first election but less than a majority thereof.

State Law Reference: Notice requirements, S.C. Code 1976, Sec. 5-15-50; nonpartisan election and runoff method, S.C. Code 1976, Sec. 5-15-62.

Sec. 1-7-4 Notice of Candidacy.

All individuals offering as a candidate for election to the office of mayor or council member shall, at least thirty (30) days prior to the date of the election, file with the town manager an official notice of his or her intent to seek a specified office.

State Law Reference: Notices of candidacy, S.C. Code 1976, Sec. 5-15-70.

Sec. 1-7-5 Election Managers.

Managers of election shall be appointed by the municipal election commission to carry out the duties and functions of managers as prescribed by title 7, chapter 13 and title 5, chapter 15 of the South Carolina Code of Laws of 1976, as amended.

Attachment 3

Transcript of November 5, 2011 Hearing Before the
Atlantic Beach Municipal Election Commission

1

THE TOWN OF ATLANTIC BEACH

MUNICIPAL ELECTION COMMITTEE

PROTEST HEARING

NOVEMBER 5, 2011

MUNICIPAL ELECTION COMMITTEE MEMBERS

COMMISSIONER- NICOLE KENION, CHAIR	(PRESENT)
COMMISSIONER-CHARLETTE HUDSON	(PRESENT)
COMMISSIONER-DELAYNE A. MILLER	(NOT PRESENT)
CLERK-SHEILA SINGLETARY	(PRESENT)

ATTORNEY FOR THE PROTESTANTS:

WILLIAM GARY WHITE, ESQ
ATTORNEY AT LAW
2009 LINCOLN STREET
COLUMBIA, SOUTH CAROLINA 29201

ATTORNEY FOR JAKE EVANS:

DAVID J. CANTY, ESQ.
ATTORNEY AT LAW
4612 OLEANDER, DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

MABRY COURT REPORTING

MICHAEL J. MCCARTHY (843) 957-7652

301 ANNE ST. NORTH MYRTLE BEACH, SC 29582 MICHAEL.MCCARTHY@SCPR.COM

WITNESS LIST

CAROLYN COLE	PATRICIA BELLAMY
BENNY WEBB	WINDY PRICE
MARGIE SMITH	MISTY UMPHRIES
JOSH CAPLAN	SHANE UMPHRIES
DEREK STANLEY	DARNELL PRICE
SHEILA SINGLETARY	

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NO QUESTIONS.

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1 MEC CHAIR: GOOD MORNING. WE WOULD
2 LIKE TO WELCOME YOU TO THE PROTEST
3 HEARING ON NOVEMBER 5TH, 2011. IF YOU
4 HAVE ANY CELL PHONES OR PAGERS, PLEASE
5 SILENCE THEM AT THIS TIME. WE ARE HERE
6 FOR THE ELECTION PROTEST HEARING ONLY.
7 ROLL CALL MADAM CHAIR.

8 SHEILA SINGLETARY: ROLL CALL,
9 COMMISSIONER CHAIRPERSON NICOLE KENYON?

10 MEC CHAIR: HERE.

11 SHEILA SINGLETARY: CHARLETTE HUDSON,
12 COMMISSIONER?

13 CHARLETTE HUDSON: HERE.

14 SHEILA SINGLETARY: DELAYNE A. MILLER,
15 COMMISSIONER? DELAYNE A. MILLER,
16 COMMISSIONER? CAN YOU HEAR ME?

17 AUDIENCE: YES.

18 MEC CHAIR: THE CHALLENGED BALLOT
19 HEARING ON THURSDAY GOT OUT OF ORDER.
20 IT IS MY JOB AND DUTY AS CHAIRPERSON TO
21 KEEP EVERYTHING IN ORDER. IF ANYONE IS
22 OUT OF ORDER, THEY WILL BE ASKED TO
23 LEAVE. THERE WILL BE NO DISCUSSION
24 FROM THE FLOOR AT ALL. OUR GOAL IS TO
25 GIVE A FAIR HEARING AND MAKE SURE

=====MABRY COURT REPORTING=====

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1 EVERYTHING IS DONE RIGHT. PLEASE STAND
2 FOR A MOMENT OF SILENCE.

3 (MOMENT OF SILENCE.)

4 (THE PLEDGE OF ALLEGIANCE.)

5 MEC CHAIR: MADAM CLERK, PLEASE STATE
6 THE NAMES OF THE PEOPLE WHO TURNED IN
7 THE PROTEST HEARING INFORMATION AND THE
8 TIME AND PLACE WHEN THEY TURNED IT IN.

9 SHEILA SINGLETARY: JAMES BENNETT VAN
10 FLEET, IV.

11 AUDIENCE: CAN'T HEAR YOU.

12 SHEILA SINGLETARY: JAMES BENNETT VAN
13 FLEET, IV: TURNED IN INFORMATION
14 NOVEMBER 3, AT THE TOWN HALL AT 5:09
15 P.M. WINDY PRICE, MISTY UMPHRIES:
16 TURNED IN INFORMATION NOVEMBER 3, 2011
17 AT 6:31 P.M.

18 MEC CHAIR: LET THE RECORD SHOW THAT
19 THE PROTEST DOCUMENTS WERE TURNED IN,
20 IN A TIMELY MANNER AND IN ACCORDANCE
21 WITH STATE ELECTION LAW. PROTESTERS
22 PLEASE STAND AND STATE YOUR NAME.

23 WINDY PRICE: REVEREND WINDY PRICE.

24 MISTY UMPHRIES: MISTY UMPHRIES.

25 AUDIENCE: MADAM CHAIR, MR. VAN FLEET

MABRY COURT REPORTING

MICHAEL J. MCCARTHY (843) 957-7652

501 ANNEXE, NORTH MYRTLE BEACH, SC 29582 MICHAEL@MCCARTHY@SCCRR.COM

1 SENT A MESSAGE THROUGH ME THAT HE IS
2 NOT GOING TO BE HERE.

3 MEC CHAIR: MA'AM, WE ARE NOT GOING TO
4 HAVE COMMENTS FROM THE FLOOR.

5 AUDIENCE: NO, I AM TALKING WHY HE IS
6 NOT HERE. HE IS SICK. I WANT IT ON
7 THE RECORD BECAUSE HE TURNED IT IN, IN
8 A TIMELY MANNER.

9 MEC CHAIR: PLEASE BE SEATED.

10 MR. WHITE: I AM MR. WHITE. I AM HERE
11 FOR MRS. PRICE AND MRS. UMPHRIES.

12 MEC CHAIR: MADAM CLERK, PLEASE SWEAR
13 IN MRS. PRICE.

14 (PROTESTANT SWORN IN.)

15 MEC CHAIR: MRS. PRICE, WILL YOU BE
16 REPRESENTED BY LEGAL COUNSEL?

17 WINDY PRICE: YES, I WILL.

18 MEC CHAIR: MADAM CLERK, SWEAR IN MRS.
19 MISTY UMPHRIES, PLEASE.

20 (PROTESTANT SWORN IN.)

21 MEC CHAIR: WILL YOU BE REPRESENTED BY
22 LEGAL COUNSEL, MRS. UMPHRIES?

23 MISTY UMPHRIES: YES.

24 MEC CHAIR: THE LAW REQUIRES THAT
25 PROTESTERS SHOULD SERVE PARTIES

MABRY COURT REPORTING

MICHAEL J. MCCARTHY (843) 957-7652

301 AVENUE SE, NORTH MYRTLE BEACH, SC 29582 MICHAEL.MCCARTHY@SCCPR.COM

1 CONCERNED IN THE MATTER OF JAKE EVANS,
2 JOSEPHINE ISOM AND CHARLENE TAYLOR.
3 MADAM CLERK, WOULD YOU PLEASE SWEAR IN
4 MR. JAKE EVANS.

5 SHEILA SINGLETARY: JAKE EVANS WOULD
6 YOU PLEASE STAND?

7 MR. CANTY: MY NAME IS MR. CANTY. I AM
8 AN ATTORNEY ON BEHALF OF MR. EVANS. HE
9 HAS NOT BEEN CALLED AS A WITNESS, SO
10 THERE IS NO REASON TO SWEAR HIM IN AT
11 THIS TIME.

12 MEC CHAIR: MADAM CLERK, WOULD YOU
13 PLEASE SWEAR IN CHARLENE TAYLOR.

14 SHEILA SINGLETARY: MS. CHARLENE
15 TAYLOR, ARE YOU HERE?

16 AUDIENCE: AIN'T NOBODY ASKED ME TO
17 TESTIFY. SO I AM NOT COMING UP THERE.

18 MEC CHAIR: MR. MR. WHITE, WOULD YOU
19 PLEASE STAND. DO YOU INTEND TO CALL
20 WITNESSES?

21 MR. WHITE: WE DO.

22 MEC CHAIR: DO YOU HAVE THOSE NAMES?

23 MR. WHITE: JUST GIVE US A MINUTE AND
24 WE WILL BRING THE LIST UP. MADAM
25 CHAIRWOMAN, WE HAVE TWENTY-SEVEN

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1 WITNESSES. WE WILL HAVE YOU A LIST IN
2 JUST A MOMENT.

3 MEC CHAIR: DOES CHARLENE TAYLOR OR
4 JOSEPHINE ISOM OR JAKE EVANS HAVE ANY
5 WITNESSES AT THIS TIME?

6 MR. CANTY: MADAM CHAIR, MR. CANTY ON
7 BEHALF OF MR. EVANS. AS YOUR HONOR IS
8 WELL AWARE, WE HAVE NO BURDEN OF PROOF
9 AND WHETHER OR NOT WE PRESENT
10 WITNESSES, WE DO NOT NEED TO SAY AT
11 THIS POINT.

12 MEC CHAIR: THE WITNESSES WILL NOT BE
13 ALLOWED TO BE IN THE HEARING. THEY
14 WILL BE TAKEN TO A SEPARATE ROOM. WE
15 WANT THE TESTIMONY TO BE OF AS LITTLE
16 INFLUENCE AS POSSIBLE ON ANYONE.

17 MR. CANTY: PLEASE NOTE OUR OBJECTION
18 TO THAT. I DIDN'T HEAR ANY MOTION OR
19 VOTE ON SEQUESTRATION. IF IT IS THE
20 COMMISSIONS' INTENTION TO NOT ALLOW
21 WITNESSES FOR THE OTHER SIDE, WE WILL
22 ADDRESS IT AT THAT TIME. OUR POSITION
23 IS THAT IT IS IMPROPER ...

24 MEC CHAIR: I HAVEN'T FINISHED, SIR.
25 THE APPELLANTS ARE ASKING THE MUNICIPAL

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1 ELECTION COMMISSION TO REVERSE THE
2 DECISION TO CERTIFY THE ELECTION AND
3 OVERTURN IT. THE SUPREME COURT HAS
4 MADE IT CLEAR THAT OVERTURNING AN
5 ELECTION IS NOT TO BE TAKEN LIGHTLY AND
6 IT IS NOT GOING TO BE TAKEN LIGHTLY
7 HERE TODAY. THE SUPREME COURT HAS
8 PUBLISHED ITS STANDARD OF REVIEW AS
9 FOLLOWS: THE COURT WILL EMPLOY EVERY
10 REASONABLE PRESUMPTION TO SUSTAIN A
11 CONTESTED ELECTION AND WILL NOT SET
12 ASIDE AN ELECTION DUE TO MERE
13 IRREGULARITIES OR ILLEGALITIES UNLESS
14 THE RESULT IS CHANGED OR RENDERED
15 DOUBTFUL. THIS IS BASED ON SOUTH
16 CAROLINA CODE 5-15-130 WHICH READS AS
17 FOLLOWS. MADAM CHAIR? I AM SORRY.
18 MADAM CLERK?

19 SHEILA SINGLETARY: THE COMMISSION
20 WANTS TO HEAR ALL THAT YOU HAVE TO SAY.
21 PLEASE BE MINDFUL THAT YOU MUST PRESENT
22 MORE THAN MERE IRREGULARITIES OR MINOR
23 VIOLATIONS OF THE LAW. WHAT YOU
24 PRESENT MUST RISE TO THE LEVEL OF FRAUD
25 AND/OR CONSTITUTIONAL VIOLATIONS THAT

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1 WOULD HAVE IMPACTED THE VOTERS IN SUCH
2 A WAY THAT IT WOULD CHANGE THE OUTCOME
3 OF THIS ELECTION HAD THEY NOT OCCURRED.
4 IT IS OUR UNDERSTANDING THAT THIS IS
5 THE ONLY WAY TO INVALIDATE AN ELECTION.
6 THE LEGAL STANDARD YOU MUST MEET TODAY
7 IS HIGH AND WE ARE LISTENING.

8 MEC CHAIR: CAN WE PLEASE HAVE THESE
9 WITNESSES STAND; PATRICIA BELLAMY,
10 BENNY WEBB, DARNELL PRICE, RETHA
11 PIERCE, BETSY COX, SHEILA SINGLETARY,
12 STEPHANIE SIMMONS, JANIE ISOM, IRENE
13 ARMSTRONG, MISTY UMPHRIES, CAROLYN
14 COLE, DEREK STANLEY, WINDY PRICE,
15 MARGIE SMITH, CHARLENE TAYLOR, JAKE
16 EVANS, JOSEPHINE ISOM, MR. BLACK, LAURA
17 BEST, PAUL SCOTT, WILLIAM AND LINDA
18 BOOKER, BOBBY MORRIS. JAMES VAN FLEET
19 IS ILL AT THIS TIME. STACY HUDGINS,
20 JOSH CAPLAN, JOE MONTGOMERY AND
21 CONSTANCE BUSBIE. COULD YOU ALL PLEASE
22 FOLLOW MIKE BORDNER, THE POLICE
23 OFFICER.

24 MR. CANTY: MADAM CHAIR, ON BEHALF OF
25 MR. EVANS, HE IS NOT UNDER SUBPOENA,

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1 AND AGAIN, THERE HAS BEEN NO MOTION TO
2 SEQUESTRATION. WE VERY MUCH OBJECT TO
3 THESE PROCEEDINGS. WE RESPECTFULLY
4 DECLINE.

5 AUDIENCE: I, STEPHANIE SIMMONS, ALSO
6 DECLINE BECAUSE I WAS NOT SENT A
7 SUBPOENA EITHER.

8 AUDIENCE: I, CHARLENE TAYLOR, ALSO
9 DECLINE BECAUSE I WAS NOT SERVED A
10 SUBPOENA.

11 AUDIENCE: JOE MONTGOMERY ALSO
12 DECLINES.

13 AUDIENCE: IRENE ARMSTRONG ALSO
14 DECLINES.

15 AUDIENCE: BOBBY MORRIS DECLINES.

16 MEC CHAIR: I AM NOW GOING TO GIVE AN
17 OVERVIEW OF HOW THIS HEARING WILL BE
18 CONDUCTED. WE WILL HAVE OPENING
19 STATEMENTS FROM THE APPELLANT'S
20 ATTORNEY FIRST FOLLOWED BY THE OPENING
21 STATEMENTS OF THE RESPONDENTS OR THEIR
22 ATTORNEY. NEXT, WE WILL ADDRESS EACH
23 ISSUE AS FOLLOWS: VOTER REGISTRATION,
24 POLLING PLACE, VOTER INTIMIDATION,
25 VOTING RIGHTS, CIVIL RIGHTS AND THE

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1 VOTE COUNT WHICH INCLUDES ABSENTEE
2 BALLOTS, ELECTRONIC VOTES AND
3 CHALLENGED BALLOTS. WE WILL HEAR
4 TESTIMONY IN EACH CATEGORY. MR. MR.
5 WHITE, ARE YOU READY TO PROCEED?

6 MR. WHITE: I AM, MADAM CHAIRMAN, AND
7 WE WOULD ASK THAT MRS. PRICE AND MRS.
8 UMPHRIES, BECAUSE THEY ARE PARTIES, NOT
9 TO BE SEQUESTERED BECAUSE BOTH ARE
10 PARTIES AND HAVE A RIGHT TO BE HERE.
11 MEC CHAIR: YES, SIR.

12 MR. WHITE: WE WOULD LIKE TO PUT MRS.
13 COLE UP AS OUR EARLIEST WITNESS SINCE
14 ...

15 AUDIENCE: WE CAN'T HEAR YOU. WE CAN'T
16 HEAR ANYTHING BACK HERE. IT'S NOT
17 FAIR.

18 MR. WHITE: I WOULD LIKE MRS. COLE TO
19 BE ONE OF THE FIRST WITNESSES BECAUSE
20 SHE WILL BE ASSISTING ME.

21 MEC CHAIR: THAT WILL BE FINE. AFTER
22 THE TESTIMONIES, WE WILL MOVE TO
23 CLOSING STATEMENTS. THE RESPONDENTS
24 WILL GO FIRST AND THE APPELLANTS WILL
25 GO LAST. AFTER EACH CATEGORY, WE WILL

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1 TAKE A FIFTEEN MINUTE BREAK FOR THE
2 COURT REPORTER TO GO OVER THE EXHIBITS.
3 WE WILL BREAK FOR LUNCH CLOSE TO THE
4 NOON HOUR. AFTER LUNCH WE WILL
5 CONTINUE WITH THE NEXT CATEGORY UNTIL
6 THEY ARE DONE. THEN THE COMMISSION
7 WILL DELIBERATE. AFTER WE HAVE
8 REVIEWED WHAT HAS BEEN PRESENTED TO THE
9 MEC, WE WILL TAKE A VOTE. AFTER THAT
10 WE WILL ADJOURN THIS MEETING AND TRY TO
11 GET A WRITTEN RECORD OF OUR VOTE AS
12 SOON AS POSSIBLE. WE WILL PUT THE
13 TRANSCRIPT OF THIS HEARING AND ANY
14 EXHIBITS ON FILE WITH THE HORRY COUNTY
15 CIRCUIT COURT. WE ARE NOW READY FOR
16 OPENING STATEMENTS. MR. WHITE?
17 MR. WHITE: THANK YOU, MADAM CHAIR
18 LADY. THE SUPREME COURT HAS SAID HOW
19 IMPORTANT THIS VOTING PROCESS IS. IT
20 IS, OF COURSE, A PART OF THE DEMOCRACY.
21 WE FEEL THAT THE INTEGRITY OF THE
22 VOTING PROCESS OVER THE PAST SEVERAL
23 DECADES HAS COME UNDER CONSTANT
24 SCRUTINY AND THE SUPREME COURT HAS
25 NOTED THE INABILITY FOR THE VOTING

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1 PROCESS TO CONTINUE AND SEEMS THAT THE
2 SAME PARTIES THAT HAVE OBSTRUCTED THE
3 VOTING PROCESS IN THE PAST HAVE DONE
4 THE SAME THING IN THIS SITUATION.
5 ALTHOUGH THE TOWN IS SUPPOSED TO HAVE A
6 POPULATION OF ONLY THIRTY-THREE MORE
7 VOTES THAN THAT WERE CAST. MRS.
8 UMPHRIES HAS ATTEMPTED TO ACT AS A
9 CANDIDATE AND CAMPAIGN IN TOWN OF
10 ATLANTIC BEACH, BUT WAS INTIMIDATED AND
11 TOLD SHE COULDN'T SPEAK TO CERTAIN
12 VOTERS. CAMPAIGNING IS NOT SUPPOSED TO
13 OCCUR WITHIN THE VICINITY OF THE VOTING
14 PLACE, BUT APPARENTLY THERE WERE
15 CANDIDATES INSIDE THE VOTING PLACE
16 CONTINUING TO CAMPAIGN INSIDE THE
17 POLLING PLACE DURING THE VOTING. THERE
18 WERE PEOPLE AT THE DOOR. VOTERS WERE
19 INTIMIDATED AND TURNED ASIDE FROM
20 VOTING BECAUSE OF THE INTIMIDATION.
21 THREATS OF BEING EVICTED IF THEY VOTED
22 THE WRONG WAY. AS WE KNOW, THE HOUSING
23 AUTHORITY WAS CLOSED DOWN BECAUSE THE
24 PEOPLE IN THE HOUSING AUTHORITY VOTED
25 THE WRONG WAY.

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1 AUDIENCE: (LAUGHTER.)

2 MEC CHAIR: WE ARE NOT GOING TO HAVE
3 ANY NOISE FROM THE FLOOR.

4 MR. WHITE: TO ADD TO THIS ATMOSPHERE,
5 A LADY CALLING HERSELF LAURA BEST
6 PURPORTED TO BE FROM THE ATTORNEY
7 GENERAL'S OFFICE, COMMANDEERED THE
8 PROCESS AND CAUSED MUCH CONFUSION.
9 MRS. PRICE AND MRS. UMPHRIES ARE
10 CONCERNED WITH THE INTEGRITY OF THE
11 VOTING MACHINES. MRS. UMPHRIES HAD
12 ASKED THAT IT -- THE ZERO TAPE WAS NOT
13 PRESENTED AS IT SHOULD HAVE BEEN AND
14 THE INTEGRITY OF THE MACHINES --
15 APPARENTLY ONE OF THE MACHINES SHOULD
16 NOT HAVE EVEN BEEN OUT. THERE WERE
17 SOME IRREGULARITIES WITH CURBSIDE
18 VOTING WHERE PEOPLE WHO WERE UNABLE TO
19 COME INSIDE TO VOTE -- THE MACHINES
20 SHOULD NOT HAVE GONE OUTSIDE. POLL
21 WATCHERS WERE NOT ALLOWED TO GO OUTSIDE
22 WITH THE MACHINE ON OCCASION. PATRICIA
23 BELLAMY, WHO WAS A POLL WATCHER, WAS
24 DISTRACTED FROM HER DUTIES BY MS. BEST
25 AND TAKEN OUTSIDE. ANY OF THESE

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1 CASTING QUESTIONS TO THE OUTCOME OF THE
2 ELECTION.

3 MEC CHAIR: THANK YOU, MR. WHITE. MR.
4 CANTY, DO YOU HAVE ANY OPENING
5 STATEMENTS AT THIS TIME?

6 MR. CANTY: MADAM CHAIR, PLEASE
7 UNDERSTAND THAT I MEAN NO DISRESPECT BY
8 THIS. I ATTEMPTED TO VERIFY THAT MR.
9 WHITE HAD BEEN RE-INSTATED AS A MEMBER
10 OF THE BAR YESTERDAY EVENING AND
11 ACCORDING TO THE SOUTH CAROLINA BAR'S
12 ONLINE MEMBERSHIP DATABASE, HE DOES NOT
13 APPEAR TO BE AND I WOULD ASK THE CHAIR
14 TO INQUIRE AS TO WHETHER OR NOT HE HAS
15 BEEN RE-INSTATED AS A MEMBER OF THE
16 BAR.

17 MEC CHAIR: THE FIRST CATEGORY WE ARE
18 HERE FOR IS VOTER REGISTRATION. MR.
19 WHITE, COULD YOU PLEASE CALL YOUR FIRST
20 WITNESS?

21 **IN THE MATTER OF VOTER REGISTRATION:**

22 MR. WHITE: WE WOULD CALL MRS. COLE.

23 CAROLYN COLE, HAVING BEEN DULY SWORN,
24 TESTIFIED AS FOLLOWS:

25 MEC CHAIR: YOU MAY PROCEED, MR. WHITE.

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DIRECT EXAMINATION BY MR. WHITE:

Q THANK YOU, MRS. CHAIRMAN. MRS. COLE, THE FIRST
ISSUE IS VOTER REGISTRATION AND ...

AUDIENCE: CAN'T HEAR YOU.

Q OUR FIRST ISSUE IS VOTER REGISTRATION. I
WANTED TO PUT YOU AS OUR FIRST WITNESS BECAUSE
YOU AGREED TO ASSIST ME. SO, WE WANTED TO GO
AHEAD AND GET YOUR TESTIMONY, SO YOU COULD THEN
BEGIN ASSISTING ME WITH THAT. IN REGARD TO
VOTER REGISTRATION ARE YOU AWARE...

AUDIENCE: CANNOT HEAR YOU ...

AUDIENCE: WE CANNOT HEAR HIM.

Q WELL, YOU NEED TO LISTEN AND QUIT TALKING.

AUDIENCE: I WASN'T TALKING. (SEVERAL
AUDIENCE MEMBERS TALKING AT THE SAME
TIME.)

MEC CHAIR: YOU WILL BE REMOVED FROM
HERE BECAUSE WE ARE NOT GOING TO
TOLERATE THIS TODAY. WE CANNOT MOVE
FORWARD WITH ALL THIS TALKING.

AUDIENCE: YOU NEED A MICROPHONE.

MEC CHAIR: WE DO NOT NEED EVERYONE
TALKING AT THE SAME TIME.

Q I CAN TALK LOUD ENOUGH. MRS. COLE, ARE YOU
FAMILIAR, WITH YOUR POSITION AS COUNCILWOMAN,

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1 WITH THE POPULATION OF THE TOWN OF ATLANTIC
2 BEACH?

3 **A** I AM.

4 **Q** AND WHAT IS THE OFFICIAL POPULATION OF THE TOWN
5 OF ATLANTIC BEACH?

6 **A** IT IS ABOUT 334 -- TO GET THE EXACT NUMBER, YOU
7 WOULD HAVE TO BE LOOKING AT THE CENSUS DOCUMENT
8 OR NOTES, BUT IT IS ABOUT 330 SOMETHING.

9 **Q** ARE YOU AWARE OF ANY DISCREPANCIES OF
10 POPULATION WITH THE VOTER ROLES?

11 **A** I AM. THE VOTING ROLE -- THE CENSUS IS ABOUT
12 330 SOMETHING AND ABOUT TWENTY-FIVE PERCENT OF
13 THAT POPULATION IS UNDER THE VOTING AGE, WHICH
14 WOULD HAVE BEEN ABOUT 252, WHICH WOULD HAVE
15 LEFT US WITH ABOUT 252 OLD ENOUGH TO VOTE IN
16 THE VOTER REGISTRATION ROLE. THE FIRST TIME I
17 SAW THE ROLE WAS 300 AND SOMETHING AND THEN THE
18 FINAL ONE THAT I SAW WAS 400 OR A LITTLE OVER
19 400. 419, 420 OR SOMETHING LIKE THAT.

20 **Q** SO, THERE IS PROBABLY ABOUT 150 MORE PEOPLE ON
21 THE VOTER ROLES THAN THE POPULATION OF THE
22 TOWN?

23 **A** YES.

24 **Q** DO YOU HAVE ANY EXPLANATION FOR THAT?

25 **A** WELL, WHEN WE STARTED LOOKING AT THE ROLE, WE

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1 REALIZED THAT IT HAD NOT BEEN PURGED FROM
2 PREVIOUS YEARS. WE ALSO REALIZED THAT BETWEEN
3 THE FIRST PRINTING OF THE VOTER REGISTRATION
4 ROLE THAT WE SAW FROM THE STATE ELECTION
5 COMMISSION AND THE FINAL ONE THAT CAME FROM
6 Horry COUNTY, PEOPLE WERE ADDED. INDIVIDUALS
7 WERE JUST BASICALLY ADDING PEOPLE TO THE ROLE.

8 **Q** WAS ANY INVESTIGATION DONE INTO THAT?

9 **A** WELL, PATRICIA BELLAMY OF THE ATLANTIC BEACH
10 CONCERNED CITIZENS CAME BEFORE COUNCIL AND
11 BROUGHT THE MATTER TO OUR ATTENTION FORMALLY
12 AND WE DID. WELL, WE TOOK A VOTE ON THE
13 COUNCIL AND ASKED THE TOWN MANAGER TO HAVE THE
14 ATLANTIC BEACH POLICE DEPARTMENT OR THE
15 ADMINISTRATIVE SIDE OF IT TAKE A LOOK AT WHAT
16 WAS GOING ON WITH THE VOTER REGISTRATION ROLE.

17 **Q** AND WHAT DID YOU DISCOVER?

18 **A** IT IS JUST INFLATED. IT IS AN INFLATED VOTER
19 REGISTRATION ROLE AND THERE WERE A LOT OF
20 PEOPLE THAT DO NOT LIVE IN THE TOWN OF ATLANTIC
21 BEACH. ONE OF THE PLACES WAS THE PROPERTY
22 OWNED BY COUNCILMAN EVANS' MOTHER AND IT HAD
23 ABOUT NINETY-THREE RESIDENTS IN IT. BUT WHEN
24 THE POLICE DEPARTMENT DID THEIR SURVEILLANCE
25 AND CHECK -- WHATEVER PROCESS THEY WERE USING

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1 TO CHECK WHERE PEOPLE LIVED AND SO FORTH, THEY
2 KNEW THAT THE PEOPLE DID NOT LIVE THERE. SO,
3 BEFORE THE ELECTION OCCURRED, MRS. WOODS SENDS
4 A DOCUMENT OVER TO THE ATLANTIC BEACH POLICE
5 DEPARTMENT, TO THE ADMINISTRATIVE SIDE OF IT,
6 THAT LISTED THE NAMES OF ABOUT SEVENTY
7 SOMETHING PEOPLE THAT NO LONGER LIVED AT THAT
8 ADDRESS.

9 Q SO, YOU'RE SAYING THERE WERE SEVENTY PEOPLE ON
10 THE VOTER REGISTRATION ROLLS WHO WERE NOT
11 RESIDENTS?

12 A NO. THERE WERE MUCH MORE THAN THAT. THAT WAS
13 JUST THE ONE LOCATION. SO WHAT THE POLICE
14 DEPARTMENT -- AS I UNDERSTAND, WHAT THE MANAGER
15 WAS TRYING TO DO WITH THE ELECTION COMMISSION
16 WAS TRYING TO MAKE SURE THAT ONLY THE
17 REGISTERED VOTERS WHO WERE RESIDENTS OF
18 ATLANTIC BEACH VOTED IN THE ELECTION.

19 Q HOW DID THAT AFFECT THE OUTCOME OF THE
20 ELECTION?

21 A AT THIS POINT, AND WE WILL HAVE TO WAIT AND
22 SEE, BUT THE NUMBERS DON'T ADD UP. THERE WAS A
23 HUNDRED AND SOME -- I CAN'T REMEMBER EXACTLY
24 BUT I WAS TOLD THAT OVER A HUNDRED PEOPLE PLUS
25 RECEIVED LETTERS -- BECAUSE NOBODY WANTED TO

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1 PLAY A 'GOT YOU' SITUATION WITH ANYBODY. AND I
2 THINK WHAT THEY DID WAS SEND OUT THE LETTERS
3 WITH THE LAW AND IT TOOK THE PEOPLE WHO DID NOT
4 LIVE IN ATLANTIC BEACH BUT WERE REGISTERED
5 VOTERS. SENT THEM THE INFORMATION SO THAT THEY
6 COULD LOOK AT THE LAW AND THEM MAKE THERE OWN
7 DECISION ON WHETHER OR NOT THEY WOULD LIKE TO
8 COME AND PARTICIPATE IN THE ELECTION OR NOT.

9 **Q** DOES THAT CAUSE YOU DOUBT AS TO THE
10 AUTHENTICITY OF THE OUTCOME?

11 **A** THERE WERE A LOT OF THINGS THAT -- THERE WERE
12 MORE THINGS THAN THE VOTER REGISTRATION ROLES
13 THAT MADE ME CONSIDER OR DOUBT THE OUTCOME OF
14 THE ELECTION.

15 **Q** I THINK THE COMMISSION WANTED TO GET INTO THOSE
16 ISSUES SEPARATELY?

17 **A** I THINK SO.

18 **Q** DO YOU HAVE ANY OTHER INFORMATION CONCERNING
19 THE VOTER REGISTRATION PROCESS ITSELF? YOU
20 HAVE ANY DOUBTS ABOUT?

21 **A** I THINK THAT IN TERMS OF -- I THINK THE
22 CITIZENS THAT WERE SPENDING TIME TRYING TO
23 CHECK RESIDENTS. I THINK THEY MADE A GOOD
24 CITIZENS EFFORT AND I THINK THERE HAS BEEN AN
25 HONEST EFFORT BY THE POLICE DEPARTMENT TO CLEAN

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1 UP THE VOTER REGISTRATION ROLES. WHEN IT
2 FINISHED IT WAS ABOUT -- IT WAS SOMEWHERE
3 BETWEEN 120 AND 330 PEOPLE ON THE ROLE.

4 **Q** WAS THE INTEGRITY OF THE VOTER REGISTRATION
5 ROLES STILL IN QUESTION?

6 **A** THERE ARE THINGS WHEN WE HAVE -- I THINK THERE
7 ARE SOME ISSUES ARE BETTER RESERVED FOR THE
8 POLICE DEPARTMENT. SOME OF THE ISSUES THAT
9 HAVE BEEN RAISED ABOUT THE ACTUAL DMV AND HOW
10 SOME DOCUMENTS HAVE BEEN OBTAINED FROM THE DMV
11 THROUGH THE POLICE DEPARTMENT, RUNS THAT DMV
12 CHECK AT A PARTICULAR TIME AND WHEN THEY RUN
13 THAT DMV CHECK AGAIN AND AGAIN, AND YOU FIND
14 OUT THAT THERE ARE CERTAIN PEOPLE WHO ARE ABLE
15 TO GET THESE DOCUMENT DATES, ISSUE DATES AND
16 THINGS LIKE THAT DON'T CORRELATE AND ALSO SOME
17 OF THE INFORMATION ON THE VOTER REGISTRATION
18 ROLE DOES NOT CORRELATE BETWEEN FROM THE DMV TO
19 THE COUNTY ELECTION OFFICE. IT DOESN'T APPEAR
20 TO BE SOMETHING THAT IS JUST HAPPENING IN THE
21 TOWN OF ATLANTIC BEACH WITHOUT SOME ASSISTANCE.

22 **Q** IS THERE ANYTHING ELSE THAT WOULD CAUSE YOU TO
23 CAST DOUBT ON THE OUTCOME OF THE ELECTION?

24 **A** THERE ARE OTHER THINGS. IN TERMS OF BEYOND
25 VOTER REGISTRATION?

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1 **Q** ANYTHING JUST CONCERNING VOTER REGISTRATION?

2 **A** NO. WE HAD SOME PEOPLE WHO -- THE DOUBLE
3 VOTES. WE HAD A COUPLE OF THOSE. JUST -- I
4 THINK THAT THE INFLATED ROLE WITH 400 AND
5 SOMETHING THAT EXCEEDED THAT AND WE WHITTLED IT
6 DOWN TO A HUNDRED OR SO -- LET SAY A HUNDRED --
7 LESS THAN -- WHAT DID I SAY? LET'S SAY LESS
8 THAN A HUNDRED AND THIRTY PEOPLE. I THINK THAT
9 REALLY TELLS THE STORY ABOUT HOW MANY
10 REGISTERED VOTERS WE DO HAVE IN THE TOWN.

11 **Q** THANK YOU MS. COLE. IF THE COUNCIL PERMITS I
12 WOULD LIKE MS. COLE TO SIT BESIDE ME AND
13 CONTINUE TO AID ME?

14 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
15 QUESTIONS FOR THIS WITNESS AT THIS
16 TIME?

17 **CROSS EXAMINATION BY ME. CANTY:**

18 **Q** YES, MA'AM. VERY BRIEFLY. MS. COLE, WOULD YOU
19 PLEASE TELL THE COMMISSION ABOUT YOUR CONTACT
20 WITH THE HORRY COUNTY VOTER REGISTRATION BOARD
21 AND YOUR COMMUNICATION OF THESE CONCERNS TO THE
22 VOTER REGISTRATION BOARD?

23 **A** I DID NOT EXPRESS ANY CONCERNS TO THE HORRY
24 COUNTY VOTER REGISTRATION BOARD. WE APPOINT,
25 AS THE TOWN COUNCIL, THE MUNICIPAL ELECTION

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1 COMMITTEE AND IT IS THEIR JOB.

2 **Q** AS A MEMBER OF THE COUNCIL ...

3 MEC CHAIR: SIR, YOU NEED TO SPEAK UP
4 PLEASE FOR THE COURT REPORTER.

5 **Q** AS A MEMBER OF COUNCIL, DID YOU VOTE TO
6 TERMINATE ALL THE EMPLOYMENT OF ALL THE POLICE
7 OFFICERS IN ATLANTIC BEACH?

8 **A** NO. THE COUNCIL MEMBERS DON'T VOTE TO
9 TERMINATE POLICE OFFICERS.

10 **Q** WHILE YOU WERE ON COUNCIL, DID THE CITY MANAGER
11 OR TOWN MANAGER TERMINATE ALL OF THE EMPLOYEES
12 OF THE POLICE DEPARTMENT?

13 **A** NO, HE DID NOT.

14 MEC CHAIR: SIR, WE ARE TALKING ABOUT
15 VOTER REGISTRATION.

16 MR. CANTY: WELL, MADAM CHAIR, IF I MAY
17 ...

18 MEC CHAIR: VOTER REGISTRATION.

19 **Q** YES, MA'AM. AS I UNDERSTAND IT, YOU REQUESTED
20 A POLICE DEPARTMENT INVESTIGATION INTO THE
21 VOTER ROLES?

22 **A** WE DID.

23 **Q** BUT YOU DID NOT COMMUNICATE ANY CONCERNS TO THE
24 VOTER REGISTRATION BOARD?

25 **A** THE MUNICIPAL -- OUR COMMUNICATION WAS -- WE

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1 COMMUNICATED OUR CONCERN WHEN IT WAS BROUGHT TO
2 US THAT NIGHT FROM THE FLOOR FROM A CITIZEN.
3 WE COMMUNICATED IT TO THE INTERIM TOWN MANAGER,
4 WHO THEN HAS A CLERK WHO SERVES AS A CLERK TO
5 THE COMMISSION AND THEY TOOK IT FROM THERE.
6 AND THE POLICE DEPARTMENT IS ALSO UNDER HIS
7 PURVIEW. SO, THEY TOOK IT FROM THERE.

8 **Q** YOU MENTIONED LETTERS THAT WERE SENT TO
9 REGISTERED VOTERS. MAY I ASK BY WHOM WERE
10 THOSE LETTERS SENT, WITH WHAT SIGNATURE?

11 **A** THAT WOULD BE SOMETHING THAT YOU WOULD HAVE TO
12 ASK THE -- THAT THEY DID AS IN TERMS OF WHAT
13 THEY DID -- IN TERMS OF THE POLICE DEPARTMENT
14 WITH THEIR INVESTIGATION OR THE ATLANTIC BEACH
15 CONCERNED CITIZENS. I DON'T KNOW. ALL I KNOW
16 IS I GOT A LAW IN THE MAIL. IT DID NOT HAVE
17 ANYBODY'S SIGNATURE ON IT. IT JUST SIMPLY HAD
18 SECTION WHATEVER IT WAS AND THE LAW ABOUT FALSE
19 VOTER REGISTRATION.

20 **Q** SO, WHEN YOU REFER TO LETTERS IN YOUR
21 TESTIMONY, YOU ARE REFERRING TO A COPY OF THE
22 CODE SECTION?

23 **A** YES.

24 **Q** CAN YOU TELL US, WAS THIS SENT BY THE POLICE
25 DEPARTMENT OR WAS IT SENT BY MS. BELLAMY?

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1 **A** I DON'T KNOW WHETHER IT WAS SENT BY MS. BELLAMY
2 OR IF IT WAS SENT BY CONCERNED CITIZENS,
3 WHETHER IT WAS A LANDOWNERS PROJECT. I DON'T
4 KNOW. ALL I KNOW IS THAT I GOT ONE AND I READ
5 IT AND I THOUGHT WHEN THEY MENTIONED IT TO ME
6 THAT THEY -- SOMEBODY HAD TAKEN IT UPON
7 THEMSELVES TO DO THAT BECAUSE THEY DID WANT TO
8 PLAY GOT'CHA. IT SOUNDED LIKE A GOOD THING TO
9 DO.

10 **Q** DID I UNDERSTAND YOUR TESTIMONY TO BE THAT TO
11 YOUR KNOWLEDGE THE POLICE DEPARTMENT WAS
12 RUNNING DMV CHECKS IN YOUR WORDS, "AGAIN AND
13 AGAIN"?

14 **A** THAT WAS MY UNDERSTANDING. WHAT THEY WERE
15 DOING OVER A PERIOD OF TIME, REPEATED CHECKS.

16 **Q** AND YOUR TESTIMONY WAS THAT, TO YOUR KNOWLEDGE,
17 THAT THERE WAS AN HONEST EFFORT BY THE POLICE
18 DEPARTMENT TO CLEAN UP THE ROLES?

19 **A** TO DETERMINE WHO THE REGISTERED VOTERS -- THE
20 REGISTERED RESIDENT VOTERS ARE OF THE TOWN OF
21 ATLANTIC BEACH.

22 **Q** WHAT IS YOUR PRESENT RESIDENCE ADDRESS?

23 **A** 1009 32ND AVENUE SOUTH, APARTMENT A.

24 **Q** I HAVE NO MORE QUESTIONS?

25 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY

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1 MORE QUESTIONS OF THIS WITNESS?

2 MR. WHITE: WE WOULD ASK THAT MS. COLE
3 BE EXCUSED AS A WITNESS AND BE ALLOWED
4 TO SIT HERE.

5 MEC CHAIR: WOULD YOU PLEASE CALL YOUR
6 NEXT WITNESS?

7 MR. WHITE: WE CALL PATRICIA BELLAMY.

8 MEC CHAIR: AND THIS IS ALSO CONCERNING
9 VOTER REGISTRATION?

10 MR. WHITE: IT IS.

11 **PATRICIA BELLAMY, HAVING BEEN DULY SWORN,**

12 **TESTIFIED AS FOLLOWS:**

13 **DIRECT EXAMINATION BY MR. WHITE:**

14 **Q** MS. BELLAMY, THE TOPIC BEFORE US IS VOTER
15 REGISTRATION AND YOU'RE INVOLVED WITH CONCERNED
16 CITIZENS?

17 **A** YES. MY NAME IS PATRICIA BELLAMY AND I AM
18 CURRENTLY THE PRESIDENT OF THE CONCERNED
19 CITIZENS OF ATLANTIC BEACH. I ALSO HEADED THE
20 'GET OUT AND VOTE' PROGRAM IN 2009. I WAS THE
21 AMICUS CURAE FOR THE SUPREME COURT FOR THE
22 ELECTION OF 2009. I HAVE ALWAYS -- I HAVE
23 CHALLENGED AND WITNESSED MOST OF THE ELECTIONS
24 IN THE TOWN OF ATLANTIC BEACH SINCE 2003. ONE
25 OF THE THINGS ABOUT THE VOTER REGISTRATION IS I

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1 REQUESTED A COPY OF THE LIST. THERE IS 419
2 PEOPLE REGISTERED TO VOTE IN THE TOWN OF
3 ATLANTIC BEACH. THE 2010 CENSUS SAYS THERE IS
4 334. TWENTY-FIVE PERCENT OF THEM ARE UNDER THE
5 AGE OF EIGHTEEN. IF YOU LOOK AT THE 2009 VOTER
6 REGISTRATION AND THE 2011 VOTER REGISTRATION,
7 YOU HAVE NAMES THAT NOW APPEAR ON HERE THAT
8 HAVE BEEN HERE FROM THE 2003. WE WERE AT A
9 TOWN COUNCIL MEETING AND MR. MONTGOMERY
10 INFORMED US THAT IT'S PURGED EVERY FOUR YEARS.
11 WELL, THAT CAN'T BE POSSIBLE BECAUSE WE STILL
12 HAVE NAMES ON THERE FROM 2003. WE HAVE PEOPLE
13 THAT ARE DECEASED THAT ARE STILL THERE. ONE OF
14 THE THINGS I BROUGHT BEFORE THE TOWN COUNCIL OF
15 ATLANTIC BEACH WAS THAT THE LIST IS OVER
16 INFLATED. THAT A LOT OF THESE PEOPLE THAT ARE
17 ON HERE, NEVER HEARD OF THEM, NEVER SEEN THEM,
18 DIDN'T THINK THEY LIVED HERE. SO, I HAVE A
19 COMPUTER AT HOME AND A CREDIT CARD. I DECIDED
20 TO DO INTELIUS AND I RAN THE WHOLE LIST. IT
21 STARTED AT NINETY-FIVE CENTS PER PERSON AND
22 THEN AFTER YOU DO TWENTY-FIVE AND THEN FIFTY,
23 IT GOES TO A DOLLAR SEVENTY-FIVE PER PERSON.
24 YES, I SPENT A GREAT DEAL OF MY TIME ON MY
25 COMPUTER DOING THIS.

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1 **Q** WHAT RESULTS DID YOU GET?

2 **A** WELL, A LOT OF RESULTS I GOT IS QUITE A FEW
3 PEOPLE ARE FROM -- I THINK WHAT THEY DON'T
4 UNDERSTAND THAT THIS LIST IS UPDATED EVERYDAY.
5 IT IS DAILY UPDATED AND THAT IF YOU'RE THERE --
6 IT WILL LIST YOUR FAMILY MEMBERS -- SO, LET'S
7 SAY IF I RUN CAROLYN COLE'S NAME, IT WOULD
8 CROSS REFERENCE HER FAMILY MEMBERS. SO, IF YOU
9 ARE A HUSBAND AND WIFE, IF YOU RESIDE HERE, IT
10 WOULD CROSS REFERENCE THE TWO OF YOU,
11 THEREFORE, PUTTING YOU AT THE SAME ADDRESS.
12 THAT IS SOME OF THE PAPERWORK THAT I HAVE DONE.
13 JUST WALKING ABOUT AND BEING IN TOWN. WE KNOW
14 THERE IS NOT 419 PEOPLE LIVING HERE. WE KNOW
15 THERE IS NOT 334 PEOPLE LIVING IN THIS TOWN.
16 SO, HAVING SUCH A HIGHLY INFLATED LIST, THE
17 MEC, THIS LIST NEEDS TO BE PURGED AND IT NEEDS
18 TO BE PURGED PROPERLY.

19 **Q** ANYTHING CONCERNING THE VOTER REGISTRATION LIST
20 THAT TO YOU CAUSES ANY DOUBT AS TO THE OUTCOME
21 OF THE ELECTION?

22 **A** YES. I THINK SO. I THINK HAVING AN EXORBITANT
23 NUMBER OF PEOPLE THAT DO NOT LIVE IN THIS TOWN.
24 EVEN WHEN WE GOT PEOPLE WHO LIVED HERE, IT'S
25 LIKE PEOPLE THAT WE KNOW ADDED A PERSON TO

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1 THEIR HOUSEHOLD TO MAKE SURE THAT YOU GET
2 ENOUGH PEOPLE TO GET TO VOTE. PEOPLE YOU KNOW
3 YOU HAVE NEVER SEEN LIVING IN THIS TOWN. BUT
4 IF YOU GO BACK TO THE VOTER REGISTRATION LIST,
5 WHICH I AM SURE THE MEC HAS A COPY OF IT, YOU
6 CAN LOOK AT RESIDENTS THAT HAVE BEEN HERE AND
7 EVERYBODY HAS ADDED ONE. MOST PEOPLE WERE
8 ADDED FROM 8/26/2011 AND 9/30/2011. WHY DO I
9 STILL HAVE THESE NUMBERS IN MY HEAD? ONCE I
10 STUDY NUMBERS, ONCE I SIT DOWN AND GO OVER
11 SOMETHING, IT JUST KIND OF STICKS WITH ME AND I
12 CAN'T GET IT OUT OF MY HEAD.

13 **Q** THANK YOU, MS. BELLAMY?

14 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
15 QUESTIONS FOR THIS WITNESS?

16 **CROSS EXAMINATION BY MR. CANTY:**

17 **Q** YES, MADAM CHAIRMAN. MS. BELLAMY, CAN YOU TELL
18 THE COMMISSION PLEASE ABOUT YOUR COMMUNICATION
19 WITH CONCERNS TO THE HORRY COUNTY VOTERS
20 REGISTRATION BOARD?

21 **A** I WILL SAY THIS, IF MR. CANTY IS QUESTIONING
22 ME, I WAS UNDER THE IMPRESSION THAT THE OTHER
23 SIDE WAS NOT HAVING ANYTHING TO SAY BECAUSE
24 NOBODY HERE HAS BEEN SUBPOENAED OR ANYTHING.
25 SO, YOU ARE GOING TO REPRESENT PEOPLE WHO WERE

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1 SAYING THEY WERE NOT NECESSARILY ASKED TO BE
2 HERE. SO, WHY SHOULD I ANSWER HIS QUESTION?
3 JUST A QUESTION. JUST A QUESTION. BUT TO
4 ANSWER THE QUESTION -- I JUST WANTED HIM TO
5 KNOW -- BUT TO ANSWER THE QUESTION, YES. I
6 BROUGHT IT BEFORE THE TOWN COUNCIL. I BROUGHT
7 IT BEFORE THE MEC AND WHEN YOU GO TO THE HORRY
8 COUNTY OFFICE, MS. ALNEDA COUNTS IS ONE OF THE
9 HARDEST PEOPLE TO DEAL WITH. SO, THERE IS NOT
10 TOO MUCH YOU CAN GO IN THERE AND CAN SAY. THAT
11 SHOULD ANSWER YOUR QUESTION SUFFICIENTLY.
12 THANK YOU.

13 **Q** DO I UNDERSTAND YOU CORRECTLY THAT YOU DID NOT
14 COMMUNICATE ANY OF THESE CONCERNS TO THE VOTER
15 REGISTRATION BOARD OF HORRY COUNTY?

16 **A** I COMMUNICATED THESE -- I WAS TOLD THAT THE
17 LIST HAD TO BE PURGED. ACCORDING TO MR. JOE
18 MONTGOMERY, THE LIST IS PURGED EVERY FOUR
19 YEARS. OKAY, THEN WE WERE TOLD THAT IT WOULD
20 BE PURGED WHEN SOMEONE VOTES IN ANOTHER PLACE.
21 IT TAKES THEM OFF OF THIS LIST. THAT IS NOT
22 TRUE EITHER. SO, I BROUGHT IT TO THE MUNICIPAL
23 ELECTION COMMITTEE OF ATLANTIC BEACH, WHO I
24 BELIEVE IS RESPONSIBLE FOR PURGING THE ROLL AND
25 CONTACTING THE STATE COMMISSIONER AND DOING

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1 WHATEVER IS SUPPOSED TO BE DONE. I DID NOT
2 UNDERSTAND THAT IT WAS MY JOB AS A PRIVATE
3 CITIZEN TO DO SO, BUT IF IT IS, THEN I SHALL
4 DO.

5 **Q** DID I UNDERSTAND YOU CORRECTLY THAT YOU DID NOT
6 COMMUNICATE ANY OF THESE CONCERNS ...

7 **A** I WILL STATE AGAIN FOR THE RECORD. I CAME TO A
8 TOWN COUNCIL MEETING. WE HAD OTHER PEOPLE THAT
9 WERE HERE EXPLAINING WHY THE ROLE WAS
10 EXORBITANT. I EXPLAINED IT TO THE TOWN COUNCIL
11 WHAT WAS GOING ON AND THEY TOOK A VOTE TO GIVE
12 IT TO THE TOWN MANAGER TO TALK TO THE MUNICIPAL
13 ELECTION COMMISSION. I ALSO SAW MS. KENION AND
14 I TALKED TO MS. CHARLETTE AND I SAID, YOU HAVE
15 AN OVERINFLATED VOTER REGISTRATION ROLE. WHAT
16 ARE YOU GOING TO DO WITH IT? AGAIN.

17 **Q** DO I UNDERSTAND YOU CORRECTLY THAT YOU DID NOT
18 COMMUNICATE ANY OF THESE CONCERNS TO THE HORRY
19 COUNTY VOTERS REGISTRATION BOARD?

20 **A** AND I AM GOING TO SAY TO YOU ONE MORE TIME, I
21 HAVE CONTACTED THE TOWN OF ATLANTIC BEACH'S
22 MUNICIPAL ELECTION. I HAVE TOLD THE MEC.
23 THOSE ARE THE PEOPLE THAT I AM IN UNDERSTANDING
24 THAT I AM TO CONTACT.

25 **Q** DO I UNDERSTAND YOU CORRECTLY THAT YOU DID NOT

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1 COMMUNICATE TO THE VOTER REGISTRATION BOARD?

2 MEC CHAIR: SIR, EXCUSE ME. YOUR
3 ASKING THE SAME QUESTION OVER AND OVER.
4 SHE HAS ALREADY ANSWERED YOU.

5 Q MS. BELLAMY, YOU WERE PRESENT AT THE ONLY
6 POLLING PLACE FOR ALL OF ELECTION DAY, IS THAT
7 CORRECT?

8 A UH-HUH. (AFFIRMATIVE RESPONSE.)

9 Q FROM 7 A.M. TO 7P.M?

10 A YES.

11 Q AND YOU PERSONALLY CHALLENGED APPROXIMATELY 90
12 TO 95 PERCENT OF THE CHALLENGED BALLOTS IN THIS
13 RACE?

14 A YES.

15 Q DID YOU MISS ANYBODY?

16 A I DIDN'T UNDERSTAND THE QUESTION. COULD YOU
17 REDIRECT THAT?

18 Q YOU SPENT THE WHOLE DAY AT THE POLLS. YOU
19 CHALLENGED FORTY-FOUR PEOPLE OR MORE. MY
20 QUESTION TO YOU IS, DID YOU SEE ANYBODY VOTING
21 THAT YOU WANTED TO CHALLENGE BUT YOU DIDN'T
22 CHALLENGE?

23 A LET'S GO BACK TO WHEN MS. -- I ASKED MS.
24 CONSTANCE BUSBIE WHEN SHE PICKED THE MACHINE UP
25 TO WALK OUT THE DOOR WITH THE MACHINE TO ALLOW

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1 A PERSON TO VOTE ON THE MACHINE. ACCORDING TO
2 STATE LAW, IT STATES IN 713-771 VOTING BY
3 HANDICAPPED OR ELDERLY ELECTORS WHO CANNOT
4 ENTER THE POLLING PLACE OR CANNOT STAND IN LINE
5 TO VOTE, ANY ELECTOR BECAUSE OF PHYSICAL
6 HANDICAP OR AGE WHO CANNOT ENTER THE POLLING
7 PLACE IN A PRECINCT IN WHICH HE IS REGISTERED
8 TO VOTE OR IS UNABLE TO STAND IN LINE TO VOTE,
9 MAY VOTE OUTSIDE THAT POLLING PLACE IN THE
10 CLOSEST AVAILABLE PARKING PLACE AND UTILIZE THE
11 VEHICLE IN WHICH HE HAS BEEN DRIVEN OR HAS
12 DRIVEN TO THE POLLS. WHEN THE MANAGERS ARE
13 INFORMED THAT AN ELDERLY OR HANDICAPPED VOTER
14 CANNOT ENTER THE POLLING PLACE OR CANNOT STAND
15 IN LINE TO VOTE, THE VOTERS IDENTIFICATION
16 REQUIRED BY SECTION 713-710 MUST BE PRESENTED
17 TO THE MANAGERS, WHO MUST VERIFY THAT THE VOTER
18 IS ELIGIBLE TO VOTE. UPON VERIFICATION OF THE
19 VOTERS OF THE POLLING PLACE, THE MANAGER SHALL
20 NOTIFY ANY POLL WATCHERS PRESENT, WHO, AT THEIR
21 DISCRETION, MAY ACCOMPANY THE MANAGER AS
22 OBSERVERS. WHERE THE POLLING PLACE USES
23 MACHINES FOR THE PURPOSE OF VOTING, THE POLL
24 MANAGER MUST USE THE BALLOTS PROVIDED UNDER
25 SECTION 713-1470 OR 713-1870 FOR THOSE VOTERS

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1 WHO CANNOT ENTER THE POLLING PLACE. NO PERSON
2 OTHER THAN THE VOTER IS PERMITTED IN THE
3 VEHICLE IN WHICH THE VOTER IS CASTING HIS
4 BALLOT UNLESS THE VOTER IS ENTITLED TO ASSIST
5 AS PROVIDED BY SECTION 713-770. AFTER THE
6 VOTER HAS VOTED HIS BALLOT, IT MUST BE FOLDED
7 SO THAT THE SECRECY OF THE BALLOT IS PRESERVED
8 AND RETURNED TO THE MANAGERS WAITING OUTSIDE
9 THE VEHICLE. THE MANAGERS SHALL CARRY THE
10 BALLOT TO THE BALLOT BOX TAKING CARE NOT TO
11 VIOLATE THE SECRECY OF THE BALLOT AND AFTER
12 DETACHING THE STUB DEPOSIT THE BALLOT IN THE
13 BALLOT BOX. INSTEAD MS. CONSTANCE TOOK THE
14 MACHINE OUTSIDE THE POLLING PLACE TO ALLOW A
15 PERSON TO VOTE AND BY LAW YOU ARE NOT SUPPOSED
16 TO. SO, WHILE THAT MACHINE -- AND NOBODY ASKED
17 ANY OF US WHEN SOMEONE WAS AT CURBSIDE, "WOULD
18 YOU POLL WATCHER LIKE TO GO OUT AND OBSERVE?"
19 WE WERE NEVER ASKED AND YOU WERE NEVER SUPPOSED
20 TO TAKE THE MACHINE OUTSIDE. IT WAS SUPPOSED
21 TO BE DONE BY A PROVISIONAL BALLOT. THAT IS
22 THE PURPOSE IN PRINTING A PROVISIONAL BALLOT.
23 SO, YES, I MONITORED AND WATCHED THE
24 IRREGULARITIES. WHEN YOU HAD EVERY CANDIDATE
25 STILL SITTING IN HERE WHEN THEY WERE SUPPOSED

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1 TO BE TWO HUNDRED YARDS FROM THE VOTING PLACE
2 WAS SITTING RIGHT IN HERE. WHEN I CAME UP THAT
3 MORNING AT A QUARTER TILL SEVEN, THE DOORS WERE
4 ALREADY OPEN AND PEOPLE WERE ALREADY SITTING IN
5 HERE. IN 2009 I WAS TOLD YOU COULDN'T BE IN
6 HERE. MS. KENION ASKED EVERYBODY TO LEAVE AND
7 NOBODY MOVED. ANYTHING ELSE?

8 **Q** AS I UNDERSTAND YOUR TESTIMONY, THERE WAS ONE
9 VOTER THAT YOU WANTED TO CHALLENGE ...

10 **A** THREE. THERE WERE THREE CURBSIDE VOTES. MR.
11 WILSON TAYLOR, MR. NICHOLSON AND MS. SHIRLENE
12 BESENT. THEY WERE CURBSIDE. YOU COULDN'T
13 BECAUSE I WAS NEVER ASKED BY THE PERSON THAT
14 WAS MANAGING THE POLLS THAT THEY WERE TAKING
15 THE MACHINE OUTSIDE. THIS MACHINE CANNOT LEAVE
16 THIS VOTING PLACE. THAT IS STATE LAW.

17 **Q** AND YOU WANTED TO CHALLENGE ALL THREE?

18 **A** I WAS TOLD THAT, "YOU ARE GOING TO CHALLENGE
19 THESE PEOPLE. YOU DON'T EVEN KNOW WHO THEY
20 ARE." I SAID, WHERE YOU GOING WITH THE
21 MACHINE? SHE SAID, "I AM GOING TO TAKE IT
22 OUTSIDE." I KNOW THAT SHE WAS SUPPOSED TO SAY,
23 CAN YOU COME OUT AND OBSERVE? BUT WHEN I ASKED
24 HER, SHE SAID, "I AM JUST GOING TO TAKE IT
25 OUTSIDE." THAT IS THREE PEOPLE THAT SHE TOOK

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1 THE MACHINE OUTSIDE AND STATE LAW SAYS YOU
2 CAN'T. SO, THERE IS YOUR IRREGULARITY.

3 Q DID YOU OR DID YOU NOT CHALLENGE THOSE BALLOTS?

4 MEC CHAIR: CAN YOU PLEASE SPEAK UP,
5 SIR?

6 Q DID YOU OR DID YOU NOT CHALLENGE THOSE BALLOTS?

7 A I AM GOING TO TELL YOU ONE MORE TIME. THIS IS
8 IT. WHEN I SAID TO MS. CONSTANCE BUSBIE, I
9 SAID TO HER, WHERE ARE YOU GOING WITH THAT
10 MACHINE? SHE SAYS SHE IS GOING OUTSIDE FOR
11 SOMEONE TO VOTE. SHE SAID, "YOU CAN'T EVEN
12 WAIT FOR ME TO TELL YOU WHO IT IS THAT IS GOING
13 TO VOTE AND YOU ARE READY TO CHALLENGE THEM?"
14 I SAID, YEAH. I HAVE A RIGHT TO CHALLENGE
15 ANYBODY WHO VOTES IN THIS TOWN ELECTION. SO
16 YOUR ANSWER WOULD BE YES.

17 Q YOUR TESTIMONY IS THAT...

18 A YES, I DID.

19 Q ... YOU WERE PREVENTED FROM CHALLENGING THOSE
20 THREE VOTERS? WHAT WAS THE BASIS FOR YOUR
21 CHALLENGE THAT YOU WOULD HAVE?

22 A THE BASIS FOR THAT CHALLENGE WAS THAT I WAS
23 TELLING HER YOU COULD NOT -- YOU CAN'T TAKE IT
24 OUTSIDE. SO, I AM GOING TO CHALLENGE WHO YOU
25 GONNA LET VOTE ON THE MACHINE THAT WAS SUPPOSED

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1 TO STAY IN HERE. THAT IS WHY THEY PRINT UP
2 PROVISIONAL BALLOTS TO TAKE OUTSIDE. PROVE TO
3 ME THAT SOMEONE ELSE DIDN'T VOTE ON THE MACHINE
4 BECAUSE I WASN'T ALLOWED TO GO OUTSIDE.

5 **Q** YOU WERE NOT ALLOWED TO GO OUTSIDE?

6 **A** I WAS NOT ALLOWED TO GO OUTSIDE. SHE SAID SHE
7 WAS GOING TO DO CURBSIDE AND AS A POLL MANAGER,
8 YOU ARE SUPPOSED TO SAY TO EVERY POLL WATCHER
9 THAT WAS SITTING IN HERE THAT, "I AM GOING TO
10 TAKE THIS AND LET SOMEONE VOTE OUTSIDE. WOULD
11 ANY OF YOU LIKE TO OBSERVE?" DID YOU GET THE
12 NUMBER? THAT IS STATE LAW 713-771. JUST
13 LETTING YOU KNOW.

14 **Q** MA'AM, YOU TESTIFIED AT LENGTH DURING THE
15 CERTIFICATION HEARING TWO DAYS AGO AND I
16 BELIEVE YOU WERE PRESENT FOR THE VOTE ON THE
17 RESULTS. YOU CHALLENGED FORTY-TWO BALLOTS, IS
18 THAT CORRECT?

19 **A** WELL, LET ME PUT IT TO YOU THIS WAY. THE POLL
20 MANAGER HAS MR. WILSON FILL OUT BALLOTS WITH MY
21 NAME ON IT. TO FILL OUT THE PAPERWORK AND
22 CONSTANTLY PUT MY NAME ON IT. DURING THE
23 CHALLENGE BALLOT HEARING, WE FOUND OUT IF YOU
24 WERE HERE AND LISTENING THAT SOME OF THESE
25 PEOPLE I DID NOT CHALLENGE, BUT MY NAME WAS ON

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1 THE PAPER. SO, YOU SAY, "HOW MANY DID I
2 CHALLENGE?" WELL, APPARENTLY, ALL OF THEM.
3 ALL OF THEM EXCEPT FOR A FEW -- MIKE ISOM,
4 STEPHANIE SIMMONS AND MS. REID CHALLENGED AND
5 THE POLL WATCHER CHALLENGED A COUPLE. BUT,
6 YEAH, I WAS HELD ACCOUNTABLE AND RESPONSIBLE
7 FOR THEM.

8 Q ISN'T IT A FACT, MA'AM, OUT OF THE FORTY-FOUR
9 VOTES THAT WERE TAKEN BY THE COMMISSION AT THAT
10 HEARING, IN ALL BUT ONE OF THOSE CASES THE
11 CHALLENGE WAS SUSTAINED AND THE VOTE WAS NOT
12 COUNTED?

13 A WHEN.

14 Q TWO DAYS AGO?

15 A WHAT? RE-DIRECT. SAY YOUR QUESTION AGAIN. I
16 DON'T UNDERSTAND YOUR QUESTION.

17 Q THE ELECTION COMMISSION VOTED ON FORTY-FOUR
18 CHALLENGED BALLOTS TWO DAYS AGO. YOU
19 CHALLENGED ALMOST ALL OF THEM ...

20 A BUT THEY VOTED ON MORE THAN FORTY-FOUR. THEY
21 VOTED ON -- IT WAS FIFTY-ONE CHALLENGED
22 BALLOTS. SO, THEY VOTED ON ALL OF THEM.

23 Q AND WITH ONE EXCEPTION, ALL OF YOUR CHALLENGES
24 WERE SUSTAINED. ISN'T THAT RIGHT?

25 A NO. TWO. REMEMBER NOW MY NAME WAS ON

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1 SOMEONE'S THAT I DIDN'T DO AND THEY SAID, "BUT
2 YOUR NAME, IS ON THE PAPER." SO, WHAT DO YOU
3 DO? I SAY I WITHDRAW.

4 Q CAN YOU TELL US PLEASE, HOW MANY BALLOTS WERE
5 COUNTED THAT SHOULD NOT HAVE BEEN COUNTED ...

6 MEC CHAIR: WE ARE SUPPOSED TO BE
7 TALKING ABOUT VOTER REGISTRATION.

8 A I DON'T UNDERSTAND HOW YOU TELL ME HOW MANY
9 BALLOTS ARE SUPPOSED TO BE COUNTED. THERE WERE
10 FIFTY-ONE PEOPLE -- THERE WERE FIFTY-ONE
11 PEOPLE. ACCORDING TO THE POLL LIST, IT WAS
12 FIFTY-ONE. BUT IF YOU LOOK AT THE LIST THAT
13 MR. EVANS HANDED OUT, THERE WERE SOME ON HIS
14 LIST SAID, "UNKNOWN." UNKNOWN BECAUSE YOU DID
15 NOT KNOW WHO CHALLENGED THEM. SO THERE WERE A
16 TOTAL OF TWELVE ADDITIONAL ONES THERE THAT I
17 DON'T KNOW WHO CHALLENGED BUT BECAUSE THEY
18 FILLED OUT THE BALLOTS AND PUT MY NAME ON ALL
19 THE PAPERS, I WAS TOLD THAT THEY PUT YOUR NAME
20 ON IT AND YOU HAVE TO DO IT. EITHER THE
21 ELECTION COMMISSION OR THE PEOPLE THAT WERE
22 FROM THE AUDIENCE SAYING THE SAME THING. SO, I
23 CAN'T ANSWER THAT QUESTION FOR YOU.

24 Q WHO WAS IT THAT TOLD YOU THAT YOU HAD TO DO IT
25 BECAUSE YOUR NAME WAS ON THE BALLOT?

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1 **A** WELL, NOW, LET'S SEE. YOU WERE SITTING OUT
2 THERE. IRENE ARMSTRONG SAID IT, JAKE EVANS
3 SAID IT. THEY SAID YOUR NAME IS ON IT, THEN
4 YOU ANSWER FOR IT. YOU DO UNDERSTAND THAT
5 RIGHT? YOU UNDERSTAND WHERE WE ARE COMING
6 FROM? THEN WHEN THE ELECTION COMMISSION SAID
7 MS. BELLAMY, I SAID I DIDN'T CHALLENGE THAT
8 PERSON. BUT YOUR NAME IS ON THE PAPER. SO,
9 THEREFORE, YOU MADE ME RESPONSIBLE FOR
10 SOMETHING I DID NOT CHALLENGE.

11 **Q** WERE THERE ANY VOTES COUNTED BY PEOPLE WHO WERE
12 NOT REGISTERED TO VOTE?

13 **A** I DON'T KNOW THE VOTES THAT I CHALLENGED DO NOT
14 RESIDE IN THE TOWN OF ATLANTIC BEACH. AS FAR
15 AS THE EVIDENCE THAT I PRESENTED BEFORE THE MEC
16 AND THE MEC DID -- THEY VOTED ON BASED ON WHAT
17 I PRESENTED TO THEM.

18 **Q** DID THE COMMISSION COUNT ANY BALLOTS THAT THEY
19 SHOULDN'T HAVE?

20 **A** I DO NOT KNOW THAT. YOU ARE ASKING ME TO
21 ANSWER A QUESTION THAT YOU NEED TO ASK THE MEC?

22 **Q** THAT IS ALL I HAVE.

23 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
24 MORE QUESTIONS FOR THIS WITNESS?

25 **RE-DIRECT EXAMINATION BY MR. WHITE:**

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1 **Q** VERY BRIEFLY, YOUR MADAM CHAIR LADY. MS.
2 BELLAMY, THESE ISSUES CONCERNING VOTER
3 REGISTRATION THAT YOU RAISED ...

4 AUDIENCE: I CAN'T HEAR YOU.

5 **Q** HAVE YOU RAISED THESE ISSUES BEFORE THE STATE
6 SUPREME COURT?

7 **A** YES, SIR. I HAVE RAISED THEM BEFORE THE STATE
8 SUPREME COURT. LET'S GOES BACK TO 2003 WHEN WE
9 FIRST EVER HAD A PROTEST HEARING IN THE TOWN OF
10 ATLANTIC BEACH. WE RAISED THE ISSUE ABOUT THE
11 VOTER REGISTRATION, ABOUT THE INFLATED LIST
12 YEARS AGO. THAT THE LIST NEEDED TO BE PURGED
13 YEARS AGO. SO, IT IS IN THE AMICUS BRIEF AT
14 THE SUPREME COURT. IT IS ALREADY ON
15 DOCUMENTATION. SO ...

16 **Q** MS. BELLAMY, ARE YOU CONCERNED THAT THE PEOPLE
17 THAT VOTE OUTSIDE THE TOWN OF ATLANTIC BEACH
18 ALSO VOTED INSIDE THE TOWN OF ATLANTIC BEACH?

19 **A** SURE. I'LL GIVE YOU AN EXAMPLE. AT THE
20 POLLING PLACE, THERE ARE TWO SETS OF VOTING
21 GOING ON. YOU HAD THE TOWN ELECTION AND YOU
22 HAD THE VOTE FOR AS TO WHETHER OR NOT TO ACCEPT
23 MCLEOD AND SEACOAST. THERE WERE PEOPLE -- IF
24 YOU LOOK AT IT, THERE WERE SEVENTY-SEVEN CAST
25 AND THERE WERE SEVENTY-FIVE CAST --

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1 SEVENTY-FOUR CAST ON THE MACHINES HERE. WHAT
2 MAKES THE DISCREPANCY INTERESTING IS IF THERE
3 WERE FIFTY-ONE CHALLENGED PLUS THE TWELVE, WHY
4 DIDN'T THOSE PEOPLE VOTE OVER HERE? BUT I WAS
5 CHALLENGED. I WAS NOT ALLOWED TO VOTE ON THE
6 MACHINE HERE, BUT YOU LET ME VOTE ON THE
7 MACHINE THERE. BECAUSE YOU HAD TO PRESENT YOUR
8 I. D. SAYING YOU WERE FROM ATLANTIC BEACH SO
9 YOU COULD DO IT. THIS IS WHAT WAS SAID TO ME,
10 "GIVE ME YOUR ID." AND I DID. SO THEY LET ME
11 VOTE ON THE MACHINE. SO, OUT OF THE BALLOTS I
12 CHALLENGED, THEY DID NOT VOTE ALSO OVER HERE.
13 THEY COULD NOT HAVE. NO, NO. WHAT I AM SAYING
14 TO YOU IS OUT OF FIFTY-ONE PEOPLE THAT WAS
15 CHALLENGED, THEY DID -- THEY DID NOT -- THE
16 COUNTY DIDN'T ALLOW THEM TO VOTE FOR THE
17 HOSPITAL EITHER BECAUSE YOU ONLY GOT
18 SEVENTY-SEVEN RANG UP ON THE TICKET. EXPLAIN
19 THE NUMBERS. YOU HAD TO EXPLAIN IT. YOU HAD
20 SEVENTY-SEVEN FOR THE SEACOAST AND MCLEOD AND
21 THEN SEVENTY-FOUR ON THE BALLOT. BUT IF I
22 CHALLENGED FIFTY-ONE AND YOU HAD SEVENTY-FOUR
23 ON THE VOTE, THEN WHY DIDN'T THE COUNTY ALLOW
24 PEOPLE TO VOTE? BECAUSE YOU HAD TO SHOW YOUR
25 I.D., AS WELL. SO, THERE YOU HAVE IT.

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1 Q THANK YOU, MS. BELLAMY.

2 MEC CHAIR: PLEASE BE SEATED. MR.
3 WHITE, WOULD YOU PLEASE CALL YOUR NEXT
4 WITNESS.

5 MR. WHITE: WE CALL BENNY WEBB.

6 BENNY WEBB, HAVING BEEN DULY SWORN, TESTIFIED AS
7 FOLLOWS:

8 **DIRECT EXAMINATION BY MR. WHITE:**

9 Q MR. WEBB, WHAT IS YOUR RELATIONSHIP WITH THE
10 TOWN OF ATLANTIC BEACH?

11 A I AM CURRENTLY SERVING AS THE INTERIM TOWN
12 MANAGER.

13 Q AND YOU WERE SERVING IN THAT CAPACITY IN THE
14 LEAD UP TO THIS ELECTION?

15 A YES.

16 Q AND DURING THE ELECTION ITSELF?

17 A THAT IS CORRECT.

18 Q WE ARE NOW TALKING ABOUT THE ISSUE OF VOTER
19 REGISTRATION. IN YOUR CAPACITY AS A TOWN
20 MANAGER, WHAT IS YOUR FAMILIARITY WITH THAT
21 ISSUE?

22 A WELL, I AM FAMILIAR WITH THE TOWN OF ATLANTIC
23 BEACH FOR WELL OVER TEN YEARS. ONE OF THE
24 THINGS I PLEDGED WHEN I CAME HERE WAS THAT WE
25 WERE GOING TO HAVE A FAIR ELECTION THAT WAS

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1 DONE BY REGISTERED VOTERS FROM THE TOWN OF
2 ATLANTIC BEACH. HOWEVER, AFTER COMING HERE ON
3 JULY 26, I KNEW THAT AN ELECTION WAS COMING UP
4 IN NOVEMBER. WE STARTED PLANNING TO MAKE SURE
5 THAT THE PEOPLE THAT WERE VOTING IN THAT
6 ELECTION WERE RESIDENTS OF ATLANTIC BEACH. SO,
7 THREE WEEKS AGO, I GOT THE VOTERS ROLL FROM
8 COLUMBIA. ON THAT VOTERS ROLL THERE WERE 421
9 PEOPLE. MOST OF THEM IN EARLENE WOODS
10 APARTMENTS. SO WHAT WE DID WAS WE STARTED
11 WEENING THOSE THINGS DOWN BASED ON WHO WAS HERE
12 AND BASED ON THE POPULATION OF ATLANTIC BEACH
13 AND WE STARTED GOING EVERY NIGHT TO THE
14 DIFFERENT PLACES WHERE PEOPLE SAID THEY LIVED,
15 BUT DIDN'T LIVE. SO, MY GOAL WAS TO HAVE A
16 FAIR AND FREE AND OPEN ELECTION WHICH, MR.
17 WHITE, IT IS ALMOST IMPOSSIBLE TO HAVE HERE IN
18 ATLANTIC BEACH.

19 **Q** WHY IS THAT IMPOSSIBLE, MR. WEBB?

20 **A** BECAUSE YOU GOT A CRIMINOGENIC FAMILY IN THE
21 WOODS; EVANS AND ARMSTRONGS. THEY ARE A
22 CRIMINOGENIC FAMILY THAT IS FOLLOWED BY A BUNCH
23 OF PEOPLE THAT REALLY WILL NOT DO THE RIGHT
24 THING. SO THEY ARE CRIMINOGENIC. NOT ONLY
25 THAT THEY ARE PEOPLE THAT ARE INTIMIDATED BY

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1 THE FAMILY AND ARE AFRAID TO VOTE. MANY WHITE
2 CITIZENS IN THIS COMMUNITY WERE AFRAID TO VOTE
3 BECAUSE OF THE FAMILY. SO, YOU ARE DEALING
4 WITH A CRIMINOGENIC FAMILY LEAD BY EARLENE
5 WOODS AND HER CHILDREN.

6 **Q** YOU SAID THERE WERE 421 PEOPLE ON THE
7 REGISTRATION ROLLS?

8 **A** THAT IS CORRECT, 421.

9 **Q** WAS THAT NUMBER REDUCED AT ANY TIME?

10 **A** THAT NUMBER WAS REDUCED WHEN EARLENE WOODS SENT
11 A LIST OF ABOUT BETWEEN SEVENTY-FOUR AND
12 SEVENTY-SEVEN PEOPLE WHO SHE CLAIMED NORMALLY
13 LIVED IN HER APARTMENTS. BUT WE KNEW BASED ON
14 THE TRAFFIC, BASED ON THE POPULATION DENSITY,
15 BASED ON THE NUMBER OF PEOPLE IN AND OUT, BASED
16 ON THE VACANT ROOMS, WE KNEW THOSE PEOPLE
17 WEREN'T THERE.

18 **Q** COME VOTING DAY, WERE THERE STILL PEOPLE HERE
19 ON THE LIST THAT WERE NOT RESIDENTS OF ATLANTIC
20 BEACH?

21 **A** THAT IS CORRECT.

22 **Q** DID YOU KNOW HOW MANY PEOPLE VOTED ...

23 MEC CHAIR: PLEASE SILENCE YOUR PHONE
24 AND PAGERS.

25 **Q** DO YOU HAVE AN IDEA OF HOW MANY PEOPLE VOTED IN

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1 THE ELECTION THAT WERE NOT RESIDENTS?

2 **A** I WOULD ESTIMATE BETWEEN THIRTY AND THIRTY-FIVE
3 PEOPLE VOTED WHO WERE NOT RESIDENTS OF ATLANTIC
4 BEACH.

5 **Q** WOULD THAT HAVE POSSIBLY MADE A DIFFERENCE IN
6 THE OUTCOME OF THIS ELECTION?

7 **A** NO DOUBT ABOUT IT. IT WOULD HAVE MADE A
8 TREMENDOUS DIFFERENCE.

9 **Q** WHAT IS YOUR BASIS OF SAYING THIRTY TO
10 THIRTY-FIVE PEOPLE ARE NOT RESIDENTS?

11 **A** DMV CHECKS THAT THE POLICE DEPARTMENT DID AFTER
12 A COMPLAINT WAS FILED. BASED ON MY INTELIUS
13 REPORT THAT I HAVE AS A PRIVATE INVESTIGATOR.
14 BASED ON VISUAL EVIDENCE THAT PEOPLE DID NOT
15 LIVE THERE. BASED ON GOING TO MYRTLE BEACH AND
16 SEEING WHERE THE CHEATHAMS LIVE IN A BIG
17 TREMENDOUS HOUSE OVER THERE IN MYRTLE BEACH.
18 BASED ON THE LADY THAT LIVED ON EDGE OVER THERE
19 ON EDGE DRIVE ACROSS FROM TRACY EDGE. BASED ON
20 ALL OF THIS, THESE PEOPLE DID NOT LIVE HERE.
21 AND BASED ON TWENTY-EIGHT YEARS AS A CRIMINAL
22 INVESTIGATOR.

23 **Q** THANK YOU, MR. WEBB. IF YOU WOULD ANSWER ANY
24 OTHER QUESTIONS THAT MAY BE PRESENTED?

25 **A** WELL, BEFORE I GET THERE, MR. CANTY IS NOT THE

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1 ATTORNEY OF RECORD. I AM NOT ANSWERING A
2 SINGLE QUESTION FOR HIM.

3 MEC CHAIR: YOU MAY BE SEATED.

4 MR. CANTY: MADAM CHAIR, PLEASE NOTE
5 OUR EXCEPTION TO NOT BEING ALLOWED TO
6 CROSS EXAMINE THIS WITNESS, AND I WOULD
7 LIKE TO INQUIRE INTO THE BASIS OF NOT
8 BEING ALLOWED TO CROSS EXAMINE HIM?

9 BENNY WEBB: I WOULD LIKE TO PUT IT ON
10 THE RECORD THAT HE SAID EARLIER THAT HE
11 DIDN'T WANT ANYTHING TO DO WITH THIS.
12 HE CAN'T HAVE IT BOTH WAYS. I KNOW HE
13 IS USED TO DEALING WITH PEOPLE THAT ARE
14 NOT HIGHLY INTELLIGENT, BUT I HEARD
15 EXACTLY WHAT HE SAID. SO, I WILL NOT
16 BE ANSWERING ANY QUESTIONS THAT HE HAS
17 AND IF YOU WANT TO CALL MY LAWYER, HIS
18 NAME IS KEN YOUNG 803-773-4371.

19 BENNY WEBB: MADAM CHAIR, PLEASE NOTE
20 OUR EXCEPTION.

21 MEC CHAIR: MR. WHITE, WOULD YOU PLEASE
22 CALL YOUR NEXT WITNESS.

23 MR. WHITE: WE WOULD LIKE TO BRIEFLY
24 RECALL PAT BELLAMY.

25 PATRICIA BELLAMY, HAVING ALREADY BEEN DULY SWORN,

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1 TESTIFIED AS FOLLOWS:

2 RE-DIRECT EXAMINATION BY MR. WHITE:

3 Q MS. BELLAMY, I NEED TO ASK YOU ONE THING. ARE
4 YOU AWARE OF VOTERS REGISTRATION CARDS THAT
5 WERE FILLED OUT AND NOT TURNED IN?

6 A YES. A MAN LIVED WITH ME BY THE NAME OF GLENN
7 LIVINGSTON. WE HAVE BEEN FRIENDS FOR THIRTY
8 SOME ODD YEARS. HE FILLED OUT HIS VOTER
9 REGISTRATION CARD AND I WALKED IT IN TO THE
10 VOTERS REGISTRATION OFFICE. HE NEVER RECEIVED
11 HIS CARD. HE NEVER RECEIVED A DENIAL LETTER.
12 HE NEVER GOT ANYTHING FROM THE VOTERS
13 REGISTRATION OFFICE. YOU KNOW, THE ONE I NEED
14 TO GO TELL WHAT IS WRONG WITH THE LIST. HE
15 COULDN'T EVEN GET BACK ONE CARD. SO, WHY WOULD
16 I TELL THEM.

17 Q ARE YOU AWARE OF ANY OTHER INCIDENCES?

18 A WELL, I'LL SAY THIS: MY SON, JOSEPH SPIVEY,
19 JR., REQUESTED HIS VOTER REGISTRATION. HE
20 RECEIVED THE APPLICATION. I HAVE TO ALWAYS
21 SEND HIS STUFF FORWARD. HAVE TO SPEND THIRTY
22 DOLLARS HERE AND BACK. I TOOK IT BACK TO THE
23 OFFICE AND THEY SENT HIM HIS VOTER
24 REGISTRATION. IT WAS AN ACTUAL ABSENTEE
25 BALLOT. I SENT IT OFF TO INDIANA. IT COMES

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1 BACK. HE DIDN'T FILL OUT THE ONE FOR SEACOAST
2 VERSUS THE MCLEOD BECAUSE THEY DIDN'T GIVE HIM
3 THAT ONE. THEY GAVE HIM THE ONE -- THEY GAVE
4 HIM THE ONE FROM MYRTLE BEACH INCREASING THE
5 AMOUNT OF THE MILLAGE RATE THERE. SO, IN OTHER
6 WORDS, JOSEPH SPIVEY GOT HIS BALLOT TO VOTE IN
7 THE TOWN OF ATLANTIC BEACH, BUT HE DIDN'T GET
8 THE BALLOT TO VOTE FOR THE SEACOAST BECAUSE
9 THEY PUT THE WRONG PAPERWORK IN HIS BALLOT, BUT
10 BECAUSE I HAD RECEIVED THE INFORMATION FROM THE
11 -- BEFORE THEY HAD THIS ELECTION, THEY SENT OUT
12 A LOT OF STUFF SAYING VOTE YES FOR THE
13 HOSPITAL. I TOOK THAT INFORMATION AND MAILED
14 IT OFF TO MY SON SO HE WOULD UNDERSTAND WHAT HE
15 WAS VOTING FOR. BUT HE DID NOT GET THAT. THE
16 COUNTY REGISTRY OFFICE GAVE TO HIM THE ONE THAT
17 WAS GOING ON AT 501 ABOUT THE MILLAGE INCREASE.
18 SO, WHEN I WENT BACK TO THE VOTER REGISTRATION
19 OFFICE TO EXPLAIN THIS TO THEM, ANEDA COUNTS
20 ARGUED WITH ME AND TOLD ME, "BUT WE SENT IT.
21 BUT WE SENT IT." AND I SAID TO HER, "I
22 UNDERSTAND THAT YOU SENT IT, BUT YOU SENT HIM
23 THE WRONG DOCUMENTATION." SO, HOW DOES MY SON
24 GET THE OPPORTUNITY TO VOTE FOR SOMETHING THAT
25 PERTAINS TO THE HEALTHCARE LAWS OR WHAT WE

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1 NEED, THAT'S BETTER IF YOU SENT HIM THE WRONG
2 INFORMATION. SANDY MARTIN CAME OUT AND SHE
3 SAID TO MS. COUNTS WHAT MS. BELLAMY SAID TO YOU
4 IS THAT YOU GAVE HER THE WRONG PAPERWORK. YOU
5 SENT HER SON THE WRONG PAPERWORK. I SAID, "SO,
6 HOW DO WE SETTLE THIS? THE ELECTION IS
7 TOMORROW." HE LIVES IN INDIANA AND IT WOULD
8 TAKE TWO DAYS -- EVEN IF YOU OVERNIGHT IT.
9 TRUST ME, I DON'T GET IT BACK BUT IN TWO DAYS.
10 SO I SAID, "HOW ARE WE GOING TO DO THIS?" AND
11 THEY JUST TOLD ME THAT THEY WERE SORRY. BUT
12 DOES SORRY COUNT FOR HIM NOT GETTING THE
13 OPPORTUNITY TO VOTE? SO, THAT IS WHAT WE ARE
14 SUPPOSED TO ACCEPT WHEN WE ARBITRARILY DECIDE
15 WHO WE GONNA SEND IT TO AND WHO WE ARE NOT.
16 SO, YEAH, THERE ARE SOME DISCREPANCIES WITH IT.

17 **Q** DO YOU REMEMBER ANY DISCREPANCIES WITH THE
18 CHEATHAMS?

19 **A** I WILL SAY THIS: ON THE DAY THAT WE CHALLENGED
20 THE BALLOT, LINDA CHEATHAMS NAME WAS ON BOTH
21 PIECES OF PAPER AS LINDA CHEATHAMS FILLED OUT
22 THE ABSENTEE BALLOT. WE KNOW THEY DON'T LIVE
23 HERE BECAUSE WE GOT IN THE CAR AND WENT DOWN TO
24 MYRTLE BEACH AND SEE WHERE YOU LIVE. BUT IF
25 THE FACT THAT HAROLD, HER HUSBAND, WAS ON THE

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1 LIST -- THE FIRST LIST THAT WE GOT. THE SECOND
2 LIST WE RECEIVED, HIS NAME WAS TAKEN OFF THE
3 LIST. HE'S NOT EVEN ON IT. CHECK YOUR LIST.
4 HIS NAME IS NOT EVEN ON IT, BUT YET HE VOTED
5 ABSENTEE. YOU'RE ON THE LIST, THE FIRST SET
6 YOU GOT. THE FINAL LIST, WE GOT YOUR NAME
7 TAKEN OFF, BUT YOU VOTED ABSENTEE.
8 INTERESTING.

9 Q CHARLETTE HUDSON?

10 A CHARLETTE HUDSON. SHE FILLED HER -- THIS IS
11 THE MEC PERSON. DURING THE ELECTION, MR. PAUL
12 CURRY WALKED UP TO THE NEWSMAN AND SAID TO HIM
13 THAT, "YOU KNOW YOU GOT SOMEONE ON THE MEC THAT
14 IS NOT A REGISTERED VOTER IN THE TOWN." WELL,
15 WHAT MR. CURRY DIDN'T KNOW WAS THAT MS. HUDSON
16 FILLED OUT HER VOTER REGISTRATION CARD. SHE
17 GAVE IT TO HER LANDLORD. HER LANDLORD IN TURN
18 SAID HE GAVE IT TO MR. EVANS TO TURN IN. THAT
19 IS WHY MS. HUDSON DID NOT GET HER REGISTRATION
20 CARD.

21 MR. WHITE: THANK YOU, MS. BELLAMY.

22 PATRICIA BELLAMY: THANK YOU.

23 MR. WHITE: THAT IS ALL OF OUR
24 WITNESSES REGARDING THAT ISSUE.

25 MR. CANTY: MADAM CHAIR, I WOULD JUST

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1 LIKE TO HAVE NOTED FOR THE RECORD THAT
2 THE SEQUESTERED WITNESSES ARE RETURNING
3 TO THE SAME ROOM AND THAT BASICALLY
4 DEFEATS THE PURPOSE OF SEQUESTRATION
5 BECAUSE EACH INDIVIDUAL THEN GETS TO
6 DISCUSS THEIR TESTIMONY WITH THE OTHER
7 WITNESSES INCLUDING THIS GENTLEMAN THAT
8 IS PHOTOGRAPHING ME.

9 **(FIFTEEN MINUTE BREAK.)**

10 **MEC CHAIR:** WE WILL NOW PROCEED WITH
11 THE MEETING.

12 **IN THE MATTER OF POLLING BOOTH:**

13 **MEC CHAIR:** MR. WHITE PLEASE CALL YOUR
14 NEXT WITNESS.

15 MR. WHITE: WE CALL MR. DARNELL PRICE.

16 **DARNELL PRICE, HAVING BEEN DULY SWORN, TESTIFIED AS**
17 **FOLLOWS:**

18 **DIRECT EXAMINATION BY MR. WHITE:**

19 **Q** MR. PRICE, WOULD YOU TELL US -- YOU WERE
20 PRESENT DURING THE VOTING AT THE POLLING PLACE?

21 **A** I THINK AFTER ONE O'CLOCK.

22 **Q** DID YOU OBSERVE ANYTHING THAT YOU THOUGHT WAS
23 INTERFERING WITH THE PRE-VOTE CITIZENS?

24 **A** ALL THAT I WAS AWARE OF WAS ALL THE PEOPLE
25 STANDING AROUND THE DOORS AND I THINK I

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1 OVERHEARD TWO FOLKS, AND I DON'T KNOW THEIR
2 NAMES, SAYING THAT, "THEY DON'T WANT TO VOTE."
3 I THINK WE HAVE IT ON A RECORDER. I THINK WE
4 RECORDED IT.

5 Q COULD YOU SHOW US THE RECORDING?

6 A LET ME SEE WHAT I HAVE. EXCUSE ME.

7 Q WHILE HE IS DOING THAT, TO EXPEDITE THINGS, IF
8 IT SUITS THE COMMISSION ...

9 AUDIENCE: MR. WHITE, COULD REPEAT THAT
10 PLEASE. WE ARE QUIET AND WE CAN'T HEAR
11 YOU.

12 MR. WHITE: OKAY. I SAID WHILE MR.
13 PRICE IS PREPARING THE VIDEO, I WOULD
14 LIKE TO CALL MS. COLE SO WE COULD SPEED
15 THINGS UP.

16 MEC CHAIR: GO AHEAD.

17 CAROLYN COLE: COULD WE MOVE THIS.
18 MAYBE IF WE MOVE THE MICROPHONE OVER
19 HERE AND WE SHARE THE MICROPHONE, IT
20 MIGHT WORK.

21 CAROLYN COLE, HAVING ALREADY BEEN DULY SWORN, TESTIFIED

22 AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. WHITE:

24 Q MS. COLE, YOU WERE -- OBSERVED AT THE POLLING
25 PLACE?

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1 **A** I STARTED OUT THAT MORNING ON ELECTION DAY AS
2 THE -- GOING TO DO THE POLL WATCHING FOR REV.
3 WINDY PRICE AND I GOT TO THE POLLING PLACE AT
4 ABOUT, I GUESS I GOT HERE ABOUT BETWEEN
5 SIX-THIRTY AND A QUARTER TO SEVEN.

6 **Q** DID YOU SEE ANYTHING THAT DISTURBED YOU?

7 **A** DURING THE COURSE OF THE DAY, THERE WAS A LOT
8 TO BE CONCERNED ABOUT. WHEN WE STARTED OUT
9 THAT MORNING, IT WAS ALREADY A HOSTILE
10 ENVIRONMENT. I THINK PEOPLE WERE TRYING TO DO
11 THE BEST THEY COULD. WE HAD ASKED THAT NO ONE
12 AFFILIATED WITH AN ELECTION IN ATLANTIC BEACH
13 IN THE LAST TEN YEARS COME TO BE A PART OF THIS
14 ELECTION. TRY TO DO SOME THINGS THAT WE
15 THOUGHT MIGHT MAKE IT A LITTLE BIT EASIER AND
16 MAKE THINGS GO A LITTLE BIT SMOOTHER. BUT WHEN
17 WE GOT HERE, ONE OF THE PEOPLE WE SPECIFICALLY
18 ASKED NOT TO BE HERE, SPOKE DIRECTLY TO THE
19 COUNTY -- I DIDN'T SPEAK DIRECTLY TO THE COUNTY
20 BUT THAT I KNEW THAT THE OFFICE HAD SPOKEN
21 DIRECTLY TO THE COUNTY AND HAD WORDS ABOUT NOT
22 HAVING MS. STEPHANIE SIMMONS AS A PART OF THIS
23 ELECTION. MS. SIMMONS HAS BEEN, IN THE PAST, A
24 PERSON THAT HAS LOST HER OBJECTIVITY IN THE
25 PROCESS AND SPENT MORE TIME FEEDING THE VOTERS

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1 THAT KIND OF THING AND FROM THE TESTIMONY FROM
2 THE 2009 ELECTION, IT WAS CLEAR THAT SHE WAS
3 TOO BIASED TO DO WHAT WE WERE TRYING TO DO,
4 WHICH WAS KEEP IT AS STRAIGHT AND NARROW AS WE
5 POSSIBLY COULD. WE HAD DONE WHAT WE THOUGHT,
6 BASED ON THE SOUTH CAROLINA'S SUPREME COURTS
7 ORDER FROM THE ELECTION OF 2009, WE THOUGHT BY
8 PUTTING IN A NEW ELECTION COMMISSION, BY DOING
9 SOME OF THE THINGS LIKE NOT HAVING THE PEOPLE
10 INVOLVED WHO WERE INVOLVED IN THE PAST, WOULD
11 SET THE STAGE AND SET A TONE FOR OKAY, PEOPLE
12 WANT A CLEAN SLATE. SO, WHEN WE GOT TO THE
13 POLLS MR. JOE MONTGOMERY SEEMED TO BE THE
14 PERSON THAT WAS ASSERTING HIMSELF INITIALLY AS,
15 "I'M IN CHARGE." DIFFERENT POLL WATCHERS FOR
16 CANDIDATES; EVANS, TAYLOR AND ISOM IMMEDIATELY
17 SAID TO COMMISSIONER KENION, "YOU DON'T -- YOU
18 KNOW WE GOT OUR INFORMATION ABOUT POLL
19 WATCHING, BUT YOU UNDERSTAND THAT WE ARE NOT
20 GIVING IT TO YOU" AND I DIDN'T HEAR HER REQUEST
21 IT OR ANYTHING LIKE THAT BUT MOVED ON. MS.
22 BUSBIE WAS ON A LIST OF NAMES GIVEN TO US FROM
23 THE COUNTY. SHE WAS THE POLL CLERK. CONSTANCE
24 BUSBIE, SHE WAS A LITTLE FLUSTERED. GOT HERE
25 THAT MORNING AND FOUND OUT THAT HER SETUP

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1 PERSON WASN'T COMING. ONE OF THE THINGS THAT
2 WE HAD DONE WAS TO START THE PROCESS OF
3 TRAINING A NEW CLERK FROM ATLANTIC BEACH. WE
4 THOUGHT WITH A TWO/ONE SITUATION THAT MIGHT BE
5 A GOOD THING, BUT THAT PERSON DIDN'T SHOW UP
6 FROM THE COUNTY. SO, SHE WAS THEN WITH A
7 NOVICE -- AN EXPERIENCED PERSON WITH ONE NOVICE
8 AND SHE WAS A LITTLE FLUSTERED ABOUT GETTING
9 THINGS SET UP. SO, WE OPENED AND THE PEOPLE --
10 I THINK I HEARD COMMISSIONER KENION ASK
11 EVERYBODY TO GO BACK OUTSIDE AND WAIT. WE HAD
12 BROUGHT OVER REFRESHMENTS AND STUFF LIKE THAT.
13 BROUGHT OVER A COUPLE OF THINGS THAT THEY
14 NEEDED LOANED FROM THE RESTAURANT AND SHE ASKED
15 EVERYBODY TO GO BACK OUTSIDE BECAUSE THE POLLS
16 WEREN'T OPEN YET AND NOBODY WOULD MOVE AND MS.
17 BUSBIE WAS TRYING TO GET EVERYTHING DONE AND
18 EVERYBODY WAS JUST KIND OF STANDING AROUND IN
19 THE WAY TALKING. FINALLY SHE GOT THE POLLS
20 OPEN JUST SLIGHTLY AFTER SEVEN. AS THE DAY
21 WORE ON -- I LEFT ABOUT EIGHT O'CLOCK AND WHEN
22 I CAME BACK ABOUT EIGHT-THIRTY TO QUARTER OF
23 NINE, THERE WAS A WOMAN HERE THAT WE CAME TO
24 KNOW LATER AS LAURA BEST. WHEN I ASKED HER
25 NAME, SHE SAID HER NAME WAS "LAURA WEST." SHE

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1 TOLD ME -- EVERYONE WAS BUZZING AND BUZZING AND
2 SAYING THE ATTORNEY GENERAL'S OFFICE HAS SENT
3 SOMEONE. WE WELCOMED THAT. WE HAVE ASKED FOR
4 MONITORS FROM THE DEPARTMENT OF JUSTICE, FROM
5 MICHELLE MCLEOD. WE HAVE ASKED FOR PEOPLE
6 THROUGH BILL NETTLES' OFFICE. THIS IS
7 SOMETHING THAT WE WELCOME. BUT SHE WAS NESTING
8 WITH COUNCILMAN EVANS, CHARLENE TAYLOR AND THE
9 PEOPLE THAT WERE -- THEY PRETTY MUCH MADE THE
10 WAY THAT THE ROOM WAS DIVIDED LIKE AN AISLE ON
11 ONE SIDE VERSUS THE OTHER. THEIR SUPPORTERS
12 SAT ON ONE SIDE AND PEOPLE WHO WERE KIND OF
13 NEUTRAL OR ON THE SIDE OF REVEREND WINDY PRICE
14 AND MISTY UMPHRIES AND POSSIBLY MR. VAN FLEET
15 SAT ON ONE SIDE OF THE ROOM. AFTER I SAW HER
16 GET UP AND GO TOWARD MS. BUSBIE OVER BY THE
17 MACHINE, I SAID, YOU KNOW, I BETTER FIND OUT
18 EXACTLY WHO THIS IS. SO, I ASKED HER TO STEP
19 OUTSIDE AND I INTRODUCED MYSELF AND THAT SHE
20 WAS HERE FROM THE AG'S OFFICE ON ASSIGNMENT TO
21 OBSERVE THE ELECTION. SO, I ASKED -- I TOLD
22 HER THAT -- MR. WEBB ASKED HER FOR HER
23 CREDENTIALS AND SHE DIDN'T HAVE ANYTHING OTHER
24 THAN A LAPEL PIN THAT SAID 'AG' AND WHEN HE
25 ASKED HER QUESTIONS ABOUT WHO SENT HER, SHE

== MABRY COURT REPORTING ==

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1 BEGAN TO TALK ABOUT ALAN WILSON. WHEN WE ASKED
2 HER WAS THERE ANY TYPE OF LETTER THAT SHE MAY
3 HAVE WITH HER AND SHE SAID, "NO" AND IT'S NOT
4 LIKE ANYONE FROM THE AG'S OFFICE WOULD
5 PARTICULARLY NEED ANYTHING LIKE THAT. AS FAR
6 AS WE WERE CONCERNED IF YOU SHOW UP AND IT IS A
7 SURPRISE VISIT TO SEE HOW WE ARE DOING, GREAT.
8 BUT SHE DIDN'T SAY THAT AND SHE WAS HERE AND
9 SHE WOULD BE IN CHARGE OF THE ELECTION. I
10 THOUGHT THIS WAS A BIT ODD. SO I TOLD HER, "IF
11 YOU ARE HERE TO OBSERVE --" NO, SHE CAME BACK
12 IN AND I ASKED HER, "IT WOULD PROBABLY MAKE IT
13 A LOT EASIER IF YOU HELD YOUR GROUND A LITTLE
14 BIT AND NOT JUST STAYED WITH ONE GROUP VERSUS
15 THE OTHER." WHEN WE CAME BACK IN AND SAT DOWN,
16 SHE BEGAN -- SHE DID MOVE ONE OR TWO TIMES AND
17 THEN PATRICIA BELLAMY CHALLENGED A VOTE AND
18 WHEN SHE CHALLENGED THE VOTE, SHE MADE A
19 COMMENT ABOUT WHAT SHE WAS DOING AND HOW SHE
20 COULDN'T DO THAT AND THEN THE REST OF THE GROUP
21 GOT IN AN UPROAR ABOUT IT AND I KNEW THAT NO
22 MATTER WHAT OFFICE YOU WERE FROM, IF YOU CAME
23 AS AN OBSERVER, YOU WOULD NOT GIVE A RULING
24 FROM THE FLOOR. THAT YOU WOULD TAKE YOUR NOTES
25 AND WHAT HAVE YOU AND THAT WOULD BE WHAT YOU

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1 WOULD TURN IN AS A PART OF YOUR REPORT. SO I
2 ASKED HER IF SHE WOULD STEP OUTSIDE WITH ME.
3 WHEN SHE CAME OUTSIDE, I SAID, "MS. WEST, YOU
4 KNOW AS WELL AS I DO THAT WHETHER YOU ARE FROM
5 THE AG'S OFFICE OR NOT, YOU CANNOT MAKE ANY
6 RULINGS FROM THE FLOOR, AND SHE SAYS, "OKAY.
7 OKAY. I DIDN'T REALIZE I HAD MADE A RULING. I
8 DIDN'T REALIZE THAT." YOU CAN'T INTERFERE WITH
9 THE PROCESS. YOU ARE GOING TO HAVE TO LET THE
10 PROCESS HAPPEN. THE POLL CLERK AND THE POLL
11 MANAGER, THEY HAVE TO DO THIS. SO, MR. WEBB
12 WENT AND CALLED THE AG'S OFFICE AND WHEN HE
13 CALLED THE AG'S OFFICE, AND WHEN HE CALLED THE
14 AG'S OFFICE THEY SAID SHE IS NOT WITH OUR
15 OFFICE. THERE IS NO SUCH PERSON THAT WE HAVE
16 SENT ...

17 MR. CANTY: MADAM CHAIR ...

18 **A** YOU DON'T HAVE AN OBJECTION, SIR. IF YOU ARE
19 NOT HERE AS THE ATTORNEY OF RECORD THEN YOU
20 DON'T HAVE AN OBJECTION. THIS IS AN
21 ADMINISTRATIVE HEARING AND I AM SPEAKING TO THE
22 BODY THAT IS IN CHARGE. SO, SHE SAID WHEN THE
23 PHONE WAS HANDED TO ME AND I WAS ALLOWED TO
24 LISTEN TO THE OTHER END TO THE PERSON AT THE
25 AG'S OFFICE SAYING, "SHE DOES NOT WORK FOR US.

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1 SHE HAS NO AUTHORITY TO BE IN THERE TELLING
2 ANYONE WHAT TO DO. SHE HAS NO AUTHORITY TO BE
3 NEAR THOSE VOTING MACHINES FOR ANY REASON
4 WHATSOEVER." SO, AFTER THAT, I LEARNED THAT
5 NOT ONLY HAD SHE -- WAS SHE ASSERTING HERSELF
6 AS BEING IN CHARGE OF THE POLLING PLACE ON
7 BEHALF OF THE AG, BUT SHE WAS ALSO NOW SAYING
8 THAT -- I LEARNED THAT SHE HAD TAKEN MS.
9 BELLAMY -- SHE AND A GENTLEMAN NAMED PAUL SCOTT
10 HAD ESCORTED MS. BELLAMY TO THE VESTIBULE AND
11 OUT OF THIS ROOM AFTER SHE CHALLENGED A VOTE
12 AND THREATENED HER WITH LAWSUITS AND TELLING
13 HER THAT SHE HAD NO RIGHT TO CHALLENGE VOTES
14 AND THAT DIDN'T SHE KNOW THAT SHE COULD BE SUED
15 AND AS I UNDERSTOOD IT, THAT THE AG'S OFFICE
16 WOULD TAKE RESPONSIBILITY FOR THE COST OF THOSE
17 LAWSUITS AGAINST MS. BELLAMY.

18 MR. CANTY: SAME OBJECTION, MADAM
19 CHAIRMAN. HEARSAY ...

20 **A** SO, IN THE ROOM -- THAT HAD CHANGED A LOT ABOUT
21 WHAT WAS GOING ON IN THE ROOM. THERE WAS A
22 LITTLE BIT OF RUMBLING AND GRUMBLING EARLY ON
23 ALSO ABOUT HOW THINGS WERE POSITIONED. WHETHER
24 OR NOT VOTERS -- WHETHER OR NOT YOU COULD SEE
25 THE MACHINES AND I THOUGHT THAT THE MACHINES

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1 WERE PLACED ACCORDING TO -- EVERYTHING WAS
2 PLACED WHERE MS. BUSBIE WANTED IT. EVERYBODY
3 WAS PATIENT ENOUGH, EVEN THOUGH WE WERE INSIDE
4 THE ROOM, SHE DID GET EVERYBODY SITUATED AND
5 PLACED WHERE SHE THOUGHT WE SHOULD.
6 COMMISSIONER KENION EXPRESSED THAT SHE WAS
7 UNCOMFORTABLE WITH THE TABLES NOT BEING FURTHER
8 AWAY FROM THE MACHINES. MS. BUSBIE SAID, "I
9 DON'T WANT IT THAT WAY BECAUSE I DON'T WANT TO
10 WALK THAT FAR." THEN THE TABLES WERE SET UP --
11 IT WAS PRETTY BUNCHED -- IT WAS A PRETTY CLOSE
12 AREA. LATER ON AS THE DAY WORE ON AND AS --
13 WHEN I VOTED, THERE WERE MORE PEOPLE IN THE
14 SPACE BECAUSE PEOPLE JUST DIDN'T LEAVE. PEOPLE
15 MILLED AROUND OUTSIDE THE DOOR AND PEOPLE --
16 CANDIDATES STAYED IN THE BUILDING PRETTY MUCH
17 THE ENTIRE TIME EXCEPT JOSEPHINE ISOM. SHE WAS
18 AT THE DOOR A FEW TIMES, BUT SHE DIDN'T COME IN
19 AND STAY IN THE ROOM IN THE SAME WAY AS
20 CHARLENE TAYLOR AND JAKE EVANS, WHO MOVED
21 FREELY ABOUT THE ROOM, AND FROM TIME TO TIME,
22 WOULD FIND THEMSELVES OVER BY MS. BUSBIE'S
23 TABLE, BY THE VOTING MACHINES, BY THE TABLE
24 WHERE WE WERE DOING THE ABSENTEE VOTING. SO,
25 BY THE TIME YOU DO YOUR ABSENTEE VOTING -- I

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1 THINK THAT MR. MCLAUREN AND I VOTED AT THE
2 TABLE AT THE SAME TIME. THERE WERE A LOT OF
3 TIMES WHERE YOU COULD SEE PEOPLE COME UP TO THE
4 TABLE AND THEY'RE TRYING TO -- THE PERSON THAT
5 IS CHALLENGING YOU IS TRYING TO WRITE THEIR
6 INFORMATION ON THE BACK OF THEIR CARD AT THE
7 SAME TIME THAT YOU'RE TRYING TO FILL OUT YOUR
8 APPLICATION. NOT THAT THEY WERE TRYING TO SEE.
9 IT IS JUST THAT EVERYONE WAS TRYING TO FIND
10 SPACE TO DO WHAT THEY WERE DOING. FOR SOME OF
11 US, IT MADE FOR NOT SUCH -- YOU KNEW THAT
12 PEOPLE COULD SEE YOUR BALLOT AND THEY COULD SEE
13 WHAT YOU WERE DOING. I DIDN'T KNOW HOW BAD
14 THINGS -- I KNEW THAT WE HAD TURNED OURSELVES
15 INTO MORE OF A CHEERING SECTION. IF A PERSON
16 VOTED AND IT WAS FOR SOMEONE YOU KNEW, EVERYONE
17 WENT OUT OF THEIR WAY TO MAKE SURE TO SEND A
18 MESSAGE; THAT IS A VOTE YOU KNOW. COME OVER
19 HUG, HAPPY, HAPPY OR -- AND THEN AT THE SAME
20 TIME, MS. WEST WAS CONSTANTLY ON THE PHONE
21 ACTING AS IF SHE IS TALKING TO -- IF MS.
22 BELLAMY CHALLENGES A VOTE MS. WEST, OR BEST AS
23 WE CAME TO KNOW, IS TALKING ON THE CELL PHONE
24 AND SAYING IS SHE ALLOWED TO DO THIS WHATEVER,
25 WHATEVER AND IF IT HAD BEEN SOMETHING THAT WAS

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1 REALLY PRIVATE SHE WANTED TO DO IT. WE ALL
2 KNOW THERE ARE WAYS TO DO THAT. SO, DID IT
3 MAKE A DIFFERENCE TO ME? IT DID, BECAUSE I
4 THINK ONCE PEOPLE BEGAN TO MILL OUTSIDE THE
5 DOOR AND SOME OF THOSE PEOPLE HAD BEEN IN
6 ALTERCATIONS WITH SOME OF THE CANDIDATES
7 ALREADY. FOR EXAMPLE, WITH MRS. UMPHRIES WHEN
8 SHE WAS CAMPAIGNING, SOME OF THE SAME FOLKS
9 THAT WERE BLOCKING THE DOOR PREVENTED HER FROM
10 CAMPAIGNING ON PROPERTY WHERE SHE WAS NOT IN
11 ANY TYPE OF TRESPASS, NO TRESPASSING NOTICE OR
12 ANYTHING. SO, IT WOULD -- WE HAD NOT CREATED
13 AN ENVIRONMENT THAT WAS MOST CONDUCIVE TO
14 HOLDING AN ELECTION. IT WAS ONLY WHEN I LOOKED
15 -- I DIDN'T KNOW WHAT WAS HAPPENING OUTSIDE THE
16 DOOR OR WHAT WAS REALLY HAPPENING INSIDE THE
17 VESTIBULE UNTIL I SAT DOWN AND WATCHED THE
18 TAPE. WHEN I WATCHED THE PORTIONS OF THE TAPE,
19 THAT TAPE GAVE ME A LOT OF CONCERN.

20 **Q** MS. COLE, DID THIS AFFECT THE INTEGRITY OF THE
21 ELECTION?

22 **A** I THINK WHAT WE HAD IN THE ROOM WAS -- I THINK
23 THE FRAUDULENT PIECE WAS MS. BEST. WHEN SHE
24 ASSERTED HERSELF AS BEING IN CONTROL OF THIS
25 POLLING PLACE AND BY SAYING SHE WAS FROM THE

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1 AG'S OFFICE THAT MADE MS. BUSBIE AND THE
2 COMMISSIONERS KIND OF TAKE A BACK SEAT AND FOR
3 A WHILE THERE, THIS WAS HER POLLING PLACE. I
4 DO THINK THAT MADE A DIFFERENCE AND I THINK THE
5 PEOPLE THAT BROUGHT HER HERE KNEW, THEY
6 ABSOLUTELY KNEW. THEY SPENT THE ENTIRE DAY
7 WITH HER AND THEY CERTAINLY KNEW THAT SHE WAS
8 NOT FROM THE AG'S OFFICE AND IT IS REMINISCENT
9 OF THE 2009 ELECTION WHEN THE SAME PEOPLE HIRED
10 A PERSON THAT WAS ALLEGED TO BE A PRIVATE
11 INVESTIGATOR, BUT WHEN THE TIME CAME FOR HIM TO
12 SHOW HIS CREDENTIALS, HE COULDN'T DO IT. THE
13 SAD PART ABOUT THIS WHOLE THING IS THAT IF YOU
14 HONESTLY BELIEVE THAT YOU HAVE THE VOTE, THAT
15 YOU SAY YOU HAVE, THEN NONE OF THAT WOULD HAVE
16 BEEN NECESSARY. TO HAVE ANYBODY COME IN HERE
17 AND MASQUERADE AS -- WHICH IS IN VIOLATION OF
18 THE LAW IN TERMS OF THE WAY SHE MISREPRESENTED
19 HERSELF.

20 **Q** DID YOU SAY THERE WERE CANDIDATES NEAR THE
21 VOTING MACHINE?

22 **A** YES. MANY TIMES DURING THE DAY THAT HAPPENED.

23 **Q** WERE THEY CAMPAIGNING?

24 **A** THERE WERE FRIENDS UP THERE THAT WERE VOTING OR
25 IF THEY WANTED TO GO UP AND TALK TO MS. BUSBIE

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1 THEY DID. THAT WAS THE ATMOSPHERE.

2 **Q** WAS MS. BELLAMY TAKEN OUT OF THE POLLING PLACE
3 WHILE YOU WERE THERE?

4 **A** NO, SHE WASN'T TAKEN OUT BY -- ARE YOU ASKING
5 ABOUT SHE WENT TO THE BATHROOM A COUPLE OF
6 TIMES AND OUT TO HER CAR A COUPLE OF TIMES.
7 ARE YOU ASKING SPECIFICALLY ABOUT MS. BEST.

8 **Q** MS. BEST, YES?

9 **A** YES, SHE WAS TAKEN OUT BY MS. BEST.

10 **Q** AND MS. BEST HAD NO AUTHORITY TO TAKE A POLL
11 WATCHER AWAY FROM HERE DUTIES?

12 **A** NO.

13 **Q** WAS THE SECRECY OF THE BALLOT COMPROMISED?

14 **A** THE SECRECY OF THE BALLOT WAS COMPROMISED WITH
15 THE WAY THE ROOM WAS SET UP. MS. BUSBIE CHOSE
16 TO BRING EVERYTHING SO CLOSE. SO, THERE WAS NO
17 ROOM FOR THE VOTERS TO HAVE THAT KIND OF
18 PRIVACY AND PARTICULARLY THE WRITE IN'S.

19 **Q** WHAT PARTICULARLY ABOUT THE WRITE IN'S?

20 **A** YOU JUST SAT AT A TABLE AND SOMETIMES THERE
21 WOULD BE TWO OF US SITTING AT THE TABLE TRYING
22 TO CAST YOUR BALLOT AND AT THE SAME TIME YOUR
23 DOING THAT, THERE ARE PEOPLE STANDING IN FRONT
24 OF YOU OR OVER YOU WHO ARE TRYING TO SHARE THE
25 OTHER FRONT ROOM OF THE TABLE IN FRONT OF YOU.

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1 Q THIS IS ALL AT MS. BEST'S DOING?

2 A WELL, NO. MS. BEST DIDN'T SET THE ROOM UP.
3 BUT IF -- ACCORDING TO WHO SHE SAID SHE WAS
4 EARLY ON AS AN OBSERVER, YOU WOULD HAVE
5 EXPECTED TO SEE IT IN HER REPORT.

6 Q FROM WHAT YOU OBSERVED DID THIS AFFECT THE
7 OUTCOME OF THE ELECTION?

8 A I THINK THIS IS A -- THIS IS A PART OF WHAT
9 SYSTEMATICALLY HAPPENED IN THIS ROOM. IS A
10 PART OF WHAT I BELIEVE TO BE A COMPLETELY
11 FRAUDULENT PIECE IN TERMS OF THIS ELECTION. I
12 THINK FROM THE POLL -- UNFORTUNATELY, FROM THE
13 PEOPLE THAT WERE SELECTED TO DO THE WORK HERE.
14 THE FACT THAT MS. SIMMONS, DESPITE OUR BEST
15 EFFORT, STILL INSERTED HERSELF INTO THE PROCESS
16 AND THEN LATER WHEN I GOT A PHONE CALL FROM
17 SOMEONE WHO TOLD ME TO CHECK THE VOTING
18 MACHINES. YOU'RE SUPPOSED TO DO THE HISTORY ON
19 THE VOTING MACHINE. IT SPOKE TO A PROBLEM THAT
20 WAS GOING ON WITH THE MACHINE THAT THEY SAID
21 WAS HAPPENING WITH THE MACHINE.

22 Q THANK YOU, MS. COLE.

23 MR. CANTY: MADAM CHAIR, WILL WE NOT BE
24 PERMITTED TO CROSS EXAMINE THE WITNESS?

25 MR. WHITE: IF WE COULD, COULD WE HAVE

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1 MR. CANTY CLARIFY WHAT HIS ROLE IS? I
2 AM NOT SURE WHO HE IS REPRESENTING OR
3 WHAT HIS CAPACITY IS.

4 MEC CHAIR: SIR, AT THE BEGINNING YOU
5 STATED THAT YOU DID NOT WANT -- YOUR
6 CLIENT DID NOT WANT TO BE REPRESENTED
7 OR YOU DID NOT WANT TO SAY ANYTHING.
8 SO ...

9 MR. CANTY: NO, NOT AT ALL. I SAID I
10 WAS AN ATTORNEY HERE REPRESENTING JAKE
11 EVANS, WHO IS A PARTY TO THIS
12 PROCEEDING. I SAID THAT MR. EVANS WAS
13 NOT UNDER SUBPOENA.

14 MEC CHAIR: NO, SIR.

15 MR. CANTY: CAN I HAVE A RULING? WILL
16 WE BE ABLE TO CROSS EXAMINE THE
17 WITNESS?

18 MEC CHAIR: I DIDN'T HEAR YOU, SIR?

19 MR. CANTY: CAN WE CROSS EXAMINE THE
20 WITNESS?

21 MEC CHAIR: YOU HAVEN'T BEEN SWORN INTO
22 THE RECORD. YOU SAID YOU DIDN'T WANT
23 TO.

24 MR. CANTY: ARE YOU SAYING ...

25 MEC CHAIR: THAT IS NO.

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1 MR. CANTY: THANK YOU, MA'AM.

2 CAROLYN COLE: I WOULD LIKE TO ASK A
3 QUESTION. IF MR. CANTY IS REPRESENTING
4 MR. EVANS, THEN IF THAT IS HIS
5 ATTORNEY, WHY CAN'T HE ASK QUESTIONS?
6 IF THAT IS MR. EVANS' ATTORNEY, I DON'T
7 HAVE NO PROBLEMS BEING ASKED QUESTIONS
8 BY HIM, BUT I DO UNDERSTAND THAT IT
9 CAN'T BE BOTH WAYS. HE CAN'T BE HIS
10 ATTORNEY WHEN YOU WANT TO ASK SOMETHING
11 AND NOT WHEN YOU DON'T AND THIS IS AN
12 ADMINISTRATIVE HEARING. MR. EVANS
13 KNOWS AS WELL AS I DO THAT HE DOESN'T
14 HAVE TO BE SUBPOENAED TO BE HERE TO
15 PARTICIPATE IN THIS PROCEEDING.

16 MEC CHAIR: YOU MAY PROCEED.

17 MR. CANTY: MADAM CHAIR, I AM PUZZLED
18 TO ASK WHO IS PRESIDING. IS IT YOUR
19 HONOR OR IS IT THE WITNESS?

20 CAROLYN COLE: I AM ALSO OPPOSED TO MR.
21 CANTY. ARE YOU REPRESENTING SOMEONE OR
22 ARE YOU NOT? I AM NOT PRESIDING BY
23 SIMPLY SAYING TO THE CHAIR, IF YOU ARE,
24 INDEED, REPRESENTING MR. EVANS THAT I
25 DO NOT HAVE ANY PROBLEM WITH YOU

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1 ASKING ME A QUESTION. I DIRECTED THAT
2 TO THE CHAIR EVEN IF I AM LOOKING AT
3 YOU.

4 MEC CHAIR: WOULD YOU LIKE TO PROCEED,
5 SIR?

6 MR. CANTY: YES, MA'AM. I WAS HAVING
7 SOME DIFFICULTY UNDERSTANDING THE FACT
8 OF WHO WAS IN CHARGE HERE. ASSUMING IT
9 IS YOUR HONOR, THEN I WOULD LIKE THE
10 RECORD TO REFLECT THAT MR. DARNELL
11 PRICE, WHO WAS PREVIOUSLY SEQUESTERED,
12 HAS BEEN PRESENT FOR ALL OF MS. COLE'S
13 TESTIMONY, AND IN FACT, HAS BEEN ACROSS
14 THIS TABLE CONFERRING WITH THE
15 PROTESTANTS. WITH REGARD TO MS. COLE'S
16 TESTIMONY

17 MEC CHAIR: SIR, I NEED YOU TO SPEAK UP
18 FOR THE COURT REPORTER, PLEASE.

19 **CROSS EXAMINATION BY MR. CANTY:**

20 **Q** MS. COLE, DID I UNDERSTAND YOUR TESTIMONY TO BE
21 THAT YOU PUT IN A NEW ELECTION COMMISSION?

22 **A** THE TOWN COUNCIL OF ATLANTIC BEACH PUT IN A NEW
23 ELECTION COMMISSION.

24 **Q** AND THAT WOULD INCLUDE YOU?

25 **A** PLEASE REPHRASE YOUR QUESTION.

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1 Q DID YOU VOTE FOR A NEW ELECTION COMMISSION?

2 A I DID.

3 Q AND DID MRS. PRICE, WHO IS CURRENTLY AT THE
4 PROTESTANT TABLE, DID SHE VOTE FOR A NEW
5 ELECTION COMMISSION?

6 A SHE DID.

7 Q DID MS. PIERCE, WHO WAS HERE EARLIER, DID SHE
8 VOTE FOR A NEW ELECTION COMMISSION?

9 A SHE DID AND SO DID COUNCILMAN DARNELL THOMPSON.

10 Q THESE COMMISSIONERS WHO ARE HERE TODAY ARE THE
11 ONES THAT YOU INSTALLED, IS THAT CORRECT?

12 A THESE ARE THE COMMISSIONERS THAT THE TOWN
13 COUNCIL OF ATLANTIC BEACH APPOINTED.

14 Q TO YOUR KNOWLEDGE, WAS MS. BELLAMY PREVENTED
15 FROM CHALLENGING ANY VOTES?

16 A WHEN MS. WEST HAD MS. BELLAMY OUTSIDE OF THE
17 ROOM, I DON'T THINK ANYBODY FROM -- THE ONLY
18 PEOPLE THAT WERE REMAINING THAT I AM AWARE OF
19 WERE COMMISSIONERS AND AUDIENCE MEMBERS. I
20 WILL JUST CALL THEM AUDIENCE MEMBERS FOR RIGHT
21 NOW. SO, I WAS NOT AWARE OF WHAT ELSE
22 TRANSPIRED IN THIS ROOM.

23 Q ARE YOU AWARE OF ANY VOTERS THAT MS. BELLAMY
24 WAS NOT ALLOWED TO CHALLENGE?

25 A I CAN'T ANSWER THAT FOR YOU.

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1 **Q** THE QUESTION IS, ARE YOU AWARE OF ANY VOTERS
2 THAT MS. BELLAMY WAS NOT ALLOWED TO CHECK?

3 **A** I CAN'T ANSWER THAT.

4 **Q** YOU MAINTAIN THAT FRAUD ARISES FROM THE
5 PRESENCE OF MS. LAURA BEST AT THE POLLING
6 PLACE. IS THAT CORRECT?

7 **A** I DO.

8 **Q** WOULD THE VIDEO THAT IS ON THE TELEVISION, IT
9 DISAPPEARED NOW, BUT THE VIDEO THAT WAS ON THE
10 TELEVISION THAT WAS HERE JUST A FEW MOMENTS
11 AGO, WOULD THAT REFLECT THAT FRAUD THAT YOU
12 DESCRIBED?

13 **A** I DON'T KNOW WHAT HE IS GETTING READY TO SHOW
14 ON THE TAPE RIGHT NOW.

15 **Q** YOU TESTIFIED THAT THE PEOPLE THAT WERE WITH
16 MS. BEST KNEW THAT SHE WAS NOT WITH THE AG'S
17 OFFICE. IS THAT CORRECT?

18 **A** I DON'T TESTIFY THAT THEY KNEW -- LET ME JUST
19 SAY THIS. THEY SPENT THE ENTIRE DAY WITH HER.
20 THEY ALL SEEMED TO BE VERY SOCIABLE AND VERY
21 FRIENDLY. IT'S HARD FOR ME TO BELIEVE THAT
22 THEY DIDN'T KNOW.

23 **Q** DO YOU KNOW FOR A FACT THAT MS. BEST WAS AN
24 AGENT OF THE ATTORNEY GENERAL?

25 **A** BASED ON WHAT THE REPRESENTATIVE FROM THE

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1 ATTORNEY GENERAL'S OFFICE SAID, AND WHAT MS.
2 BEST SAID IN MY PRESENCE ON THE PHONE TO THAT
3 OFFICE. SHE SAID, "I DIDN'T SAY I WAS HERE
4 REPRESENTING YOU." AND WE SAID, "OH, YES, YOU
5 DID." THEN SHE STATED, "BUT I KNOW ALAN
6 WILSON" AND THE PERSON ON THE PHONE, FROM WHAT
7 I COULD HEAR, WAS THAT YOU HAD NO AUTHORITY TO
8 REPRESENT THE ATTORNEY GENERAL'S OFFICE AT AN
9 ELECTION ANYWHERE IN THE STATE OF SOUTH
10 CAROLINA. SHE SAID, "BUT I KNOW ALAN WILSON.
11 I TALKED TO HIM YESTERDAY AND AS A MATTER OF
12 FACT I EVEN TALKED TO HIM THIS MORNING. I TOLD
13 HIM WHAT I WAS GOING TO DO AND HE SAID, 'IT
14 SOUNDS LIKE A GOOD IDEA'."

15 **Q** WHO WAS THE REPRESENTATIVE FROM THE ATTORNEY
16 GENERAL'S OFFICE?

17 **A** I DO NOT KNOW WHO THE PERSON WAS. I DID NOT
18 ASK TO SPEAK TO THE PERSON, BUT I AM SURE THAT
19 SOMEONE ELSE COULD GIVE A NAME.

20 **Q** COULD YOU TELL THE COMMISSION PLEASE, HOW MANY
21 VOTES WERE AFFECTED BY LAURA BEST'S PRESENCE?

22 **A** YOU KNOW, I WOULD LIKE TO KNOW THE ANSWER TO
23 THAT MYSELF.

24 **Q** SO, YOU DON'T KNOW HOW MANY VOTES WERE
25 AFFECTED?

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1 **A** DON'T KNOW.

2 **Q** THAT IS ALL I HAVE?

3 **RE-DIRECT EXAMINATION BY MR. WHITE:**

4 **Q** MS. COLE, HOW MANY VOTES COULD HAVE BEEN
5 AFFECTED BY IT?

6 **A** SHE WAS HERE ALL DAY. SHE MOVED BACK AND FORTH
7 TO THE MACHINE, OVER TO ABSENT -- PROVISIONAL
8 BALLOT TABLE. NOT CLEAR YET WHAT HER PURPOSE
9 WAS AND SHE WANTED TO BE A POLL WATCHER.
10 CERTAINLY THERE WAS A PROCESS TO GO THROUGH FOR
11 THAT. I AM NOT SURE WHAT HER PURPOSE WAS OR
12 WHY THE WHOLE HOAX WAS NECESSARY IN ORDER -- OR
13 THE VIOLATION OF THE LAW WAS NECESSARY TO COME
14 AND OBSERVE AN ELECTION IN ATLANTIC BEACH.

15 **Q** WHO WAS THE GROUP SHE WAS HANGING WITH?

16 **A** SHE WAS WITH COUNCILMAN EVANS, CHARLENE TAYLOR.
17 I NEVER SAW HER DIRECTLY WITH JOSEPHINE ISOM,
18 BUT I DID SEE HER WITH PAUL SCOTT. THERE WAS
19 KIND OF A STOUT WOMEN THAT SAT THERE FOR MOST
20 OF THE DAY. SHE SPENT MOST OF HER TIME WITH
21 THEM AND HIS DIFFERENT FRIENDS AS THEY CAME IN.
22 SHE SPENT TIME WITH THEM.

23 **Q** HOW LONG WAS MS. BELLAMY OUTSIDE?

24 **A** I DON'T KNOW. THAT IS SOMETHING YOU WOULD HAVE
25 TO ASK MS. BELLAMY.

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1 Q COULD MS. BELLAMY HAVE CHALLENGED WHILE SHE WAS
2 OUTSIDE?

3 A NO.

4 Q THANK YOU, MS. COLE. AT THIS TIME WE CALL MR.
5 PRICE.

6 DARNELL PRICE, HAVING BEEN DULY SWORN, TESTIFIED AS
7 FOLLOWS:

8 A WHAT I HAVE IS JOSH DID THE TAPING. HE WILL
9 EXPLAIN TO YOU ABOUT IT.

10 JOSH CAPLAN, HAVING BEEN DULY SWORN, TESTIFIED AS
11 FOLLOWS:

12 *(INAUDIBLE DISCUSSION BETWEEN MARGIE SMITH AND JOSH*
13 *CAPLAN.)*

14 DIRECT EXAMINATION BY MR. WHITE:

15 Q CAN YOU TELL ME WHO WAS INVOLVED IN MAKING THIS
16 VIDEO?

17 MEC CHAIR: SPEAK INTO THE MICROPHONE
18 PLEASE.

19 A IT WAS MYSELF AND MARGIE SMITH.

20 Q AND YOU WERE PRESENT DURING THE VOTING?

21 A YES.

22 Q YOU OBSERVED WHAT WAS ON THE VIDEO?

23 A YES.

24 Q CAN YOU SHOW US THE VIDEO?

25 MARGIE SMITH, HAVING BEEN DULY SWORN, TESTIFIED AS

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FOLLOWS:

(WITNESS JOSH CAPLAN AND WITNESS MARGIE SMITH WERE AT THE STAND AT THE SAME TIME.)

MEC CHAIR: PLEASE SPEAK INTO THE MIC
SO WE CAN HEAR.

(PLAYING EXHIBIT 1.)

Q WE WOULD LIKE TO OFFER THESE AS AN EXHIBIT.

AUDIENCE: WE CAN'T HEAR, PLEASE.

VIDEO OF POLL DOOR MARKED
FOR IDENTIFICATION AND INTRODUCED
INTO EVIDENCE AS EXHIBIT 1.

VIDEO OF CLOSING MARKED
FOR IDENTIFICATION AND INTRODUCED
INTO EVIDENCE AS EXHIBIT 2.

**JOSH CAPLAN, HAVING ALREADY BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:**

DIRECT EXAMINATION BY MR. WHITE:

Q MR. CAPLAN, ARE YOU REGISTERED TO VOTE HERE IN
ATLANTIC BEACH?

A I WAS, BUT I MOVED, SO I DIDN'T VOTE.

Q WHY DID YOU MOVE?

A CONSTANT HARASSMENT BY SOME OF THE CITIZENS
HERE IN ATLANTIC BEACH.

Q WHAT KIND OF HARASSMENT?

AUDIENCE: SPEAK INTO THE MICROPHONE.

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1 WE CAN'T HEAR YOU.

2 **A** FALSE ARRESTS AND NUMEROUS OTHER THINGS BY THE
3 LAST CREW THAT WAS IN HERE.

4 **Q** THANK YOU.

5 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
6 QUESTIONS FOR THIS WITNESS?

7 MR. CANTY: YES, MA'AM. WITH REGARD TO
8 MARGIE SMITH, IS THAT CORRECT.

9 MEC CHAIR: YES.

10 **MARGIE SMITH, HAVING ALREADY BEEN DULY SWORN,**
11 **TESTIFIED AS FOLLOWS:**

12 **DIRECT EXAMINATION BY MR. CANTY:**

13 **Q** ARE YOU REGISTERED TO VOTE IN ATLANTIC BEACH?

14 **A** YES, I WAS REGISTERED.

15 **Q** DID YOU GET TO VOTE?

16 **A** NO, I DID NOT VOTE BECAUSE HAD MOVED.

17 **Q** NO ONE PREVENTED YOU FROM VOTING, YOU DIDN'T
18 VOTE BECAUSE YOU KNEW YOU WEREN'T QUALIFIED?

19 **A** CORRECT.

20 **Q** CAN YOU TELL US WHO EDITED THE VIDEO?

21 **A** NOBODY EDITED THE VIDEO. I STOPPED RECORDING
22 WHENEVER THERE WAS NOTHING GOING ON.

23 **Q** THAT IS THE ENTIRE VIDEO?

24 **A** YES, THAT IS THE ENTIRE VIDEO.

25 **Q** WHAT TIME DOES THE RECORDING START AND WHAT

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1 TIME DOES IT END?

2 **A** I AM NOT SURE AT WHAT TIME IT STARTED, BUT IT
3 ENDED AROUND SEVEN. RIGHT AFTER THEY CALLED US
4 OUTSIDE AND TOLD US TO WAIT FOR THEM TO COUNT
5 THE VOTES.

6 **Q** I WONDER IF YOU WOULD TELL THE COMMISSIONER HOW
7 MANY VOTERS WERE PREVENTED FROM CASTING THEIR
8 BALLOTS BY THE EVENTS SHOWN ON THAT VIDEO TAPE?

9 **A** I WAS NOT IN HERE TO SAY.

10 **Q** THIS IS YOUR BOYFRIEND WHO IS NEXT TO YOU?

11 **A** CORRECT.

12 **JOSH CAPLAN, HAVING ALREADY BEEN DULY SWORN,**

13 **TESTIFIED AS FOLLOWS:**

14 **CROSS EXAMINATION BY MR. CANTY:**

15 **Q** CAN I ASK HIM HOW MANY VOTERS WERE PREVENTED
16 FROM CASTING THEIR BALLOTS FROM WHAT WE WERE
17 SHOWN ON THE VIDEO?

18 **A** WHO DO YOU REPRESENT?

19 **Q** JAKE EVANS.

20 **A** OKAY, I WASN'T IN THERE.

21 **Q** I BEG YOUR PARDON?

22 **A** I WAS NOT IN THERE.

23 **Q** SO NEITHER OF YOU CAN TESTIFY THAT ANY VOTERS
24 WERE PREVENTED FROM CASTING THEIR BALLOTS FROM
25 WHAT IS SHOWN ON THAT VIDEO?

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1 **A** IT PROVES THAT YOU WERE BULLIED BEFORE YOU WERE
2 COMING IN HERE.

3 **Q** NOT ME PERSONALLY. YOU'RE SPEAKING
4 FIGURATIVELY?

5 **A** FIGURATIVELY.

6 **Q** SO, IF YOU COULD PLEASE TELL US HOW MANY VOTERS
7 WERE NOT ALLOWED TO CAST A BALLOT AS A RESULT
8 OF WHAT IS SHOWN ON THE VIDEO?

9 **A** NONE OF THEM WERE NOT ALLOWED TO CAST A BALLOT.

10 **Q** TELL THE COMMISSIONER IF YOU WOULD PLEASE, WHAT
11 FRAUD IS SHOWN ON THAT VIDEO?

12 **A** FRAUD?

13 **Q** FRAUD, YES. WHAT FRAUD IS SHOWN BY THAT VIDEO?

14 **A** I DON'T UNDERSTAND WHAT YOU'RE ASKING ME THERE.

15 **Q** WELL, THERE IS TESTIMONY THAT FRAUD -- THE
16 FRAUD WOULD BE SHOWN BY THAT VIDEO AND WHAT I
17 AM ASKING YOU IS THAT YOU OFFERED IT INTO
18 EVIDENCE. WHAT FRAUD IS SHOWN ON THAT VIDEO?

19 **A** I DON'T KNOW.

20 MR. CANTY: MADAM CHAIR, FOR THE
21 RECORD, YOU HAD PREVIOUSLY REQUESTED
22 SEQUESTRATION OF WITNESSES AND WE JUST
23 WANT THE RECORD TO REFLECT THAT THESE
24 TWO WITNESSES ARE CONFERRING AT THE
25 PODIUM, AND THE DOOR TO THE SEQUESTERED

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1 WITNESS ROOM IS OPEN ...

2 MARGIE SMITH: NO, IT'S CLOSED.

3 MR. CANTY: THAT MR. DARNELL PRICE HAS
4 BEEN PRESENT FOR THE TESTIMONY OF ALL
5 THESE WITNESSES. THANK YOU.

6 DARNELL PRICE: ALL I AM ASKING YOU IS
7 -- ARE WE GOING TO ASK HIM TO TAKE AN
8 OATH SO WE CAN MOVE FORWARD THIS.

9 OTHER THAN THAT, HE'S NOT RECOGNIZED.
10 IS HE GOING TO TAKE AN OATH AND STAND
11 UP HERE WITH THE REST OF US?

12 MEC CHAIR: AN ATTORNEY DOESN'T HAVE TO
13 TAKE AN OATH.

14 DARNELL PRICE: BUT IS HE REPRESENTING
15 ANYBODY HERE?

16 MEC CHAIR: JAKE EVANS.

17 **RE-DIRECT EXAMINATION BY MR. WHITE:**

18 **Q** MR. CAPLAN, YOU SAID THAT PEOPLE WERE BEING
19 BULLIED BEFORE VOTING?

20 **A** YES.

21 **Q** WOULD YOU EXPLAIN WHAT YOU MEAN BY THAT?

22 **A** THEY WERE BEING FOLLOWED AROUND AS I WAS
23 STANDING THERE VIDEO ING. I WAS BEING
24 THREATENED BY THE SAME MAN THAT WAS WITH THE
25 LADY THAT HAD CLAIMED TO BE WITH THE ATTORNEY

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1 GENERAL'S OFFICE.

2 Q HOW MANY PEOPLE WERE BULLIED?

3 A ANYBODY THAT THEY WERE SUSPECTING WERE VOTING
4 FOR CAROLYN, WINDY OR MISTY.

5 MARGIE SMITH: WINDY, MISTY AND RETHA.

6 MR. WHITE: WHAT SORT OF INTIMIDATION
7 WAS ENGAGED IN.

8 MARGIE SMITH: AS YOU WERE TRYING TO
9 WALK THROUGH THE DOOR, YOU HAD A GROUP
10 OF PEOPLE STANDING OUTSIDE AND THEY
11 WOULD SAY THINGS THAT SHOULD NOT HAVE
12 BEEN SAID TO PEOPLE AS THEY WERE
13 WALKING THROUGH.

14 MR. WHITE: GIVE US AN EXAMPLE.

15 MARGIE SMITH: AS I HAD WALKED TO THE
16 DOOR, I HAD A GENTLEMAN SAY, "I AM
17 GOING TO TAKE THAT CAMERA AND SHOVE IT
18 UP THAT BOY'S BUTT" AS WE WERE WALKING
19 TO THE DOOR. I ALSO HAD ON THE VIDEO
20 -- I HAVE FOR THE RECORD HE HAS -- I
21 WAS THERE WITH HIM ON THE TAPE THAT
22 THERE WAS FRAUD. I HAVE ON THE TAPE
23 MS. WOODS CALLING SOME OF THE PEOPLE
24 SAYING TO GO GET SOME PEOPLE THAT WERE
25 REGISTERED TO VOTE TO COME VOTE THAT

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1 DID NOT WANT TO VOTE.

2 MR. WHITE: THANK YOU. THAT IS ALL WE
3 HAVE OF THESE WITNESSES.

4 MEC CHAIR: MR. WHITE, PLEASE CALL YOUR
5 NEXT WITNESS.

6 MR. WHITE: MISTY UMPHRIES.

7 **MISTY UMPHRIES, HAVING BEEN DULY SWORN, TESTIFIED AS**
8 **FOLLOWS:**

9 **DIRECT EXAMINATION BY MR. WHITE:**

10 **Q** MRS. UMPHRIES, YOU WERE A CANDIDATE IN THE PAST
11 ELECTION?

12 **A** YES, I WAS.

13 **Q** YOU WERE PRESENT AT THE POLLING PLACE?

14 **A** I CAME IN AND VOTED MYSELF AND I DID NOT STAY
15 AROUND. IT WAS MY UNDERSTANDING THAT YOU HAD
16 TO BE AT LEAST TWO HUNDRED FEET AWAY FROM THE
17 PREMISES.

18 **Q** WERE THE OTHER CANDIDATES OBSERVING THAT?

19 **A** WINDY PRICE AND I DID NOT STAY ON THE PREMISES.
20 HOWEVER, THE OTHER CANDIDATES WERE PRESENT
21 INSIDE AND OUT.

22 MEC CHAIR: MRS. UMPHRIES, COULD YOU
23 SPEAK INTO THE MICROPHONE FOR THE
24 REPORTER PLEASE.

25 MISTY UMPHRIES: YES.

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1 **Q** MRS. UMPHRIES, WHAT DID YOU OBSERVE IN THE TIME
2 THAT YOU WERE IN HERE AND VOTING?

3 **A** AS I CAME IN TO VOTE, I WAS DIRECTED TO ONE
4 CERTAIN MACHINE. TO THE OTHER SIDE OF ME THERE
5 WERE MANY PEOPLE IN THEIR LITTLE GROUPS TALKING
6 AND CHATTING IT UP, NOT TO MENTION THE FACT
7 THAT YOU HAD TO WALK THROUGH A WHOLE BUNCH OUT
8 FRONT LISTENING TO THE COMMENTS.

9 **Q** WERE THESE CAMPAIGN COMMENTS OR JUST, "HOW ARE
10 YOU? HOW'S IT GOING?"

11 **A** ACTUALLY PEOPLE SAYING SNIDE REMARKS AND
12 THINGS.

13 **Q** WHAT DO YOU MEAN SNIDE REMARKS?

14 **A** JUST KIND OF PERSONAL THINGS LIKE -- MY MAIN
15 THING WAS WHEN I WAS WALKING IN, BOBBY MORRIS,
16 I BELIEVE, IS HIS NAME. SOMEBODY WHO
17 APPROACHED ME WHILE I WAS CAMPAIGNING PRIOR TO
18 THE ELECTION WAS OUTSIDE AND THAT WAS KIND OF
19 INTIMIDATING. HE STAYED THERE THE WHOLE DAY.

20 **Q** WHAT HAD BEEN YOUR PRIOR INVOLVEMENT WITH MR.
21 MORRIS?

22 **A** I WAS CAMPAIGNING, PASSING OUT FLYERS. I WAS
23 PASSING OUT TRICK OR TRUNK FLYERS AND TWO
24 LADIES HAD ASK ME FOR OTHER FLYERS AND I GAVE
25 THEM TO THEM. IN REGARDS TO OTHER CANDIDATES.

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1 I DID NOT FREELY GIVE THEM TO THEM. THEY
2 REQUESTED THEM AND I GAVE THEM THE FLYERS AND
3 BOBBY CAME OUT AND ASKED ME, "WHAT THE HELL I
4 WAS DOING ON THE PREMISES AND TAKE MY WHITE ASS
5 OFF THE PROPERTY AND TO TAKE MY SHIT WITH ME."
6 SO THAT WAS MY INTERACTION.

7 Q WHAT WAS YOUR INVOLVEMENT WITH HIM ON ELECTION
8 DAY?

9 A WE DID NOT SPEAK. JUST AS I WAS WALKING BY, HE
10 JUST MUTTERED HIS COMMENTS OR, YOU KNOW,
11 WHATEVER. UNDER HIS BREATH. MUMBLED AS USUAL.

12 Q HOW WAS IT WHEN YOU WERE VOTING?

13 A IT WAS A LITTLE INTIMIDATING. THEY HAD PEOPLE
14 WALKING AROUND AND PEOPLE WERE EITHER POLLERS
15 OR ACTUALLY TRYING TO VOTE. SOMETHING THAT
16 OCCURRED I TURNED AROUND AND THERE WAS SOMEONE
17 BEHIND ME. BUT, I MEAN, I NEVER HAD BEEN AT AN
18 ELECTION WHERE EVERYBODY TALKED RIGHT INSIDE.
19 IT IS SUPPOSED TO BE QUIET. YOU ARE SUPPOSED
20 TO BE ABLE TO DO THAT PERSONALLY. YOU'RE NOT
21 SUPPOSED TO HAVE TO GO IN AND LISTEN TO
22 EVERYBODY'S REMARKS AND HAVE PEOPLE WALKING
23 AROUND PRETENDING.

24 Q WERE THERE PEOPLE INSIDE THERE WITH CAMPAIGNING
25 GOING ON?

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1 **A** AS FAR AS PEOPLE SHAKING THEIR HANDS AND
2 WALKING BY AND HUGGING EACH OTHER, YOU KNOW,
3 BECAUSE THEY ASSUMED THAT THEY GOT THEIR VOTE.
4 IF THAT IS WHAT YOU WANT TO CALL CAMPAIGNING,
5 THEN, YES.

6 **Q** DO YOU FEEL LIKE YOU WERE ABLE TO VOTE IN
7 SECRET?

8 **A** NO. I HAD SOMEONE STANDING OVER MY SHOULDER.
9 I ACTUALLY MADE A REPORT TO THAT EFFECT.

10 **Q** WAS THAT UNIQUE TO YOU OR DID YOU OBSERVE OTHER
11 PEOPLE?

12 **A** I CAME IN AND VOTED AND JUST WALKED RIGHT BACK
13 OUT. I DIDN'T STAY INSIDE AT ALL.

14 **Q** THEY PUT A NUMBER TEN BY YOUR NAME?

15 **A** YEAH. WHEN I WALKED UP TO THE TABLE THE LADY
16 DIRECTED ME TO THE FARTHEST MACHINE AND I HAD
17 NOTICED THAT SHE HAD WRITTEN A TEN BY MY NAME.
18 I DON'T RECALL IF I WAS ON LANE TEN OR NOT, BUT
19 SHE HAD WRITTEN A TEN BESIDE MY NAME.

20 **Q** THANK YOU, MRS. UMPHRIES. THAT IS ALL WE HAVE
21 OF THIS WITNESS?

22 MEC CHAIR: MR. CANTY, DO YOU HAVE
23 ANYTHING FOR THIS WITNESS?

24 **CROSS EXAMINATION BY MR. CANTY:**

25 **Q** YES, MA'AM. YOU DID JOINT ADVERTISING WITH

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1 MRS. PRICE, IS THAT CORRECT?

2 **A** SPECIFY YOUR QUESTION. DID WE RUN IN A GROUP,
3 IS THAT WHAT YOU'RE ASKING ME.

4 **Q** RIGHT OUTSIDE THIS BUILDING, THERE IS A LARGE
5 COLOR SIGN THAT HAS BOTH YOUR NAME AND MS.
6 PRICE'S NAME ON IT. IS THAT A JOINT
7 ADVERTISEMENT?

8 **A** WHAT DOES THAT HAVE TO DO WITH WHAT IS GOING
9 ON? WHAT DOES THAT HAVE TO DO WITH ME BEING
10 ASKED ABOUT INTIMIDATION? I DON'T UNDERSTAND
11 THE QUESTION.

12 **Q** YOU ADVERTISED JOINTLY...

13 **A** OKAY, BUT WHAT DOES THAT HAVE TO DO WITH WHAT
14 QUESTION WE STARTED WITH? WHAT DOES THAT HAVE
15 TO DO WITH INTIMIDATION.

16 MEC CHAIR: WE ARE TALKING ABOUT THE
17 POLLING PLACE AT THIS TIME, MR. CANTY?
18 WHAT DOES THAT HAVE TO DO WITH THE SIGN
19 OUT FRONT?

20 MISTY UMPHRIES: THE SIGN HAS NOTHING
21 TO DO WITH WHAT HAPPENED INSIDE. ABOUT
22 HOW I FELT INTIMIDATED ABOUT THE PEOPLE
23 OUTSIDE OR SOMEONE STANDING OVER MY
24 SHOULDER.

25 **Q** SO, YOU WILL NOT ANSWER THE QUESTION AS TO

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1 WHETHER YOU JOINTLY ADVERTISED?

2 **A** NO, BECAUSE IT IS NOT RELEVANT AS TO WHAT IS
3 BEING ASKED, NO.

4 **Q** YOU PROTESTED JOINTLY WITH MRS. PRICE ...

5 **A** IT IS IRRELEVANT TO WHAT IS BEING ASKED.

6 MEC CHAIR: MR. CANTY, WE ARE
7 DISCUSSING AT THIS TIME THE POLLING
8 PLACE.

9 MR. CANTY: YES, MA'AM, I UNDERSTAND
10 THAT. IS THIS WITNESS GOING TO BE
11 RECALLED LATER ON OTHER SUBJECTS? I
12 MEAN, ARE WE DOING ONE SUBJECT AT A
13 TIME?

14 MEC CHAIR: YES, SIR. I EXPLAINED THAT
15 AT THE BEGINNING.

16 MR. CANTY: OKAY. I THOUGHT WE WERE ON
17 VOTER REGISTRATION BUT NOW WE ARE ON
18 THE POLLING PLACE?

19 MEC CHAIR: I EXPLAINED IT AT THE
20 BEGINNING OF THE MEETING THAT WE TAKE A
21 BREAK AFTER EACH CATEGORY AND WE ARE
22 NOW ON POLLING PLACE.

23 **Q** LET ME ASK THIS: WHO AUTHORED -- IS THIS THE
24 FLYER THAT YOU WERE DISTRIBUTING?

25 **A** I DID NOT DISTRIBUTE THAT, SIR.

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1 **Q** WELL, IF YOU HAD FLYERS IN YOUR POSSESSION WHEN
2 YOU ...

3 MEC CHAIR: SIR ...

4 MR. CANTY: YOUR HONOR, SHE JUST
5 TESTIFIED ...

6 MEC CHAIR ... THIS HAS NOTHING TO DO
7 WITH POLLING PLACE.

8 **A** I HAVE NO PROBLEM ANSWERING YOUR QUESTION, BUT
9 I THINK YOU NEED TO GET YOUR QUESTIONS IN
10 ORDER, SIR. YES, THAT WAS A FLYER THAT I DID
11 HAVE IN MY POSSESSION. I DID NOT HAND OUT
12 THOSE FLYERS AT ALL. WE HAD SOMEONE WITH US
13 WHO, IN FACT, PASSED THEM OUT. I WAS PASSING
14 OUT A TRICK OR TRUNK PAPER TO LIKE THE
15 CHILDREN. THAT IS ALL I WAS SPEAKING OF AND
16 THE LADY ASKED ME IF SHE COULD HAVE ONE OF THE
17 WHITE PIECES OF PAPER BECAUSE THE TRICK OR
18 TRUNKS WERE ORANGE. SHE THEN TOOK IT INSIDE
19 AND GAVE IT TO BOBBY MORRIS, WHO THEN CAME OUT
20 ACTING A FOOL TO ANSWER YOUR QUESTION.

21 **Q** IS THERE ANY QUESTION IN YOUR MIND THAT A
22 PROPERTY OWNER HAS THE RIGHT TO APPROVE WHO HE
23 OR SHE LETS ...

24 **A** TO ANSWER YOUR QUESTION, BOBBY MORRIS IS NOT
25 THE PROPERTY OWNER. NOR IS HE THE PROPERTY

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1 MANAGER, WHICH AS WAS STATED.

2 **Q** ... OR AN AUTHORIZED AGENT OF THE PROPERTY
3 MANAGER ...

4 **A** SHOW ME SOME DOCUMENTATION TO THAT EFFECT AND
5 THAT IS WHAT I WILL CALL HIM.

6 **Q** IS IT YOUR TESTIMONY, MA'AM, THAT YOU HAD A
7 LEGAL RIGHT TO BE ON THEIR PROPERTY?

8 **A** YES, SIR. THERE IS NO SIGN THAT SAYS NO
9 SOLICITING OR NO TRESPASSING.

10 **Q** IF AN AUTHORIZED AGENT OF THE PROPERTY OWNER
11 DIRECTS YOU TO LEAVE THE PREMISES ...

12 **A** AND I DID, SIR, AS I CALLED 9-1-1.

13 **Q** WHAT ...

14 **A** BECAUSE HE VIOLATED MY PERSON.

15 **Q** HE VIOLATED YOUR PERSON? WHAT DOES ...

16 **A** YEAH, THAT MEANS HE GOT IN MY FACE AND TRIED TO
17 BULLY ME AND TOLD ME, "TO GET MY WHITE ASS OFF
18 THAT PROPERTY AND TAKE MY SHIT WITH ME." AS HE
19 TOOK THE FLYER AND THREW IT IN MY FACE. DOES
20 THAT ANSWER YOUR QUESTION?

21 **Q** YES, AND YOUR UNDERSTANDING IS THAT HE DID NOT
22 HAVE THE RIGHT TO EXCLUDE YOU FROM THAT
23 PROPERTY?

24 **A** NO, SIR, HE DID NOT. IF MS. WOODS HAD ASKED ME
25 TO REMOVE MYSELF, I WOULD HAVE GLADLY DONE SO,

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1 AS I DID WHEN HE ASKED ME TO REMOVE MYSELF AS I
2 CALLED 9-1-1.

3 Q NOW, IN YOUR PROTEST, YOU HAVE EIGHT GROUNDS
4 NUMBERED FOLLOWED BY SEVERAL OTHER GROUNDS.
5 LET ME ASK YOU IF I MAY ...

6 A WHAT DOES THAT HAVE TO DO WITH POLLING PLACE,
7 SIR?

8 Q MA'AM, YOU FILED THIS PROTEST, DIDN'T YOU?

9 A YES, I DID, BUT WE ARE TALKING ABOUT THE
10 POLLING PLACE.

11 MEC CHAIR: WE ARE ONLY TALKING ABOUT
12 THE POLLING PLACE, MR. CANTY.

13 Q TELL THE COMMISSION IF YOU WOULD PLEASE, HOW
14 MANY RESIDENTS OF ATLANTIC BEACH WERE
15 PROHIBITED FROM VOTING IN THIS ELECTION
16 ILLEGALLY?

17 A YOU TELL ME. WHAT IS THE PROTEST ABOUT ...

18 Q MA'AM, YOU HAVE THE BURDEN OF PROOF?

19 A IT IS IN QUESTION. SO, IF I KNEW A NUMBER, I
20 WOULD TELL YOU.

21 Q YOU HAVE THE BURDEN OF PROOF HERE, MA'AM, AND
22 YOU ARE REQUIRED TO PROVE THAT THERE WERE
23 IRREGULARITIES OR ILLEGALITIES THAT AFFECTED
24 THE OUTCOME OF THIS ELECTION. MY QUESTION TO
25 YOU IS TO TELL THE COMMISSION HOW MANY VOTERS

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1 WERE NOT ALLOWED TO CAST THEIR BALLOTS
2 ILLEGALLY IN THIS ELECTION?

3 **A** I DON'T KNOW A NUMBER.

4 **Q** THAT IS ALL I HAVE?

5 **A** DO YOU.

6 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
7 MORE QUESTIONS OF THIS WITNESS?

8 **RE-DIRECT EXAMINATION BY MR. WHITE:**

9 **Q** DO YOU FEEL THAT MORE PEOPLE WOULD HAVE TURNED
10 OUT TO VOTE IF NOT INTIMIDATED BY THE
11 ATMOSPHERE?

12 **A** I MOST CERTAINLY DO.

13 **Q** WOULD THAT BE IN THE TENS, THE HUNDREDS ...

14 **A** I HONESTLY DON'T HAVE A COUNT. I JUST KNOW HOW
15 INTIMIDATED I FELT BECAUSE OF THE ATMOSPHERE.
16 I MEAN, ARE YOU GOING TO COME UP AND VOTE IF
17 YOU SEE PEOPLE OUTSIDE FIGHTING, ARGUING? IS
18 THAT ANY WAY TO MAINTAIN AN ELECTION.

19 **Q** HOW MANY PEOPLE WERE EXPOSED TO THIS
20 INTIMIDATION?

21 **A** EVERYBODY THAT WAS OUT THERE.

22 **Q** EVERYBODY THAT ...

23 **A** EVERYBODY THAT NEEDED TO VOTE THAT HAD TO WALK
24 THROUGH THAT.

25 **Q** WAS A POTENTIAL LOST VOTE?

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1 **A** I AM SURE THERE WAS SEVERAL.

2 **Q** THANK YOU, MRS. UMPHRIES?

3 MEC CHAIR: PLEASE BE SEATED. MR.
4 WHITE, WOULD YOU CALL YOUR NEXT WITNESS
5 PLEASE?

6 MR. WHITE: WINDY PRICE.

7 **WINDY PRICE, HAVING BEEN DULY SWORN, TESTIFIED AS**
8 **FOLLOWS:**

9 **DIRECT EXAMINATION BY MR. WHITE:**

10 **Q** PRICE, DID YOU CAMP OUT HERE ON ELECTION DAY?

11 **A** NO, I DID NOT.

12 **Q** WHAT DID YOU DO ON ELECTION DAY?

13 **A** ELECTION DAY I WAS WITH MRS. MISTY UMPHRIES AT
14 A RECEPTION GREETING PEOPLE AS THEY WERE COMING
15 IN. KIND OF STAYED INSIDE. I SPENT THE NIGHT
16 AT CHURCH IN A SHUT IN AND JUST KIND OF NEEDED
17 TO GET SOME REST. SPENT HARDLY ANY TIME OVER
18 HERE.

19 **Q** CAN YOU TELL US WHAT TIME YOU DID SPEND OVER
20 HERE?

21 **A** I CAME OVER TO VOTE. I AM NOT SURE AT WHAT
22 TIME THAT WAS, BUT THERE WAS ANOTHER REASON WHY
23 I DID NOT -- TWO OTHER REASONS -- TWO OTHER
24 REASONS THAT I DID NOT COME OVER HERE OR THREE
25 I WOULD SAY. I UNDERSTOOD THE IMPORTANCE OF

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1 BEING TWO HUNDRED FEET AWAY EVEN THOUGH I LIVE
2 ACROSS THE STREET. SO, I DIDN'T TRY TO MAKE MY
3 PRESENCE KNOWN THAT MUCH. ALSO, THERE WAS A
4 GENTLEMAN HERE WHO WAS OUT ON A BOND AGAINST ME
5 AND MY FAMILY TO STAY AWAY FROM US AND HE
6 PRETTY MUCH STAYED AROUND THE POLLING PLACE AND
7 ON THE OUTSIDE PROWLING ALL DAY LONG. SO, I
8 FEARED TO EVEN BE OUT IN HIS PRESENCE DUE TO
9 THE FACT THAT HE HAS CONSISTENTLY VIOLATED HIS
10 BOND ORDER BY MAKING HIMSELF KNOWN IN THE
11 PRESENCE OF ME AND MY FAMILY AND ALSO IT WAS
12 JUST A NEGATIVE AURA AROUND THE POLLING PLACE
13 WITH THE PEOPLE JUST HANGING OUT IN THE FRONT
14 AND IT WAS JUST NOT A COMFORTABLE ATMOSPHERE,
15 AND AS I SAID, I HAD JUST COME FROM A SHUT IN
16 AT CHURCH AND I WAS JUST TRYING TO KEEP MY
17 SPIRIT AS POSITIVE AS POSSIBLE.

18 Q WHAT DID YOU OBSERVE WHEN YOU DID COME OVER
19 HERE -- YOU CAME OVER HERE FOR WHAT REASON?

20 A I CAME TO VOTE AND WHEN I CAME I HAD GOTTEN
21 NOTICE BY THE TOWN MANAGER THAT THERE WAS
22 SOMEONE HERE AT THE POLLING PLACE REPRESENTED
23 BY THE OFFICE OF THE ATTORNEY GENERAL. WHEN I
24 CAME IN, I SAW AN ELDERLY WHITE LADY AND SHE
25 WAS SEEN ON THE VIDEO THAT WAS PLAYED. SHE WAS

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1 SITTING ON THIS SIDE OF THE COMMUNITY CENTER
2 AND CHARLENE TAYLOR WAS SITTING BEHIND HER. I
3 MADE CONTACT WITH HER AND CHARLENE WHEN I
4 WALKED IN. I CAME TO THE FIRST TABLE TO VOTE.
5 I NOTICED THAT THE MACHINE I VOTED ON WAS ON
6 THIS SIDE. MISTY UMPHRIES POLL WATCHER AT THE
7 TIME, MS. BELLAMY, WAS SITTING IN THIS AREA
8 HERE. I FOUND IT KIND OF STRANGE THAT THE POLL
9 WHERE I WAS OR THE MACHINE WAS SO CLOSE IN
10 PROXIMITY. THERE WAS A GROUP OF PEOPLE, I WANT
11 TO SAY THEY WERE POLL WATCHERS HERE AND IT
12 SEEMED LIKE YOUR PRIVACY WAS KIND OF VIOLATED
13 BECAUSE WHEN YOU VOTE, THERE WERE SO MANY
14 PEOPLE IN SUCH A CLOSE PROXIMITY TO YOU. SO,
15 THAT WAS VERY UNCOMFORTABLE. WHEN I LEFT THE
16 HOUSE, I VOTED ON THE REFERENDUM THAT THEY HAD
17 OVER THERE. LEFT OUT. THE LADY ALLEGEDLY THAT
18 WAS SUPPOSED TO BE FROM THE AG'S OFFICE WAS
19 STILL SITTING AND MS. TAYLOR WAS STILL SITTING
20 BEHIND HER. THEY WERE CONVERSING. I MADE EYE
21 CONTACT AGAIN AND SMILED PLEASANTLY AND LEFT
22 OUT.

23 Q DID YOU FEEL LIKE YOU HAD PRIVACY WHILE YOU
24 VOTED?

25 A NO, IT WAS VERY INTIMIDATING. THERE WAS NO

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1 SENSE OF PRIVACY WHATSOEVER, BUT I STILL CAST
2 MY VOTE.

3 Q OTHER VOTERS HAVE THE SAME PROBLEM OF CASTING A
4 SECRET BALLOT?

5 A THERE WERE SOME PEOPLE THAT EXPRESSED THAT THEY
6 DIDN'T LIKE HOW THE POLLING PLACE WAS SET UP.
7 THERE WERE TWO INDIVIDUALS THAT WANTED TO CAST
8 BALLOTS AND THEY CAME AND CASTED, BUT WERE VERY
9 INTIMIDATED AND VERY CONCERNED WHETHER PEOPLE
10 WOULD KNOW WHO THEY WERE VOTING FOR AND WE
11 ASSURED THEM THAT NO ONE IS SUPPOSED TO KNOW
12 WHO YOU ARE VOTING FOR, BUT THE WAY THAT THE
13 MACHINES WERE SITUATED, THAT WAS JUST NOT AN
14 ASSURANCE THAT I HAD.

15 Q HOW MANY VOTERS WERE AFFECTED BY THAT?

16 A THERE WERE SEVERAL. FROM MY CALCULATION OF THE
17 PEOPLE THAT I HAD STRONG COMMITMENT FROM, WHEN
18 THE FINAL TALLEY CAME IN, IT WAS RATHER LOW AND
19 I HAVE STRONG INDICATIONS THAT THE COUNT WAS
20 NOT RIGHT AND THAT EVEN SOME OF MY VOTERS DID
21 NOT COME OUT AND I AM LOOKING AT A DIFFERENCE
22 OF AT LEAST TWENTY PEOPLE THAT I DO NOT HAVE
23 ACCOUNTABILITY FOR WHETHER THE COUNT WAS WRONG.
24 I HAVE ALSO LEARNED THAT THE MACHINES THAT WAS
25 USED WAS A MACHINE THAT WAS DISCONTINUED AND IT

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1 IS A MACHINE THAT SHOULD NOT HAVE BEEN IN USE.
2 IT IS ACTUALLY REGISTERED TO BE IN FLORIDA.
3 THERE ARE SEVERAL DISCREPANCIES. THE ZERO TAPE
4 WAS NOT VISIBLE. I WAS TOLD THAT MR. JOE
5 MONTGOMERY HAD GAVE TO THE POLL MANAGER SOME
6 TAPE THAT HAD SUPPOSEDLY FELL OFF AND WHAT THAT
7 TAPE WAS, WHETHER IT WAS THE ZERO TAPE, I DON'T
8 KNOW. SO, THAT WAS SO MANY DISCREPANCIES. I
9 KNOW FOR A MATTER OF FACT JUST FROM THE PEOPLE
10 THAT I ASKED THAT COMMITTED, THAT THE NUMBERS
11 THAT CAME IN AT THE END OF THE FIRST TALLY --
12 THAT THE VOTES THAT CAME IN MY FAVOR WAS FAIRLY
13 -- EXTREMELY LOWER THAN WHAT THEY SHOULD HAVE
14 BEEN.

15 **Q** DID YOU OBSERVE OTHER CANDIDATES IN THE
16 VICINITY OF THE POLLING BOOTHS?

17 **A** I NOTICED JAKE EVANS WAS CONSTANTLY HERE ALL
18 DAY LONG AND YOU CAN NOTICE FROM THE FILM THAT
19 HE IS CONSTANTLY IN AND OUT, IN AND OUT, IN AND
20 OUT AND THERE WERE OTHERS THAT WERE IN AND OUT
21 ALL DAY LONG AND FROM TALKING WITH AN EXPERT
22 FROM ONE OF THE VOTING PRECINCTS THAT DOES
23 THINGS VERY, VERY IN ORDERLY AND GIVEN HIS
24 EVALUATION, THERE SHOULD NOT HAVE BEEN ANY
25 LINGERING AROUND THE POLLING PLACE. THERE

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1 SHOULD NOT BE ANYONE JUST ALLOWED TO STAY IN.
2 CANDIDATES MUST NOT SUPPOSED TO STAY IN THE
3 PROXIMITY WHERE VOTERS WERE CASTING THEIR
4 VOTES. THEY WAS NOT SUPPOSED TO BE AROUND THE
5 MACHINE AT ALL. THAT HAS BEEN RECORDED AND IT
6 WAS JUST SO MUCH ACTIVITY OF THE SAME PEOPLE
7 GOING IN AND OUT. IF THIS IS A VOTING
8 PRECINCT, AND I HAVE VOTED IN OTHER PRECINCTS,
9 AND THERE IS NO OTHER ACTIVITY THAT IS AROUND.
10 PEOPLE ARE ALLOWED TO COME AND CAST THEIR
11 BALLOT AND THEY LEAVE. THEY ARE NOT ALLOWED TO
12 TARRY LIKE WE SEEN HERE AND NOT ALLOWED TO HANG
13 AROUND THE DOORS. FOR PEOPLE TO COME THROUGH
14 AND HAVE TO COME THROUGH THAT AURA OF
15 NEGATIVITY IN ORDER TO VOTE AND I EVEN HAVE A
16 RESIDENT AT THE APARTMENT COMPLEX WHERE I STAY
17 WHEN ASKED TO COME AND VOTE, HE LOOKED OVER AT
18 THE ATMOSPHERE AND ALL THE PEOPLE AND HE DID
19 NOT VOTE. HE DID NOT COME. HE WAS GOING TO
20 COME BACK BEFORE SEVEN AND HE NEVER SHOWED UP.
21 SO, I PERSONALLY BELIEVE THAT THIS YOUNG MAN
22 SAW THIS ACTIVITY AROUND THIS POLLING PLACE AND
23 DID NOT CAST THAT VOTE AND THAT WOULD HAVE BEEN
24 A VOTE IN MY FAVOR.

25 Q THANK YOU, MRS. PRICE.

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1 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
2 QUESTIONS OF THIS WITNESS AT THIS TIME?

3 **CROSS EXAMINATION BY MR. CANTY:**

4 **Q** YES, MA'AM, I DO. MRS. PRICE, THE ELECTION
5 COMMISSIONERS WERE PRESENT DURING THE ELECTION,
6 IS THAT RIGHT?

7 **A** SAY THAT AGAIN.

8 **Q** THE ELECTION COMMISSIONERS WERE PRESENT DURING
9 THE ELECTION?

10 **A** SIR, I ONLY SAW -- NO. I DIDN'T SEE ANYONE
11 BECAUSE I ONLY CAME IN AND CAST MY VOTE AND
12 IDENTIFIED THE PERSON I SAW AND I LEFT OUT.
13 WHEN YOU LOOK AT THE VIDEO, YOU WILL SEE MS.
14 NICOLE KENION THERE.

15 **Q** YOU MENTIONED THAT THE ZERO TAPE WAS NOT
16 VISIBLE AND THAT IT WAS A DISCONTINUED MACHINE
17 THAT WAS REGISTERED IN FLORIDA AND THAT THERE
18 WAS INTIMIDATION. DID YOU BRING THIS TO THE
19 ATTENTION OF ANYONE THAT WAS IN CHARGE OF THE
20 POLL THAT DAY?

21 **A** AT THAT TIME, BECAUSE THERE WAS A GUY THAT WAS
22 HANGING AROUND THAT WAS SUPPOSED TO NOT HAVE
23 CONTACT WITH ME AND MY FAMILY, AND I WAS NOT
24 GOING TO COME WITH ME AND MY FAMILY AND I WAS
25 NOT GOING TO COME FOR FEAR OF WHAT THIS CRAZY

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1 MAN WAS GOING TO DO.

2 Q DID YOU BRING THESE IRREGULARITIES TO THE
3 ATTENTION OF ANYONE ON ELECTION DAY?

4 A NO, NOT ON ELECTION DAY BECAUSE I STAYED AWAY.

5 Q SO, WITH REGARDS TO YOUR COMPLAINTS WITH THE
6 SET UP OF THE POLLING PLACE, THIS IS THE FIRST
7 TIME THAT YOU MADE THOSE COMPLAINTS?

8 A AND THIS WOULD BE THE APPROPRIATE TIME BECAUSE
9 THIS IS THE PROTEST HEARING.

10 Q OKAY, BUT YOU SAID NOTHING ON ELECTION DAY?

11 A ON ELECTION DAY BECAUSE I DIDN'T CONVERSATE
12 WITH ANY COMMISSIONERS ON ELECTION DAY BECAUSE
13 I STAYED AWAY FROM THIS PLACE.

14 Q CAN I ASK YOU YOUR SOURCE OF INFORMATION THAT
15 ONE OF THESE MACHINES WAS A DISCONTINUED
16 MACHINE REGISTERED IN FLORIDA? HOW DID YOU
17 LEARN THAT?

18 A THAT WAS CALLED IN FROM AN INDIVIDUAL WHO CAN
19 BE CALLED BACK TO TESTIFY TO THAT SHARING OF
20 INFORMATION. DOING AN INVESTIGATION AND
21 CALLING THE MANUFACTURER THAT MADE THAT
22 MACHINE.

23 Q THIS IS A WITNESS WHO HAS ALREADY TESTIFIED?

24 A YES.

25 Q WHO IS THAT?

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- 1 **A** MRS. MISTY UMPHRIES.
- 2 **Q** IS THERE A REASON THAT SHE DIDN'T MENTION THIS?
- 3 **A** YOU WOULD HAVE TO ASK HER THAT QUESTION.
- 4 **Q** NOW, THE ZERO TAPE WAS NOT VISIBLE, CAN YOU
- 5 EXPLAIN WHAT YOU MEAN BY THAT?
- 6 **A** A ZERO TAPE. WHEN A MACHINE COMES IN, THERE
- 7 SHOULD BE ZERO TAPE THAT SHOWS THAT THERE IS NO
- 8 OTHER BALLOTS AND THAT IS A CLEAN MACHINE.
- 9 THAT THERE IS NO OTHER BALLOTS ON THAT MACHINE.
- 10 **Q** YOU'RE SAYING IT WAS NOT VISIBLE?
- 11 **A** IT WAS NOT VISIBLE. I DID NOT SEE IT.
- 12 **Q** THAT WAS DURING THAT BRIEF PERIOD ...
- 13 **A** WHEN I WALKED BECAUSE THE TAPE SHOULD HAVE BEEN
- 14 ON THE DOOR.
- 15 **Q** AND YOU DIDN'T BRING THAT TO ANYONE'S ATTENTION
- 16 AT THAT TIME?
- 17 **A** NO, NOT AT THAT TIME.
- 18 **Q** NOW, YOU HAD POLL WATCHERS AT THE POLL THAT
- 19 DAY?
- 20 **A** MY POLL WATCHER WAS MS. COLE.
- 21 **Q** AND SHE IS A MEMBER OF COUNCIL, IS THAT
- 22 CORRECT?
- 23 **A** SHE WAS THERE TEMPORARILY AND THEN I RELIEVED
- 24 HER. AND IT'S PAT BELLAMY BEGAN TO POLL WATCH
- 25 FOR BOTH ME AND MRS. MISTY.

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1 **Q** SO PATRICIA BELLAMY WAS YOUR POLL WATCHER?

2 **A** SHE BEGAN TO POLL WATCH FOR MRS. MISTY.

3 **Q** CAN YOU TELL THE COMMISSION PLEASE, AS A RESULT
4 OF THESE IRREGULARITIES, HOW MANY VOTER WERE
5 NOT ALLOWED TO CAST THEIR BALLOTS?

6 **A** FROM MY RECOLLECTION, I FEEL STRONGLY THAT AT
7 LEAST THIRTY TO THIRTY-FIVE VOTERS WERE NOT
8 ALLOWED TO CAST THEIR BALLOTS BECAUSE OF THE
9 BULLYING AND THE TENSION AND THE ATMOSPHERE OF
10 THIS PLACE. IT WAS NOT PROFESSIONAL AND WAS
11 NOT LEGAL AND THE FRAUDULENT ACTIVITY OF HAVING
12 A PERSON IMPERSONATE SOMEONE FROM THE AG'S
13 OFFICE WHO TURNED OUT TO NOT ONLY BE A FAKE,
14 BUT THAT HAPPENED TO HAVE A FELONY AS WELL.

15 **Q** TELL THE COMMISSION, IF YOU WOULD PLEASE, HOW
16 MANY PEOPLE DID NOT GET A CHANCE TO CAST A
17 BALLOT BECAUSE OF THE FAKE AG?

18 **A** TO MY RECOLLECTION, I WOULD STAY WITH THE
19 NUMBER OF THIRTY TO THIRTY-FIVE PEOPLE,
20 STRONGLY.

21 **Q** WHAT IS THE BASIS OF YOUR STATEMENT?

22 **A** BECAUSE OF THE BULLYING AND BECAUSE OF THE
23 THREAT OF BEING KICKED OUT OF THEIR HOMES THAT
24 WE GOT MANY THREATS OF THAT SINCE. ALSO,
25 SOMEONE HAD EVEN SHARED WITH MRS. MISTY AND

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1 MYSELF THAT HE WANTED -- HE WOULD VOTE FOR US
2 PRETTY LADIES. THAT HE HAD ALREADY BEEN PAID
3 NOT TO VOTE. SO, HE COULDN'T VOTE.

4 Q AND NATURALLY YOU BROUGHT THIS TO THE ATTENTION
5 ...

6 A I BROUGHT THAT ATTENTION TO THE POLICE
7 DEPARTMENT.

8 Q ALRIGHT. WHAT WAS THE RESULT OF THAT
9 INVESTIGATION?

10 A I DID A REPORT AND IT IS UNDER INVESTIGATION.

11 Q IT IS UNDER INVESTIGATION?

12 A YES.

13 Q BUT ONCE AGAIN, YOU SAID THIRTY TO THIRTY-FIVE
14 PEOPLE. HOW DO YOU ARRIVE AT THAT NUMBER?

15 A BECAUSE MY NUMBERS WAS VERY, VERY LOW.

16 Q ISN'T IT POSSIBLE THAT...

17 A AND ALSO BECAUSE OF THE BULLYING AND THE
18 ATMOSPHERE AND THE THREAT OF PEOPLE NOT WANTING
19 TO LOSE THEIR HOMES. THERE WERE PEOPLE THAT WE
20 WASN'T EVEN ALLOWED BECAUSE OF WHAT HAPPENED
21 WITH MRS. MISTY AT THE PROPERTY AT 607 31ST
22 AVENUE. THERE WERE PEOPLE THAT WANTED TO MEET
23 US BUT THEY WERE AFRAID THEY WOULD GET KICKED
24 OUT OF THEIR HOMES IF THEY WERE SEEN WITH US.

25 Q DID YOU BRING THOSE PEOPLE HERE TODAY TO

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1 TESTIFY?

2 **A** NO, I DID NOT BRING THEM HERE TODAY TO TESTIFY.
3 THEY ARE PROBABLY EVEN AFRAID TO FACE THEM
4 RIGHT NOW.

5 **Q** CAN YOU IDENTIFY ANY OF THOSE THIRTY TO
6 THIRTY-FIVE PEOPLE?

7 **A** THEY ARE NOT IN THIS ROOM. SO, I CANNOT
8 IDENTIFY THEM RIGHT NOW.

9 **Q** CAN YOU POINT TO AN CORROBORATING ...

10 MEC CHAIR: SIR, YOU NEED TO SPEAK UP
11 FOR THE REPORTER, PLEASE.

12 **Q** CAN YOU POINT TO ANY CORROBORATING EVIDENCE
13 OTHER THAN YOUR WORD THAT THIRTY TO THIRTY-FIVE
14 VOTERS WERE NOT ALLOWED TO CAST THEIR BALLOTS?

15 **A** CAN I POINT TO ANYONE IN THIS ROOM.

16 **Q** CORROBORATING EVIDENCE. SOMETHING OTHER THAN
17 YOUR WORD?

18 **A** WELL, PROBABLY EVERYONE THAT WAS HERE AT THE
19 POLL AS WELL AS SAW EVERYTHING THAT I SAW.
20 EVERY WITNESS THAT IS CALLED TO THIS STAND.

21 **Q** NONE OF THEM HAVE SAID THIRTY TO THIRTY-FIVE
22 VOTERS ...

23 **A** I THINK MR. BENNY WEBB...

24 MR. WHITE: HE DID. BENNY WEBB DID SAY
25 THAT. SO YOU ARE MISSTATING THE

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1 RECORD.

2 MR. CANTY: YOUR HONOR, I WOULD ASK
3 THAT COUNSEL ADDRESS HIS REMARKS TO THE
4 CHAIR. I THINK THAT IS THE PROPER
5 PROCEDURE.

6 MEC CHAIR: ARE YOU DONE, MR. CANTY?

7 MR. CANTY: JUST ONE FINAL QUESTION.

8 Q THE INTIMIDATION OF THOSE THIRTY TO THIRTY-FIVE
9 VOTERS, DID THAT OCCUR AT THE POLLING PLACE?

10 A I BELIEVE THAT IT PREVENTED PEOPLE FROM COMING.
11 I BELIEVE THAT THERE WERE PEOPLE THAT ACTUALLY
12 CAME AND TURNED AROUND.

13 Q OF THE THIRTY TO THIRTY- FIVE WHO WERE
14 INTIMIDATED, HOW MANY WERE INTIMIDATED AT THE
15 POLLING PLACE AND HOW MANY WERE INTIMIDATED
16 ELSEWHERE?

17 A WELL, I DON'T KNOW THAT PARTICULAR ANSWER, BUT
18 I DO KNOW THAT BETWEEN THIRTY TO THIRTY-FIVE.

19 Q THAT IS ALL?

20 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
21 MORE QUESTIONS FOR THE WITNESS?

22 **RE-DIRECT EXAMINATION BY MR. WHITE:**

23 Q BRIEFLY, YOUR HONOR. MRS. PRICE, DO YOU KNOW
24 OF A PRIOR HISTORY OF PEOPLE BEING EVICTED
25 BECAUSE THE WAY THEY VOTED IN ATLANTIC BEACH?

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1 **A** YES, EXACTLY. LAMONT IN 2009. LAMONT LEWIS
2 LIVED AT 607 31ST AVENUE, WHICH IS THE WOODS
3 PROPERTY. LAMONT HAD REPORTED THAT IN THAT
4 ELECTION THAT HE HAD -- THAT MS. WOODS HAD
5 TALKED TO HIM ABOUT HIS VOTING AND HE TOLD HER
6 WHO HE VOTED FOR AND HE TOLD HER HE HAD VOTED
7 FOR MYSELF AND MS. COLE ...

8 MR. CANTY: OBJECTION TO THE HEARSAY,
9 YOUR HONOR.

10 **A** ... AND ALSO SHE GOT UPSET WITH HIM BECAUSE HE
11 DIDN'T VOTE FOR ONE OF HER RELATIVES, HER
12 CHILDREN, THAT WAS RUNNING. AS A RESULT,
13 LAMONT LOST HIS HOME AND HE WASN'T BEHIND. HE
14 SAID HE WASN'T BEHIND ON HIS RENT OR ANYTHING
15 AND SHE TOLD ME THAT HE HAD TO GET OUT. SO
16 THAT WAS AGAIN IN 2009. SO, IN ATLANTIC BEACH
17 AND ALL THE MONITORING NOT GOING ON. IT IS
18 EVIDENT IN ATLANTIC BEACH WITH THE ELECTION
19 ISSUES, IN PAST HISTORY, THIS IS NO SURPRISE TO
20 THOSE WHO REALLY GOT EYES TO SEE AND EARS TO
21 HEAR TO KNOW THAT THIS STUFF GOES ON IN
22 ATLANTIC BEACH AND IT IS NOT A COINCIDENCE THAT
23 WE SEE IT AGAIN IN THIS ELECTION.

24 **Q** WHAT ABOUT THE HUD HOUSING?

25 **A** THE HUD HOUSING WAS A LARGE VOTE -- THIS IS

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1 WHAT STATISTICS DOESN'T ADD UP WHEN YOU GET THE
2 VOTING REGISTRATION, AND FIRST OFF, IT SHOWS
3 THREE HUNDRED AND TWENTY PEOPLE AND THE SECOND
4 ONE, WHICH IS THE FINAL ONE, SHOWS A TOTAL OF
5 FOUR HUNDRED AND TWENTY PEOPLE. THE CENSUS IN
6 2010 SHOWS ATLANTIC BEACH RESIDENTS AT A LITTLE
7 OVER THREE HUNDRED PEOPLE. THAT WAS WHEN
8 HOUSING WAS HERE. SO, WHEN WE GET THIS CENSUS,
9 WE FIND THAT HOUSING IS NO LONGER HERE IN
10 ATLANTIC BEACH. WHICH WAS A LARGE VOTING BLOCK
11 FOR ATLANTIC BEACH AND WE FIND ALSO THERE WAS
12 NO NEW CONSTRUCTION THAT HAS BEEN BUILT SINCE
13 2010, BUT YET OUR NUMBERS OF THE VOTERS THAT
14 WAS REGISTERED IN OUR CITY STAGGERED TO AN
15 ASTRONOMICAL NUMBER. IT DOESN'T MAKE SENSE.
16 HOW DO YOU GET AN INCREASE WHEN YOU DONE
17 DECREASED YOUR POPULATION AND YOU HAVEN'T ADDED
18 ANY MORE PEOPLE? NO, MORE PEOPLE THAT WOULD
19 JUST KIND OF COME AND GO THAT DID NOT EVEN LIVE
20 HERE. THEY WERE JUST PUT ON THE ROLL FROM SOME
21 OTHER PLACE. FOR INSTANCE, THERE WAS A YOUNG
22 GIRL THAT I KNEW BACK AT HOME WHO WAS ON THE
23 VOTERS REGISTRATION LIST IN THIS AREA. I TOLD
24 MY MOM GO AND SEE IF THIS GIRL IS THERE AND SHE
25 WENT TO THE ADDRESS. THE NUMBERS JUST DON'T

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1 MAKE ANY SENSE. YOU CAN'T HAVE THAT MUCH OF AN
2 ASTRONOMICAL INCREASE.

3 Q THAT IS ALL I HAVE FOR THIS WITNESS?

4 A THANK YOU.

5 MEC CHAIR: WE ARE GOING TO TAKE A FIVE
6 MINUTE BREAK PLEASE.

7 (FIVE MINUTE BREAK.)

8 MEC CHAIR: WE WILL CONTINUE WITH THE
9 MEETING. MR. MR. WHITE, CALL YOUR NEXT
10 WITNESS PLEASE.

11 PATRICIA BELLAMY, HAVING ALREADY BEEN DULY SWORN,
12 TESTIFIED AS FOLLOWS:

13 MR. WHITE: PATRICIA BELLAMY WILL BE
14 RECALLED.

15 MEC CHAIR: THIS IS STILL ON THE
16 POLLING PLACE, PLEASE.

17 **DIRECT EXAMINATION BY MR. WHITE:**

18 Q MS. BELLAMY, CAN YOU TALK ABOUT THE ATMOSPHERE
19 OF THE POLLING PLACE?

20 A OKAY, BECAUSE I WAS A POLL WATCHER I CAME IN
21 THAT MORNING. I DIDN'T HAVE A BADGE. MICHAEL
22 ISOM GAVE MYSELF AND MS. COLE A LITTLE PIECE OF
23 PAPER SO WE COULD PUT OUR NAME ON THE BADGE
24 BECAUSE IT SPECIFIES WHAT SIZE THAT IT NEEDS TO
25 BE. I WAS A POLL WATCHER FOR MRS. MISTY

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1 UMPHRIES AND MS. COLE WAS GOING TO BE A POLL
2 WATCHER FOR PASTOR PRICE OR MRS. PRICE. SO, WE
3 STARTED WATCHING THE POLLS AND I STARTED
4 CHALLENGING VOTES AND INSTANTANEOUSLY WHEN I
5 STARTED CHALLENGING VOTES, OF COURSE, YOU COULD
6 HEAR PEOPLE GETTING UPSET AND GETTING LOUD AND
7 FOR THE MOST PART PEOPLE KNOW I AM GOING TO BE
8 A POLL WATCHER AND CHALLENGING THE VOTE. BUT
9 THE COMMOTION THAT WAS GOING ON IN HERE WHEN
10 THIS MORNING STARTED, WHEN WE WERE ALL SITTING
11 DOWN IN HERE -- WHEN I FIRST ARRIVED, AS I SAID
12 EARLIER, THE POLLS WERE ALREADY SET UP. I GOT
13 HERE AT A QUARTER TILL SEVEN AND EVERYTHING WAS
14 ALREADY SET UP WITH PEOPLE SITTING IN HERE.
15 THE PROBLEM WITH THE POLLING WAS THE WAY THAT
16 IT WAS SET UP AND THE WAY IT WAS STRUCTURED.
17 NEVER GOT TO SEE ACTUAL TAPE BEING PULLED OFF
18 AND READ AS ZERO. DURING LATER ON IN THAT DAY,
19 MR. MONTGOMERY CAME WITH THE TAPE BALL AND TOLD
20 US THAT IT FELL OFF THE DOOR. SO, SHE GOES AND
21 SHE GETS ANOTHER ONE, BUT HOW DO YOU GET
22 ANOTHER ONE WHEN YOU HAVEN'T EVEN WROTE ZERO IN
23 AT THE BEGINNING OF THE DAY. BUT FOR THE MOST
24 PART WHEN I CHALLENGED THE VOTE, THERE WAS A
25 WOMAN HERE. SHE CAME IN ABOUT I'LL SAY EIGHT

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1 TEN, EIGHT FIFTEEN AND SHE HAD A BROWN SUIT ON
2 AND SHE HAD A SHORT BOWL HAIRCUT WITH BANGS IN
3 THE FRONT. SHE WALKED IN AND SAT RIGHT OVER
4 HERE TO MY LEFT. I WAS SITTING IN FRONT OF THE
5 TABLE THAT WAS HERE AND I DID NOT KNOW WHAT HER
6 NAME WAS. NEVER WAS FORMALLY INTRODUCED WITH
7 HER NAME. THIS WOMAN WALKED THROUGH, SHE STOOD
8 AROUND. SHE HAD ALL THESE PINS ON HER LAPEL.
9 SHE SAID THAT SHE WAS FROM THE STATE ATTORNEY
10 GENERAL'S OFFICE. SHE STOOD IN FRONT OF THE
11 POLL WATCHERS AND SHE SAID THAT THIS IS A FAIR
12 AND IMPARTIAL ELECTION. SO SHE WALKED AROUND
13 WITH HER CLIPBOARD IN HER HAND LOOKING AS IF
14 SHE WAS A PERSON OF AUTHORITY. SHE SAT BACK
15 DOWN AND SHE SAT WITH MR. EVANS AND SHE SAT
16 WITH MS. TAYLOR AND SHE SAT WITH THE BOOKERS.
17 SHE SAT WITH THE PEOPLE OVER ON THAT SIDE. BUT
18 IF YOU WERE WITH THE STATE ATTORNEY GENERAL'S
19 OFFICE, THEN YOU WOULD HAVE BEEN UNBIASED. YOU
20 WOULD HAVE BEEN HERE OFF TO YOURSELF TO OBSERVE
21 AN ELECTION. SO, AFTER I CHALLENGED LENOIR
22 EVANS AND THEN I CHALLENGED TWO OTHER PEOPLE,
23 LAURA BEST GOT UP. SHE WALKED OVER TO ME AND
24 SHE SAID, "ARE YOU CHALLENGING?" AND I SAID,
25 "YES, I AM." AND SHE SAID, "THEN WE NEED TO

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1 SEE YOU OUTSIDE." SO, I GO OUTSIDE AND SHE HAS
2 LENOIR AND TWO OTHER PEOPLE STANDING THERE.
3 EXCUSE ME. MR. EVANS AND TWO OTHER PEOPLE
4 STANDING THERE AND YOU SAY THIS MAN AND I
5 DIDN'T LEARN UNTIL LATER HIS NAME WAS PAUL
6 SCOTT, WHO SAID, "DO YOU KNOW THAT YOU CAN BE
7 SUED BECAUSE YOU JUST VIOLATED THEIR CIVIL
8 RIGHTS?" AND I SAID TO HIM, "DID YOU KNOW IN
9 THE STATE OF SOUTH CAROLINA STATE AND FEDERAL
10 LAW THAT A PERSON HAS A RIGHT TO CHALLENGE AN
11 ELECTION?" HE DID SAY, "DO YOU HEAR ME TELLING
12 YOU THAT YOU CAN BE SUED?" SO, MS. BEST LET ME
13 KNOW THAT THE STATE ATTORNEY GENERAL'S OFFICE,
14 MR. ALAN WILSON, ANY CHARGES THAT ARE BROUGHT
15 AGAINST ME, HE WILL SEE THAT IT IS PROSECUTED
16 AND FOLLOWED THROUGH. SO, MR. ALAN WILSON AND
17 I ARE GOING TO HAVE TO HAVE A NICE LITTLE
18 CONVERSATION. PROBLEM NUMBER TWO, I ASKED
19 THEM, "SO, ARE YOU TELLING ME BY YOU CALLING ME
20 OUT HERE, ARE YOU DOING IT FOR THE BENEFIT OF
21 THESE PEOPLE SITTING HERE ON YOUR LEFT-HAND
22 SIDE?" HE SAID, "NO. THAT YOU CAN BE SUED FOR
23 CHALLENGING SOMEBODY WHO VOTED BECAUSE YOU ARE
24 VIOLATING THEIR CIVIL RIGHTS." OKAY, THIS
25 CONTINUES UNTIL I SAID, "AM I TO UNDERSTAND

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1 THAT I DON'T GET TO HAVE REPRESENTATION
2 STANDING OUT HERE WHERE THE TWO OF YOU ARE
3 ACCOSTING ME?" I SAID, "YOU ARE VIOLATING MY
4 RIGHTS. MY RIGHT TO HAVE AN ATTORNEY PRESENT
5 IF YOU GONNA CROSS EXAMINE ME BECAUSE I AM A
6 POLL WATCHER." I WALKED OFF AND THEY TOLD THEM
7 TO DO WHAT THEY HAVE TO DO. "I'LL BE HERE AND
8 I'LL BE READY." SO, I WALKED OFF AND CAME BACK
9 IN HERE. THE WHOLE TIME I WAS GONE -- NOW, THE
10 POLLING PLACE DOES NOT HAVE A POLL WATCHER
11 WATCHING AS I WOULD WATCH TO SEE WHAT IS GOING
12 ON. WHAT IS THE BIG DEAL ABOUT TAKING ME
13 OUTSIDE OR IN THE FOYER? BUT THE MINUTE I CAME
14 BACK IN, A WOMAN CAME IN TO VOTE AND HER NAME
15 WAS LINDA WESLEY. MICHAEL ISOM CHALLENGED HER.
16 LAURA BEST, AS I LEARNED HER NAME, FROM THE
17 STATE ATTORNEY GENERAL'S OFFICE NOR -- MR. PAUL
18 SCOTT TOOK MICHAEL ISOM OUTSIDE TO INFORM HIM
19 NOW THAT HE JUST VIOLATED SOMEBODY'S CIVIL
20 RIGHTS AS WELL. SO, WHAT IS GOOD FOR ONE
21 SHOULD HAVE BEEN GOOD FOR ALL. OR WAS IT THE
22 FACT THAT PAT BELLAMY HAD BEEN A POLL WATCHER
23 IN EVERY ELECTION? OR WAS IT THAT PAT BELLAMY
24 WROTE THE AMICUS CURAE BRIEF? YOU TELL ME WHAT
25 IT WAS THAT YOU NEEDED TO INTIMIDATE ME. I AM

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1 GOING TO SAY THIS, WHEN I CHALLENGED IRENE
2 ARMSTRONG'S VOTE, SHE SAID TO ME, "WHERE THE
3 HELL DO I LIVE?" WHAT SHE FAILED TO UNDERSTAND
4 WAS I NEVER SAID OUT OF MY MOUTH WHY I WAS
5 CHALLENGING HER FOR. YOU ASSUMED. THAT IS THE
6 FIRST THING. THEN SHE CALLED ME A, "STUPID
7 IDIOT. YOU'RE JUST AN IDIOT." NOW, I AM
8 FUCKING BITCH, OKAY? YOU'RE A DUMB ASS. THAT
9 IS ALL WELL AND FINE. WHEN YOU THINK YOU CAN
10 INSULT ME AND INTIMIDATE ME THAT IS ABSOLUTELY
11 FINE. THE NEXT DAY -- WE HAVE TWO DAYS LATER,
12 THE CHALLENGE BALLOT HEARING. I AM IN HERE. A
13 WOMAN STOOD UP, HER LAST NAME WAS JOHNSON. SHE
14 WAS WITH A CANE. SHE SAID TO ME -- MEANWHILE,
15 NOW, LET'S GET THIS THING STRAIGHT. THE CROWD
16 IS ARGUING. MILTON GORE IS STANDING RIGHT HERE
17 TELLING ME TO SHUT UP. THERE WAS A GROUP OF
18 PEOPLE WHO FELT LIKE THEY WERE GOING TO
19 BROWBEAT MS. BELLAMY, BUT WE ARE NOT GOING TO
20 LET YOU SAY ANYTHING IN RETURN. WE WANT TO PUT
21 THE PAST, PAST OUT HERE. I DON'T HAVE A
22 PROBLEM WITH THAT. I KNOW WHO I AM. I KNOW
23 WHAT I HAVE DONE. SO, WHEN I HEAR THESE PEOPLE
24 TELL ME ABOUT WHAT GOD GONNA DO. HE HAS NO
25 RESPECTIVE PERSON. SO, YOU ARE NOT GOING TO

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1 STAND BEFORE ME AND TELL ME, "I'M LISTENING."
2 BECAUSE I GOT A PATH. BUT WHAT UPSET ME THAT
3 THEY WANT TO PUT FEAR IN ME FOR A
4 MOMENT (WITNESS OVERCOME WITH EMOTION.)...

5 AUDIENCE: (LAUGHTER.)

6 **A** ... IS WHEN YOU THREATENED MY CHILD AND YOU
7 CALLED HER A "BITCH" OR WHEN THE COUSINS SAY
8 YOU MESSING WITH THE FAMILY AND IRENE ARMSTRONG
9 SAYS, "YEAH, THIS IS THE FAMILY." LENOIR EVANS
10 AND ALL. BUT WHAT YOU NEED TO KNOW IS YOU MAY
11 THINK YOU GOT FEAR IN ME AND I AM OKAY WITH
12 THAT, BUT YOU NEVER GOING TO MAKE ME BACK DOWN.
13 WHERE I WON'T STAND UP FOR WHAT I BELIEVE IN
14 AND WHEN YOU THREATEN MY CHILD, SHE IS NOT A
15 "BITCH" BY NO MEANS. YOU UNDERSTAND ME. SHE
16 IS ELEVEN YEARS OLD. (WITNESS OVERCOME WITH
17 EMOTION.) I DIDN'T LET HER GO TO SCHOOL ON
18 FRIDAY BECAUSE OF FEAR THAT SOMEONE IS GOING TO
19 FOLLOW HER. I HAD TO ASK THE POLICE TO GO WITH
20 ME THURSDAY TO GET HER FROM THE BUS STOP
21 BECAUSE I AM NOT GOING TO LET YOU DO SOMETHING
22 TO HURT HER BECAUSE YOU NEED TO GET ME. I AM
23 FORTY-SIX YEARS OLD. YOU CAN COME GET ME BUT
24 YOU WILL NOT COME GET HER. SO, YES, I WILL GO
25 TO THE DEPARTMENT OF JUSTICE BECAUSE I WOULDN'T

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1 TRUST THIS WITH HORRY COUNTY. THANK YOU, GREG
2 HEMBREE, BECAUSE YOU DON'T DO YOUR JOB. I
3 DON'T TRUST THE STATE ATTORNEY GENERAL'S OFFICE
4 BECAUSE YOU ALL PUT LAURA BEST IN HERE AND YOU
5 ALL ALLOWED HER TO MISREPRESENT HERSELF. DID
6 YOU KNOW BY STATE LAW 713-860 THAT YOU HAVE TO
7 BE A REGISTERED VOTER IN THIS TOWN TO EVEN BE A
8 POLL WATCHER OR AN OBSERVER. DID ANYBODY SAY
9 TO THIS WOMAN, "WHERE IS YOUR PAPERWORK. SHOW
10 ME WHERE YOU FROM. YOU'RE NOT EVEN A
11 REGISTERED VOTER. YOU ARE FROM COLUMBIA, SOUTH
12 CAROLINA." OH, YEAH, AND WE ARE GOING TO TRY
13 AND INTIMIDATE. LET'S GET THE POLL WATCHER.
14 THE ONE THAT STANDING HERE THAT NOW HAS US HERE
15 IN THIS PROTEST HEARING BECAUSE WE DISAGREE
16 WITH THIS ELECTION. SO, MY WHOLE THING IS
17 THIS: WHEN I WAS STANDING IN HERE AND THE
18 MACHINE WENT DIT-DIT-DIT-DIT-DIT-DIT, I ASKED
19 THEM WHAT WAS WRONG WITH THE MACHINE AND THEY
20 STATED, "THAT THE MACHINE CAN DO THAT". SO,
21 YESTERDAY WITH A ONE EIGHT HUNDRED NUMBER, I
22 GRABBED MY PHONE AND WE CALLED. YOU GET THE
23 SERIAL NUMBER OFF THE MACHINE AND YOU ACTUALLY
24 CALL THE PEOPLE. THEY'LL TELL YOU WHERE THIS
25 MACHINE IS FROM, HOW LONG THIS MACHINE HAS BEEN

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1 SERVICED, WHEN THIS MACHINE HAS NOT BEEN
2 SERVICED AND IF IT HAS BEEN DISCARDED. THE
3 MACHINE THAT HAD THE FORTY-SEVEN VOTES ON IT
4 WAS THE MACHINE THAT WAS DISCARDED AND IT GOES
5 BACK TO BEING REGISTERED AS FLORIDA. NOT HORRY
6 COUNTY, NOT EVEN SOUTH CAROLINA.

7 MR. CANTY: OBJECTION AS TO HEARSAY,
8 YOUR HONOR.

9 **A** WE HAVE THE SERIAL NUMBERS AND THE PHONE
10 NUMBER. OKAY. ANYTHING ELSE?

11 **Q** MS. BELLAMY, HOW LONG WERE YOU TAKEN AWAY FROM
12 YOUR DUTIES AS A POLL WATCHER?

13 **A** I WOULD SAY ABOUT EIGHT TO TEN MINUTES. YES,
14 PEOPLE CAME BY TO VOTE. JUST LIKE WHEN MS.
15 BUSBIE TOOK THE MACHINE OUT TO THE CURB. THE
16 STATE LAWS ARE IN PLACE FOR A REASON. TO
17 PREVENT SUCH A THING FROM HAPPENING. THAT IS
18 THE WHOLE PURPOSE IN IT. ONCE YOU ARE OUT THAT
19 DOOR AROUND THIS CORNER WHERE THIS MACHINE WAS
20 LOCATED, I CAN'T SEE AROUND THE CORNER. I WAS
21 TAKEN OUT IN THE FOYER AND I WAS HELD UP. I
22 WANT TO KNOW WHAT HAPPENED TO LAURA BEST DURING
23 THE CHALLENGE BALLOT HEARING BECAUSE SHE SAID
24 SHE WAS FROM THE STATE ATTORNEY GENERAL'S
25 OFFICE TO MAKE SURE THERE WAS A FAIR AND

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1 IMPARTIAL ELECTION. WHERE IS SHE TODAY AT A
2 PROTEST HEARING? IF YOU ARE FROM THE STATE
3 ATTORNEY GENERAL'S OFFICE THEN YOU NEED TO BE
4 HERE PROVING ME WRONG ABOUT WHAT I AM SAYING.
5 OKAY? THAT IS WHY SHE NEEDS TO BE HERE. THAT
6 WOMAN STAYED ON THE TELEPHONE AND SHE TALKED TO
7 ALAN. SHE KEPT SAYING, "I AM CALLING SANDY
8 OVER IN HORRY COUNTY BECAUSE WE ARE GOING TO
9 MAKE SURE THIS ELECTION HAPPENS RIGHT." YOU
10 KEPT REPRESENTING AND MISREPRESENTING YOURSELF
11 AS WHO YOU WERE AND WHO YOU WEREN'T WERE. IT
12 IS NOT HEARSAY. IT IS WHAT WAS TOLD. IT IS
13 WHAT WAS DONE.

14 **Q** DO YOU KNOW HOW MANY VOTES WERE CAST WHILE YOU
15 WERE DETAINED?

16 **A** I COULD NOT TELL YOU HOW MANY WERE CAST WHILE I
17 WAS TAKEN OUTSIDE. THAT I CANNOT ANSWER
18 BECAUSE THE PURPOSE WAS TO STAND ME BEFORE
19 THREE PEOPLE THAT YOU SAY CAN SUE ME FOR
20 VIOLATING SOMEONE'S CIVIL RIGHTS AND I AM
21 TELLING YOU WHAT THE STATE LAW SAYS THAT A
22 CHALLENGER HAS A RIGHT TO DO. YOU STAND THERE
23 AND YOU WON'T LET ME GET BY 'CAUSE YOU HAVE
24 YOUR HANDS ON MY PERSON TO INTIMIDATE ME, TO
25 PUT FEAR IN ME. SO, WHEN MS. COLE CAME BACK IN

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1 THE DOOR, I SAID TO HER, "DON'T YOU DO ANY OF
2 THE CHALLENGED BALLOTS. I WILL DO ALL OF THE
3 CHALLENGING BECAUSE IF YOU WANT TO SUE SOMEONE,
4 YOU COME SUE ME BECAUSE I AIN'T GOT NOTHING,
5 OKAY. SO COME GET IT. THAT IS WHERE I AM AT.

6 **Q** MS. BELLAMY, YOU SAID YOU WERE BROW BEATEN.
7 WERE OTHER PEOPLE BROW BEATEN?

8 **A** LISTEN, WHEN WE WERE STANDING UP, MS. WOODS WAS
9 STANDING IN BETWEEN THE DOORS ARGUING AT THESE
10 PEOPLE THAT THEY BETTER GO FIND YOUR PAPERWORK
11 AND YOU BETTER GET BACK IN HERE SO YOU CAN
12 VOTE. PEOPLE WERE TALKING BACK AND FORTH ON
13 THE PHONE. JACKIE JOHNSON, WHO WAS A POLL
14 WATCHER FOR JAKE EVANS -- I GO HERE AND THE
15 WOMAN FROM THE AG'S OFFICE, YOU'RE OVER HERE AT
16 THE TABLE. WHEN PEOPLE WERE SITTING DOWN AT
17 THE TABLE VOTING, CAROLYN COLE AND KENNETH
18 MCLAUREN WERE PUT TOGETHER AT A TABLE TO SIT
19 DOWN AND CAST THEIR VOTES TOGETHER. OKAY?
20 PEOPLE WERE MILLING ABOUT WALKING AROUND LIKE
21 THIS WAS SOME BLOCK PARTY THAT WE WERE HAVING.
22 PEOPLE OVER HERE, YOU'RE ON YOUR TELEPHONE
23 MAKING PHONE CALLS. A CANDIDATE IS SUPPOSED TO
24 BE TWO HUNDRED FEET FROM THE VOTING POLLS.
25 THAT IS STATE LAW. YOU ARE SUPPOSED TO BE TWO

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1 HUNDRED FEET NOT SITTING HERE ALL DAY AND WHEN
2 PEOPLE GET THROUGH VOTING, THEY GOTTA SHAKE
3 YOUR HAND, HIGH FIVE YOU. OR YOU GOT TO PROVE
4 THAT YOU CAME HERE AND YOU VOTED.

5 Q WAS THERE CAMPAIGNING GOING ON IN THE POLLING
6 PLACE?

7 A LET ME PUT IT THIS WAY: NO ONE HANDED OUT
8 MATERIAL, BUT IF YOUR FACE IS VISIBLE AND THE
9 STATE LAW SAY THAT YOU ARE SUPPOSED TO BE TWO
10 HUNDRED FEET AWAY, THEN YOU ARE LITERALLY
11 CAMPAIGNING. YOU ARE LETTING THESE PEOPLE THAT
12 WALK THROUGH THIS DOOR THAT I ASK YOU FOR YOUR
13 VOTE. IF WE GOING TO MAKE THIS VOTING RIGHT
14 AND SPECIAL THEN EVERYBODY SHOULD BE ALLOWED TO
15 GO ON ANYBODY'S PROPERTY. IT MAY BE PRIVATE
16 PROPERTY, BUT YOU MAKE IT PUBLIC ACCESS ONCE
17 YOU RENT IT. EVERYBODY HAS THE RIGHT TO PUT
18 THEIR PLATFORM OUT THERE. BUT IF YOU ARE SO
19 SURE THAT YOU GOT YOUR NUMBERS LOCKED DOWN THAT
20 YOU GOT YOUR PEOPLE IN PLACE AND YOU DON'T WANT
21 SOMEBODY ELSE TO TALK TO THEM, ARE YOU NOT
22 DENYING THIS PERSON A RIGHT TO HEAR FROM OTHER
23 PEOPLE? WHEN YOU TELL PEOPLE TO GET OFF YOUR
24 PROPERTY -- SO, ARE YOU TELLING THEM TO GET OFF
25 THE PROPERTY BECAUSE THEY COMMITTED A CRIME AND

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1 THERE IS A TRESPASS AGAINST THEM OR BECAUSE
2 THEY ARE RUNNING FOR OFFICE AND YOU DON'T WANT
3 THEM TO PASS ANYTHING OUT. IT IS NO DIFFERENT
4 THEN WHEN WE SAY, "DON'T PASS OUT ANY
5 DEROGATORY MATERIAL." OR YOU DON'T WANT NOBODY
6 PASSING THIS STUFF OUT HERE, BUT YOU GO OUT AND
7 YOU PRINT IT OUT AND YOU GET TO HAND IT OUT.
8 IT DOESN'T WORK. IF YOU -- THERE IS A LOT OF
9 SLINGING AND MUDSLINGING AND EVERYBODY KNOW
10 GOES ON WITH THE ELECTION THAT IS NORMAL. I
11 HAVE HEARD JAKE EVANS SAID, "THIS IS WHAT'S
12 WRONG. WHAT EVERYONE EXPECT DURING AN
13 ELECTION. BUT TO SAY THAT YOU ARE MESSING WITH
14 THE FAMILY ...

15 MR. CANTY: OBJECTION...

16 **A** ... PAT BELLAMY HAS TO UNDERSTAND THAT SHE IS
17 NOW DEALING WITH THE MOB, SEE. I GOTTA WORRY
18 ABOUT MY HEALTH. I GOTTA WORRY ABOUT MY
19 WELL-BEING AND THAT OF MY CHILD. NOT ME PER-SE
20 BUT MOSTLY FOR MY CHILD. SO, I WILL GO TO THE
21 DEPARTMENT OF JUSTICE AND WILL GO MYSELF
22 PERSONALLY BECAUSE THIS HAS GOT TO STOP.

23 **Q** HOW MANY VOTERS WOULD YOU SAY WERE SO
24 INTIMIDATED?

25 **A** THERE WERE PEOPLE THAT I KNEW THAT SAID THEY

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1 WERE GOING TO VOTE, BUT BECAUSE THEY WERE
2 CALLED TOGETHER BY THEIR LANDLORD AND WERE TOLD
3 THAT, "THIS IS WHO I WANT YOU TO VOTE FOR",
4 NONE OF THESE PEOPLE SHOWED UP TO THE POLLS TO
5 VOTE. SO MANY PEOPLE COME SEE YOU AFTER THE
6 ELECTION AND THEY TELL YOU, "I DIDN'T WANT TO
7 VOTE BECAUSE THEY ARE WATCHING YOU. I KNOW
8 THEY CAN TELL WHO YOU VOTE FOR. ARE YOU SURE
9 BECAUSE YOU HAVE TO SIGN YOUR NAME ON A LIST."
10 YOU CAN'T TELL ME THAT IN THAT MACHINE AND ON
11 THAT LIST THAT THEY ARE NOT ABLE TO TELL WHO
12 YOU ARE. I DON'T CARE HOW MUCH WE TRY TO
13 CONVINCE PEOPLE THAT PEOPLE DON'T KNOW WHO YOU
14 ARE AND CAN'T TELL WHO YOU VOTE FOR, THEY ARE
15 UNDER THE ASSUMPTION THAT IF THEY DON'T VOTE
16 FOR A SELECT GROUP OF PEOPLE THAT THERE IS
17 GOING TO BE TROUBLE TO FOLLOW. EVERYBODY KNOWS
18 THAT THERE IS NOT THAT MANY PLACES TO LIVE HERE
19 IN ATLANTIC BEACH. THERE IS NOT THAT MUCH
20 HOUSING PROVIDED FOR PEOPLE ON ATLANTIC BEACH.
21 SO, YOU ARE KIND OF STUCK WHERE YOU ARE AND IF
22 YOU DO WHAT PEOPLE WANT YOU TO DO -- MOST
23 PEOPLE DON'T GET OUT. IN 2009 WHEN WE TOOK
24 PEOPLE OVER TO ABSENTEE TO VOTE ABSENTEE, MOST
25 OF THEM WANTED TO DO IT BECAUSE THEY SAID EVERY

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1 ELECTION DAY PEOPLE ARE KNOCKING AT MY DOOR
2 SAYING, "THEY ARE COMING TO TAKE ME TO THE
3 POLLS." IF YOU WERE GOING TO TAKE SOMEBODY TO
4 THE POLLS, WHY WOULD YOU HAVE TO GIVE THEM
5 PAPERWORK IN THEIR HANDS FOR YOU. IF YOU
6 ALREADY KNOW THAT YOU CAMPAIGNED DILIGENTLY AND
7 THAT YOU SAID TO THESE PEOPLE THAT, "I WANT YOU
8 TO VOTE FOR ME BASED ON MY PLATFORM OF WHAT I
9 WANT TO SEE HAPPENING IN THE TOWN." THEN YOU
10 SHOULDN'T WORRY ABOUT WHO COMES TALKING TO
11 THEM. YOU SHOULD BE ABLE TO STAND ON YOUR
12 PLATFORM AND BE SATISFIED BY WHAT YOU PUT
13 FORTH, NOT INTIMIDATE PEOPLE, NOT MAKE PEOPLE
14 WHO TURN AWAY. THIS STUFF THAT WAS GOING ON IN
15 FRONT OF THESE DOORS, PEOPLE WERE NOT GOING TO
16 WALK IN THESE DOORS AND VOTE. THEY JUST
17 WEREN'T. THEY ARE JUST NOT GOING TO DO IT.

18 **Q** WERE THEIR LANDLORDS AROUND?

19 **A** YEAH. MS. WOODS WAS HERE. MR. EDISTO MCFADDEN
20 WAS HERE AND MR. JOE MONTGOMERY WAS HERE.
21 THESE ARE ALL LANDLORDS. THEY ARE ALL
22 LANDLORDS. THEY ALL HAVE PEOPLE THAT VOTE IN
23 THIS TOWN. MS. CHARLETTE HUDSON, I HAVE TAKEN
24 THIS WOMAN TO WORK AND I HAVE TALKED TO HER
25 QUITE A FEW TIMES. SHE CANNOT TESTIFY TO TELL

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1 YOU ALL HOW SHE WAS BROWBEATEN BY HER LANDLORD
2 TELLING HER HOW SHE NEEDS TO COME TO OUR SIDE.
3 YOU CAN'T DO IT. NO, YOU KNOW YOU CAN'T
4 TESTIFY TO IT. BUT WE CAN HEAR YOU TELL A
5 STORY. BUT SHE IS THE SAME PERSON THAT FILLED
6 OUT HER VOTERS REGISTRATION CARD. GAVE IT TO
7 HER LANDLORD. HE TELLS HER HE GAVE IT TO JAKE
8 EVANS AND IT DIDN'T GET TURNED IN BECAUSE SHE
9 IS NOW APPOINTED TO THE MUNICIPAL ELECTION
10 COMMISSION.

11 MR. CANTY: OBJECTION. HEARSAY.

12 **A** YOU NEED TO DECIDE ON WHETHER YOU ARE GOING TO
13 BE AN ATTORNEY OR NOT TODAY. I WILL SAY THIS,
14 BETSY COX WAS GOING TO COME IN HERE AND
15 TESTIFY. THIS ISN'T HEARSAY 'CAUSE SHE LEFT.
16 SHE IS TOO AFRAID TO SAY ANYTHING TO ANYBODY.
17 I HAVE BEEN TOLD THEY ARE GONNA BEAT HER. THEY
18 FUSSED AT ME, THEY ARGUE WITH ME, THEY TELL ME
19 THAT I AM ON THEIR SIDE. THAT IS HARD FOR
20 ANYBODY TO TAKE. IF YOU CANT LIVE IN A
21 COMMUNITY, IF YOU YOU'RE DEDICATED TO A SELECT
22 GROUP.

23 MR. CANTY: SAME OBJECTION.

24 **Q** ARE YOU AWARE OF ANYBODY THAT HAS BEEN
25 THREATENED WITH EVICTION?

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1 **A** WE HAVE PEOPLE WHO -- I HAVE A WOMAN AND SHE
2 COME AND TALK TO ME. HER NAME WAS DEBBIE. SHE
3 SAID, "I KNOW I OWE THIS WOMAN RENT MONEY.
4 AFTER THE ELECTION I KNOW I AM GOING TO BE PUT
5 OUT."

6 **Q** HAVE PEOPLE LOST THEIR HOUSING BEFORE BECAUSE
7 OF THE WAY THEY VOTED?

8 **A** LET'S GET IT RIGHT. FIFTY-FOUR YEARS AND THE
9 HOUSING AUTHORITY IN ATLANTIC BEACH WAS
10 DEMOLISHED. YOU WERE DEMOLISHED BECAUSE IN
11 2009 CAROLYN COLE AND WINDY PRICE WERE ELECTED
12 TO OFFICE IN THE TOWN OF ATLANTIC BEACH. THE
13 VERY PEOPLE WHO STAND HERE AND RAN FOR AN
14 ELECTION HELD THESE WOMEN OUT FOR TWENTY-ONE
15 MONTHS. BUT WHAT YOU DID DO AT THE TIME, YOU
16 MADE SURE YOU PUT A HOUSING AUTHORITY BOARD IN
17 PLACE THAT WOULD AGREE TO DEMOLISH THE
18 PROPERTY. THEY DID A VIABILITY STUDY. THE
19 VIABILITY STUDY SAID THAT THE APARTMENTS WOULD
20 NOT BE VIABLE FOR THE NEXT THIRTY YEARS. NOT
21 ONE, NOT TWO, NOT FIVE, NOT TEN, BUT THIRTY
22 YEARS. YOU KNEW YOU HAD THIRTY YEARS TO GET IT
23 UP TO PAR OR DO SOMETHING DIFFERENT. BUT
24 INSTEAD, YOU VOTED TO TEAR IT DOWN. THAT TOOK
25 OUT FIFTY-FOUR UNITS. LET'S JUST SAY THERE IS

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1 TWO PEOPLE PER UNIT THAT IS PAST THE AGE OF
2 EIGHTEEN THAT CAN VOTE. WE ARE STILL LOOKING
3 AT ONE HUNDRED AND EIGHT PEOPLE THAT COULD HAVE
4 VOTED. SO, THAT DRASTICALLY REDUCED THE
5 NUMBERS IN THE VOTING POPULATION. IF YOU HAVE
6 A MOTHER AND FATHER IN A HOUSEHOLD AND THEY
7 HAVE A CHILD THAT WAS OLD ENOUGH TO VOTE, THERE
8 IS THREE. SO, YEAH, THERE WERE PEOPLE THAT
9 LOST THEIR HOMES. I WAS ONE OF THEM. LIVED IN
10 1007 30TH AVE SOUTH APARTMENT 'E'. YES, I LOST
11 MY HOME BECAUSE OF THE WAY WE CAST OUR VOTE AND
12 BECAUSE OF WHO WE ARE AFFILIATED WITH. WHEN I
13 GOT READY TO MOVE THE TOWN HALL, MADE IT THEIR
14 BUSINESS THAT I COULD NOT RENOVATE A PLACE TO
15 STAY. LENOIR EVANS SAID, "YOU NEED TO BE TAKEN
16 OFF THIS BEACH. YOU GET IT?" THAT MEANS IF I
17 DON'T GO ALONG WITH THIS, I NEED TO LEAVE
18 ATLANTIC BEACH. "IT DOES NOT BELONG TO YOU.
19 IT BELONGS TO ANYBODY WHO HAS A RIGHT TO COME
20 IN HERE AND STAY. IT DOESN'T BELONG TO PEOPLE
21 WHO YOU THINK YOU CAN THREATEN. MY NAME IS NOT
22 RETHA PIERCE." WHEN SHE WON THE ELECTION IN
23 2007, THIS WOMAN WENT TO JAIL FOUR TIMES AND
24 THEN THEY BURNED HER HOUSE DOWN. WHY? BECAUSE
25 SHE UNSEATED IRENE ARMSTRONG. SOMETHING NO ONE

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1 ELSE WAS ABLE TO DO. SO, THESE ARE
2 CONSEQUENCES FOLKS, IF YOU DON'T FOLLOW THE
3 RULES OR THE FAMILY. UNDERSTAND? NOW, OBJECT
4 TO THAT.

5 Q HAVE THESE COMPLAINTS BEEN MADE PREVIOUSLY?

6 A YEAH, THESE COMPLAINTS HAVE BEEN MADE
7 PREVIOUSLY. THEY HAVE BEEN MADE BEFORE, BUT I
8 AM GOING TO MAKE MY COMPLAINT HERE BEFORE THE
9 DEPARTMENT OF JUSTICE. I AM NOT GOING TO BE
10 INTIMIDATED. I AM NOT GOING TO GIVE IN BECAUSE
11 I AM NOT MOVING. OH, I AM NOT GOING TO MOVE.
12 YOU CAN INTIMIDATE ME. YOU CAN RIDE AROUND MY
13 HOUSE REAL SLOW AT NIGHT LIKE YOU WANT TO. YOU
14 CAN SHAKE ON THE DOOR ALL NIGHT LIKE IT WAS
15 GOING ON LAST NIGHT, BUT I AM NOT GOING
16 ANYWHERE. I AM NOT GOING ANYWHERE. SO, KEEP
17 ON WITH YOUR THREATS. WE ARE GOING TO SETTLE
18 THIS IN A COURT OF LAW. THAT IS HOW IT IS
19 GOING TO HAVE TO BE SETTLED.

20 Q YOU SAID THAT ONE OF THE VOTING MACHINES HAD
21 BEEN DISCARDED, BUT DID THE COMMISSION NOT
22 LEAVE THAT ISSUE OPEN TO INVESTIGATE THE
23 DOCUMENTATION...

24 A YES. THEY CAN PRODUCE THE DOCUMENTATION --
25 EVERYBODY WAS HERE ON THE CHALLENGE BALLOT

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1 HEARING DAY. YOU WERE TAKING PICTURES OF THE
2 RED BOX. EVERYBODY WANTED TO MAKE SURE THAT IT
3 HADN'T BEEN BROKEN. THAT THE SEAL IS STILL
4 THERE. WELL, ON THE VOTING MACHINES, THERE ARE
5 ALSO SUPPOSED TO BE SEALED. EACH ONE OF THEM
6 WHEN YOU BRING THEM IN -- THERE ARE TWO SETS OF
7 TAPE THAT YOU HAVE TO USE. I WAS PRIVY TO GO
8 TO MAYESVILLE, SOUTH CAROLINA AND WATCH HOW AN
9 ACTUAL ELECTION WAS SUPPOSED TO BE HANDLED.
10 WHEN THE YOUNG LADY ASKED US TO LEAVE THE
11 VOTING PLACE WHEN THEY WERE COUNTING THE VOTES,
12 THAT WAS ILLEGAL. EVERY CITIZEN HAS A RIGHT TO
13 STAND IN HERE AND WATCH THEM COUNT THE VOTES
14 AND PULL THE TAPE OFF. YOU ARE NEVER SUPPOSED
15 TO ASK THE PEOPLE TO EXIT OUT THESE DOORS. I
16 PULLED THAT UP OUT OF THE LAW AS WELL THAT YOU
17 HAVE A RIGHT TO STAY AND WATCH THE VOTES BEING
18 COUNTED. BUT INSTEAD, THEY ASKED US ALL TO GET
19 UP AND LEAVE OUT THE DOOR. THIS IS WHAT WAS
20 ASKED OF US AND THEY CLOSED THE DOOR AND THEY
21 PULLED THE TAPE AND EVERYTHING OFF THE MACHINE.
22 WELL, ACCORDING TO THE STATE LAW THAT EVERY
23 CITIZEN AND VOTER HAD THE RIGHT TO WATCH. SO,
24 WHY COULDN'T WE WATCH? I DIDN'T UNDERSTAND
25 THAT. I HEARD MS. SIMMONS WHEN SHE SAID THAT

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1 SHE DIDN'T KNOW WHO THE MAN WAS AND SHE DIDN'T
2 UNDERSTAND WHAT WAS GOING ON. WHO THE MAN WAS,
3 BUT IT WAS MS. CONSTANCE BUSBIE THAT ANNOUNCED
4 AND TOLD US ALL TO LEAVE THE POLLING PLACE.
5 YOU ARE NOT SUPPOSED TO. EVERY CITIZEN WAS
6 SUPPOSED TO STAND IN HERE AND WATCH THE TAPE
7 BEING TAKEN OFF THIS MACHINE AND YOU BEING TOLD
8 WHAT THAT COUNT IS.

9 Q THAT IS ALL?

10 A OKAY. I WANT TO ENTER THIS. THESE ARE THE
11 LAWS THAT I WAS QUOTING ABOUT. VOTING BY
12 HANDICAP AND THE VOTING OF THE WATCHERS,
13 APPOINTMENT AND QUALIFICATIONS THAT MS. LAURA
14 BEST, AS I LEARNED LATER, WAS FROM COLUMBIA,
15 SOUTH CAROLINA, AND SHE WAS NOT EVEN A
16 REGISTERED VOTER IN HORRY COUNTY, YET SHE WAS
17 PRESENT TO DO WHAT? NOBODY KNEW. SHE SAID SHE
18 WAS FROM THE STATE ATTORNEY GENERAL'S OFFICE.

19 Q THAT IS ALL FOR MS. BELLAMY.

20 LAW SECTIONS

21 MARKED FOR IDENTIFICATION

22 AND INTRODUCED INTO EVIDENCE

23 AS EXHIBIT 3.

24 MEC CHAIR: DO YOU HAVE ANY MORE

25 WITNESSES FOR THE POLLING PLACE?

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1 MR. CANTY: I HAVE NOT BEEN AFFORDED AN
2 OPPORTUNITY TO CROSS EXAMINE MS.
3 BELLAMY.

4 MEC CHAIR: GO AHEAD, MR. CANTY.

5 **CROSS EXAMINATION BY MR. CANTY:**

6 **Q** MS. BELLAMY, I UNDERSTOOD YOUR TESTIMONY TO BE,
7 "THAT YOU WOULD NOT BE INTIMIDATED AND THAT YOU
8 WERE NOT INTIMIDATED", IS THAT CORRECT?

9 **A** NO. YOU HEARD ME TELL YOU I WAS. BUT I WOULD
10 NOT ALLOW ANYONE TO STOP ME FROM STANDING FOR
11 WHAT I BELIEVE IN. I AM GOING TO SAY THIS ONE
12 MORE TIME. WHO ARE YOU REPRESENTING MR. CANTY.

13 **Q** SAME PERSON I HAVE BEEN REPRESENTING SINCE I
14 GOT HERE.

15 **A** YOU MEAN YOU WERE AT THE CHALLENGE BALLOT
16 HEARING AS WELL?

17 **Q** YES, MA'AM.

18 **A** YOU REPRESENTING JAKE EVANS?

19 **Q** THAT IS CORRECT?

20 **A** YOU WANT THE ABILITY TO CROSS EXAMINE ME, BUT
21 YOU DON'T WANT TO SIT HERE WHERE I CAN GET AN
22 OPPORTUNITY TO JUST LOOK AT YOUR ACCUSERS. YOU
23 KNOW HOW YOU GUYS DO ME THE OTHER DAY. HOW YOU
24 CAN'T STAND THERE AND SAY I AM COMING FOR THE
25 ACCUSERS WITH THE GANG BANGING THAT WAS GOING

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1 ON. DO I GET THAT TOO TODAY? YES OR NO?

2 ANSWER THE QUESTION YES OR NO.

3 Q I AM UNDER NO OBLIGATION TO ANSWER ANY OF YOUR
4 QUESTIONS ...

5 A AND I AM UNDER NO OBLIGATION TO ANSWER YOURS
6 BECAUSE YOU WON'T DECIDE ON WHETHER YOU ARE
7 GOING TO BE AN ATTORNEY OR NOT. WHICH ONE?

8 Q SO, YOUR TESTIMONY IS THAT YOU WERE
9 INTIMIDATED?

10 A I WAS INTIMIDATED AT THE POLLS, BUT BECAUSE I
11 BELIEVE IN WHAT I BELIEVE IN, I STAYED HERE.
12 OKAY? I STAYED HERE. I WAS INTIMIDATED
13 SITTING AT THIS POLL. IT WAS DONE ON PURPOSE.
14 IT WAS DONE TO SEE IF YOU COULD MAKE ME RUN. I
15 CAN SAY THIS MY CHILD DID NOT GO TO SCHOOL ON
16 FRIDAY BECAUSE OF FEAR OF WHAT WAS SAID TO ME.
17 YOU CAN CHECK THE SCHOOL RECORDS BY THE WAY.
18 SHE WAS NOT THERE. I ASKED OFFICER CHIEF
19 BORDNER TO SIT WITH ME AT THE BUS STOP AFTER
20 THE CHALLENGED BALLOT HEARING BECAUSE I WAS
21 TOLD I MESSED WITH THE FAMILY. "YOU UNDERSTAND
22 THAT? DO YOU UNDERSTAND WHAT THAT MEANS YOU
23 MESSING WITH US? YOU MESSING WITH THE FAMILY?
24 IRENE ARMSTRONG CORROBORATED WHAT MS. JOHNSON
25 SAID TO ME, OKAY, AND I ALSO GOT SOME LENOIR

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1 EVANS. LIKE I CAN'T SEE AND DON'T KNOW THAT.
2 OKAY. IT IS THE NAME CALLING. IT'S THE
3 NASTINESS. IT IS BEING MEAN TO SEE IF I CAN
4 GET YOU TO VOTE AND RUN. THREATEN ALL YOU
5 WANT, DRIVE BY MY HOUSE, SHAKE THE DOOR, DO
6 WHATEVER. YES, I WAS THREATENED. DO I FEAR
7 FOR MY LIFE? SURE, I DO.

8 **Q** YOU WERE PRESENT FROM THE TIME THE POLLS OPENED
9 UNTIL THE POLLS CLOSED ...

10 **A** NOW, THEY TOOK ME OUTSIDE. LET'S NOT LEAVE
11 THAT OUT.

12 **Q** IT IS MORE THAN TWELVE HOURS AND DURING THAT
13 TIME YOU CHALLENGED AT LEAST FORTY-FOUR VOTERS,
14 CORRECT?

15 **A** BECAUSE I OWE IT TO THE PERSON THAT I POLL
16 WATCH. SHE NEEDED TO MAKE SURE THAT I
17 REPRESENTED HER. I WILL NOT WALK OUT ON A
18 FRIEND IF YOU ASK ME TO. I WILL NOT LEAVE YOU
19 HANGING IF YOU ASK ME TO STAND IN YOUR PLACE.

20 **Q** DID I UNDERSTAND YOUR TESTIMONY ...

21 **A** I WILL NOT LEAVE A FRIEND, AND YES, YOU
22 UNDERSTAND THAT I WAS INTIMIDATED. I FELT MY
23 LIFE WAS BEING THREATENED. ALL BECAUSE I AM A
24 CHALLENGE BALLOT HEARER. BECAUSE LINDA BOOKER,
25 WILLIAM BOOKER, CHARLENE TAYLOR, JOSEPHINE

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1 ISOM, ALL OF THEM, JAKE EVANS SAT THERE, AND
2 WHEN LAURA BEST CAME TO ME, MS. BEST MADE IT
3 PLAIN. SHE STOPPED BY AFTER THE HALLWAY AND
4 BENNY WEBB AND CAROLYN COLE CALLED THE STATE
5 ATTORNEY GENERAL'S OFFICE. SHE GOT HER
6 CLIPBOARD AND CAME BY AND STOOD BY ME AND SHE
7 SAID, "HUMPH" BECAUSE IT IS ALLOWED TO BE
8 INTIMIDATED. DID MS. CONSTANCE BUSBIE DO
9 ANYTHING ABOUT IT? OF COURSE NOT. IT WAS A
10 FREE FOR ALL. WE ARE GOING TO SHOW THEM WHO WE
11 ARE.

12 **Q** YOU WERE AT THE POLLS FROM THE TIME THEY OPENED
13 TO THE TIME THEY CLOSED AND CHALLENGED
14 FORTY-FOUR VOTES, IS THAT CORRECT?

15 **A** YES. AND I WAS THREATENED ABOUT IT. I WAS
16 EVEN TOLD BY MS. SABRINA WILLIAMS, "MY GOD,
17 PAT, WHY CAN'T YOU JUST WAIT TILL THEY GET
18 HERE. YOU JUST CHALLENGING EVERYBODY." SHE
19 TOLD ME SHE CHALLENGED ME BECAUSE SHE WANTED ME
20 TO SEE WHAT IT FELT LIKE. OKAY, I UNDERSTOOD
21 THAT. I UNDERSTOOD WHAT SHE DID. I ACCEPTED
22 IT. BUT I DID NOT TURN AROUND AND THREATEN
23 HER. I DIDN'T TURN AROUND AND TELL HER, "YOU
24 MESSIN' WITH FAMILY." BECAUSE I AM NOT GOING
25 TO DISRESPECT SOMEBODY BECAUSE JUST LIKE IT WAS

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1 MY RIGHT TO CHALLENGE, IT WAS HER RIGHT TO DO
2 THE SAME THING. SO, YES. NO MATTER HOW YOU
3 SPIN IT, I WAS INTIMIDATED. YES, I WAS AFRAID.
4 NO, MY LITTLE GIRL DIDN'T GO TO SCHOOL THE NEXT
5 DAY. YES, MICHAEL BORDNER WENT WITH ME TO THE
6 BUS STOP TO MAKE SURE THAT I GOT HER OFF THE
7 BUS SAFELY. THAT GETS OFF AT WOODS APARTMENTS.
8 YOU BETTER BELIEVE I WAS GOING TO HAVE SOME
9 PROTECTION FOR HER. TO GET TO ME -- YOU WILL
10 GET TO MY CHILD TO GET TO ME. SO, YEAH, I WAS
11 THREATENED. HOW MANY MORE TIMES DO I HAVE TO
12 SAY THIS TO YOU. AS A MATTER OF FACT, I HAVE
13 ANSWERED YOUR QUESTION. LET'S MOVE ON.

14 **Q** TELL THE COMMISSION IF YOU WOULD PLEASE, HOW
15 MANY VOTERS YOU WERE PREVENTED FROM
16 CHALLENGING?

17 **A** NOW, SEE, WHEN I WAS OUTSIDE, I CAN'T SEE THAT.
18 YOU UNDERSTAND THAT? AND BECAUSE YOU WANT ME
19 TO GIVE YOU AN ANSWER FOR SOMETHING BECAUSE YOU
20 REFUSED TO HEAR THAT I WAS INTIMIDATED. I WAS
21 INTIMIDATED BY WHAT WAS SAID. I STILL AM. I
22 STILL WILL GO SEE MR. ALAN WILSON AT THE STATE
23 ATTORNEY GENERAL'S OFFICE BECAUSE IF THE STATE
24 IS GOING TO CONTINUE TO GET INTO THE POLITICS
25 OF ATLANTIC BEACH, WHERE AN EVERYDAY CITIZEN

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1 CAN'T FEEL PROTECTED IN THE PLACE THAT THEY
2 LIVE, WHAT GOOD ARE WE ALL TO BE IN THE OFFICE
3 ANYWAY. THAT IS WHERE I AM COMING FROM. IF
4 YOU ARE NOT FRIENDS WITH CERTAIN PEOPLE, THEN
5 THAT MEANS YOU ARE SUSCEPTIBLE TO WHOEVER AND
6 WHATEVER LAW ENFORCEMENT OR ANY AGENCY WE SEND
7 TO GET YOU. YES, I KNOW I AM INTIMIDATED. I
8 KNOW THEY ARE COMING FOR ME AND I KNOW I NEED
9 TO BE THERE. NEXT QUESTION.

10 **Q** THERE WERE ONE HUNDRED AND FORTY-TWO TOTAL
11 BALLOTS CAST, CORRECT?

12 **A** YES, AND MS. BELLAMY STOOD IN HERE THE WHOLE
13 TIME AND SHE KNEW SHE WAS BEING TALKED TO --
14 AND YOU HAVE TO UNDERSTAND THAT THE THREAT CAME
15 AT THE CHALLENGE BALLOT HEARING THE NEXT DAY.
16 NOT JUST MS. LAURA BEST ON THE DAY OF NOVEMBER
17 1, 2011, IT ALSO CAME ON THE THIRD WHEN IT WAS
18 MADE CLEAR THAT I WAS MESSING WITH THE FAMILY.
19 OKAY. WHEN YOU GOT MILTON GORE STANDING RIGHT
20 HERE TELLING ME, "YEAH, YOU GONNA SHUT UP."
21 EVERYBODY ELSE GET TO TALK BUT WHEN I GET
22 READY, I GOT TO SHUT UP. YEAH, YOU TELL ME
23 INTIMIDATION. YOU GOT MORE THAN FORTY PEOPLE
24 STANDING HERE TELLING ME THAT.

25 **Q** THE POLLS WERE OPEN FOR TWELVE HOURS, CORRECT?

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1 IS THAT CORRECT?

2 **A** YOU HAVE TO ASK THE MEC IF IT WAS OPEN FOR
3 TWELVE HOURS. ISN'T THAT HOW IT GOES, FROM
4 SEVEN TO SEVEN.

5 **Q** I UNDERSTOOD YOUR TESTIMONY TO BE THAT YOU WERE
6 HERE FROM THE TIME THE POLLS OPENED UNTIL ...

7 **A** UNTIL MS. LAURA BEST AND MR. PAUL SCOTT TOOK ME
8 OUTSIDE AND UNTIL I WENT TO MY CAR TO GET THE
9 YARN SO I COULD CROCHET AND GET ME SOME WATER.
10 NO, I SENT SOMEONE TO GET ME SOME WATER AND TO
11 GET ME SOME FOOD.

12 **Q** SO THE POLLS WERE OPEN FOR TWELVE HOURS,
13 CORRECT?

14 **A** AND I ASKED MS. LAURA BEST, "WERE YOU HERE
15 DOING THIS BECAUSE YOU HAD THE CROWD TO PLAY
16 TO."

17 **Q** AFTER YOU BACK OUT THE ABSENTEES THAT WOULD BE
18 ABOUT TEN EVERY HOUR OR ABOUT ONE EVERY SIX
19 MINUTES ON THE AVERAGE, IS THAT CORRECT?

20 **A** YOU KNOW, MY SON IS THE ONE THAT IS GOING TO
21 SCHOOL WITH ALL OF THE MATH, NOT ME. I WAS
22 ALREADY TOLD THAT I WAS NOT INTELLIGENT. SO,
23 YOU KNOW.

24 MEC CHAIR: WE ARE NOT DISCUSSING
25 ABSENTEE BALLOTS. WE ARE DISCUSSING

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1 THE POLLING PLACE.

2 Q YES, MA'AM. WHEN YOU WERE TAKEN OUTSIDE BY MS.
3 BEST, IT WAS OUT THROUGH THOSE DOORS RIGHT
4 THERE...

5 A YES, IT WAS. I COULD NOT SEE INTO THIS ROOM
6 BEHIND THIS CORNER. I HAVE GREAT PERIPHERAL
7 VISION, BUT NOBODY HAS THAT KIND.

8 Q WERE ALL THE ENTRANCES OPEN OR JUST THAT
9 ENTRANCE ON POLLING DAY?

10 A I DON'T KNOW BECAUSE PEOPLE KEPT COMING AND
11 GOING BECAUSE YOU CAN ALSO COME IN THROUGH HERE
12 BECAUSE JAKE EVANS WENT BACK THROUGH THERE AND
13 CAME OUT THROUGH THE KITCHEN.

14 Q SO, THE VIDEO THAT WAS PUT INTO EVIDENCE THAT
15 SHOWS ALL THE VOTERS ...

16 A I WAS NOT HERE AND SAW THAT.

17 Q ... ENTERING AND EXITING THROUGH THAT DOOR
18 RIGHT THERE? YOU'RE SAYING THAT WAS NOT THE
19 ENTRANCE?

20 A OKAY. YOU'RE ASKING ME TO ANSWER A QUESTION
21 WHERE I WAS NOT PRIVY TO WATCHING THE DVD,
22 RIGHT? YES OR NO? RIGHT? I WASN'T HERE. I
23 DIDN'T SEE THAT.

24 Q MY PERSONAL VIEWS ON THAT ARE NOT RELEVANT?

25 A WELL, YOUR PERSONAL VIEWS DON'T COUNT EITHER.

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1 Q THAT IS EXACTLY WHAT I SAID?

2 A LET'S GO WITH IT. COME ON.

3 Q SO, YOUR TESTIMONY IS THAT DURING THAT EIGHT
4 MINUTES, THERE WAS AN UNKNOWN NUMBER OF VOTERS
5 YOU WERE PROHIBITED FROM CHALLENGING? IS THAT
6 YOUR ...

7 A CAN I ASK A QUESTION? YOU GET TO CROSS EXAMINE
8 US AND WE DON'T GET A CHANCE TO CROSS EXAMINE
9 ANYONE THAT YOU REPRESENT? MR. CANTY, GUESS
10 WHAT, YOU AND I ARE DONE.

11 MR. CANTY: YOUR HONOR, I WOULD ASK THE
12 COMMISSIONER TO DIRECT THE WITNESS TO
13 ANSWER THE QUESTIONS.

14 MEC CHAIR: HAVE A SEAT, MR. CANTY. WE
15 ARE NOW GOING TO TAKE A BREAK FOR LUNCH
16 FOR ONE HOUR.

17 MR. CANTY: THANK YOU.

18 (BREAK FOR LUNCH.)

19 MEC CHAIR: WE WILL NOW PROCEED WITH
20 THE MEETING. STILL DEALING WITH THE
21 POLLING PLACE. MR. WHITE, DO YOU HAVE
22 ANY MORE WITNESSES?

23 MR. WHITE: DEREK STANLEY. WE CALL
24 DEREK STANLEY.

25 DEREK STANLEY, HAVING BEEN DULY SWORN, TESTIFIED AS

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FOLLOWS:

DIRECT EXAMINATION BY MR. WHITE:

Q MR. STANLEY, YOU WERE PRESENT DURING THE VOTING
AT ATLANTIC BEACH THIS PAST ELECTION?

A YES, I WAS.

Q WHAT WAS YOUR FUNCTION AT THE ELECTION?

A I WAS A POLL WORKER.

Q WHAT DID YOU OBSERVE?

A WHAT I OBSERVED WAS LIKE DIFFERENT OFFICIALS
WALKING AROUND AND GOING TO DIFFERENT TABLES
LOOKING AT A POLL LIST AND ALL THE OTHER STUFF
THAT WAS OVER THERE. I ALSO EXAMINED THAT SOME
PEOPLE WERE NEAR THE MACHINES WHEN PEOPLE WAS
VOTING. I ALSO SEEN THEM PULL PAT BELLAMY OUT.
THE LADY THAT SAYS SHE WAS FROM THE ATTORNEY
GENERAL'S OFFICE PULLED MS. PAT OUT BECAUSE MS.
PAT WAS CHALLENGING DIFFERENT PEOPLE'S VOTES.
BUT WHEN I LOOKED OVER, THE OTHER PARTY WAS
CHECKING PEOPLE'S VOTES, BUT THEY DIDN'T HAVE
NO PROBLEM WITH IT, BUT WHEN I WAS LIVING IN
THE TOWN OF ATLANTIC BEACH AND MY VOTE GOT
CHALLENGED, THEY THOUGHT THAT IT WASN'T A
PROBLEM. THEN, THEY SAID I COULDN'T CALL OUT
PEOPLE'S NAMES, BUT THE REASON I CALLED OUT
PEOPLE'S NAMES WAS BECAUSE I WAS SEEING IF

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1 PEOPLE WANTED TO CHALLENGE THEM OR NOT. BUT
2 WHEN I GOT CHALLENGED, THEY DIDN'T HAVE NO
3 PROBLEM CALLING OUT MY NAME.

4 Q WHO IS "THEY"?

5 A IT WAS THE TOWN OFFICIALS WHO CHALLENGED MY
6 VOTE AND THEY AIN'T GOT NO PROBLEM CALLING MY
7 NAME OUT. I CAN'T REMEMBER THE NAMES AT THE
8 CURRENT TIME.

9 Q WAS THIS THE PRESENT ELECTION OR PAST?

10 A PAST.

11 Q THIS PAST ELECTION YOU SAY THAT PEOPLE WERE
12 AROUND THE VOTING BOOTH?

13 A YES. THERE WERE PEOPLE AROUND THE VOTING
14 BOOTH.

15 Q DO YOU REMEMBER WHO WAS AROUND THE VOTING
16 BOOTH?

17 A SHEILA FOREMAN WAS AROUND THE BOOTH, UP THERE
18 WITH -- I FORGOT THE LADY'S NAME, BUT SHE WAS
19 UP THERE WITH SOMEBODY WITH ONE OF THE LADIES
20 WHEN SHE WAS VOTING AND SHE SAID THAT SHE
21 WASN'T LOOKING AT THE MACHINE. BUT WHAT WE
22 SEEN, SHE WAS STILL STANDING THERE WHEN THE
23 LADY WAS VOTING.

24 Q DID PEOPLE FEEL LIKE THEY WERE VOTING SECRETLY?

25 A I WOULDN'T THINK THAT THEY FELT LIKE THEY WERE

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1 VOTING SECRETLY BECAUSE -- I THINK THEY FELT
2 INTIMIDATED BECAUSE PEOPLE KEPT COMING UP THAT
3 THEY LIVED HERE AND I FELT THAT PEOPLES WERE
4 FEELING INTIMIDATED BECAUSE PEOPLE WERE
5 STANDING OVER THERE WHENEVER DIFFERENT PEOPLES
6 WERE VOTING AND I DON'T KNOW WHAT THEY WERE
7 TELLING THEM OVER THERE BECAUSE I WAS DOING MY
8 JOB OF CHECKING THE IDS AND EVERYTHING.

9 Q SO PEOPLE WERE CAMPAIGNING INSIDE THE VOTING
10 AREA?

11 A I KEPT LOOKING OUT THERE AND I KEPT SEEING
12 PEOPLE AT THE DOOR EVERY TIME SOMEBODY COME IN
13 AND I SEE THEM TALK TO THEM, BUT I DON'T KNOW
14 EXACTLY WHAT WAS BEING SAID.

15 Q HOW MANY VOTERS DO YOU THINK FEEL LIKE THEY
16 VOTED SECRETLY?

17 A HOW MANY VOTERS DO I THINK FEEL LIKE THEY VOTED
18 SECRETLY? I THINK IT WAS A COUPLE. I FEEL
19 LIKE THEY WASN'T VOTING SECRETLY BECAUSE I FEEL
20 LIKE THEY WAS FEELING INTIMIDATED.

21 Q WHAT WERE YOUR REASONS FOR FEELING THAT THEY
22 WERE INTIMIDATED?

23 A BECAUSE THE WAY THEY WALK IN AND THEN I SEE THE
24 PEOPLE STANDING AT THE DOOR LOOKING LIKE THEY
25 JUST TELLING THEM WHO TO VOTE FOR AND

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1 CAMPAIGNING AND EVERYTHING AT THE DOOR AND I
2 GUESS THEY CAME IN AND THEY WAS CALLING THEM
3 PEOPLE UP TO HELP THEM VOTE AND ALL THIS STUFF
4 AND I WAS LIKE, "IS THAT EVEN LEGAL?"

5 Q WHO WAS INVOLVED IN THIS PROCESS?

6 A I SEEN BOOKER AT THE DOOR. I SEEN EARLENE
7 WOODS AT THE DOOR. I SEEN JAKE EVANS AT THE
8 DOOR AND I SEEN SOME MORE PEOPLE AND I DON'T
9 KNOW THEIR NAMES.

10 Q COULD YOU HEAR WHAT WAS BEING SAID?

11 A NO. I COULDN'T BECAUSE I HAD TO STAY IN MY
12 POSITION WHERE I WAS AT.

13 Q THANK YOU, MR. STANLEY. I DON'T HAVE ANY MORE
14 QUESTIONS.

15 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
16 QUESTIONS FOR THIS WITNESS AT THIS
17 TIME?

18 MR. CANTY: YES, IF IT WOULD PLEASE THE
19 COMMISSIONER.

20 **CROSS EXAMINATION BY MR. CANTY:**

21 Q MR. STANLEY, CAN YOU NAME ANY VOTERS THAT WERE
22 NOT ALLOWED TO CAST THEIR BALLOTS BECAUSE THEY
23 WERE INTIMIDATED.

24 A FIRST OF ALL, CAN I ASK YOU WHO YOU ARE
25 REPRESENTING.

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1 Q JAKE EVANS.

2 A OKAY. SAY YOUR QUESTION AGAIN.

3 Q CAN YOU NAME ...

4 MEC CHAIR: CAN YOU SPEAK UP, SIR,
5 PLEASE.

6 Q CAN YOU NAME ANY VOTERS THAT WERE NOT ALLOWED
7 TO CAST THEIR BALLOTS?

8 A CAN I NAME ANY VOTERS WHO WAS NOT ALLOWED TO
9 CAST THEIR BALLOT? NO, I CANNOT BECAUSE I DO
10 NOT KNOW EVERYBODY'S NAME.

11 Q CAN YOU NAME ANY VOTERS WHO TOLD YOU THAT THEY
12 WERE INTIMIDATED?

13 A CAN I NAME ANY THAT TOLD ME THAT THEY WAS
14 INTIMIDATED? NO, I CANNOT.

15 Q CAN YOU NAME ANY VOTERS THAT TOLD YOU THAT THEY
16 FELT LIKE THE SECRECY OF THE BALLOT HAD BEEN
17 VIOLATED?

18 A NONE OF THEM TOLD ME THAT.

19 Q THAT IS ALL.

20 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
21 MORE QUESTIONS FOR THIS WITNESS?

22 **RE-DIRECT EXAMINATION BY MR. WHITE:**

23 Q JUST ONE. DO YOU FEEL THAT YOU WERE ALLOWED TO
24 VOTE SECRETLY?

25 A DO I FEEL THAT I WAS ALLOWED TO VOTE SECRETLY?

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1 I DIDN'T VOTE IN THIS ELECTION.

2 Q FROM WHAT YOU OBSERVED, DO YOU FEEL THERE WAS A
3 GUARANTEE OF SECRECY?

4 A NO, I DO NOT.

5 Q THANK YOU, MR. STANLEY, THAT IS ALL. WE RECALL
6 BENNY WEBB?

7 **BENNY WEBB, HAVING ALREADY BEEN DULY SWORN, TESTIFIED**
8 **AS FOLLOWS:**

9 **DIRECT EXAMINATION BY MR. WHITE:**

10 Q MR. WEBB, THIS MORNING WE TALKED ABOUT THE
11 ATMOSPHERE IN THE POLLING PLACE. DID YOU
12 HAPPEN TO BE AT THE POLLING PLACE THE DAY OF
13 THE ELECTION?

14 A YES, I WAS.

15 Q CAN YOU TELL US WHAT YOU OBSERVED REGARDING THE
16 ATMOSPHERE AND WHAT WAS GOING ON?

17 A MR. WHITE, I WAS IN LAW ENFORCEMENT
18 TWENTY-EIGHT YEARS. I WORKED RIOTS, ESPECIALLY
19 THE ONE IN SUMTER. I WORKED LONGSHOREMAN WHEN
20 THEY WERE ON STRIKE IN CHARLESTON AND WHAT I
21 SAW ON TUESDAY WAS AKIN TO THOSE THINGS. IT
22 WAS TOTAL MOB RULE. IT WAS GANG RULE THE
23 ENTIRE TIME. ONE EXAMPLE, WHEN IRENE ARMSTRONG
24 CURSED PAT BELLAMY OUT. HER FAMILY MEMBERS,
25 BOBBY MORRIS. THERE IS A WHITE GENTLEMEN THAT

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1 HAS BEEN HANGING AROUND WITH MR. EVANS AND
2 ABOUT THREE OTHER PEOPLE CAME RUNNING DOWN THE
3 MIDDLE OF THE AISLE AND I TOLD THEM TO CLEAR
4 THE AISLE. SO, WHEN I TOLD THEM TO CLEAR THE
5 AISLE, AS I WAS WALKING OUT, I WENT AND SAT ON
6 THE BENCH AND THEY CIRCLED AROUND ME AS THOUGH
7 IT WAS SOME GANG ACTIVITY. I WORKED NARCOTICS
8 FOR CLOSE TO SEVEN, EIGHT YEARS AND WAS AKIN TO
9 NARCOTIC GANGS THAT I SEEN. SO, IT WAS MOB
10 RULE HERE ON TUESDAY. BUT I SAY, LISTEN, WHEN
11 THEY CAME OUT AND SURROUNDED ME, I FELT PRETTY
12 COMFORTABLE BECAUSE MY MOTTO IS LIKE THE TEXAS
13 RANGERS. ONE RIOT, ONE RANGER AND THAT PRETTY
14 MUCH EVENS IT UP.

15 Q WOULD THAT SETTING BE INTIMIDATING TO SOMEONE
16 WHO WOULD WANT TO COME VOTE?

17 A MR. WHITE, IF I WAS NOT A PERSON WHO HAD BEEN
18 IN LAW ENFORCEMENT TWENTY-EIGHT YEARS, WHO HAS
19 A CONCEALED WEAPONS PERMIT AS A PRIVATE
20 INVESTIGATOR, WHO CARRIES HIS WEAPON WITH HIM A
21 LOT, IF I WAS JUST A REGULAR VOTER ON TUESDAY,
22 THERE IS NO WAY IN THE WORLD THAT I WOULD COME
23 INTO THIS PLACE ON TUESDAY TO VOTE AND
24 ESPECIALLY WHEN THE LADY THAT SAYS SHE IS WITH
25 THE ATTORNEY GENERAL'S OFFICE -- THAT SENT A

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1 STRONG MESSAGE TO ANYONE THAT WAS NOT VOTING
2 FOR JAKE EVANS, CHARLENE TAYLOR, AND JOSEPHINE
3 ISOM THAT YOU BETTER NOT GO OVER THERE BECAUSE
4 WE KNOW WHERE YOU LIVE. SEE, THE PROBLEM HERE
5 AND THE REASON THE ATMOSPHERE IS SO BAD IS THEY
6 KNOW WHERE PEOPLE LIVE IN THIS COMMUNITY AND
7 THE THINGS THAT YOU DO REALLY TERRIFY PEOPLE.
8 ESPECIALLY THE WHITE VOTERS IN THIS COMMUNITY.
9 THERE IS NO WAY IN THIS WORLD IF I WAS A WHITE
10 VOTER ON TUESDAY, KNOWING WHAT I KNOW, I WOULD
11 COME IN HERE AND VOTE WITH ANY LEVEL OF
12 CONFIDENCE.

13 **Q** WHY DO YOU SAY THE WHITE VOTERS HAVE A
14 PARTICULAR REASON TO BE AFRAID OF VOTING?

15 **A** BETSY COX, WHO WAS HERE EARLIER TOLD US THAT.
16 THAT WAS THE SENTIMENT OF SEVERAL PEOPLE THAT I
17 TALKED TO. THAT THEY ARE AFRAID OF THAT GROUP
18 OF PEOPLE; EVANS, WOODS, ARMSTRONG AND THOSE
19 FOLLOWERS OF THEM AND THEY ARE AFRAID THAT
20 BECAUSE THEIR SAFETY IS AT RISK.

21 MR. CANTY: OBJECT TO THE HEARSAY.

22 **A** AGAIN, I LIVE HERE DURING THE WEEK. I WILL
23 LIVE HERE UNTIL THE COUNCIL TELLS ME THAT THEY
24 DON'T WANT ME. BUT I DO LIVE IN SUMTER AND I
25 HAVE A CERTAIN LEVEL THAT WHEN I LEAVE HERE, I

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1 CAN GO TO SUMTER. BUT THERE ARE PEOPLE THAT
2 LIVE IN THOSE MOTELS AND HOTELS THAT HAVE NO
3 OTHER PLACE TO GO. SO, IF YOU DON'T FOLLOW THE
4 RULES OF THE FAMILY, THEN YOUR LIFE IS IN
5 JEOPARDY. MR. WHITE, IF YOU NOTICE ON THE TAPE
6 WHEN I WAS WALKING OUT MS. JANIE ISOM MADE A
7 STATEMENT THAT THEY OUGHT TO BUST HIS HEAD
8 OPEN. TODAY I WAS TOLD BY LAW ENFORCEMENT HERE
9 THAT SEVERAL STATEMENTS WERE MADE THAT SOMEONE
10 OUGHT TO BLOW HIS HEAD OFF. SO, THAT IS THE
11 SAME KIND OF MENTALITY AND MOB HOOD THAT YOU
12 HAD HERE ON TUESDAY. IN ALL SERIOUSNESS, VERY
13 FEW THINGS SCARE ME BUT TUESDAY I MUST ADMIT, I
14 WAS A LITTLE CONCERNED FOR THE OTHER PEOPLE. I
15 WAS SCARED FOR THEM. BECAUSE THERE IS NO WAY
16 THAT A CIVILIZED, FREE, FAIR ELECTION CAN BE
17 HELD IN ATLANTIC BEACH AS LONG AS YOU HAVE WHAT
18 YOU HAD HERE ON TUESDAY. THEN FINALLY IF YOU
19 LOOK AT THEIR GROUP. LET'S DIVIDE THE GROUP.
20 YOU HAVE JOE MONTGOMERY, FORMALLY INDICTED
21 MAYOR. YOU HAVE IRENE ARMSTRONG, INDICTED.
22 YOU GOT EARLENE WOODS, CHARLETTE, JAKE'S
23 GIRLFRIEND. THAT IS ENOUGH -- YOU HAVE PAUL
24 CURRY, SPENT THIRTY MONTHS IN PRISON. THAT IS
25 ENOUGH TO SCARE THE AVERAGE PERSON. YOU GOT

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1 LEROY EVANS, YOU GOT THE WHOLE -- IN ALL MY
2 YEARS IN LAW ENFORCEMENT, TO BE HONEST WITH
3 YOU, I HAVE NEVER SEEN A GROUP LIKE THIS GROUP
4 HERE. BUT I WILL TELL YOU THIS AND WANT THIS
5 ON RECORD. THEY DON'T SCARE ME. I AM NOT
6 GOING ANYWHERE. SO, I WILL BE HERE. TO THE
7 AVERAGE PERSON IT IS INTIMIDATING.

8 Q MR. WEBB, WHO WERE THESE THREATS DIRECTED AT?

9 A THOSE THREATS WERE DIRECTED BASICALLY AT ME OR
10 ANYONE THEY FELT WAS GOING TO VOTE NOT FOR THE
11 FAMILY. NOT FOR JAKE, CHARLENE AND JOSEPHINE.
12 THE ENTIRE TIME I WAS HERE IN AND OUT MOST OF
13 THE DAY AND THEY SAT RIGHT HERE IN THIS
14 AUDIENCE WHEN YOU WERE TRYING TO VOTE. THAT IS
15 SO INTIMIDATING. ONE OF THE THINGS THEY DO AND
16 THEY KNOW WHERE YOU STAYING. WHEN A PERSON
17 SEND THOSE KIND OF SIGNALS THAT IS FRIGHTENING
18 IF YOU HAVE NO PLACE ELSE TO GO. MY ADVICE TO
19 THE CITIZENS OF ATLANTIC BEACH, DON'T BACK
20 DOWN. DON'T BE AFRAID. DON'T LET THEM
21 INTIMIDATE YOU ONE IOTA. BECAUSE THEY
22 INTIMIDATED THE VOTERS THIS TIME, BUT WE SHOULD
23 NEVER LET THEM INTIMIDATE US AGAIN.

24 Q YOU SAID THE WHITE VOTERS PARTICULARLY HAD
25 THINGS TO FEAR. DOES THAT DEMONSTRATE RACIAL

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1 SENTIMENTS AGAINST WHITES FROM ATLANTIC BEACH?

2 **A** WELL, BETSY COX WOULD BE ONE EXAMPLE. SHE WAS
3 DEATHLY AFRAID. IN FACT, MISTY, WHO IS ONE OF
4 THE CANDIDATES WAS TOLD BY BOBBY MORRIS, WHO I
5 THINK IS SUPPOSED TO BE THE MUSCLE MAN FOR THE
6 WOODS, EVANS, IRENE ARMSTRONG CLAN. HE IS
7 SUPPOSED TO BE THE MUSCLE MAN AND HE TOLD HER
8 TO GET HER "WHITE ASS OF THE PROPERTY." LET ME
9 TELL YOU THAT THOSE WORDS AND THINGS LIKE THAT
10 GET AROUND. WHENEVER THAT LADY CAME FROM THE
11 AG'S OFFICE CAME AND SAT RIGHT WHERE THE CHAIRS
12 WERE AND WAS TALKING TO CHARLENE TAYLOR AND
13 TALKING TO JAKE EVANS AND TALKING TO PAUL
14 CURRY, THAT SENT A STRONG SIGNAL TO PEOPLE THAT
15 WOULD HAVE BEEN VOTERS. WHEN IRENE ARMSTRONG
16 WAS CONFIDENT ENOUGH, AND COMFORTABLE ENOUGH TO
17 CUSS PAT BELLAMY OUT. I MEAN, IT WAS
18 EMBARRASSING TO SEE A FORMER MAYOR, ALBEIT A
19 FORMER INDICTED MAYOR, TO DO THAT KIND OF STUFF
20 IS EMBARRASSING. LET ME TELL YOU SOMETHING
21 ELSE, MR. WHITE. THEY WOULD NOT DO THAT
22 ANYWHERE ELSE. I WILL SAY IT OVER AND OVER
23 AGAIN. I AM HERE IN ATLANTIC BEACH TO STAY AND
24 NOT A SINGLE ONE OF THEM WOULD COME TO SUMTER
25 AND DO WHAT THEY DOING IN HORRY COUNTY BECAUSE

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1 THEY KNOW THEY GOT GREG HEMBREE. THEY GOT
2 TRACY EDGE AND THEY GOT DICK ELLIOTT, WHO ARE
3 BACKING THEM UP. THE BOTTOM LINE IS THAT VOTE
4 THE OTHER DAY WAS ABOUT SUPPRESSION AND
5 INTIMIDATION BUT THE KEY THING IS THAT LITTLE
6 BIT OF LAND OUT THERE. THAT OCEAN FRONT. IF
7 THERE WAS NOT AN OCEAN FRONT, MR. WHITE, THIS
8 WOULD BE LAMAR, SOUTH CAROLINA OR PIEDMONT BUT
9 BECAUSE I KNOW YOU ARE FAMILIAR WITH THAT. BUT
10 BECAUSE THAT OCEAN FRONT THERE IS SOME POWERFUL
11 WHITE MEN IN THIS COMMUNITY THAT ALLOW THEM THE
12 CONFIDENCE TO DO WHAT THEY'RE DOING. THEY
13 WOULD NOT DO IT ANYWHERE ELSE IN THIS STATE AND
14 I KNOW PARTICULARLY THEY WOULD NOT DO IT IN
15 SUMTER.

16 **Q** THANK YOU, MR. WEBB?

17 **A** NOW, IF HE IS THE ATTORNEY OF RECORD
18 OFFICIALLY. I AM NOT GOING TO ANSWER ANY
19 QUESTIONS IF HE IS NOT.

20 MR. CANTY: MAY I BE AFFORDED THE
21 OPPORTUNITY TO CROSS EXAMINE THE
22 WITNESS?

23 MEC CHAIR: YES, YOU MAY. PLEASE SPEAK
24 UP SO THE COURT REPORTER CAN PICK UP.

25 **CROSS EXAMINATION BY MR. CANTY:**

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1 Q MR. WEBB, IN YOUR TESTIMONY EARLIER TODAY, YOU
2 INDICATED THAT THERE WERE IRREGULARITIES IN
3 VOTER REGISTRATION ROLLS, IS THAT CORRECT?

4 A THAT IS CORRECT.

5 Q DID YOU BRING THIS TO THE ATTENTION OF THE
6 HORRY COUNTY VOTER REGISTRATION BOARD?

7 A I BROUGHT IT TO THE ATTENTION OF LOCAL LAW
8 ENFORCEMENT. I WROTE THE DIRECTOR OF THE HORRY
9 COUNTY ELECTION REGISTRATION AND I GAVE HER
10 SOME SPECIFIC TERMS THAT WE WANT IN ATLANTIC
11 BEACH. ONE OF THOSE THINGS THAT STEPHANIE DOES
12 NOT GET INVOLVED IN THIS ELECTION, BUT YET TO
13 SHOW YOU HOW THIS THING WORKED, SHE GAVE UP A
14 PAID JOB SOMEWHERE ELSE TO COME TO ATLANTIC
15 BEACH TO INFLUENCE THE ELECTION THE WAY SHE HAS
16 BEEN INFLUENCING IT OVER THE YEARS. WE ALSO,
17 AND I SAID WE, THE TOWN COUNCIL WHICH I WORK
18 FOR, THEY REMOVED MS. BOOKER, LINDA BOOKER AND
19 THEY REMOVED ALICE GRAHAM BECAUSE OF THE
20 IRREGULARITIES THAT HAVE BEEN HAPPENING OVER
21 THE YEARS. SO, YES, WE MADE THE ELECTION
22 OFFICIALS AWARE OF WHAT WE WANTED AND WHAT WE
23 DIDN'T WANT AND WHAT WE WEREN'T GOING TO
24 TOLERATE, BUT DESPITE ALL THOSE THINGS, THEY
25 STILL ALLOWED THIS ILLEGAL VOTING MACHINE TO

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1 COME IN HERE. THEY ALLOWED STEPHANIE TO COME
2 IN HERE AND SIT AS A POLL WATCHER. THEY
3 ALLOWED PAT BELLAMY TO BE CURSED OUT. YES, WE
4 NOTIFIED THEM OF WHAT WE WANTED. DID THEY
5 ABIDE BY WHAT WE WANTED? NO.

6 Q SO, AS I UNDERSTAND IT, YOU WROTE A LETTER TO
7 THE VOTER REGISTRATION BOARD?

8 A I WROTE THREE LETTERS.

9 Q ALRIGHT. IN THAT LETTER DID YOU SAY THERE WERE
10 PEOPLE ON THE VOTER REGISTRATION ROLLS THAT
11 SHOULDN'T BE?

12 A THAT IS NOT THEIR JOB. THAT IS OUR JOB. THAT
13 IS A TOWN JOB TO HELP PURGE THEIR ROLLS. SO,
14 NO, I DID NOT WRITE HER TO TELL HER. HER
15 OFFICE WAS THE ONE THAT I GOT THE FINAL ROLL
16 FROM. THEY KNEW THAT FOUR HUNDRED AND
17 TWENTY-ONE PEOPLE DO NOT LIVE IN A TOWN OR
18 REGISTERED VOTERS IN A TOWN OF THREE HUNDRED
19 AND THIRTY-FOUR PEOPLE. OUT OF THE THREE
20 HUNDRED AND THIRTY-FOUR, TWENTY-FIVE PERCENT OF
21 THEM ARE UNDER THE AGE OF EIGHTEEN. SO, IN
22 ESSENCE, THERE WAS A HUNDRED FIFTY-TWO VOTERS
23 THAT COULD ACTUALLY LEGALLY VOTE IN HORRY
24 COUNTY. I DON'T THINK IT IS MY JOB TO DO SANDY
25 MARTIN'S JOB. IT IS SANDY MARTIN'S JOB TO DO

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1 HER JOB.

2 Q YOU DID SAY YOU INFORMED LAW ENFORCEMENT. THAT
3 WOULD BE THE TOWN POLICE DEPARTMENT?

4 A YES, BECAUSE THE REASON FOR THAT, I WOULD LOVE
5 TO INFORM THE SOLICITOR, BUT WE CAN'T GET ANY
6 HELP FROM GREG HEMBREE. NONE WHATSOEVER.

7 Q THOSE POLICE OFFICERS, IN FACT, WORK FOR YOU?

8 A THEY WORK UNDER MY SUPERVISION AND THEY WORK
9 FOR THE TOWN OF ATLANTIC BEACH AND IF WE HAD
10 SOMEONE ELSE TO GIVE THAT INFORMATION TO TRUST
11 ME AND THE REASON BEING AND LET ME EXPLAIN.
12 WHEN YOU HAVE A SENATOR OR A HOUSE MEMBER,
13 ESPECIALLY A HOUSE MEMBER GO IN THE NEWSPAPER
14 AND SAY, "I AM ON THE COMMITTEE THAT FUNDS SLED
15 AND THE ATTORNEY GENERAL'S OFFICE AND WE WILL
16 BE DEALING WITH THAT CROWD. WE WONT HESITATE
17 TO SEEK AN INDICTMENT." I AM NOT ONLY A
18 VETERAN POLICE OFFICER, I AM ALSO A PROFESSOR
19 OF CRIMINOLOGY, A HOUSE MEMBER, WHO IS NOT A
20 PROSECUTOR. DOES NOT HAVE THE AUTHORITY TO
21 SEEK ANY INDICTMENTS, BUT THAT IS THE KIND OF
22 INTIMIDATION THAT HAS BEEN HERE SINCE JULY
23 26TH. SO, NOT ONLY HAVE THE VOTERS BEEN
24 INTIMIDATED, THE STAFF, THE ELECTED OFFICIAL,
25 CAROLYN COLE, WINDY PRICE, MISTY UMPHRIES.

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1 THEY HAVE ALL BEEN INTIMIDATED. WHAT THEY DO,
2 THEY USE BOBBY MORRIS AS THEIR MUSCLE MAN.
3 THEY USE PAUL CURRY AS THEIR MAN WHO WRITES. I
4 THINK HE IS THE ONLY ONE THAT SCRIBBLES
5 EFFECTIVELY. HE SCRIBBLES, BUT I WOULDN'T SAY
6 EFFECTIVELY. SO, THEY USE THEM TO DO THEIR
7 BUSINESS AND IT IS INTIMIDATING, WHO ARE
8 INTELLIGENT.

9 **Q** CAN YOU NAME SOME OF THE VOTERS WHO VOTED THAT
10 WERE NOT RESIDENTS OF THE TOWN THAT YOU
11 TESTIFIED TO EARLIER?

12 **A** I THINK IT HAS BEEN PUT IN THE RECORD. LET ME
13 GO GET IT. I AM NOT PRIVILEGED TO THE VOTING
14 ROLL. I AM NOT PRIVILEGED -- I DON'T HAVE THE
15 VOTING ROLL BECAUSE AS SOON AS THE ELECTION WAS
16 OVER, EVERYTHING WAS SEIZED. SO, I CAN'T DO
17 THAT COMPARISON. BUT I KNOW BASED ON THE
18 NUMBER OF PEOPLE THAT VOTED, BASED ON THE
19 NUMBER OF LEGAL VOTERS IN THE PRECINCT, BASED
20 ON THE TURNOUT, THERE WERE PEOPLE THAT VOTED
21 THAT SHOULD NOT HAVE VOTED. HISTORICALLY, IN
22 NON- PRESIDENTIAL ELECTIONS, ANYWHERE BETWEEN
23 TWENTY AND TWENTY-FIVE PERCENT OF THE VOTERS
24 TURN OUT, ANYWHERE IN BETWEEN THAT. BUT IF YOU
25 LOOK AT -- OKAY. I'LL STOP. BUT IF YOU LOOK

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1 AT THE PERCENTAGE THAT VOTED, IT WAS WAY ABOVE
2 THE AVERAGES.

3 Q CAN YOU NAME ANY VOTER THAT CAST A BALLOT THAT
4 SHOULD NOT HAVE?

5 A THE ANSWER IS NO, BECAUSE I DO NOT HAVE ACCESS
6 TO THE VOTING ROLL BECAUSE IT WAS SEIZED. BUT
7 BASED ON THE NUMBER OF PEOPLE THAT VOTED AND
8 BASED ON THE POPULATION DENSITY, BASED ON THE
9 CHALLENGED BALLOTS THAT WERE UPHELD, BASED ON
10 THE FACT THAT LEONARD CHEATHAM -- LINDA
11 CHEATHAM, YEAH, LET ME GIVE YOU ONE. LINDA
12 CHEATHAM. LINDA CHEATHAM BUSBIE. THERE IS TWO
13 OF THEM THAT VOTED. AS A MATTER OF FACT, WHILE
14 WE ARE TALKING ABOUT THAT, SHE WORKED FOR THE
15 TOWN. SHE WORKED UNDER WILLIAM BOOKER AS AN
16 ACCOUNTANT THAT DIDN'T KNOW ACCOUNTING. SO,
17 LINDA CHEATHAM WOULD BE ONE AND LINDA
18 CHEATHAM'S HUSBAND AND I AM SURE ONCE WE KIND
19 OF ABSORB EVERYTHING, WE WOULD PROBABLY FIND
20 ANOTHER TWENTY OR THIRTY MORE. TO ANSWER YOUR
21 QUESTION, THAT IS TWO RIGHT THERE AND IF WE
22 DIDN'T STOP THE LADY ON EDGE DRIVE THAT LIVES
23 ACROSS FROM TRACY EDGE, THEN SHE PROBABLY WOULD
24 HAVE VOTED TOO.

25 Q ARE YOU AWARE THAT MRS. CHEATHAM'S VOTE AND

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1 THAT OF HER HUSBAND WAS CHALLENGED BY MS.
2 BELLAMY AND THAT THIS COMMISSION EXCLUDED THOSE
3 VOTES? ARE YOU AWARE OF THAT?

4 **A** THERE IS LAW THAT IS CALLED FRAUDULENT
5 REGISTRATION, WHICH HAS NOTHING TO DO WITH
6 CASTING A BALLOT. YOU CANNOT REGISTER
7 FRAUDULENTLY. EVEN IF THEY THREW IT OUT,
8 THAT'S FINE, BUT THEY REGISTERED FRAUDULENTLY.

9 **Q** SO, THE QUESTION IS WHAT VOTERS VOTED IN THIS
10 ELECTION THAT WERE NOT LEGALLY ENTITLED TO.
11 WHOSE VOTE WAS COUNTED? CAN YOU NAME ONE?

12 **A** I CAN NAME THE VOTERS WHO VOTED, LINDA CHEATHAM
13 AND HER HUSBAND.

14 **Q** THOSE VOTES WERE EXCLUDED, WERE THEY NOT?

15 **A** I WAS NOT HERE FOR THE CHALLENGE BALLOT.

16 **Q** ASSUMING THOSE VOTES EXCLUDED BY THIS
17 COMMISSION, CAN YOU NAME ANYBODY ELSE THAT
18 VOTED THAT SHOULDN'T HAVE?

19 **A** ASSUMING THEY WERE NOT EXCLUDED, I CAN NAME
20 THOSE TWO. IF I GET ACCESS TO THE RECORDS AND
21 SEE MY INTELIOUS REPORT AND SEE THE NUMBERS, I
22 AM SURE I CAN GIVE YOU MANY, MANY MORE.

23 **Q** YOU MENTIONED AN INTELIOUS REPORT. THAT IS AN
24 ONLINE SERVICE THAT PROVIDES INFORMATION ABOUT
25 INDIVIDUALS FOR A FEE?

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1 **A** THAT IS A SERVICE THAT RUNS ABOUT TWO OR THREE
2 BILLION PIECES OF INFORMATION ON EVERY CITIZEN
3 IN THE UNITED STATES ON ANY GIVEN DAY THAT I
4 USE IN MY PRIVATE INVESTIGATION BUSINESS. SO,
5 IT IS PRETTY ACCURATE AND IT IS USED BY MANY
6 PRIVATE INVESTIGATORS AND LAW ENFORCEMENT
7 AGENCIES.

8 **Q** THAT WAS THE BASIS FOR WHAT MS. BELLAMY HAD IN
9 HER THREE RINGED BINDER. THE PAGES SHE WAS
10 HANDING OUT TO THE ELECTION COMMITTEE...

11 **A** NO, THE BASIS WAS OBSERVATION. LOOKING TO SEE
12 IF THEY STAYED THERE. LOOKING AT THE
13 POPULATION DENSITY. LOOKING AT THE VOTING
14 ROLL. LOOKING AT WHO CAME IN. LOOKING AT WHO
15 DIDN'T COME IN. THERE WAS A WHOLE CONGLOMERATE
16 OF THINGS THAT WENT INTO WHAT I JUST SAID. NOT
17 JUST THE INTELIOUS REPORT. THE REPORT FROM THE
18 DMV, WHICH CLEARLY SHOWED THAT ONE PERSON WHOSE
19 DRIVERS LICENSE DIDN'T EXPIRE UNTIL 2012 AND
20 LIVED IN GEORGETOWN BUT WAS REGISTERED IN
21 EARLENE WOODS BUSINESS. THERE WAS ANOTHER
22 PERSON OR A HOST OF THEM THAT LIVED IN OHIO,
23 WEST VIRGINIA, NORTH CAROLINA TAX RECORDS AND
24 STUFF LIKE THAT. THERE WAS A LOT OF EVIDENCE.
25 OVERWHELMING EVIDENCE THAT THESE PEOPLE

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1 REGISTERED FRAUDULENTLY AND EVEN IN THE CASE OF
2 THE CHEATHAMS VOTED FRAUDULENTLY.

3 Q DO YOU KNOW WHY NONE OF THAT EVIDENCE WOULD BE
4 MADE AVAILABLE TO THE PEOPLE IT IS BEING USED
5 AGAINST?

6 A WELL, AGAIN, THESE THINGS ARE UNDER
7 INVESTIGATION BY THE POLICE DEPARTMENT. THESE
8 THINGS HAVE BEEN PACKAGED TO SEND TO THE
9 JUSTICE DEPARTMENT. THESE THINGS WILL BE
10 PACKAGED AND HOPEFULLY BE SENT, TO SLED, IF
11 THERE IS A SENATOR AND A HOUSE MEMBER THAT
12 DON'T GET THERE FIRST. THESE THINGS WILL BE
13 PACKAGED. WE ARE STILL USING THESE THINGS.
14 THERE IS AN ON-GOING INVESTIGATION BY THE
15 ATLANTIC BEACH POLICE DEPARTMENT.

16 Q ARE YOU SUPERVISING THAT INVESTIGATION?

17 A NO, I AM NOT SUPERVISING, BUT IF THE CHIEF COME
18 AND ASK ME FOR HELP, I DIDN'T SPEND
19 TWENTY-EIGHT YEARS DOING NOTHING.

20 Q THERE IS A POLICE SURVEILLANCE OPERATION TO
21 DETERMINE WHETHER PEOPLE ARE QUALIFIED TO VOTE.
22 IS THAT WHAT YOU ARE TELLING ME?

23 A THERE IS ALWAYS A POLICE SURVEILLANCE OPERATION
24 AND WHEN YOU GET THE VOTER'S ROLL, IT IS THE
25 JOB OF THE TOWN TO DETERMINE WHETHER THE VOTER

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1 LIVES IN THAT COMMUNITY. SO, NOT ONLY DID I
2 USE THE POLICE, I PERSONALLY WENT AND CHECKED
3 THESE PLACES MYSELF. NOT ONLY AT EIGHT O'CLOCK
4 AT NIGHT, TEN O'CLOCK, TWO IN THE MORNING, FOUR
5 IN THE MORNING, SIX IN THE MORNING. THESE
6 PEOPLE DID NOT AND DOES NOT LIVE HERE.

7 Q AND YOU DID NOT COMMUNICATE TO THE HORRY COUNTY
8 VOTER'S REGISTRATION BOARD ANY OF THIS
9 INFORMATION?

10 A NO, I DID NOT.

11 Q YOU TESTIFIED THAT BETSY COX WAS INTIMIDATED.
12 IS THAT RIGHT?

13 A INTIMIDATED WOULD BE A MILD WORD.

14 Q IS SHE HERE TODAY?

15 A SHE WAS. SHE LEFT. SHE GOT DEATHLY AFRAID
16 BACK THERE AND SHE SAID, "THEY KNOW ME. THEY
17 KNOW WHO I AM. THEY KNOW WHERE I LIVE." A
18 MATTER OF FACT, SHE SAID THAT ONE OF THEIR
19 SUPPORTERS CAME TO HER HOUSE THE OTHER DAY AND
20 WAS DOING A POUNDING OF THE FIST.

21 Q PLEASE NOTE MY OBJECTION TO THE HEARSAY, YOUR
22 HONOR. CAN YOU PLEASE NAME TO THE COMMISSION
23 ALL THOSE VOTERS WHO YOU KNOW PERSONALLY THAT
24 DID NOT CAST A BALLOT AS A RESULT OF
25 INTIMIDATION?

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1 **A** THAT I KNOW PERSONALLY.

2 **Q** YES?

3 **A** NO, I DON'T KNOW THESE PEOPLE PERSONALLY. SO,
4 EVERYTHING I DEPENDED ON CAME FROM INTELIOUS,
5 OBSERVATION, POPULATION DENSITY, INTELIOUS AND
6 DMV THAT THE CHIEF BRIEFED ME ON. AS FAR AS
7 KNOWING, I KNOW VERY FEW PEOPLE HERE
8 PERSONALLY.

9 **Q** AND YOU TESTIFIED THAT IT WAS MOB RULE ON
10 ELECTION DAY, CORRECT?

11 **A** MOB RULE. THAT'S RIGHT. MOB RULE. MOB RULE,
12 GANGBANGIN ALMOST LIKE DRUG GANGS THAT I HAVE
13 WORKED IN MY CAREER. THAT IS WHAT RULED THE
14 DAY THE OTHER DAY.

15 **Q** AND THAT WOULD BE ILLUSTRATED ON THE VIDEOTAPE
16 OF ELECTION DAY THAT HAS BEEN PUT INTO
17 EVIDENCE?

18 **A** THERE ARE SEVERAL VIDEO TAPES THAT ALSO
19 ILLUSTRATE -- I THINK FROM WHAT I UNDERSTAND,
20 THE VIDEOTAPE CLEARLY SHOWED THE KIND OF
21 BEHAVIOR THAT IS NOT CONDUCIVE AT A VOTING
22 POLL. THE VIDEO CLEARLY SHOWS AND ANYONE
23 LISTENING, THEY HEARD JANIE ISOM SAY, "THEY
24 OUGHT TO BUST HIM UPSIDE HIS HEAD." LET ME SAY
25 THIS, COUNSELOR, YOU WON'T SEE THAT IN ANY

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1 OTHER COMMUNITY. YOU WON'T SEE THAT IN NORTH
2 MYRTLE BEACH OR MYRTLE BEACH AND WHERE DO YOU
3 LIVE? CONWAY OR WHEREVER. YOU WON'T SEE THAT
4 IN CONWAY. SO, WHY SHOULD THE CITIZENS AND
5 VOTERS OF THIS COMMUNITY HAVE TO PUT UP WITH
6 THAT JUST TO DO SOMETHING THAT FIFTY YEARS AGO
7 PEOPLE DIED FOR AND THAT WAS THE RIGHT TO VOTE.
8 YOU KNOW WHAT THE SAD THING ABOUT IT BACK THEN,
9 THEY WERE FIGHTING ABOUT IT BECAUSE JIM CROW
10 WAS KEEPING THEM FROM VOTING. THE SAD THING IS
11 IN 2011 PEOPLE WHO LOOK JUST LIKE US OR WHO
12 LOOK LIKE ME DON'T WANT AFRICAN-AMERICAN'S TO
13 VOTE WHO ARE NOT A PART OF THE FAMILY OR THEY
14 DON'T WANT WHITES TO VOTE BECAUSE THEY ARE
15 AFRAID THAT WHITE FOLKS MIGHT SHOW THEIR
16 INDEPENDENCE AND VOTE FOR WHOMEVER THEY CHOOSE.
17 SO, YOU ARE RIGHT, YOU'RE RIGHT.

18 Q GANG RULE WOULD BE ILLUSTRATED BY THAT VIDEO
19 TAPE?

20 A GANG RULE WOULD BE ILLUSTRATED BY WHAT I SAW.
21 WHAT ABOUT TEN, FIFTEEN OR TWENTY OTHER PEOPLE
22 SAW AND THE BEHAVIOR OF THE FAMILY.

23 Q NOTHING FURTHER, YOUR HONOR.

24 RE-DIRECT EXAMINATION BY MR. WHITE:

25 Q MR. WEBB, YOU MENTIONED SOMETHING ABOUT ILLEGAL

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1 VOTING MACHINES?

2 **A** THAT IS CORRECT.

3 **Q** CAN YOU GIVE US SOME DETAILS ON THAT?

4 **A** THERE WAS A VOTING MACHINE, FROM WHAT I
5 UNDERSTAND FROM WHAT HAS BEEN REPORTED TO ME,
6 IS THAT IT WAS BANNED IN FLORIDA.

7 MR. CANTY: OBJECT. HEARSAY, YOUR
8 HONOR.

9 **A** THE SERIAL NUMBER COMES BACK TO A MACHINE THAT
10 WAS BANNED. NOW, THE COUNCIL WANTED ME TO TALK
11 TO SANDY MARTIN ABOUT THINGS THAT WERE GOING ON
12 UNLAWFULLY. IF I AM NOT MISTAKEN, IT IS THE
13 SAME SANDY MARTIN OVER THERE AT THE HORRY
14 COUNTY ELECTION COMMISSION THAT SENT THAT
15 ILLEGAL VOTING MACHINE HERE. MR. WHITE, THE
16 FOLKS HERE DON'T HAVE ANY PLACE TO GO. THEY
17 REALLY DON'T. WHEN YOU HAVE THE KIND OF
18 CONSPIRACY THAT I HAVE SEEN IN THIS COMMUNITY,
19 WHETHER IT IS ON THE ELECTION COMMISSION,
20 WHETHER IT IS THE PEOPLE -- THE AVERAGE PERSON
21 HERE HAS KNOW WHERE TO GO. WHENEVER THE
22 SOLICITOR DROPPED THE INDICTMENT ON IRENE
23 ARMSTRONG IN AUGUST OR SEPTEMBER AND DIDN'T
24 EVEN NOTIFY THE TOWN THAT WAS THE VICTIM, THEN
25 HE REALLY HAS A PROBLEM. I WANT TO BLAME THEM

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1 -- I BLAME THEM, BUT I CAN UNDERSTAND WHY
2 PEOPLE WOULD NOT WANT TO VOTE. I CAN
3 DEFINITELY UNDERSTAND THAT. I CAN UNDERSTAND
4 THE INTIMIDATION FACTOR.

5 **Q** DID YOU DO ANY RESEARCH REGARDING THIS MACHINE?

6 **A** YES. WHEN I RAN THE SERIAL NUMBER, IT CAME
7 BACK TO AN UNLAWFUL MACHINE.

8 **Q** HOW DID YOU RUN THE SERIAL NUMBER?

9 **A** THERE IS A TOLL FREE NUMBER THAT YOU CAN CALL
10 ON ANY VOTING MACHINES.

11 **Q** DID YOU DEAL WITH THIS WITH MS. BEST?

12 **A** YES, I DID.

13 **Q** TELL US YOUR DEALING WITH HER AND WHAT YOU
14 FOUND OUT?

15 **A** SHE STARTED THE WHOLE -- THE INTIMIDATION
16 OBVIOUSLY STARTED WEEK AND SO AGO, BUT SHE KIND
17 OF PUT THE OLD PREVERBAL NAIL IN THE COFFIN
18 WHEN SHE CAME AND SHE WAS SITTING OVER THERE
19 TALKING WITH PAUL CURRY, JAKE EVANS, CHARLENE
20 AND -- IT WAS NOT JOSEPHINE ISOM BECAUSE
21 JOSEPHINE WAS NOT HERE. SHE CAME LATER ON THAT
22 EVENING. SO, I GIVE HER CREDIT. SHE WAS NOT
23 HERE DURING THAT TIME. SO, ANYWAY, THE LADY
24 WHEN PAT CHALLENGED A VOTE -- I WAS SITTING
25 RIGHT THERE BEHIND WHERE THE COMMISSIONERS WERE

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1 SITTING. AS SHE GOT UP, HER AND A GUY WITH
2 DREADS ON, I THINK HIS NAME WAS SCOTT. I THINK
3 HE WAS ON THE VIDEO TRYING TO HARASS JOSH. HE
4 WENT OVER THERE, TOLD HIM THAT HIS
5 CONSTITUTIONAL RIGHTS HAD BEEN VIOLATED BECAUSE
6 HIS VOTE WAS BEING CHALLENGED. SO, THE BEST
7 LADY, SHE WENT OVER THERE AND SHE SAID, "YES,
8 THEIR VOTING RIGHTS ARE BEING CHALLENGED." SO,
9 SHE TOLD PAT, AND YOU CAN HEAR THAT SHE WAS
10 FROM THE ATTORNEY GENERAL'S OFFICE AND SHE WAS
11 HERE TO OBSERVE THE ELECTION. SO, I SAID,
12 "WAIT A MINUTE. IF SHE IS HERE FROM THE
13 ATTORNEY GENERAL'S OFFICE AND SHE IS HERE TO
14 OBSERVE, NUMBER ONE, SHE WOULD NOT BE SHOWING
15 ANY TYPE OF PARTIALITY BY SITTING WITH JAKE
16 EVANS, CHARLENE TAYLOR, PAUL CURRY AND THE
17 FAMILY. IF SHE WAS AN INDEPENDENT PERSON..."
18 NUMBER TWO, IF YOU ARE FROM THE ATTORNEY
19 GENERAL'S OFFICE AND YOU ARE TRYING TO OBSERVE
20 THE ELECTION, YOU WOULD BE LOW KEY. NO ONE
21 WOULD EVEN KNOW THAT YOU ARE HERE. SHE HAD ON
22 A LAPEL PIN THAT SAID ATTORNEY GENERAL, HORRY
23 COUNTY AND THEN ANOTHER PIN THAT SAID HORRY
24 COUNTY ATTORNEY GENERAL'S OFFICE. SO, I WENT
25 BACK AND I MADE A COUPLE OF TELEPHONE CALLS. I

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1 TALKED TO MS. CHRISTIE, I THINK, CHRISTINE. I
2 FORGOT HER LAST NAME AT THE ATTORNEY GENERAL'S
3 OFFICE. I ASKED HER BECAUSE AT FIRST SHE SAID
4 HER NAME WAS MS. JEST OR -- SHE DIDN'T GIVE THE
5 RIGHT NAME TO BEGIN WITH. SO, ANYWAY, WE WENT
6 AND CALLED THE ATTORNEY GENERAL'S OFFICE AND
7 THIS CHRISTIE IS THE CONSTITUENT SERVICE
8 PERSON. IF YOU WANT TO CHECK. SHE SAID, "NO,
9 SHE DOESN'T WORK FOR US."

10 MR. CANTY: OBJECT TO THE HEARSAY, YOUR
11 HONOR.

12 **A** THE ATTORNEY GENERAL'S OFFICE INDICATED THAT
13 SHE DIDN'T WORK THERE. THE STRANGE THING IS
14 AND THIS IS WHAT I SAW. SHE DID HAVE A NUMBER
15 IN HER PHONEBOOK THAT HAD THE ATTORNEY
16 GENERAL'S OFFICE IN IT. SO, WHEN SHE CAME IN
17 AND I WENT AND RAN AND TALKED TO SOME PEOPLE, I
18 KNEW AND LET THEM KNOW SHE DOESN'T WORK THERE.
19 SO, WHEN -- I ALSO DID A REPORT FOR
20 IMPERSONATING AND THEY DID A BACKGROUND CHECK,
21 AND AT THAT TIME, WE FOUND OUT THAT SHE WAS
22 CONVICTED OF FELONY AUTO THEFT IN TEXAS IN
23 1961. SO, AGAIN, THEY HAVE A TENDENCY OF
24 BRINGING PEOPLE THAT HAVE SERVED TIME, WHETHER
25 THEY HAVE SERVED TIME IN PRISON OR WHETHER THEY

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1 ARE CONVICTED FELONS OR WHETHER THEY ARE
2 FORMALLY INDICTED MAYORS OR CURRENTLY DISMISSED
3 INDICTED MAYORS. THEY BRING THESE PEOPLE IN TO
4 TRY TO INTIMIDATE PEOPLE. TO THE AVERAGE
5 PERSON, MR. WHITE, THAT CAN BE INTIMIDATING.

6 Q HER REPRESENTATION THAT SHE WAS WITH THE AG'S
7 OFFICE, YOUR INVESTIGATION SHOWED WAS TRUTHFUL
8 OR FRAUDULENT?

9 A IT WAS FRAUDULENT, MR. WHITE, BUT WHAT ARE WE
10 GOING TO DO ...

11 MR. CANTY: OBJECT TO THE LEADING
12 OBJECT TO ...

13 A ... AND I DID THAT IN MY LETTER YESTERDAY -- IN
14 MY LETTER TO THE JUSTICE DEPARTMENT. WE ARE
15 GOING TO SEND THAT SHE REPRESENTED THE ATTORNEY
16 GENERAL'S OFFICE AND LET THE ATTORNEY GENERAL'S
17 OFFICE GET INVOLVED IN THIS AND EXPLAIN WHY
18 SOMEONE HAD THE ATTORNEY GENERAL'S NUMBER AND
19 SHE CAME HERE TO REPRESENT THEM EVEN THOUGH SHE
20 SAID THAT IT WAS FRAUDULENT.

21 Q I THINK YOU TESTIFIED EARLIER THAT SOME TWENTY
22 TO THIRTY VOTES, IN YOUR OPINION, WERE PROBABLY
23 CAST BY PEOPLE WHO WERE NOT RESIDENTS?

24 A BASED ON THE NUMBER THAT I SAW IN THE LIST, THE
25 FINAL TALLY THAT WE GET. BASED ON THE NUMBER

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1 THAT VOTED AND BASED ON THE NUMBER THAT LIVED
2 HERE OR DIDN'T LIVE HERE. I WOULD SAY IT WAS
3 BETWEEN TWENTY AND THIRTY VOTERS THAT VOTED
4 THAT WERE NOT RESIDENTS OF ATLANTIC BEACH.

5 Q THANK YOU VERY MUCH, MR. WEBB.

6 A MR. WHITE, DO YOU HAVE MORE WITNESSES FOR THE
7 POLLING PLACE?

8 Q WE WOULD LIKE TO CALL SHEILA SINGLETARY. SHE
9 WILL BE OUR LAST WITNESS FOR THIS PHASE.

10 **SHEILA SINGLETARY, HAVING FIRST BEEN DULY SWORN,**
11 **TESTIFIED AS FOLLOWS:**

12 **DIRECT EXAMINATION BY MR. WHITE:**

13 Q MS. SINGLETARY, WHEN YOU CAME THAT MORNING TO
14 THE POLLING PLACE, DID YOU SEE MS. ARMSTRONG?

15 A WHEN I ARRIVED AND GOT OUT OF MY VEHICLE, WHICH
16 WAS ADJACENT TO WHERE WE ARE STANDING BEHIND
17 THE WINDOWS, THE LAST VEHICLE TO THE GATED
18 FENCE SEPARATING THIS PROPERTY FROM THE
19 APARTMENTS ACROSS THE WAY, I OBSERVED MS.
20 ARMSTRONG AND MR. GORE STANDING -- AND I DON'T
21 KNOW IF SHE HAS A CAMERA OR IF SHE HAD
22 BINOCULARS BUT I SAID TO HER, "HEY, MS. IRENE,
23 HOW ARE YOU?" AND SHE LOOKED AND THEN SHE
24 DUCKED AROUND THE CORNER AND I SAID, "ARE YOU
25 TAKING PICTURES OF ME?" AND THEN I SAID,

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1 "MAYBE I SHOULD TAKE OUT MY CAMERA AND TAKE
2 PICTURES OF YOU TAKING PICTURES OF ME." THEN I
3 SAID, "SO WHY DON'T YOU COME ON OVER AND SHE
4 SAID THAT SHE WAS SHOWING AN APARTMENT AT THE
5 TIME AND THAT SHE WOULD BE OVER LATER.

6 Q YOU HEARD THE TESTIMONY ABOUT MS. BEST. DID
7 YOU HAVE ANY INTERACTION WITH MS. BEST?

8 A YES. I SPOKE TO MS. BEST BECAUSE I WAS CURIOUS
9 WHEN SHE SAID SHE WAS OBSERVING. I WAS CURIOUS
10 THAT SHE WOULD BE WRITING A REPORT. WHEN SHE
11 SAID SHE WAS OBSERVING, SHE SAID THAT SHE
12 "THOUGHT WE WERE DOING A PHENOMENAL JOB" DURING
13 THIS ELECTION PROCESS. I WAS CURIOUS ABOUT
14 WHAT REPORT FINDINGS SHE WOULD DOCUMENT AND IF
15 WE COULD GET A COPY OF THAT DOCUMENTATION.

16 Q SHE REPRESENTED HERSELF AS FROM THE AG'S
17 OFFICE?

18 A SHE DID. YES, SHE DID.

19 Q THE LAPEL?

20 A SHE HAD SEVERAL LAPELS.

21 Q THEY ALSO INDICATED SHE WAS FROM THE ...

22 A YES.

23 Q THANK YOU. THAT IS ALL I HAVE.

24 MEC CHAIR: MR. CANTY?

25 MR. CANTY: MAY I ...

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1 MEC CHAIR: YES.

2 MR. CANTY: MS. SINGLETARY ...

3 SHEILA SINGLETARY: CAN YOU HEAR ME,
4 SIR?

5 MR. CANTY: I CAN.

6 SHEILA SINGLETARY: CAN THE AUDIENCE
7 HEAR ME?

8 **CROSS EXAMINATION BY MR. CANTY:**

9 Q JUST FOR THE RECORD, YOU WERE NOT SEQUESTERED
10 AND YOU HEARD ALL OF THE WITNESSES TESTIFY UP
11 TO THIS POINT, CORRECT?

12 A I WAS THE CLERK ON DUTY. SO, I WAS SITTING
13 HERE ON DUTY.

14 Q SO, THAT IS A YES, IS THAT CORRECT?

15 A I AM HERE ON DUTY. ACTING IN MY CAPACITY OF
16 BEING A CLERK, SIR. SO, IF YOU WOULD LIKE TO
17 ANSWER THAT FOR ME. I HAVE JUST GIVEN YOU MY
18 ANSWER.

19 Q DID ...

20 A THAT IS MY ANSWER, SIR.

21 Q DID YOU ...

22 A THAT WAS MY ANSWER, SIR.

23 Q DID YOU VOTE?

24 A NO, I DID NOT VOTE.

25 Q ARE YOU NOT A REGISTERED VOTER?

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1 **A** I AM BUT THIS IS NOT MY JURISDICTION. SO, I
2 DID NOT VOTE IN THIS ELECTION, SIR.

3 **Q** SO, NO ONE INTIMIDATED YOU?

4 **A** SHE DID INTIMIDATE ME AS A CLERK, OR AS AN
5 EMPLOYEE, YES. I WAS INTIMIDATED BECAUSE I
6 THOUGHT SHE WAS SOMEONE OF OFFICIAL CAPACITY
7 AND I CONTINUED TO SEE HER ONLY SPEAK TO A
8 SELECT GROUP OF PEOPLE AND THE ROOM WAS
9 CERTAINLY DIVIDED FROM ONE SET OF PEOPLE TO
10 ANOTHER SET OF PEOPLE. BIBLICALLY SPEAKING, A
11 PARTING OF THE RED SEA.

12 **Q** SO, YOU ARE SPEAKING OF MS. BEST RIGHT NOW?

13 **A** I AM SPEAKING OF MS. BEST. SHE WAS SITTING
14 WITH JAKE EVANS AND CHARLENE TAYLOR AND A
15 NUMBER OF THOSE PEOPLE, AND AT ONE TIME AND I
16 CAN SAY FOR MYSELF, IT WAS INTIMIDATING. WHEN
17 I CAME IN THAT MORNING, I SAID HELLO TO
18 EVERYONE AND WHEN I LEFT, I SAID GOODBYE TO
19 EVERYONE AND THAT PARTICULAR SIDE OF THE ROOM
20 SNICKERED AND LAUGHED AS THOUGH I HAD SAID
21 SOMETHING FUNNY AND ALL I SAID WAS HELLO AND
22 GOODBYE AND THAT MAKES YOU FEEL UNCOMFORTABLE.

23 **Q** OTHER THAN BY SITTING WITH MR. EVANS OR MS.
24 ARMSTRONG, HOW DID MS. BEST INTIMIDATE YOU?

25 **A** WELL, SHE GAVE A VERY AUTHORITATIVE PRESENCE.

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1 AS YOU CAN SEE ON THE VIDEO THAT SHE WALKED
2 AROUND VERY STAUNCHLY AND VERY AUTHORITATIVELY
3 AND EVERYTHING THAT SHE DID WAS VERY
4 PRONOUNCED. SHE DID. AND THEN AS I LATER FIND
5 OUT THAT SHE WASN'T WHO SHE SAID SHE WAS AT
6 ALL. SO, THAT WAS A LIE.

7 **Q** CAN YOU TELL THIS COMMISSION THE IDENTITIES OF
8 ANY VOTERS THAT ...

9 **A** WE ASKED HER FOR A IDENTIFICATION AS WELL. A
10 BUSINESS CARD. SHE REFUSED TO GIVE IT. WE
11 ASKED HER FOR A FIRST NAME. SHE REFUSED TO
12 GIVE IT. WE ASKED HER TO WRITE IT DOWN, SHE
13 REFUSED TO IT. WE WANTED TO COMMUNICATE TO HER
14 BECAUSE SHE WAS SAYING POSITIVE THINGS ABOUT
15 THE ELECTION PROCESS. SO, WE THOUGHT THIS WAS
16 WONDERFUL. WE ARE GETTING IT RIGHT. BUT AT
17 THE END OF THE DAY, SHE WASN'T WHO SHE SAID SHE
18 WAS, WHICH IS A LIE. THAT WAS VERY
19 DISAPPOINTING.

20 **Q** CAN YOU IDENTIFY TO THIS COMMISSION ANY VOTER
21 THAT CAST A BALLOT THAT SHOULD NOT HAVE CAST A
22 BALLOT?

23 **A** THERE WERE POLL WORKERS THAT WERE HERE TO DO
24 THEIR JOB. SO THAT QUESTION WOULD BE DIRECTED
25 TO THE POLL WORKERS.

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1 **Q** CAN YOU PERSONALLY IDENTIFY ANY PERSON THAT
2 VOTED THAT SHOULD NOT HAVE BEEN ALLOWED TO
3 VOTE?

4 **A** THAT JOB WOULD BE DIRECTED TO THE POLL WORKERS
5 AND THE POLL MANAGERS.

6 **Q** CAN YOU IDENTIFY ANY VOTERS IN THIS ELECTION
7 WHO SHOULD NOT HAVE BEEN ALLOWED TO VOTE?

8 **A** IF I WERE A POLL WORKER OR A POLL MANAGER THEN
9 I WOULD BE ABLE TO ANSWER YOUR QUESTION. SO
10 THAT QUESTION SHOULD BE DIRECTED TO THOSE
11 PEOPLE IN THOSE WORKING CAPACITIES.

12 **Q** OF YOUR OWN PERSONAL KNOWLEDGE AND OBSERVATION,
13 FROM YOUR PRESENCE AT THE ELECTION DURING
14 ELECTION DAY, EVEN THOUGH YOU ARE NOT A VOTER
15 IN THIS ELECTION, DID YOU SEE ANY VOTER THAT
16 CAST A VOTE THAT SHOULD NOT HAVE?

17 **A** I DID NOT COME TO THE VOTING BOOTH. WHAT I SAW
18 WAS SEVERAL PEOPLE AT ONE VOTING BOOTH AT A
19 TIME AND I KNOW THAT IS NOT ANYTHING I HAVE
20 EVER EXPERIENCED IN MY VOTING LIFESPAN. SO I
21 HAVE NEVER SEEN THAT IN ANY OTHER PLACE.

22 **Q** CAN YOU NAME ANY PERSON LEGALLY ENTITLED TO
23 VOTE IN THIS ELECTION THAT DID NOT VOTE IN THIS
24 ELECTION AS A RESULT OF INTIMIDATION?

25 **A** I CAN TELL YOU WHAT I OBSERVED. I OBSERVED

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1 QUITE A NUMBER OF PEOPLE THAT LOOKED NERVOUS.
2 I OBSERVED QUITE A NUMBER OF PEOPLE WHO WERE
3 STANDING AND ACCOMPANYING THE VOTERS. I WOULD
4 SAY FROM THAT OBSERVATION AND I WOULDN'T THINK
5 WHY PEOPLE WERE STANDING AROUND THE DOOR. SO,
6 YOU HAD TO PRACTICALLY TIPTOE INTO THE DOOR AND
7 SAY, "EXCUSE ME." WHILE YOU ARE TIPTOEING IN
8 AS OPPOSED TO JUST GAINING ENTRANCE TO THE
9 BUILDING. I WOULD SAY THERE WERE A NUMBER OF
10 THINGS THAT TRANSPIRED THAT DAY THAT WOULD
11 ACCOUNT FOR SEVERAL PEOPLE BEING INTIMIDATED.
12 BUT BECAUSE I DON'T KNOW EACH AND EVERY
13 INDIVIDUAL OF THIS TOWN BY NAME, I COULD NOT
14 GIVE YOU EACH AND EVERY ONE OF THEIR NAMES.
15 BUT I CAN TELL YOU THAT FROM THE VIDEO
16 SURVEILLANCE THAT YOU SAW, THIS WAS AN EXAMPLE
17 OF SOMEWHAT INTIMIDATION AND SOME OTHER THINGS
18 THAT WERE INAPPROPRIATE FOR AN ELECTION.

19 **Q** SO, YOU CANNOT NAME ANY INDIVIDUAL THAT WAS NOT
20 ALLOWED TO VOTE BECAUSE ...

21 **A** IF I KNEW EVERY INDIVIDUAL JUST LIKE I DON'T
22 KNOW YOUR NAME. IF SOMEBODY SAID TO ME, "WHAT
23 IS YOUR FULL NAME? I HAVE NEVER BEEN
24 INTRODUCED TO YOU. I DON'T KNOW YOU." SO I
25 COULD NOT ANSWER FOR EVERY INDIVIDUAL THAT IS

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1 SITTING HERE IN THIS AUDIENCE. I DON'T KNOW
2 ALL OF THESE PEOPLE IN HERE. SO, I CANNOT GIVE
3 YOU THAT INFORMATION.

4 Q DID I NOT GIVE YOU TWO DAYS AGO, WALK UP TO YOU
5 AND INTRODUCE MYSELF AND GIVE YOU MY BUSINESS
6 CARD?

7 A YOU MAY HAVE DONE THAT AND PUT THE BUSINESS
8 CARD ON THE PODIUM. BUT I WAS WITHIN MY
9 CAPACITY WRITING NOTES TO THIS CHALLENGE
10 HEARING. SO, IF YOU PUT YOUR CARD ON THE
11 PODIUM THAT WAS NICE OF YOU TO DO, BUT I STILL
12 DON'T KNOW YOU AND I DIDN'T SHAKE YOUR HAND.

13 Q ALRIGHT. SO, YOU CAN'T NAME ANYONE WHO DID NOT
14 VOTE ...

15 A BACK TO MY ORIGINAL RESPONSE. I DO NOT KNOW
16 EVERYBODY IN THE TOWN BY THEIR NAMES, SO I
17 CAN'T ANSWER THAT QUESTION, BUT I JUST HAVE NOT
18 BEEN ABLE TO DO THAT.

19 Q NOTHING FURTHER, YOUR HONOR.

20 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
21 MORE QUESTIONS FOR THIS WITNESS?

22 MR. WHITE: THAT IS ALL YOUR HONOR.

23 MEC CHAIR: WE WILL NOW TAKE A FIFTEEN
24 MINUTE BREAK FOR THE COURT REPORTER TO
25 EXAMINE THE EXHIBITS.

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(FIFTEEN MINUTE BREAK) .

IN THE MATTER OF VOTER INTIMIDATION:

MEC CHAIR: THE MEETING WILL NOW
CONTINUE. THE NEXT CATEGORY IS VOTER
INTIMIDATION. MR. MR. WHITE, DO YOU
HAVE ANY WITNESSES AT THIS TIME?

MARGIE SMITH, HAVING ALREADY BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. WHITE:

Q WE HAVE THREE WITNESSES AND WE THINK WE WILL BE
VERY BRIEF. WE WOULD LIKE TO CALL MARGIE
SMITH. MS. SMITH, YOU ARE STILL UNDER OATH.
THE ISSUE NOW IS VOTER INTIMIDATION. WHAT DID
YOU OBSERVE REGARDING VOTER INTIMIDATION?

A REGARDING INTIMIDATION, WE HAD SOME LANDLORDS
...

MEC CHAIR: MISS, I NEED YOU TO SPEAK
UP PLEASE.

A WE HAD THE LANDLORDS TELLING PEOPLE HOW TO
VOTE.

MR. CANTY: OBJECTION. HEARSAY, YOUR
HONOR.

MR. WHITE: IF SHE HEARD IT, IT IS NOT
HEARSAY.

MEC CHAIR: MS. MARGIE, CAN YOU SPEAK

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UP AS LOUD AS YOU CAN FOR ME?

A YOU WOULD HAVE PEOPLE, MY FRIENDS PERSONALLY. I ASKED THEM IF THEY WERE GOING TO VOTE. THEY LIVE HERE. THEY WOULDN'T COME VOTE BECAUSE THEIR LANDLORD'S TOLD THEM THAT IF THEY DIDN'T VOTE A CERTAIN WAY, THEN NOT TO VOTE. WITH THEM NOT COMING TO VOTE BECAUSE THEY WERE AFRAID THAT THEY WOULD NOT HAVE A PLACE TO LIVE OR SOMETHING WOULD HAPPEN TO THEM. THEIR LANDLORDS WOULD INTIMIDATE THEM TELLING THEM NOT TO COME. IF THEY DO COME, THEY WOULD VOTE A CERTAIN WAY BECAUSE THEIR LANDLORDS ARE HERE WATCHING THEM.

Q DID YOU OBSERVE LANDLORDS HERE?

A YES.

Q WHO WERE THESE LANDLORDS?

A WE HAD MS. WOODS HERE AND IRENE WAS HERE, JAKE WAS HERE.

Q YOU ATTEMPTED TO MOVE INTO ONE OF MS. ARMSTRONG'S TRAILERS?

A YES, I WAS GOING TO.

Q CAN YOU TELL ME ABOUT THAT?

A I WAS TOLD THAT IF I WAS TO LIVE THERE THAT I WAS NOT ALLOWED TO HAVE WINDY PRICE OR CAROLYN COLE ...

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1 MR. CANTY: OBJECTION. HEARSAY.

2 **A** PAT BELLAMY, THE PRICE FAMILY. THE MONTGOMERY
3 FAMILY WAS NOT ALLOWED TO COME VISIT US IF WE
4 MOVED IN.

5 **Q** THAT IS ALL I HAVE OF THIS WITNESS.

6 MEC CHAIR: MR. CANTY, DO YOU HAVE
7 ANYTHING OF THIS WITNESS?

8 **CROSS EXAMINATION BY MR. CANTY:**

9 **Q** YES, MA'AM. ARE YOU A VOTER IN ATLANTIC BEACH?

10 **A** NO. I HAVE MOVED OUT OF ATLANTIC BEACH. I WAS
11 REGISTERED TO VOTE BUT COULDN'T. SINCE I MOVED
12 I COULD NOT VOTE.

13 **Q** CAN YOU NAME THE VOTERS WHO WERE INTIMIDATED?

14 **A** NO. I WILL NOT NAME MY VOTERS BECAUSE I KNOW
15 THAT Y'ALL CANNOT PROTECT THEM.

16 **Q** DID YOU DESCRIBE THEM AS "MY" VOTERS?

17 **A** THEY ARE MY VOTERS AS IN MY FRIENDS. THEY ARE
18 VOTERS HERE.

19 **Q** AND YOU CANNOT NAME THEM FOR ME?

20 **A** NO, I WILL NOT NAME THEM FOR YOU.

21 **Q** OKAY.

22 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
23 MORE QUESTIONS FOR THIS WITNESS?

24 **RE-DIRECT EXAMINATION BY MR. WHITE:**

25 **Q** JUST ONE. THE WHOLE IDEA OF CASTING A SECRET

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1 BALLOT IS SO THERE WON'T BE RETALIATION FOR
2 YOUR VOTE, IS IT NOT?

3 **A** CORRECT. I WILL NOT NAME NAMES BECAUSE I DO
4 NOT WANT ANYTHING TO HAPPEN TO THEM.

5 MR. CANTY: MY I RE-CROSS? BY WHOM ARE
6 YOU EMPLOYED?

7 MEC CHAIR: SIR, THAT'S IT.

8 MR. CANTY: NO RE-CROSS?

9 MEC CHAIR: NO.

10 MR. CANTY: VERY GOOD. THANK YOU.

11 MR. WHITE: WE CALL SHANE UMPHRIES.

12 **SHANE UMPHRIES, HAVING BEEN DULY SWORN, TESTIFIED AS**

13 **FOLLOWS:**

14 **DIRECT EXAMINATION BY MR. WHITE:**

15 **Q** MR. UMPHRIES, ARE YOU A VOTER HERE?

16 **A** YES, SIR.

17 **Q** WHAT DID YOU EXPERIENCE WHEN YOU WENT TO THE
18 POLLING PLACE TO VOTE IN THE LAST ELECTION?

19 **A** WHEN I COME IN HERE TO VOTE, I COME IN AND I
20 SIGNED UP AND I WENT TO THE FURTHEST VOTING
21 MACHINE AWAY AND THE LADY TOOK ME OFF THAT
22 MACHINE AND BROUGHT ME TO THE CLOSEST MACHINE
23 BY WHERE MS. PATRICIA BELLAMY WAS SITTING. AS
24 I WALKED OUT, I HEARD THE LADY THAT WAS
25 SUPPOSEDLY BEING AN ATTORNEY FROM THE ATTORNEY

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1 GENERAL'S OFFICE SITTING WITH MR. WILLIAM
2 BOOKER. THEY WAS TALKING ABOUT HOW OUR PARTY
3 WAS BEING LIKE A MILITIA TOWARDS EVERYBODY AND
4 WE DIDN'T STICK AROUND HERE AND DO NOTHING LIKE
5 THAT.

6 MR. CANTY: OBJECT TO THE HEARSAY, YOUR
7 HONOR.

8 **A** IT IS NOT HEARSAY.

9 **Q** THANK YOU, MR. UMPHIRE. THAT IS ALL I HAVE.

10 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
11 QUESTIONS FOR THIS WITNESS?

12 MR. CANTY: I HAVE NO QUESTIONS FOR
13 THIS WITNESS. THANK YOU, YOUR HONOR.

14 MEC CHAIR: THANK YOU. MR. WHITE, IS
15 THERE ANYONE ELSE FOR INTIMIDATION?

16 **CAROLYN COLE, HAVING ALREADY BEEN DULY SWORN,**

17 **TESTIFIED AS FOLLOWS:**

18 **DIRECT EXAMINATION BY MR. WHITE:**

19 MR. WHITE: I BRIEFLY RECALL MS. COLE.

20 **Q** YOU ARE STILL UNDER OATH. MS. COLE, YOU
21 TESTIFIED PREVIOUSLY AND IN SOME REGARD, THE
22 ISSUES ABOUT VOTER INTIMIDATION. WHAT HAVE YOU
23 OBSERVED REGARDING VOTER INTIMIDATION THAT WE
24 HAVEN'T PREVIOUSLY DISCUSSED?

25 **A** HOPE WE HAVE COVERED THE RECORD. JUST TRYING

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1 TO MAKE SURE THE RECORD IS CLEAR. I CAN'T BE
2 ASKED ABOUT THE NAMES OF THE PEOPLE AND I THINK
3 MS. SMITH GAVE THE ANSWER THAT WE ARE ALL AWARE
4 OF AND THAT IS GIVING THESE PEOPLE'S NAMES TO
5 WHAT WAS SUPPOSED TO BE A SECRET BALLOT
6 PROCESS, IN THE FIRST PLACE, JUST SETS THEM UP
7 FOR FURTHER INTIMIDATION. THEREFORE, IN TERMS
8 OF PEOPLE WHO ACTUALLY CAME TO ME AND TOLD ME
9 WHAT THEY WERE EXPERIENCING OR WENT TO THE
10 POLICE DEPARTMENT AT THE END OF THE DAY, A
11 COUPLE OF THEM THAT DID DO REPORTS AND, OF
12 COURSE, THERE HAS BEEN ABOUT SIX OR SEVEN
13 REPORTS THAT HAVE BEEN DONE. I HAVE HEARD
14 THERE HAVE BEEN REPORTS. THE PEOPLE THAT
15 ACTUALLY TALKED TO ME FACE TO FACE -- I TALKED
16 TO ABOUT TWELVE PEOPLE FACE TO FACE ABOUT WHAT
17 THEY ARE EXPERIENCING. I AM MINDFUL OF THE
18 FACT THAT IN, I THINK, THE 2007 ELECTION THAT
19 PEOPLE SIGNED THEIR NAME TO AN AFFIDAVIT THAT
20 MS. JOSEPHINE ISOM NOTARIZED FOR THEM THAT WENT
21 TO THE SUPREME COURT WHERE THEY WERE SAYING
22 WHAT HAPPENED TO THEM. WHO CAME BY THEIR HOMES
23 AND THE PEOPLE THAT WERE LYING AND SAID THEY
24 DIDN'T AND THEY PROVIDED DOCUMENTATION TO THE
25 COURT AND THESE WERE THE PEOPLE IN HOUSING. A

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1 LOT OF THEM WERE IN HOUSING AND THEY WERE THE
2 PEOPLE WHO LOST THEIR HOMES AT THE HANDS OF THE
3 SAME PEOPLE TO PREVENT THEM FROM BEING INVOLVED
4 IN ELECTIONS IN ATLANTIC BEACH. SO, IT IS MUCH
5 MORE SEVERE THAN WHAT PEOPLE MAKE IT OUT TO BE.

6 Q THAT IS OUR TESTIMONY CONCERNING INTIMIDATION.

7 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
8 QUESTIONS AT THIS TIME?

9 **CROSS EXAMINATION BY MR. CANTY:**

10 Q VERY BRIEFLY. MS. COLE, CAN YOU NAME ANY
11 VOTERS THAT DID NOT VOTE AS A RESULT OF
12 INTIMIDATION IN THIS ELECTION?

13 A I AM NOT GOING TO NAME NAMES, BUT I CAN COUNT
14 THEM, AND LIKE I SAID, THERE WAS ABOUT TWELVE
15 AND IF THEY WERE IN A SITUATION WHERE THEY
16 DIDN'T HAVE TO FEAR FOR THEMSELVES, THEIR
17 CHILDREN, THEIR HOMES, I WOULD BE HAPPY TO DO
18 THAT. BUT I KNOW THAT RIGHT NOW, THIS IS NOT
19 THE KIND OF PLACE WHERE YOU SHOULD EVEN DO THAT
20 TO ANYBODY.

21 Q BUT, MA'AM, YOU ARE SEEKING TO OVERTURN THE
22 RESULTS OF THIS ELECTION, IS THAT CORRECT?

23 A THAT IS CORRECT.

24 Q THE BURDEN OF PROOF IS ON YOU TO SHOW THAT
25 THERE IS BASIS HERE.

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1 **A** I THINK THE BURDEN OF PROOF AS TESTIFYING AS A
2 WITNESS AND BECAME A POLL WATCHER FOR MRS.
3 PRICE AND MRS. UMPHRIES. I THINK THAT IF I AM
4 UNDERSTANDING IT CORRECTLY, IS YOU DON'T
5 OVERTURN AN ELECTION ON MERE IRREGULARITIES.
6 YOU DON'T OVERTURN AN ELECTION FOR MERE
7 ILLEGALITIES. IF THERE IS FRAUD, IF THERE IS A
8 VIOLATION OF PEOPLE'S CONSTITUTIONAL RIGHTS.
9 DID WE DO WHAT WE WERE SUPPOSED TO DO AS A
10 MUNICIPALITY TO CONDUCT A FAIR AND IMPARTIAL
11 ELECTION WHERE WE DID NOT VIOLATE THE RIGHTS OF
12 THE PEOPLE? DID WE DO THAT? NO, WE DIDN'T.
13 DID WE TRY? I THINK WE STARTED OUT BELIEVING
14 THAT WE WERE ALL ON THE SAME PAGE ABOUT GETTING
15 THAT DONE. WE TRIED TO -- WE HEARD THE
16 TESTIMONY OF OTHER PEOPLE, THE LETTERS THAT
17 WENT TO HORRY COUNTY. THERE WAS EVEN A
18 DISCUSSION ON COUNCIL ABOUT HANDING THE ENTIRE
19 ELECTION PROCESS OVER TO HORRY COUNTY. WE WERE
20 SEATED JULY 26TH. THERE WASN'T ENOUGH TIME TO
21 DO THE ORDINANCES AND GET THE INTRAGOVERNMENTAL
22 AGREEMENTS TOGETHER FOR THEM TO DO THE COMPLETE
23 ELECTION, BUT THEN WE TALKED ABOUT THE LETTERS
24 THAT WENT TO HORRY COUNTY ASKING THAT NO ONE
25 BEING INVOLVED WITH THE ELECTION IN THE LAST

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1 TEN YEARS BE INVOLVED IN THE PROCESS. TRIED TO
2 BRING SOME NEW BLOOD TO THE COMMISSION. TRIED
3 TO MAKE SURE THAT WE WERE BEGINNING SOME NEW
4 POLL WORKERS IN ADDITION TO WHAT Horry COUNTY
5 WAS SENDING OVER. PEOPLE PARTICIPATING IN
6 THEIR PORTION IN THE PARTS OF THE ONLINE
7 TRAINING THROUGH THE STATE ELECTION COMMISSION.
8 THE ENTIRE COMMISSION WENT OR AT LEAST PART OF
9 THE COMMISSION WENT OVER TO MAYESVILLE. THAT
10 IS A TOWN THAT HAS A SIMILAR DEMOGRAPHIC THAN
11 ATLANTIC BEACH AND WENT THROUGH THE PROCESS OF
12 WATCHING THEM AND SEEING HOW THEY MANAGED THE
13 ELECTION FROM BEGINNING TO END. FROM THE
14 OPENING OF THE POLLS TO THE FINAL COUNT. WE
15 PUT FORTH WHAT WE BELIEVE WAS AN HONEST EFFORT
16 TO STRIP AWAY THE INTIMIDATION HERE. WHAT I
17 HAD A LOT OF PEOPLE SAY TO ME IS THAT WHEN
18 TALKING ABOUT NOT COMING TO VOTE -- BECAUSE THE
19 CONCERNED CITIZEN ORGANIZATION, WHEN I WAS IN
20 THE ELECTION IN 2009, ONE OF THE WRITE-IN
21 CANDIDATES PEOPLE KEPT COMING TO CONCERNED
22 CITIZENS AND ASKING WHETHER OR NOT THERE WAS
23 GOING TO BE A WRITE-IN CAMPAIGN AND WE FAILED
24 THEM BECAUSE ONE OF THE THINGS THAT WE DID WAS
25 WE ASSURED THEM THAT YOU HAVE GIVEN UP YOUR

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1 VOTE. WE TOLD YOU IN 2009. YOU DON'T HAVE TO
2 GIVE UP YOUR VOTE. IF YOU ARE TALKING ABOUT
3 YOUR LEAVING TOWN ANYWAY AND YOU ARE NOT GOING
4 TO VOTE, DON'T GIVE UP YOUR VOTE. GO AND VOTE
5 ABSENTEE, AND THEY DID. WHEN PEOPLE STARTED
6 ASKING, "ARE WE GOING TO DO THAT?" WE SAID,
7 "YOU DON'T HAVE TO DO THAT. YOU CAN GO TO THE
8 POLLS." NO ONE KNEW THAT IT WAS GOING TO BE
9 THE KIND OF ATMOSPHERE THAT WAS CREATED IN
10 HERE. ON THE TAPE YOU DON'T SEE ALL DAY WHAT
11 IS GOING ON, BUT MR. EVANS KNEW THAT BEING IN
12 HERE ALL DAY AS I WOULD COME IN AND OUT AND SEE
13 YOU OVER AT THE MACHINE, OVER THE SHOULDER OF
14 MS. BUSBIE WHISPERING IN HER EAR, OVER AT THE
15 VOTING MACHINE, OVER AT THE TABLE AND YOU ARE
16 CAMPAIGNING. MS. TAYLOR, WHO MADE HERSELF A
17 PERMANENT FIXTURE IN HERE THAT DAY DOING THE
18 SAME THING. SO, AS A GOVERNMENT, WE DID NOT DO
19 WHAT WE WERE SUPPOSED TO DO TO MAKE SURE THAT
20 THERE WAS A FAIR AND IMPARTIAL ELECTION. WE
21 DID NOT PROTECT THE VOTERS. WE LET THE PEOPLE
22 WHO WANTED THE OUTCOME OF THE ELECTION A
23 CERTAIN WAY -- INSTEAD OF US PUSHING THEM FOR
24 THE CONFIDENCE -- IF YOU FEEL GOOD ABOUT IT AND
25 YOU GOT THAT CONFIDENCE THAT THIS IS WHAT THE

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1 OUTCOME OF THIS ELECTION IS GOING TO BE, MOVE
2 TO THE SIDE. MOVE AWAY FROM THE POLLS. LET
3 THE VOTERS DO THAT. THERE IS NO WAY THAT THEY
4 COULD EVER CONVINCE ME THAT THEY FELT THAT WAY
5 WITH NEEDING A FRAUDULENT PERSON FROM THE AG'S
6 OFFICE TO CREATE THAT SAME KIND OF MASQUERADE
7 AS 2009 WITH THE P.I. THERE IS NO WAY THAT
8 THEY COULD TELL ME THAT THEY WERE FEELING THAT
9 CONFIDENT THAT THEY HAD TO STAND OVER THE
10 VOTERS THAT WAY AND STRIP THEM OF THEIR RIGHTS.
11 IF YOU FELT THAT WAY, THEN YOU COULD HAVE STOOD
12 BACK AND LET US SHOW THE SOUTH CAROLINA SUPREME
13 COURT, THE HORRY COUNTY COMMUNITY, THE NATION
14 THAT THIS FOUR STREET, PREDOMINANTLY BLACK TOWN
15 HAS NO INTEREST IN TAKING AWAY RIGHTS THAT WERE
16 STRIPPED AWAY FROM US.

17 **Q** SO YOU HAVE THE BURDEN OF PROOF?

18 **A** I THINK WE ARE DOING A VERY FINE JOB. IF YOU
19 WANT TO SAY IT IS ABOUT CALLING NAMES. IT IS
20 NOT ABOUT CALLING NAMES. WE ARE STILL NOT AT
21 THE COUNT AND WE ARE STILL NOT AT THAT MACHINE
22 BECAUSE WHEN YOU START TO TALK ABOUT RENDERING
23 THE RESULTS DOUBTFUL, THEN WHAT YOU GET DOWN TO
24 IS CRUNCHING THE NUMBERS.

25 **Q** YOU MENTIONED THAT THERE WERE SIX OR SEVEN

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1 REPORTS THAT HAVE BEEN FILED. WITH WHOM HAVE
2 THOSE REPORTS BEEN FILED?

3 **A** THE ATLANTIC BEACH POLICE DEPARTMENT.

4 **Q** THEY WOULD REFLECT VOTER INTIMIDATION IN THIS
5 ELECTION?

6 **A** I THINK THEY DO.

7 **Q** HAVE YOU OFFERED THEM INTO EVIDENCE?

8 **A** IT IS NOT MY JOB TO DO THAT.

9 **Q** SO THE ANSWER IS, NO. THEY ARE NOT IN
10 EVIDENCE?

11 **A** I THINK YOU HEARD TESTIMONY HERE EARLIER ABOUT
12 THOSE DOCUMENTS AND THAT THEY WILL -- THAT THE
13 POLICE DEPARTMENT'S REPORT WILL BE PUT FULLY
14 INTO EVIDENCE AND I DO NOT KNOW WHAT THE RULES
15 ARE IN TERMS OF AN OPEN INVESTIGATION, BUT I AM
16 SURE -- I HAVE NO DOUBT IN MY MIND THAT IT WILL
17 COME FRONT AND CENTER?

18 **Q** SO YOUR TESTIMONY IS THAT THOSE SIX OR SEVEN
19 REPORTS WILL BE OFFERED INTO EVIDENCE TODAY?

20 **A** I DID NOT SAY TODAY. I DON'T KNOW WHEN BUT I
21 SAY TO YOU THEY WILL COME FRONT AND CENTER.
22 ONE OF THE THINGS THAT I HEAR -- I AM NOT GOING
23 TO CRY ABOUT WHAT THE AG'S OFFICE ISN'T DOING,
24 WHAT SLED HASN'T DONE OR WHAT THE FEDS HAVEN'T
25 DONE. I THINK THE PROBLEM WE HAVE HERE IN

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1 ATLANTIC BEACH, WE HAVE TO SOLVE THAT PROBLEM.
2 WE ARE NOT GOING TO HAVE A FAIR ELECTION UNTIL
3 WE SET SOME TERMS AND SAY, "THIS IS HOW IT'S
4 GOING TO BE." UNTIL WE STOP MINIMIZING THE
5 STATES ELECTION LAWS. THAT IS WHY WHEN WE
6 GATHER LIKE THIS, KIND OF WITH THE MOB
7 MENTALITY, THIS IS WHY WE CAN MINIMIZE ANY LAW
8 FROM CANDIDACY TO CAMPAIGNING ALL THE WAY DOWN
9 TO CHALLENGE BALLOT, PROTESTING AND VOTING.
10 IT'S BECAUSE WE ARE SENDING A SIGNAL THAT WE
11 ARE A LAWLESS COMMUNITY AND WE ARE GOING TO
12 HAVE TO CHANGE THAT.

13 **Q** THAT WOULD INCLUDE THINGS LIKE MS. BELLAMY
14 CHALLENGING VOTERS WITH VALID VOTERS
15 REGISTRATION CARDS AND DRIVERS LICENSES AND ARE
16 WELL KNOWN TO BE RESIDENTS OF THE TOWN. WOULD
17 THAT BE A DISREGARD TO THOSE LAWS?

18 **A** I DON'T THINK THAT MS. BELLAMY -- I WOULD NOT
19 BELIEVE FOR ONE MOMENT THAT MS. BELLAMY
20 INTENTIONALLY CHALLENGED ANYONE'S BALLOT THAT
21 SHE WAS CERTAIN THAT PERSON WAS A RESIDENT OF
22 THE TOWN OF ATLANTIC BEACH. KEEP IN MIND AND
23 READ THE LAW VERY CAREFULLY. HAVING A VOTER
24 REGISTRATION CARD AND THEY SHOULD KNOW BECAUSE
25 THEY WHIPPED THAT OUT ON ME AND BEAT ME AROUND

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1 THE HEAD AND FACE WITH THAT. HAVING A VOTER
2 REGISTRATION CARD AND HAVING A DRIVERS LICENSE
3 OR STATE ISSUED ID IS A PREREQUISITE TO BEING
4 ABLE TO VOTE IN A PLACE. THE REAL TEST IS, DO
5 YOU LIVE THERE? SO, WHEN MS. BELLAMY WAS
6 CHALLENGING A VOTE, MS. BELLAMY WAS BASING IT
7 ON NOT WHETHER SOMEONE HAD A FRIEND, BROTHER, A
8 COUSIN, A NIECE, OR NEPHEW OUT AT THE DMV THAT
9 WOULD MAKE YOU ONE. NOT WHETHER IF YOU HAVE A
10 FRIEND OVER IN THE HORRY COUNTY VOTER
11 REGISTRATION OFFICE WHERE THE DATA DOESN'T
12 QUITE MATCH ON OUR VOTER REGISTRATION ROLLS.
13 IT'S NOT BASED ON THAT. BUT BASED ON WHETHER
14 OR NOT YOU LIVE HERE. YOU DIDN'T GET MS.
15 BELLAMY SAYING WHAT MS. SABRINA REID DID TO MS.
16 BELLAMY. A VERY UNLAWFUL CHALLENGE. I
17 CHALLENGED YOUR VOTE JUST SO YOU KNOW HOW IT
18 FEELS. THAT WAS ILLEGAL.

19 **Q** YOU MENTIONED A NUMBER OF LETTERS THAT YOU HAD.
20 ARE YOU GOING TO PUT THOSE LETTERS IN THE
21 RECORD?

22 **A** I DIDN'T SAY I HAD THOSE LETTERS. I AM AWARE
23 OF SIX TO SEVEN COMPLAINTS THAT HAVE BEEN FILED
24 WITH THE ATLANTIC BEACH POLICE DEPARTMENT
25 RELATIVE TO THE VOTERS AND INTIMIDATION. WE

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1 ARE AWARE OF MRS. UMPHRIES. MRS. UMPHRIES WAS
2 CLEAR ON HER SITUATION. THAT HAS ALREADY BEEN
3 STATED. SO, NOTHING IS BEING DIVULGED HERE
4 THAT SHOULD BE PRIVATE, MRS. COX. HER
5 SITUATION. THEN THERE ARE A COUPLE OF OTHER
6 PEOPLE WHO MADE IT VERY, VERY CLEAR ON THE
7 SECOND THAT THEY WOULD HAVE NO HOME IF THEY
8 CAME TO VOTE AND SOME OF THE OTHERS IN THE
9 WHITE COMMUNITY WHO HAVE JUST -- WHAT WE HAVE
10 DONE IS JUST -- THERE ARE THINGS THAT WE DO
11 THAT YOU JUST WOULD NOT THINK THAT BROWN PEOPLE
12 WHO KNOW OUR HISTORY WOULD EVEN BEGIN TO THINK
13 ABOUT DOING THAT TO ANOTHER HUMAN BEING.

14 **Q** WELL, MA'AM, YOU ALREADY SAID INDULGENCE WOULD
15 BE USED TO VALIDATE AN ELECTION. YOU HAD
16 CHALLENGED THIS ELECTION AND TODAY IS YOUR
17 WINDOW OF OPPORTUNITY TO PRESENT PROOF, TO
18 PRESENT EVIDENCE AND I AM WONDERING WHAT
19 EVIDENCE, WHAT DOCUMENTS, ARE YOU GOING TO
20 OFFER?

21 **A** I THINK WE ARE DOING PRETTY GOOD. WE WILL JUST
22 KEEP GOING ALONG WITH HOWEVER THIS COMMISSION
23 IS RUNNING IT. MRS. UMPHRIES AND MRS. PRICE
24 ARE THE CHALLENGERS AND I AM ASSISTING MR.
25 WHITE. SO, I WILL CONTINUE TO DO THAT AND I

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1 WILL CONTINUE TO WITNESS WHEN I AM NECESSARY
2 WHEN I KNOW SOMETHING.

3 Q CAN I ASK HOW YOU VOTED ON THE ORDINANCE TO
4 TRANSFER THE ELECTION COMMISSION AUTHORITY TO
5 THE TOWN?

6 A I THINK I VOTED FOR IT.

7 Q WAS THERE ANYONE OPPOSED TO IT?

8 A I REALLY WOULD HAVE TO LOOK AT THE MINUTES. I
9 DON'T RECALL. I DON'T RECALL. I REMEMBER MORE
10 ABOUT THE DISCUSSION OF IT MORE THAN I REMEMBER
11 WHAT THE ACTUAL VOTE WAS.

12 Q MA'AM, DID YOU PARTICIPATE IN REPLACING ALL OF
13 THE TOWN'S ELECTION COMMISSION?

14 A I DID.

15 Q THAT IS ALL I HAVE.

16 MEC CHAIR: DO YOU HAVE ANY MORE
17 QUESTIONS, MR. WHITE?

18 MR. WHITE: NO. THAT IS ALL THE
19 QUESTIONS I HAVE REGARDING VOTER
20 INTIMIDATION.

21 MEC CHAIR: OKAY. WE WILL NOW TAKE A
22 FIFTEEN MINUTE BREAK.

23 **(FIFTEEN MINUTE BREAK) .**

24 **IN THE MATTER OF VOTING RIGHTS:**

25 MEC CHAIR: THE NEXT CATEGORY WILL BE

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1 VOTING RIGHTS. MR. WHITE, DO YOU HAVE
2 ANY WITNESSES AT THIS TIME?

3 MR. WHITE: WE WOULD LIKE TO RECALL MR.
4 WEBB.

5 **BENNY WEBB, HAVING ALREADY BEEN DULY SWORN, TESTIFIED**
6 **AS FOLLOWS:**

7 **DIRECT EXAMINATION BY MR. WHITE:**

8 **Q** MR. WEBB, STILL UNDER OATH. MR. WEBB, ARE YOU
9 AWARE OF ANY ON-GOING COMPLAINTS AND
10 INVESTIGATIONS CONCERNING THE ISSUE OF PEOPLE
11 BEING INTIMIDATED IN EXERCISING THEIR VOTING
12 RIGHTS?

13 **A** YES. WE HAVE SEVERAL CASE NUMBERS RELATING TO
14 THE NOVEMBER 1, 2011 ELECTION YEAR IN ATLANTIC
15 BEACH.

16 **Q** DO YOU HAVE THE INCIDENT REPORTS WITH YOU?

17 **A** I DO.

18 **Q** ARE THESE ON-GOING INVESTIGATIONS?

19 **A** WE HAVE DONE THE INITIAL REPORTS. THE CHIEF
20 AND THE OFFICERS HAVE GIVEN ME AN UPDATE ON
21 THEM AND THERE IS ABOUT FOUR OR FIVE INCIDENT
22 REPORTS THAT WE WOULD LIKE TO ENTER INTO THE
23 RECORD.

24 MR. WHITE: WE WOULD LIKE TO OFFER
25 THOSE AS EXHIBITS.

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1 MEC CHAIR: THAT WOULD BE FINE.

2 ATLANTIC BEACH POLICE REPORTS
3 DATED 11/1/11 MARKED FOR
4 IDENTIFICATION AND INTRODUCED
5 INTO EVIDENCE AS EXHIBIT 4.

6 ATLANTIC BEACH POLICE REPORTS
7 DATED 11/2/11 MARKED FOR
8 IDENTIFICATION AND INTRODUCED
9 INTO EVIDENCE AS EXHIBIT 5.

10 ATLANTIC BEACH POLICE REPORTS
11 DATED 10/23/11 MARKED FOR
12 IDENTIFICATION AND INTRODUCED
13 INTO EVIDENCE AS EXHIBIT 6.

14 ATLANTIC BEACH POLICE REPORTS
15 DATED 11/3/11 MARKED FOR
16 IDENTIFICATION AND INTRODUCED
17 INTO EVIDENCE AS EXHIBIT 7.

18 ATLANTIC BEACH POLICE REPORTS
19 DATED 11/3/11 MARKED FOR
20 IDENTIFICATION AND INTRODUCED
21 INTO EVIDENCE AS EXHIBIT 8.

22 **A** THE FIRST INCIDENT REPORT IS IMPERSONATING A
23 STATE AGENT. CASE NUMBER 1-1-0-0-1-0-2-1. THE
24 NEXT ONE IS PUBLIC DISORDERLY CONDUCT. CASE
25 NUMBER 1-1-0-0-1-0-2-3 AND THE NEXT ONE IS

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1 INTIMIDATION, CASE NUMBER 1-0-1-1-0-9-9-7. THE
2 NEXT ONE IS VERBAL THREATS, CASE NUMBER
3 1-1-0-0-1-0-3-1. THE NEXT ONE IS INTIMIDATION,
4 CASE NUMBER 1-1-0-0-1-0-3-3. THOSE ARE THE
5 CASE NUMBERS THAT ARE CURRENTLY ON-GOING
6 INVESTIGATIONS AS IT RELATES TO NOVEMBER 1,
7 2011.

8 Q DO YOU HAVE RECORDS FROM THE DEPARTMENT OF
9 MOTOR VEHICLES?

10 A YES. AFTER THE ELECTION COMMISSION WROTE THE
11 ATLANTIC BEACH POLICE DEPARTMENT ABOUT THE
12 COMPLAINTS THEY HAD RECEIVED, THE POLICE
13 DEPARTMENT BEGAN A PRELIMINARY INVESTIGATION
14 AND PART OF THAT INVESTIGATION WAS CHECKING DMV
15 RECORDS AND I HAVE FOR SUBMISSION TO THE
16 RECORDS, I HAVE APPROXIMATELY TWENTY-FIVE DMV
17 REPORTS THAT WE WOULD LIKE TO ENTER THEM INTO
18 THE RECORD.

19 MR. WHITE: WE WOULD LIKE TO OFFER
20 THOSE AS EXHIBITS.

21 MEC CHAIR: THAT WOULD BE FINE.

22 DMV REPORTS MARKED FOR
23 IDENTIFICATION AND INTRODUCED
24 INTO EVIDENCE AS EXHIBIT 9.

25 A IN ADDITION, AS IT RELATES TO CIVIL RIGHTS, WE

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1 HAVE DONE AN ANALYSIS OF THE VOTING MACHINE ...

2 MEC CHAIR: MR. WEBB, WE ARE ON VOTING
3 RIGHTS RIGHT NOW.

4 BENNY WEBB: YES. WOULD THAT NOT BE
5 PART OF THE VOTING RIGHTS?

6 MEC CHAIR: NO. MR. CANTY, DO YOU HAVE
7 ANY QUESTIONS FOR THIS WITNESS AT THIS
8 TIME?

9 MR. CANTY: YOUR HONOR, WE WOULD LIKE
10 TO INSPECT THE DOCUMENTS THAT HAVE BEEN
11 OFFERED INTO EVIDENCE.

12 **CROSS EXAMINATION BY MR. CANTY:**

13 **Q** MR. WEBB, IN REGARD TO DOCUMENT NUMBER ONE,
14 IMPERSONATING A STATE AGENT, CAN YOU TELL ME
15 WHO FILED THAT COMPLAINT?

16 **A** PART NUMBER ONE, IMPERSONATING A STATE AGENT.
17 THE SUSPECT, WE TALKED ABOUT HER EARLIER AND
18 THEN IF YOU LOOK AT THE REPORT, I WOULD BE THE
19 PERSON WHO FILED THE REPORT WITH OFFICER BROWN.

20 **Q** SO, IT WAS YOU THAT FILED THE INCIDENT REPORT
21 OF IMPERSONATING A STATE AGENT?

22 **A** RIGHT, BECAUSE I WAS THE ONE WHO CALLED THE
23 ATTORNEY GENERAL'S OFFICE. I WAS THE ONE WHO
24 TALKED WITH THE CONSTITUENT SERVICE PERSON. I
25 WAS THE ONE THAT HAD IT CONFIRMED THAT THIS

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1 PERSON WAS NOT SENT. SO, I, AS THE TOWN
2 MANAGER ON BEHALF OF THE TOWN OF ATLANTIC
3 BEACH, AS THE VICTIM, FILED THIS REPORT WITH
4 THE ATLANTIC BEACH POLICE DEPARTMENT.

5 Q TELL ME IF ANY ARRESTS HAVE BEEN MADE AS A
6 RESULT OF THAT?

7 A IT IS AN ON-GOING INVESTIGATION.

8 Q SO, THE ANSWER IS NO?

9 A IT IS AN ON-GOING INVESTIGATION.

10 Q MS. BEST, ACCORDING TO YOUR NCIC, WAS BORN IN
11 1945, IS THAT CORRECT?

12 A 7/31/1945. THAT IS CORRECT.

13 Q YOU DESCRIBED HER EARLIER AS A CAR THIEF AND,
14 IN FACT, THE CAR THIEF ON THAT NCIC WAS BORN IN
15 1931. IS THAT CORRECT?

16 A AS ALWAYS WITH NCI REPORTS, DATES CAN BE
17 DIFFERENT, BIRTHDAYS CAN BE DIFFERENT, BUT
18 FINGERPRINTS ARE NOT DIFFERENT. SO, IF YOU
19 LOOK AT THE FINGERPRINT PATTERN OR IF YOU DO
20 THE FBI FINGERPRINT CHECK, YOU WILL SEE THAT IT
21 COMES BACK TO THIS PERSON.

22 Q DID YOU TAKE MS. BEST'S FINGERPRINTS?

23 A NO. FINGERPRINTS IDENTIFICATION. IT IS
24 CONSISTENT.

25 Q DID MS. BEST APPEAR TO YOU AS THOUGH SHE WAS

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1 BORN IN 1931?

2 **A** WELL, REALLY, SHE APPEARED TO ME TO BE BORN IN
3 1900 BUT IT COULD HAVE BEEN A LITTLE DIFFERENT.
4 AS FAR AS HER APPEARANCE, AND I AM SERIOUS AND
5 YOU ASKED THE QUESTION. IT APPEARED TO ME THAT
6 SHE COULD HAVE BEEN BORN IN 1900. SO, IT COULD
7 HAVE BEEN 1931. IT COULD HAVE BEEN 1945, BUT
8 JUST BASED ON APPEARANCE, I SAY 1900.

9 **Q** YOUR TESTIMONY IS ...

10 MEC CHAIR: SIR, THE TOPIC IS VOTING
11 RIGHTS.

12 **Q** YES, MA'AM. I AM TALKING ABOUT THE DOCUMENTS
13 THAT HE JUST PUT INTO EVIDENCE. YOUR TESTIMONY
14 IS THAT MS. BEST IS A CAR THIEF?

15 **A** MY TESTIMONY IS WHEN THE NCIC WAS DONE, WHEN
16 HER NAME, DATE OF BIRTH AND EVERYTHING CAME
17 BACK, SHE WAS CONVICTED IN TEXAS OF FELONY
18 AUTO.

19 **Q** AND AT THAT TIME, SHE WOULD HAVE BEEN A MINOR,
20 IS THAT CORRECT?

21 **A** IN CERTAIN STATES, AS YOU WELL KNOW, SIXTEEN IS
22 AN ADULT. IN SOUTH CAROLINA, IT IS SEVENTEEN.

23 **Q** SO, YOUR TESTIMONY IS THAT SHE IS A CAR THIEF?

24 **A** MY TESTIMONY IS THAT IN HER NCIC RECORD THAT
25 COMES BACK ON HER, TWO FINGERPRINTS SHOW THAT

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1 SHE WAS CONVICTED OF FELONY AUTO THEFT.

2 Q NOW, WITH REGARD TO THE INCIDENT REPORT, NUMBER
3 TWO, PUBLIC DISORDERLY CONDUCT.

4 A YES, SIR.

5 Q TELL THE COMMISSION HOW MANY ARRESTS HAVE BEEN
6 AS A RESULT OF THAT?

7 A LADIES OF THE COMMISSION, IT IS AN ON-GOING
8 INVESTIGATION AND THAT IS ALL I CAN TELL YOU
9 ABOUT THAT.

10 Q AND IN THAT INCIDENT REPORT, IT RELATES TO MS.
11 UMPHRIES WAS ATTEMPTING TO PASS OUT FLYERS ON
12 PRIVATE PROPERTY AND SHE WAS ASKED TO LEAVE.
13 THE INVESTIGATING OFFICER CONFIRMED WITH THE
14 PROPERTY OWNERS THAT SHE WAS NOT WELCOME ON
15 THAT PROPERTY. IS THAT CORRECT?

16 A NO. YOU HAVE THE WRONG ONE IF YOU ARE TALKING
17 ABOUT DISORDERLY CONDUCT.

18 Q IT IS NUMBER TWO, MARKED AS PLAINTIFF'S 4 AND 5
19 MRS. UMPHRIES PASSING OUT FLYERS.

20 A NO. WHAT YOU SAYING WAS A DISORDERLY CONDUCT,
21 BUT IF YOU WANT TO CHANGE THIS INTO THREATS
22 THEN I CAN TALK TO YOU ABOUT THAT ONE. BUT YOU
23 SAID DISORDERLY CONDUCT.

24 Q YOU TESTIFIED THAT THE SECOND ONE WAS A PUBLIC
25 DISORDERLY CONDUCT COMPLAINT. LET'S TAKE A

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1 LOOK AT IT.

2 **A** INTIMIDATION.

3 **Q** INTIMIDATION. YOU ASKED THE PROPERTY OWNER, OR
4 THE INVESTIGATING OFFICER ASKED THE PROPERTY
5 OWNER IF MRS. UMPHRIES WAS ALLOWED ON THE
6 PROPERTY. THE PROPERTY OWNER SAID NO, IS THAT
7 CORRECT?

8 **A** YES. SHE SAID NO AFTER SHE HAD BEEN ACCOSTED,
9 COULD FEEL THE BREATH OF BOBBY MORRIS, THE HEAT
10 OFF BOBBY MORRIS' BREATH AND HE TOLD HER TO GET
11 HER WHITE EXPLETIVE OFF THE PROPERTY. THAT IS
12 WHEN THEY CONTACTED EARLENE WOODS AND SHE SAID
13 THAT -- BOBBY MORRIS WAS ASKED IF HE WAS THE
14 PROPERTY MANAGER AND HE SAID NO. AT FIRST HE
15 SAID HE WAS THE OVERSEER OR SUPERVISOR AND THEN
16 WHEN WE CONTACTED EARLENE WOODS SHE SAID THAT
17 SHE DID NOT HAVE PERMISSION TO BE ON HER
18 PROPERTY. HOWEVER, AS YOU WELL KNOW, YOU
19 CANNOT RUN AN APARTMENT COMPLEX AS A PUBLIC
20 UNIT AND THEN HAVE NO TRESPASSING AS THOUGH IT
21 IS A PRIVATE VENTURE NOT GOVERNED BY THE LAWS
22 OF THE STATE OR THE TOWN OF ATLANTIC BEACH.

23 **Q** SO, YOUR UNDERSTANDING IS IF I OWN A MOTEL
24 TITLED IN MY NAME AND I DON'T WANT SOMEONE ON
25 MY PROPERTY, I AM POWERLESS TO STOP THEM?

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1 **A** YOU ARE POWERLESS TO TELL THEM TO LEAVE OR GET
2 A TRESPASS WARRANT UNLESS YOU GIVE THEM NOTICE
3 TO LEAVE. BUT MY POSITION IS SIMPLY THAT YOU
4 CANNOT HAVE A PUBLIC LICENSE IN THE TOWN OF
5 ATLANTIC BEACH THAT WITHOUT SOME CAUSE HAVE
6 PEOPLE TO LEAVE YOUR PROPERTY. IF THAT IS THE
7 CASE THEN YOU CAN'T HAVE A PUBLIC LICENSE.

8 **Q** SO, YOUR TESTIMONY IS THAT MS. WOODS DOES NOT
9 HAVE LEGAL AUTHORITY TO EXCLUDE PEOPLE FROM THE
10 PROPERTY?

11 **A** MS. WOODS HAS LEGAL RIGHT TO EXCLUDE PEOPLE
12 FROM THE PROPERTY AFTER GIVING DUE NOTICE.

13 **Q** THERE IS NO QUESTION THAT MRS. UMPHRIES WAS
14 GIVEN NOTICE, WAS THERE?

15 **A** NO, THERE IS NO QUESTION. TRESPASSING AFTER
16 NOTICE OBVIOUSLY COMES AFTER A NOTICE HAD BEEN
17 GIVEN. SO, UNTIL THAT HAS BEEN GIVEN AND SHE
18 COMES BACK, SHE HAS NO LEGAL AUTHORITY, THAT'S
19 CORRECT.

20 **Q** HOW MANY ARRESTS WERE MADE AS A RESULT OF THAT
21 INVESTIGATION?

22 **A** IT IS AN ON-GOING INVESTIGATION.

23 **Q** NUMBER FOUR, THE VERBAL THREATS. THAT HAPPENED
24 AT THE CHALLENGE BALLOT HEARING, IS THAT
25 CORRECT?

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1 **A** YES, THAT IS CORRECT.

2 **Q** SO, THAT WAS TWO DAYS AFTER THE ELECTION?

3 **A** THIS HAPPENED ON 11-3. SO, THAT IS CORRECT.

4 **Q** NUMBER FIVE WAS INTIMIDATION AND THE PERSON
5 THAT WAS INTIMIDATED WAS PATRICIA BELLAMY, IS
6 THAT CORRECT?

7 **A** NO. THE PERSON THAT WAS INTIMIDATED WAS MISTY
8 UMPHRIES.

9 **Q** NUMBER FIVE. THAT IS NOT PATRICIA BELLAMY?

10 **A** PATRICIA BELLAMY WAS THE DISORDERLY CONDUCT.
11 SHE WAS THE VICTIM IN THAT.

12 **Q** HOW MANY ARRESTS HAVE BEEN MADE AS A RESULT OF
13 THAT?

14 **A** IT IS AN ON-GOING INVESTIGATION.

15 **Q** MS. BELLAMY WAS INTIMIDATED WITH REGARD TO
16 CASTING HER VOTE, IS THAT IT?

17 **A** ON 11/3 THE VICTIM IN THIS REPORT IS MISTY
18 UMPHRIES. ON 11/3, THE DISORDERLY CONDUCT, THE
19 VICTIM IN THAT REPORT IS PATRICIA BELLAMY.

20 **Q** AND WHO INTIMIDATED HER?

21 **A** I DIDN'T SAY INTIMIDATED. I SAID DISORDERLY
22 CONDUCT. DISORDERLY CONDUCT.

23 **Q** AND HOW MANY PEOPLE HAVE BEEN ARRESTED AS A
24 RESULT OF THAT?

25 **A** WAIT. LET'S GET BACK TO THAT. WHO WAS

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1 DISORDERLY? IRENE ARMSTRONG. IT IS AN
2 ON-GOING INVESTIGATION.

3 Q YOU WERE PRESENT FOR THAT?

4 A I WAS PRESENT.

5 Q AND YOU'RE CONDUCTING THE INVESTIGATION?

6 A I JUST TOLD YOU THAT THE POLICE DEPARTMENT IS
7 CONDUCTING AN INVESTIGATION. BUT AS THE CHIEF
8 ADMINISTRATIVE OFFICER, THEY REPORT TO ME AND I
9 LOOK AT THE REPORTS AND THINGS. THE CHIEF OF
10 POLICE IS THE ONE THAT IS GOING TO CONDUCT THE
11 INVESTIGATION AND REPORT TO ME.

12 Q AND YOU'RE AN EYE WITNESS?

13 A I AM AN EYE WITNESS. THAT IS CORRECT.

14 Q NOW, REGARDING THE DMV PRINTOUTS, WHY DID YOU
15 ASK FOR THE DMV PRINTOUTS?

16 A WHEN THE MUNICIPAL ELECTION COMMISSION ASKED
17 FOR AN INVESTIGATION, IT IS UP TO THE
18 INVESTIGATORS TO CHOOSE WHICH METHOD OF
19 INVESTIGATION THEY ARE GOING TO CONDUCT.

20 Q BUT IT WAS YOU WHO MADE THAT DECISION?

21 A NO.

22 Q YOU DIDN'T DECIDED TO ASK THE DMV?

23 A NO. THE MEC ASKED FOR THE INVESTIGATION AFTER
24 THEY GOT COMPLAINTS AND THEN THE POLICE
25 DEPARTMENT. I CANNOT DO DMV CHECKS, NOT

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1 ANYMORE.

2 Q WHAT DID YOU TELL THE HORRY COUNTY VOTER
3 REGISTRATION BOARD ABOUT THIS?

4 A LET'S SEE. I TOLD THEM NOT TO SEND US
5 STEPHANIE SIMMONS. I TOLD THEM WE WANTED A
6 FAIR, FREE, AND CLEAN ELECTION. THAT IS WHAT I
7 TOLD HER. I DIDN'T TELL HER ANYTHING ABOUT AS
8 FAR AS THIS BECAUSE THEY WERE THE ONES THAT
9 SENT US THE ILLEGAL VOTING MACHINE.

10 Q SO, NO COMPLAINT WAS LODGED WITH THE VOTER
11 REGISTRATION BOARD?

12 A IT IS AN ON-GOING CASE. WE HAVE A LOT MORE TO
13 DO. TRUST ME, TONIGHT THERE WILL BE OTHER
14 LETTERS WRITTEN AND I AM SURE AT SOME POINT WE
15 WILL GET UP WITH THE HORRY COUNTY ELECTION
16 BOARD. THANK YOU FOR REMINDING US.

17 Q THAT IS ALL I'VE GOT.

18 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
19 MORE QUESTIONS FOR THIS WITNESS?

20 **RE-DIRECT EXAMINATION BY MR. WHITE:**

21 Q WE WANTED TO CLARIFY SOMETHING. WE WANT THE
22 POLL LIST AND THE VOTE COUNT TO BE A PART OF
23 THE RECORD. WE HAVE COPIES, BUT WE ASSUME THE
24 COMMISSION ALREADY HAS THOSE THINGS. SO, WE
25 JUST WANTED TO MAKE SURE THEY WOULD BE PART OF

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1 THE RECORD?

2 MEC CHAIR: DO YOU HAVE ANY MORE
3 QUESTIONS, MR. WHITE?

4 POLLING LOCATION RESULT
5 MARKED FOR IDENTIFICATION
6 AND INTRODUCED INTO EVIDENCE
7 AS EXHIBIT 13.

8 ELECTION RESULTS MARKED FOR
9 IDENTIFICATION AND
10 INTRODUCED INTO EVIDENCE
11 AS EXHIBIT 12.

12 MR. WHITE: I DON'T THINK WE HAVE ANY.

13 MR. CANTY: MADAM CHAIR, THOSE ARE PART
14 OF THE RECORD BY STATUTE.

15 MEC CHAIR: DO YOU HAVE ANY MORE
16 WITNESSES FOR VOTING RIGHTS?

17 MR. WHITE: THAT IS ALL WE HAVE FOR
18 VOTING RIGHTS.

19 MEC CHAIR: WE WILL NOW TAKE A FIFTEEN
20 MINUTE BREAK FOR THE COURT REPORTER TO
21 EXAMINE THE EXHIBITS.

22 (FIFTEEN MINUTE BREAK.)

23 **IN THE MATTER OF CIVIL RIGHTS,**

24 MEC CHAIR: MR. MR. WHITE, DO YOU HAVE
25 ANY WITNESSES AT THIS TIME?

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1 IN THE MATTER OF VOTE COUNT, WHICH INCLUDES; ABSENTEE
2 BALLOTS, ELECTRONIC BALLOTS, AND CHALLENGED BALLOTS.

3 MR. WHITE: WE CALL PATRICIA BELLAMY.
4 MADAM CHAIR, WE THINK THERE HAS BEEN
5 ENOUGH EVIDENCE ABOUT CIVIL RIGHTS
6 VIOLATIONS. MS. BELLAMY WAS GOING TO
7 ANSWER SOME QUESTIONS ABOUT VOTE COUNT.
8 MEC CHAIR: YOU DON'T HAVE ANY FOR
9 CIVIL RIGHTS?

10 MR. WHITE: I THINK WE COVERED
11 EVERYTHING WE NEEDED TO COVER WITH
12 CIVIL RIGHTS.

13 PATRICIA BELLAMY: MR. BENNY WEBB
14 COVERED THAT PART. DIDN'T YOU COVER
15 THAT PART? WHEN YOU TALKED ABOUT THE
16 ABSENTEE BALLOTS, WHEN YOU TALKED ABOUT
17 THE DISK THAT WAS HANDED OUT BY MR.
18 EVANS, YOU ALL WENT THROUGH THAT. WHAT
19 I WANTED TO TALK ABOUT IS -- I STARTED
20 THIS ON 10/3/2011, I HAVE THE FIRST
21 LIST THAT WE RECEIVED FROM COLUMBIA
22 HEADQUARTERS FOR SEVENTY-FIVE DOLLARS.
23 THEN YOU HAD TO GET A BACKUP LIST.
24 DON'T GIVE US THE LATEST LIST. THE
25 LAST ONE THAT YOU DID WHERE WE ENDED UP

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1 HAVING FOUR HUNDRED AND NINETEEN PEOPLE
2 ON THE LIST. I HAVE BEEN THROUGH THIS
3 LIST, AND AS YOU SEE, THERE IS A WHOLE
4 LOT OF PAPERWORK COLOR COORDINATED. I
5 AM GOING TO SUBMIT THIS AS EVIDENCE SO
6 YOU CAN COPY IT AND I WOULD LIKE TO
7 HAVE IT BACK. THEN WE WENT THROUGH --
8 TWO POLL WATCHERS, CAROLYN COLE AND
9 PATRICIA BELLAMY. WE WENT THROUGH HERE
10 AND MADE A DETAILED LIST. WE BROKE IT
11 DOWN ON EACH STREET. THE AMOUNT OF
12 PEOPLE -- THE AMOUNT OF VOTERS THAT
13 WERE HERE. WE ARE AT 125 TO 130 AS
14 REGISTERED VOTERS HERE BECAUSE WE
15 PURGED THE LIST. SO, WE HAVE THAT
16 BROKEN DOWN BY STREET AND THIS IS WHAT
17 WE DID. THEN WHEN YOU HAVE THE
18 INTELIUS THAT I TURNED IN ON THURSDAY,
19 THE REPORTS WITH ALL THE STUFF THAT WE
20 HAD RAN. TO SAY THAT IT WASN'T JUST
21 SOMETHING THAT CAME UP OVERNIGHT AND I
22 DECIDED WHAT I WAS GOING TO DO. WE
23 HAVE BEEN TO THE SUPREME COURT MORE
24 TIMES THAN NECESSARY TO SETTLE AN
25 ELECTION. THIS ELECTION NEEDS TO BE

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1 HANDED OVER. IT WAS FRAUD WHEN THE
2 WOMEN WALKED IN NAMED LAURA BEST AND
3 CLAIMED SHE WORKED FOR THE STATE
4 ATTORNEY GENERAL'S OFFICE TO AFFECT THE
5 OUTCOME OF ANYBODY CHALLENGING IT OR
6 ANYBODY WALKING IN THOSE DOORS. YOU
7 HAVE A FRAUDULENT ELECTION WITH A
8 FRAUDULENT VOTING MACHINE WITH A SERIAL
9 NUMBER THAT MATCHES ONE THAT COMES OUT
10 OF FLORIDA. THAT WAS SUPPOSED TO BE
11 DISPOSED OF IN 2007. THE MACHINES NEED
12 TO BE ENTERED INTO AS EVIDENCE SO THAT
13 THEY CAN BE LOOKED AT BECAUSE YOU GOTTA
14 ASK WHY WASN'T THIS MACHINE EVER
15 DESTROYED. HOW DID, OUT OF ALL FOUR
16 MACHINES, WE HAVE IN HERE THREE COME
17 FROM HORRY COUNTY BUT ONE JUST COME
18 FROM FLORIDA. THE ONE WHERE MOST OF
19 THE PEOPLE WHO WERE VOTING FOR PASTOR
20 PRICE OR FOR MISTY UMPHRIES HAD BEEN
21 SENT TO THE MACHINE ON THE RIGHT BUT
22 EVERYBODY ELSE VOTED ON THAT MACHINE
23 AND YOU GET FORTY-SEVEN. AT THE END OF
24 THE DAY WHEN MR. EVANS GETS HIS
25 FORTY-NINE, YOU GOTTA ASK YOURSELF, THE

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1 MACHINE WAS A FRAUDULENT MACHINE. IT
2 IS AMAZING THAT THESE ARE WITHIN TWO OF
3 EACH OTHER. IT DOESN'T TAKE A
4 BRILLIANT SCIENTIST TO FIGURE THIS OUT.
5 WE DO NEED TO HAVE SANCTIONS IN PLACE
6 AND HAVE MONITORS HERE. YOU NEED THIS
7 ELECTION TO BE DONE JUST HOW THE
8 SUPREME COURT OUTLINED FOR US. WE ARE
9 RIGHT BACK HERE AGAIN WITH A FRAUDULENT
10 ELECTION IN THE TOWN OF ATLANTIC BEACH.
11 I WOULD LIKE TO SUBMIT THESE AND THERE
12 IS ONE MORE SET THAT I NEED TO GO BACK
13 AND GET.

14 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
15 QUESTIONS FOR THIS WITNESS AT THIS
16 TIME?

17 **DIRECT EXAMINATION BY MR. CANTY:**

18 MR. CANTY: YES, MA'AM. IF I MAY HAVE
19 A LOOK AT THE EXHIBIT THAT HAS BEEN
20 OFFERED INTO EVIDENCE.

21 **PATRICIA BELLAMY, ALREADY SWORN TESTIFIED AS FOLLOWS:**

22 Q MS. BELLAMY, IS ALL OF THE HANDWRITING ON THESE
23 LISTS YOURS?

24 A NO. IT WAS DONE BY ME AND THE OTHER POLL
25 WATCHER AND THE OTHER CONCERNED CITIZENS. THAT

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1 WOULD BE ANNETTE WILSON, ED WILSON, DARNELL
2 PRICE, PATRICIA BELLAMY.

3 MR. CANTY: YOUR HONOR, WE WOULD OBJECT
4 TO ANY WRITTEN STATEMENTS BY PEOPLE WHO
5 HAVE NOT BEEN SUBJECT TO CROSS
6 EXAMINATION.

7 **A** BUT IN THAT CASE, THEN ANYTHING THAT YOU ASK ME
8 WOULD BE SUBJECT THEN 'CAUSE THE ONE THING THAT
9 MR. CANTY DONE WAS YOU STOOD HERE. YOU CROSS
10 EXAMINED US. YOU DIDN'T GIVE US THE
11 OPPORTUNITY TO CROSS EXAMINE THE PERSON THAT
12 YOU WERE REPRESENTING. SO, YOU CAN OBJECT ALL
13 DAY. IT IS LEFT UP TO THE MUNICIPAL ELECTION
14 COMMISSION. THANK YOU SO MUCH.

15 **Q** WELL, MA'AM, THE LAST TIME I CHECKED IN ORDER
16 TO BE SUBJECT TO CROSS EXAMINATION, YOU HAD TO
17 BE A WITNESS?

18 MEC CHAIR: WE ARE NOT GOING TO GO BACK
19 AND FORTH, PLEASE.

20 **Q** THANK YOU, MADAM CHAIR. MS. BELLAMY, YOU
21 TESTIFIED AND I AM QUOTING HERE "THAT 'WE'
22 PURGED THE LIST." WHO IS WE?

23 **A** I JUST GOT THROUGH NAMING THEM. YOU DIDN'T
24 CATCH IT.

25 **Q** SO, THESE PRIVATE INDIVIDUALS PURGED THE VOTING

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1 LIST?

2 **A** THE PEOPLE THAT LIVE HERE IN THE TOWN. WE ALL
3 LIVE HERE. CAROLYN COLE LIVES HERE. PATRICIA
4 BELLAMY LIVES HERE. ANNETTE WILSON LIVES HERE.
5 DARNELL PRICE LIVES HERE. WE ALL WENT THROUGH
6 THE LIST. WE ALL PAID SEVENTY-FIVE DOLLARS FOR
7 THE LIST.

8 **Q** YOU PURGED IT?

9 **A** WE WENT THROUGH THE LIST -- THERE ARE PEOPLE ON
10 THIS LIST THAT ARE DECEASED. THE HOUSING
11 AUTHORITY -- EVERYBODY FROM THE HOUSING
12 AUTHORITY IS STILL ON THE LIST AND THEY ARE NO
13 LONGER HERE. THAT BUILDING IS TORN DOWN. IF
14 YOU LOOK ON THE LAST PAGES OF THOSE LISTS, WE
15 JUST PUT THE NAMES OF THE PEOPLE THAT ARE STILL
16 RESIDING HERE IN THE TOWN OF ATLANTIC BEACH.

17 **Q** LET ME ASK YOU VERY SUCCINCTLY AND VERY
18 BRIEFLY, WHAT DOES THAT PROVE?

19 **A** IT DOES PROVE THAT IF YOU GO ON THERE THE
20 PEOPLE THAT REGISTERED TO VOTE ON 8/26/2011.
21 ALL OF THE ABUNDANCE OF NEWCOMERS THAT COME
22 INTO THE TOWN. IF YOU GO TO THE ORIGINAL LIST
23 BACK IN 2009, YOU HAVE A SET A PEOPLE AND A SET
24 OF NAMES. BUT IF YOU GO ALL THE WAY BACK TO
25 2003, 'CAUSE I STILL GOT A COPY OF THAT LIST AS

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1 WELL. I TOOK ALL MY LISTS AND I LAID THEM DOWN
2 ON THE FLOOR. AND YOU GO THROUGH AND YOU SEE
3 AT POINTS IN TIMES THEY HAVE TAKEN PEOPLE OFF
4 THE LIST, BUT THE 2011 LIST THAT CAME OUT,
5 PEOPLE FROM 2003 WERE PUT BACK ON FOR 2011 THAT
6 WHO WEREN'T ON IN 2009, THAT DO NOT RESIDE IN
7 THE TOWN.

8 Q AND YOU BROUGHT THIS TO THE ATTENTION OF THE
9 VOTER REGISTRATION BOARD?

10 A ONE MORE TIME. THE SAME VOTER REGISTRATION
11 BOARD THAT GAVE THE TOWN OF ATLANTIC BEACH A
12 FRAUDULENT MACHINE OUT OF FLORIDA.

13 Q OKAY. I'LL TAKE ...

14 A I AM ASKING A QUESTION.

15 Q CAN I TAKE THAT AS A NO?

16 A CAN I TAKE THAT AS ME TELLING YOU YOU'RE ASKING
17 ME DID I REPORT THIS TO THE SAME PEOPLE THAT
18 WHEN I WAS REGISTERED TO VOTE THEY GAVE ME THE
19 SAME KIND OF RESPONSE.

20 Q I DON'T KNOW ...

21 A COULD I SAY THE SAME THING THAT WHEN MY SON
22 RECEIVED HIS ABSENTEE BALLOT, THEY NEGLECTED TO
23 SEND HIM ALL HIS PAPERWORK. AND YOU'RE TELLING
24 ME TO TAKE THIS INFORMATION OVER TO SOMEONE
25 THAT CAN'T EVEN HANDLE HANDING OUT AN ABSENTEE

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1 BALLOT.

2 MR. CANTY: MADAM CHAIR ...

3 **A** THE RECORD, THIS INFORMATION SHOULD BE GOING TO
4 THE TOWN OF ATLANTIC BEACH'S MUNICIPAL ELECTION
5 COMMITTEE. Horry COUNTY DOES NOT GET TO
6 DICTATE HOW WE SHOULD OR SHOULD NOT RUN OUR
7 ELECTIONS. IT HAS GONE THROUGH THIS TOWN WITH
8 THIS ELECTION COMMISSION SO WE BRING A FOURTH
9 VENT.

10 **Q** CAN YOU TELL ME THE DIFFERENCE BETWEEN AN THE
11 ELECTION COMMISSION AND A VOTER REGISTRATION
12 BOARD?

13 **A** I CAN UNDERSTAND THE DIFFERENCE BETWEEN THE
14 ELECTION COMMISSION AND VOTER REGISTRATION
15 BOARD, BUT I WILL SAY IT TO YOU THIS WAY: I
16 HAVE TAKEN INFORMATION TO THE VOTER
17 REGISTRATION BEFORE OVER IN Horry COUNTY OVER
18 THERE ON FOURTH AVENUE. WE HAVE DONE THAT.
19 THE RESULTS THAT WE HAVE GOTTEN. GO BACK AND
20 LOOK AT THE ABSENTEE BALLOT PAPERS FROM
21 10/31/2011 AND 11/1/11. THEY COULDN'T EVEN GET
22 THAT RIGHT IN TWO DAYS. SO, TO ANSWER MR.
23 CANTY'S QUESTION, I AM SAYING TO YOU, NOBODY
24 EVER WENT OVER TO VOTER REGISTRATION OFFICE,
25 BUT THE VICE PRESIDENT OF CONCERNED CITIZENS

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1 WENT OVER THERE AND ASKED THEM FOR INFORMATION
2 AND THIS IS INFORMATION THAT THEY WOULDN'T EVEN
3 GIVE HIM THAT EVERYBODY SHOULD HAVE A RIGHT TO.
4 SO, IT IS VERY HARD TO GO TO Horry COUNTY AND
5 ASK FOR SOMETHING AND YOU ARE CONSTANTLY
6 SLAPPED IN THE FACE BECAUSE THEY KNOW WHAT GOES
7 ON IN ATLANTIC BEACH. WHEN YOU HAVE FRIENDS
8 THAT WORK PLACES, THOSE THAT GO TO GET PROPER
9 INFORMATION, YOU ARE GOING TO GET DONE
10 DIFFERENTLY.

11 **Q** NOW, YOU TESTIFIED THAT THE INFORMATION YOU
12 GAVE TO THE COMMISSION ON THURSDAY WAS FROM
13 INTELIUS, IS THAT CORRECT?

14 **A** UH-HUH. (AFFIRMATIVE.)

15 **Q** HAVE YOU READ THE DISCLAIMER ON THE INTELIUS
16 WEBSITE AS TO THEIR INFORMATION?

17 **A** JUST LIKE I READ THE DISCLAIMER ON MY CELL
18 PHONE THAT SAY IT MAY CAUSE CANCER. IT DOESN'T
19 KEEP PEOPLE FROM USING IT AND EVERYBODY STILL
20 DOING IT.

21 **Q** WHEN INTELIUS SAYS THAT THEIR INFORMATION IS
22 NOT TO BE USED FOR EMPLOYMENT DECISIONS, FOR
23 BUSINESS DECISIONS, OR FOR ANY CIVIL, CRIMINAL,
24 OR ADMINISTRATIVE PROCEEDINGS ...

25 **A** THEN WE AGREE THAT IT WAS CRIMINAL WHAT WENT

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1 ON. I ALWAYS KNEW. LET'S SAY IT THIS WAY.
2 WHENEVER I USED INTELIOUS, I GOT IN MY CAR AND I
3 DROVE AND I WENT TO THE DIFFERENT PLACES WHERE
4 THEY SAY THEIR ADDRESSES WERE, THE PEOPLE WERE
5 THERE. SO, INTELIOUS HAD TO BE ACCURATE AT SOME
6 POINT IN TIME, RIGHT. IT IS KIND OF LIKE A
7 POLYGRAPH.

8 **Q** SO, YOU ARE AWARE OF THE INTELIOUS DISCLAIMER
9 SAYING THIS INFORMATION IS NOT RELIABLE ENOUGH
10 FOR CIVIL PROCEEDINGS BUT YOU OFFERED IT INTO
11 EVIDENCE ANYWAY, IS THAT CORRECT?

12 **A** ONCE AGAIN ...

13 **Q** IS THAT A YES OR NO?

14 **A** YOU KNOW, I AM JUST GOING TO PUT IT LIKE THIS
15 AGAIN. WHEN I DID THE INTELIOUS REPORT, EVERY
16 ADDRESS THAT WAS GIVEN TO ME BY ANY PERSON WHO
17 LIVED SOMEWHERE, I GOT IN MY CAR, THAT SILVER
18 MURANO OUT THERE AND I DROVE AND MIRACULOUSLY
19 PEOPLE ARE HOME. SO, IF I GOT IT OFF INTELIOUS
20 AND I GOT THE ADDRESS, THEY'RE APPARENTLY
21 THERE. SO IT CAN'T BE TOO WRONG.

22 **Q** EVEN THOUGH INTELIOUS SAID IT CAN'T BE USED FOR
23 THIS PURPOSE?

24 **A** YOU SAY INTELIOUS SAYS SO. LET ME ASK YOU, DID
25 YOU SHOW ME SOME DOCUMENTATION. NO, NO. YOU

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1 CAN'T GET NO INFORMATION FROM THEM. I NEED IT
2 EITHER FROM YOU OR JAKE.

3 Q YOU DON'T WANT IT FROM INTELIOUS?

4 A WELL, YOU SAID YOU HAD IT. DO YOU HAVE IT.

5 Q YES. WE WILL PRODUCE IT. WE WILL BE HAPPY TO
6 PRODUCE IT. WE WILL MAKE IT PART OF THE
7 RECORD. THE DISCLAIMER OF INTELIOUS. NOW, YOUR
8 TESTIMONY WAS THAT THERE WERE FOUR MACHINES AND
9 THAT ONE CAME FROM FLORIDA AND WAS SUPPOSED TO
10 HAVE BEEN DESTROYED, IS THAT CORRECT?

11 A IN 2007 WHEN WE CALLED THE TECH, HE EXPLAINED
12 THAT YOU GIVE THEM SERIAL NUMBER OFF OF THE
13 MACHINE. THAT MACHINE IS NO LONGER IN USE.

14 Q I BELIEVE YOU TESTIFIED THAT MOST OF THE PEOPLE
15 WHO CAME INTO VOTE WHO WERE SUPPORTING REVEREND
16 PRICE WERE SENT TO THAT FLORIDA MACHINE?

17 A THE OPPOSITE MACHINE. THE OPPOSITE MACHINE.
18 ONLY A FEW WERE SENT TO THE OTHER MACHINE.
19 WHICH MEANS YOU HAD TO MAKE THE NUMBERS JIVE.
20 I TRULY BELIEVE NO MATTER WHO YOU PUNCHED IN TO
21 VOTE FOR ON THAT MACHINE, IT WAS GOING COME UP
22 JAKE, CHARLENE OR JOSEPHINE.

23 Q TELL THE COMMISSION IF YOU WOULD PLEASE, HOW
24 THE POLL MANAGER AND POLL WORKERS KNEW WHO WAS
25 GOING TO VOTE FOR MRS. PRICE?

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1 **A** APPARENTLY WHEN MISTY UMPHRIES WENT UP TO VOTE,
2 THEY PUT A NUMBER TEN BY HER NAME. EVERYBODY
3 KNOWS WHO VOTES FOR WHO BECAUSE WE HAD A BUNCH
4 OF PEOPLE LIVING AROUND HERE. MS. STEPHANIE
5 SIMMONS, WHO WAS CHECKING THE LIST WITH MR.
6 DEREK STANLEY AND YOU HAD THE WOMEN, JACKIE
7 JOHNSON, WHO WAS CHECKING IT WITH HIM, YOU HAD
8 EVERYBODY UP AT THE POLL. YOU HAD MS. LAURA
9 BEST UP HERE AND FOR SOME REASON WE WERE VERY,
10 VERY WORRIED ABOUT THE POLL LIST AND THE
11 NUMBERS ON THE LIST THAT MR. DEREK WAS
12 RESPONSIBLE FOR. THE NUMBERS WEREN'T MATCHING
13 UP WITH WHAT THEY WERE SAYING.

14 **Q** IN RESPONSE TO MY QUESTION OF HOW THE POLL
15 MANAGERS AND POLL WORKERS KNEW AHEAD OF TIME
16 WHO VOTERS WERE GOING TO VOTE FOR...

17 **A** LET'S LOOK AT IT THIS WAY. IT IS INTERESTING
18 THAT OUT OF FOUR MACHINES OF ALL THE ELECTIONS
19 THAT WERE GOING ON IN HORRY THAT ONE MACHINE
20 HAPPENS TO END UP IN ATLANTIC BEACH WHEN THE
21 OTHER THREE THAT CAME HERE WERE FROM HORRY
22 COUNTY. IT IS A BIT MUCH TO ASK SOMEONE TO
23 BELIEVE AND THAT IS JUST MY OPINION.

24 **Q** ASSUMING FOR A MOMENT THAT I WANT TO BELIEVE
25 YOUR TESTIMONY THAT THE POLL MANAGERS AND THE

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1 POLL WORKERS DIRECTED SPECIFIC A GROUP OF
2 VOTERS TO THAT PARTICULAR MACHINE, MAKE ME
3 UNDERSTAND HOW THOSE POLL MANAGERS AND HOW
4 THOSE POLL WORKERS KNEW HOW THEY WERE GOING TO
5 VOTE BEFORE THEY VOTED?

6 **A** HE HANDED OUT A PIECE OF PAPER TO PEOPLE THAT
7 WERE CHALLENGED. HE SAID THAT THESE WERE THE
8 PEOPLE THAT VOTED FOR ME. HE KNEW THAT THEY
9 VOTED FOR HIM. SO DOES THAT MEAN HE ALSO HAS
10 THE KNOWLEDGE OF WHAT IS GOING TO BE CAST BY
11 SOMEBODY AND WHAT IS IN THE MACHINE TOO?

12 **Q** NOTHING FURTHER?

13 MEC CHAIR: MR. WHITE, DO YOU HAVE ANY
14 MORE QUESTIONS FOR THE WITNESS?

15 **CROSS EXAMINATION BY MR. WHITE:**

16 **Q** I DO. DID YOU SAY MR. EVANS HAD A LIST ...

17 **A** A LIST, YEAH. HE HANDED OUT A LIST TO PEOPLE.
18 HE SENT OUT A LETTER THAT ASKED PEOPLE TO COME
19 BACK. "YOU KNOW YOUR VOTE HAD BEEN
20 CHALLENGED." AND HE LISTED THEM. A LIST OF
21 THE PEOPLE THAT HE KNEW HAD VOTED FOR HIM. SO,
22 MY QUESTION WOULD BE, HOW DID HE KNOW WHO VOTED
23 FOR HIM? DID THEY COME BY AND SAY, "I VOTED
24 FOR YOU AND THIS IS IT." OR HOW CAN YOU PROVE
25 THAT THIS IS WHO VOTED FOR YOU? I NEED SOMEONE

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1 TO EXPLAIN THAT TO ME. IF YOU ARE ASKING HOW
2 DO I KNOW THEY KNOW WHO TO DIRECT IT TO, THEN
3 HOW DID HE KNOW FOR SURE WHO HAD VOTED FOR HIM
4 BECAUSE I THOUGHT ALL VOTES WERE A SECRET
5 BALLOT OR ARE THEY NOT, WHICH ONE?

6 Q YOU WENT THROUGH THE LIST FOR ERRORS?

7 A YES, I DID. I WENT THROUGH THE LIST FOR
8 ERRORS. EVEN IF YOU LOOK AT THE REGISTRATION
9 LIST OF THE PEOPLE WHO WERE CHALLENGED TO VOTE,
10 YOU HAVE FIFTY-ONE SIGNATURES. YOU HAD TWELVE
11 ABSENTEE BALLOTS AND ONLY FOUR OF THEM COUNTED.
12 SO, EIGHT WERE CHALLENGED NOT TWELVE, BUT THE
13 DAY WE HAD THE CHALLENGE BALLOT HEARING, WE HAD
14 TEN TO TWELVE ADDITIONAL BALLOTS THAT WAS
15 STUFFED IN AN ENVELOPE JUST BECAUSE MY NAME WAS
16 ON IT. SO, IF THAT WAS THERE, THEN WHY WAS
17 THOSE TWELVE THINGS NOT FOUND ANYWHERE ON THE
18 LIST AND IF YOU LOOK ON THE LIST, I CHALLENGED
19 CORNELIUS BENNETT. HE NEVER SIGNED THE POLL
20 LIST. DO YOU SEE YOUR DISCREPANCIES? YOU GOT
21 TWELVE OTHER PEOPLE THAT DIDN'T SIGN IT. BUT
22 IF YOU ADD THE NUMBERS UP IT COMES TO
23 SIXTY-THREE NOT FIFTY-NINE.

24 Q DID YOU RELY ON WHAT YOU GOT OFF THE PRINTER OR
25 DID YOU CHECK IT OUT YOURSELF?

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1 **A** I BURNT MORE GAS THAN I CARE TO ADMIT TO.
2 THERE ARE QUITE A FEW PEOPLE THAT DO NOT LIVE
3 IN THIS TOWN. THE ONLY ADDRESSES THAT I DID
4 NOT CHECK OUT WERE THE ONES FROM VIRGINIA.
5 WHEN YOU GOT PEOPLE THAT YOU KNOW DON'T LIVE
6 HERE, AND AGAIN, I WILL REITERATE, IF YOU TAKE
7 THE NEW POLL LIST AND YOU LOOK AT PEOPLE WHO
8 HAVE BEEN IN THIS TOWN FOR A WHILE AND THEY HAD
9 ADDED PEOPLE TO THEIR HOUSEHOLDS, JUST THIS
10 VOTING SEASON, IF EACH ONE OF US GETS SOMEBODY,
11 THEN WE CAN ALREADY GO AHEAD AND SAY THEY LIVE
12 HERE AND THEN THAT PERSON CAN GO AHEAD AND VOTE
13 HERE AS WELL. THE LIST NEEDS TO BE PURGED. IT
14 IS A FRAUDULENT ELECTION. THIS IS SOMETHING
15 THAT THE SUPREME COURT WARNED US ABOUT AND HERE
16 WE ARE RIGHT BACK AT IT. IT DOES NEED TO BE
17 OVERTURNED. YOU NEED MONITORS IN PLACE. YOU
18 NEED SANCTIONS IN PLACE AND YOU NEED TO
19 UNDERSTOOD THAT YOU HAVE A FRAUDULENT MACHINE.
20 YOU'RE NOT GOING TO TELL ME IN ALL OF HORRY
21 COUNTY IN ALL OF THE VOTING THAT WENT ON, ON
22 THIS PARTICULAR DAY, THAT THIS MACHINE ENDS UP
23 IN ATLANTIC BEACH, SOUTH CAROLINA. WHERE YOU
24 HAVE THREE SEATS UP. WHERE THAT IS A MUST FOR
25 THEM TO HAVE TO TAKE OVER AND WIN. DON'T

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1 INSULT OTHER PEOPLE'S INTELLIGENCE BECAUSE YOU
2 DON'T KNOW.

3 Q WE HAVE NOTHING FURTHER?

4 MEC CHAIR: MR. WHITE, DO YOU HAVE
5 ANYONE ELSE? WE WILL NOW DO THE
6 CLOSING STATEMENTS. WE WILL HAVE MR.
7 WHITE AND THEN MR. CANTY AND THEN MR.
8 WHITE WILL CLOSE IT OUT.

9 MR. WHITE: COMMISSIONERS, WE HAVE
10 HEARD UN REFUTED TESTIMONY THAT MS.
11 BEST COMMITTED FRAUD. NOBODY REFUTED
12 THAT. THAT SEEMS TO BE ESTABLISHED
13 WITHOUT ANY QUESTION. SHE FRAUDULENTLY
14 REPRESENTED HERSELF FROM THE ATTORNEY
15 GENERAL'S OFFICE AND THEN TRIED TO
16 MANIPULATE THE ELECTION HERE IN
17 ATLANTIC BEACH. THE SOUTH CAROLINA
18 SUPREME COURT HAS STRONGLY ADMONISHED
19 THE TOWN OF ATLANTIC BEACH TO CEASE
20 TRYING TO SUPPRESS THE VOICE OF THE
21 PEOPLE. DESPITE THAT, WE HAVE BEEN
22 THROUGH GREAT EFFORTS AND STILL HAVE A
23 TAINTED ELECTION. THE INTEGRITY OF THE
24 ELECTION IS TAINTED MAKING IT DOUBTFUL
25 OF THE LEGITIMACY OF THE OUTCOME I AM

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1 REFERRING TO MS. BEST. THERE HAS BEEN
2 UN REFUTED EVIDENCE OF VOTER
3 INTIMIDATION. THAT A CANDIDATE FOR
4 ELECTION WAS IMPEDED IN HER EXERCISE OF
5 FREE SPEECH. THAT THE SECRECY OF THE
6 BALLOT WAS COMPROMISED. EVERYBODY
7 SEEMED NOT ONLY TO KNOW WHO EVERYBODY
8 ELSE WAS VOTING, BUT THERE WAS ACTUALLY
9 SOME ACTIVE CAMPAIGNING GOING ON IN THE
10 IMMEDIATE VICINITY OF THE POLLING AND
11 ACTUALLY APPARENTLY UP AROUND THE
12 VOTING BOOTH. WE PUT UN REFUTED
13 TESTIMONY THAT THERE WAS SOME RACIAL
14 BIAS GOING ON BECAUSE MEMBERS OF
15 ANOTHER RACE WAS SUSPECTED OF VOTING
16 FOR ONE SET OF CANDIDATES AS OPPOSED TO
17 ANOTHER SET OF CANDIDATES. UNDER THESE
18 CIRCUMSTANCES WITH THE RECORD BEING UN
19 REFUTED OF THESE WRONGS, WE JUST ASK
20 THE COMMISSION TO KEEP IN MIND THE
21 MANDATE OF THE SUPREME COURT AND THE
22 BALLOT IS A SACRED THING. THE VOTE IS
23 A CORE OF A DEMOCRACY AND THE INTEGRITY
24 OF BALLOT HAS TO BE PROTECTED. IF IT
25 IS NOT PROTECTED, IT NEEDS TO ORDER A

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1 NEW ELECTION. WE ARE TROUBLED BY THE
2 ISSUE OF THE VOTING MACHINE, AND AGAIN,
3 FURTHER EVIDENCE SUPPORTING THAT THE
4 MACHINE WAS NOT AS REPRESENTED BY TOWN
5 OFFICIALS. THIS MACHINE WAS DEFECTIVE.
6 THAT MIGHT BE SOMETHING THAT WOULD
7 REQUIRE FURTHER INVESTIGATION. IF THE
8 COMMISSION CHOSE TO, WE MIGHT SUGGEST
9 TO HOLD THAT ISSUE OPEN AND DECIDE WITH
10 THAT AT A LATER DATE. BUT, OTHERWISE,
11 IT IS UN REFUTED EVIDENCE OF FRAUD ON
12 THE PART OF MS. BEST AND ALSO IT IS A
13 VIOLATION OF PEOPLE'S RIGHTS TO VOTE.
14 MEC CHAIR: MR. CANTY, DO YOU HAVE ANY
15 CLOSING STATEMENTS AT THIS TIME.

16 CAROLYN COLE: THANK YOU, MADAM
17 CHAIRMAN. THE LAW OF SOUTH CAROLINA IS
18 VERY CLEAR AND IT SAYS, "THAT EVERY
19 PRESUMPTION IN FAVOR OF THE VALIDITY OF
20 A ELECTION WOULD BE INDULGED FOR THE
21 PURPOSE OF AVOIDING THE
22 DISENFRANCHISEMENT OF THE VOTERS WHO
23 PARTICIPATE IN THAT ELECTION." THERE
24 IS A VERY HEAVY BURDEN OF PROOF UPON A
25 CHALLENGER WHO SEEKS TO SET ASIDE AN

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1 ELECTION. IT REQUIRES SPECIFIC, CLEAR,
2 COMPELLING EVIDENCE OF FRAUD, NOT
3 EVIDENCE OF FRAUD HAS BEEN PRESENTED.
4 NOT A SINGLE VOTER HAS BEEN NAMED WHO
5 EITHER VOTED ILLEGALLY, WHOSE VOTE WAS,
6 IN FACT, COUNTED NOR OF A SINGLE VOTER
7 WHO WAS DEPRIVED OF THE RIGHT TO VOTE
8 AS A RESULT OF INTIMIDATION. THE
9 INNUENDO, SPECULATION, HEARSAY, AND
10 GOSSIP THAT WE HEAR FROM THE WITNESS
11 STAND NOWHERE NEAR RISES TO THE LEVEL
12 NECESSARY TO OVERTURN A ELECTION. WHAT
13 WE HAVE SEEN HERE IS A COMPLETE AND
14 UTTER FAILURE OF PROOF ON THE PART OF
15 THE PROTESTANTS. THIS ELECTION MUST BE
16 UPHELD.

17 MEC CHAIR: MR. WHITE?

18 MR. WHITE: UNFORTUNATELY, THERE IS A
19 HISTORY IN ATLANTIC BEACH THAT ALMOST
20 BEGS FOR A PRESUMPTION OF A VOTE
21 MANIPULATION. IT'S, UNFORTUNATELY,
22 BECOME INGRAINED IN THE ELECTION
23 PROCESS IN ATLANTIC BEACH. THERE HAS
24 BEEN NO REPUTATION OF ANY EVIDENCE
25 PRESENTED. THE EVIDENCE HAS TO STAND

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1 ON ITS OWN BECAUSE THERE IS NO EVIDENCE
2 OPPOSING IT. AND THERE IS CLEAR
3 EVIDENCE OF FRAUD ON THE PART OF MS.
4 BEST. SHE PROUDLY REPRESENTED HERSELF
5 TO BE AN OFFICER OF THE ATTORNEY
6 GENERAL'S OFFICE. AND THAT WAS AN
7 INSTRUMENTAL IN FLAVORING THE WHOLE
8 ATMOSPHERE SURROUNDING THE ELECTION.
9 THERE IS UN REFUTED EVIDENCE OF
10 INTIMIDATION, SECRECY OF BALLOT
11 COMPROMISED BY HAVING PEOPLE TOO NEAR
12 THE VOTING BOOTHS. THERE IS SIMPLY
13 NOTHING OPPOSING THE EVIDENCE THAT HAS
14 BEEN PRESENTED WHICH HAS BEEN
15 VOLUMINOUS. AND WE DO THANK THE
16 COMMISSION FOR THE OPPORTUNITY TO
17 PRESENT THIS POSITION BEFORE THE
18 COMMISSION.

19 MEC CHAIR: THE COMMISSION WILL NOW
20 CONSIDER ALL THE INFORMATION THAT YOU
21 HAVE PUT BEFORE US AND WE WILL COME OUT
22 FOR A VOTE AFTER WE DELIBERATE.

23 **OFF THE RECORD.**

24 **(MEC DELIBERATION).**

25
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1 MEC CHAIR: IN AN ADMINISTRATIVE
2 HEARING, THE BURDEN OF PROOF BASED ON
3 PREPONDERANCE OF EVIDENCE. BASED ON
4 THE EVIDENCE HERE TODAY, THERE IS
5 SUFFICIENT EVIDENCE THAT LEADS THIS
6 COMMISSION TO BELIEVE THAT REASONABLE
7 PERSONS OR ANY REASONABLE PERSON TO
8 BELIEVE THAT THE ELECTION LAWS WERE
9 VALIDATED BY INTIMIDATION, QUESTIONABLE
10 VOTING MACHINES, FRAUDULENT
11 REGISTRATION. FRAUDULENT VOTING IS THE
12 CONCLUSION OF THIS COMMISSION AFTER
13 HEARING THE TESTIMONY AND REVIEWING THE
14 EVIDENCE THAT THE RESULTS OF THE 2011
15 MUNICIPAL ELECTION COMMISSION SHALL BE
16 OVERTURNED AND A NEW ELECTION WILL BE
17 ORDERED WITHIN 180 DAYS OF TODAY'S DATE
18 AND SO ORDERED. MADAM CLERK, ROLE CALL
19 PLEASE?

20 SHEILA SINGLETARY: ROLE CALL;
21 COMMISSION CHAIRPERSON, NICOLE KENION.

22 MEC CHAIR: YEAH.

23 SHEILA SINGLETARY: COMMISSIONER,
24 CHARLETTE HUDSON.

25 CHARLETTE HUDSON: YEA.

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1 SHEILA SINGLETARY: COMMISSIONER,
2 DELANEY A. MILLER.

3 DELANEY A. MILLER: (NO RESPONSE.)

4 POLLING LOCATION ZERO TAPE
5 MARKED FOR IDENTIFICATION AND
6 INTRODUCED INTO EVIDENCE AS
7 EXHIBIT 10.

8 CHALLENGED VOTES MARKED FOR
9 IDENTIFICATION AND INTRODUCED
10 INTO EVIDENCE AS EXHIBIT 11.

11 ABSENTEE BALLOTING LIST 10/31/11
12 MARKED FOR IDENTIFICATION AND
13 INTRODUCED INTO EVIDENCE AS
14 EXHIBIT 14.

15 ABSENTEE BALLOTING LIST 11/1/11
16 MARKED FOR IDENTIFICATION AND
17 INTRODUCED INTO EVIDENCE AS
18 EXHIBIT 15.

19 VOTERS REGISTRATION FROM COLUMBIA
20 MARKED FOR IDENTIFICATION AND
21 INTRODUCED INTO EVIDENCE AS
22 EXHIBIT 16.

23 CENSUS RESULTS
24 MARKED FOR IDENTIFICATION AND
25 INTRODUCED INTO EVIDENCE AS

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1 EXHIBIT 17.

2 POLL LIST 11/1/11

3 MARKED FOR IDENTIFICATION AND

4 INTRODUCED INTO EVIDENCE AS

5 EXHIBIT 18.

6 POLL LIST 11/1/11

7 MARKED FOR IDENTIFICATION AND

8 INTRODUCED INTO EVIDENCE AS

9 EXHIBIT 19.

10 ADDITIONAL NAMES ON

11 VOTERS REGISTRATION LISTS

12 MARKED FOR IDENTIFICATION AND

13 INTRODUCED INTO EVIDENCE AS

14 EXHIBIT 20.

15 WOODS APARTMENTS INFORMATION

16 AND ATLANTIC BEACH CONCERNED

17 CITIZENS MARKED FOR

18 IDENTIFICATION AND INTRODUCED

19 INTO EVIDENCE AS EXHIBIT 21.

20 ELECTION VOTING MACHINE PAPERWORK

21 MARKED FOR IDENTIFICATION AND

22 INTRODUCED INTO EVIDENCE AS

23 EXHIBIT 22.

24 MEC CHAIR: MEETING IS ADJOURNED.

25

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1 (THIS ELECTION COMMISSION MEETING WAS ADJOURNED 4:05
2 P.M.)
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1 SOUTH CAROLINA,

2 **CERTIFICATE**

3 Horry COUNTY

4 I, MICHAEL J. MCCARTHY, A NOTARY PUBLIC AND
5 VERBATIM REPORTER IN AND FOR THE STATE OF SOUTH
6 CAROLINA DO HEREBY CERTIFY THAT THIS PROTEST HEARING
7 WAS TAKEN AND THAT THE FOREGOING (TWO HUNDRED AND
8 TWENTY-EIGHT) (228) PAGES CONSTITUTE A TRUE AND
9 ACCURATE TRANSCRIPT OF THE EVIDENCE TAKEN DOWN AND
10 TRANSCRIBED BY ME. I FURTHER CERTIFY THAT THE
11 PERSONS WERE PRESENT AS STATED IN THE CAPTION.

12 I FURTHER CERTIFY THAT I AM NOT OF COUNSEL FOR NOR
13 IN THE EMPLOY OF ANY OF THE PARTIES TO THIS ACTION,
14 NOR AM I INTERESTED EITHER DIRECTLY OR INDIRECTLY IN
15 THE RESULTS THEREOF.

16 I FURTHER CERTIFY THAT I AM NOT RELATED BY BLOOD OR
17 MARRIAGE TO ANY OF THE PARTIES TO THIS ACTION.
18 THIS IS NOVEMBER 30, 2011.

19
20
21 
22 MICHAEL J. MCCARTHY
23 NOTARY PUBLIC AND
24 VERBATIM REPORTER

25 MY COMMISSION EXPIRES:
DECEMBER 24, 2016

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Attachment 4

Copy of Cole v. Town of Atlantic Beach Election Commission, 393 S.C. 264, 712 S.E.2d 440 (2011)

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Carolyn Cole and Windy Price, Appellants,

v.

Town of Atlantic Beach Election Commission,
Respondent.

Josephine Isom and Charlene Taylor,
Intervenors.

Appeal from Horry County
Benjamin H. Culbertson, Circuit Court Judge

Opinion No. 26996
Heard April 5, 2011 – Filed July 7, 2011

REVERSED

Charles B. Jordan, Jr., of Thompson &
Henry, PA, of Myrtle Beach, for Appellants.

Charles L.A. Terreni, of Columbia, John C.
Zilinsky, of Zilinsky & Gordon, LLC, of
Conway, and Malinda McAleer Pennington,
of Greenville, for Respondent.

John M. Leiter and Lee Ann W. Rice, both of
Myrtle Beach, for Intervenors.

Patricia Bellamy, of Atlantic Beach, Pro Se,
for Amicus Curiae.

CHIEF JUSTICE TOAL: This case involves a dispute over the results of a town council election in Atlantic Beach, South Carolina, held on November 3, 2009. Carolyn Cole and Windy Price (collectively, Appellants) appeal the circuit court order affirming the Town of Atlantic Beach Municipal Election Commission's (MEC) decision to de-certify and order a new election for two Atlantic Beach Town Councilmember positions. We reverse.

FACTS/PROCEDURAL HISTORY

This Court has unfortunately become familiar with the Town of Atlantic Beach's municipal elections, and the disputes that inevitably accompany them.^[1] Before framing the procedural particulars of this dispute, an initial explanation of the municipal government structure of Atlantic Beach is instructive. Similarly, an analysis of the issues presented is incomplete without providing the background of events leading up to the election.

The Town of Atlantic Beach employs a council-manager form of government, provided for in title 5, chapter 13 of the South Carolina Code. S.C. Code Ann. § 5-13-10–100 (2004). Under this form of government, the governing body is the municipal council, which is comprised of a mayor, and four, six, or eight councilmembers. ^[2] *Id.* § 5-13-20(a). This governing body is responsible for appointing three electors as members of the municipal election commission. *Id.* § 5-15-90. The municipal election commission, in turn, has the power to "supervise and conduct all municipal . . . elections," *id.* § 5-15-100, and in the case of contested election results, the power to "conduct a hearing on the contest, decide the issues raised," and when a decision is made to invalidate an election, to order a new election. *Id.* § 5-15-130. Therefore, while the mayor and town council have the power to appoint the election commissioners, the election commissioners have wide discretion to determine the outcome of contested mayoral and town council elections. Additionally, the town council is charged with the duty of employing a town manager and fixing his salary. *Id.* §§ 5-13-30(1) & -50. At the time of the town council election, Alice Graham (Commissioner Graham), Linda Booker (Commissioner Booker), and Nicole Kenion (Commissioner Kenion) sat on the MEC. Commissioner Booker's husband, William Booker (Town Manager), was the town manager. Intervenors Josephine Isom and Charlene Taylor were incumbent town councilmembers.

At some point in 2009, Price, the head minister of the Atlantic Beach CME church, and Cole, former Atlantic Beach town manager, decided to run as candidates in the upcoming town council election. Prior to their attempts to establish residency in Atlantic Beach, Price lived in North Myrtle Beach and Cole lived in Florida. On August 15, 2009, Price signed a lease agreement with Cole to move into an apartment building in Atlantic Beach, owned in part by Cole. This property had been designated for demolition in March 2008. The property managers subsequently determined that it was more cost-effective to renovate the building, and Cole wrote to Mr. Booker informing him of that decision. Price's husband, a contractor, began working to renovate the building in August 2009, with plans to move in to the building on September 1. On September 14, 2009, town council, whose members included candidates in the upcoming town council election, Isom and Taylor, passed an ordinance to have this property condemned. On August 29, 2009, Town Manager wrote to Santee Cooper and requested that they turn off the electricity in the building Cole and Price were renovating.

With the plans to move into the apartment building thwarted, Cole and Price moved in with Atlantic Beach resident and former mayor, Retha Pierce. In September 2009, Price

changed the address on her driver's license to Pierce's address and obtained a voter registration card for the Atlantic Beach precinct using this address. On September 16, 2009, Commissioner Graham received a letter from Pierce's landlord, Mr. Connie McCullough, stating he did not have a rental agreement with Price and that Pierce's lease agreement prohibited her from allowing anyone to live with her at his property. In fact, Pierce's lease specifically allowed up to two additional tenants. Appellants allege that Commissioners Graham and Booker and Town Manager sent Mr. McCullough the letter stating Price was not permitted to live at his property, and Mr. McCullough signed the letter upon their request without checking the lease. Mr. McCullough subsequently sent a letter to Commissioner Graham disavowing that letter and corroborating the claim that Commissioner Graham sent him the letter with a request for him to sign.

Price timely filed a Statement of Candidacy for Office of Councilmember with the Town of Atlantic Beach on September 4, 2009. On September 25, 2009,[3] Commissioner Graham informed Price by letter that she would not appear on the election ballot because of her failure to submit a Statement of Economic Interest Form to the State Ethics Commission, and for her failure to meet the residency requirements for candidacy.[4] Thereafter, Appellants Cole and Price campaigned for these seats as write-in candidates.

On November 3, 2009, the Town of Atlantic Beach held an election for the two positions on town council. After the polls closed, there were 39 contested ballots. The MEC held a challenged ballot hearing on November 5, 2009, at 10:00 a.m., after which, 28 of the challenged ballots were accepted. These accepted ballots included those of Price and Cole. At this hearing, the MEC announced the following vote count: Windy Price (64), Carolyn Cole (52), Charlene Taylor (43), Josephine Isom (35), and Paul Curry (5); thus, declaring Carolyn Cole and Windy Price as the duly elected councilmembers for Atlantic Beach. The MEC certified these results after the close of the hearing. The deadline for protesting the results of this election, according to section 5-15-130 of the South Carolina Code,[5] occurred at 7:00 p.m. on that same day, November 5, 2009. Candidates Isom, Taylor, and Curry submitted letters protesting the MEC's certification of the election on the afternoon of November 5th.[6]

The MEC conducted a protest hearing on November 7th at 10:00 a.m. and adjourned that meeting, with a motion to continue, at 10:03 a.m., before Appellants arrived. The stated reason for the continuance was to "allow legal counsel to be present" at the hearing.

The MEC conducted and then continued the protest hearing on November 11th, and again on November 20th. At these hearings, the MEC heard testimony concerning the allegations raised in Taylor, Isom, and Curry's letters of protest. In pertinent part, these candidates contested the election of Appellants on the grounds that Appellants failed to meet the residency requirements to run as candidates, they violated absentee voting laws, and voting irregularities merited overturning the election.

At the close of the November 20th hearing, Commissioners Graham and Booker voted to grant Isom and Taylor's petitions for a new election, with Commissioner Kenion voting to deny. On November 30, 2009, Commissioner Kenion filed a dissent explaining the reasons for her vote. On that same day, Appellants appealed the MEC's decision to the circuit court. The MEC did not issue a written order until January 29, 2010.[7] That order summarily found Appellants did not meet the residency requirements of running for public office in Atlantic Beach, and that voting irregularities and questionable absentee ballots

rendered the results of the election doubtful. Thus, the MEC de-certified the election results and ordered a new election. The circuit court judge heard the appeal on May 19, 2010, and issued a Form 4 order that same day affirming the decision of the MEC. The circuit court later granted Isom and Taylor's motions to intervene. This case is before this Court on direct appeal from the circuit court, pursuant to Rule 203(d)(1)(A)(iv), SCACR.

ISSUES

- I. Whether the MEC's failure to comply with the provisions of section 5-15-130 of the South Carolina Code requires this Court to vacate its decision to de-certify and order a new election.
- II. Whether sufficient evidence exists in the record to uphold the decision of the MEC.
- III. Whether Commissioner Booker should have recused herself from any deliberations concerning the election of town council members.
- IV. Whether Intervenors failed to strictly comply with the requirements of section 5-15-130 of the South Carolina Code when protesting the election.

STANDARD OF REVIEW

"In municipal election cases, this Court reviews the judgment of the circuit court upholding or overturning the decision of a municipal election commission only to correct errors of law." *George v. Mun. Election Comm'n of the City of Charleston*, 335 S.C. 182, 186, 516 S.E.2d 206, 208 (1999). This review only extends to findings of fact when those findings are wholly unsupported by the evidence. *Id.* (citations omitted). "The Court will employ every reasonable presumption to sustain a contested election, and will not set aside an election due to mere irregularities or illegalities unless the result is changed or rendered doubtful." *Id.* (citations omitted).

ANALYSIS

I. Failure to Comply with Section 5-15-130 of the South Carolina Code

Appellants argue this Court should vacate the MEC's decision to de-certify and order a new election because the MEC failed to comply with the requirements of section 5-15-130 of the South Carolina Code, the statute that delineates the procedure for contesting results of a municipal election. We believe Respondent's complete disregard of the provisions of section 5-15-130 was perpetuated by a conscious decision to ignore the will of the voters, and this delay ultimately undermined the legislative purpose behind requiring the expeditious handling of election disputes. Therefore, we agree with Appellants and vacate the decision of the MEC. Accordingly, the MEC's initial certification of the town council election, declaring Appellants Cole and Price as winners, shall be restored.

Section 5-15-130 provides:

Within forty-eight hours after the filing of [a candidates' protest] 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 (1976).

The MEC conducted a protest hearing within forty-eight hours of the candidates filing protests, but that hearing lasted just three minutes and was continued to proceed on November 11, 2009. In fact, the MEC adjourned the November 7th protest hearing before the arrival of Appellants.[8] The MEC held a protest hearing on November 11, 2009, and concluded the hearing on November 20, 2009. It did not file a report of the hearing until January 29, 2010—more than two months after the protest hearing adjourned. The MEC did not produce a transcript of the proceedings until March 21, 2010. Price's husband (Mr. Price), by sworn affidavit, informed the circuit court that on November 27, 2009, he contacted the court reporter who transcribed the hearings in an effort to procure the transcript. She informed him that the MEC's attorney told her not to give Mr. Price the transcript and that it would cost him \$3,400 to procure it. She also told him she did not plan to file a copy with the town clerk once she completed the transcript and if he wanted a copy, he needed to contact Commissioner Graham. Without an official order from the MEC, and without the transcript of the hearings, on November 30, 2009, Appellants appealed the oral decision of the MEC. See S.C. Code Ann. § 5-15-140 (1976) (a party aggrieved by the decision of the municipal election commission has ten days after notice of the decision to appeal it to the circuit court). The MEC contends there was nearly twenty hours of testimony and it was impossible to produce transcription within forty-eight hours. Under normal circumstances, we understand it would be unreasonable to expect the completion of such a transcript within two days. However, we find totally unworthy of belief the MEC's excuse for the delay because as of January 7, 2010, nearly seven weeks after the hearing adjourned, the MEC had yet to order the transcript. Because the circuit court had nothing on which to base its review, the circuit court judge continued the hearing, upon the MEC's request, to May 17, 2010. The circuit court did not file its final order until September 28, 2010. As a result of the MEC's delay tactics, Intervenor Isom and Taylor have remained in their town council seats as incumbents for nearly two additional years, pending the disposition of the election dispute.

This Court recognizes that perfect compliance with an election statute is, in many cases, unlikely. Therefore, we hesitate to vacate a decision of a municipal election commission based on minor violations of technical requirements. In *George v. Municipal Election Commission of the City of Charleston*, this Court set forth guiding principles for determining whether the provisions of an election statute are mandatory, or merely directory. 335 S.C. 182, 186, 516 S.E.2d 206, 208 (1999). Generally, courts consider the provisions of election laws mandatory when the statute expressly declares that a particular act is essential to the validity of an election, or when a party seeks enforcement of the law in a direct proceeding before the election takes place. *Id.* In the interest of avoiding the disenfranchisement of voters after an election has taken place, a statute that uses seemingly mandatory terms such as "shall" or "must," will be considered directory if the party seeking enforcement alleges no fraud or if that party fails to prove fraud. *Id.*

Courts justly consider the main purpose of such law, 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.

Id. (quoting *State ex rel. Parler v. Jennings*, 79 S.C. 414, 419, 60 S.E. 967, 968–69 (1908)). However, courts may deem statutory provisions mandatory after an election when "the provisions substantially affect the free and intelligent casting of a vote, the determination of the results, an essential element of the election, or the fundamental integrity of the election." *Id.* at 187, 516 S.E.2d at 208 (citing *Zbinden v. Bond County Cmty. Unit Sch. Dist. No. 2*, 2 Ill.2d 232, 117 N.E.2d 765, 767 (1954)).

Section 5-15-130 requires the municipal election commission to take a number of actions within forty-eight hours of the candidates filing protests—conduct a hearing, decide the issues, file a report that includes the transcribed testimony and exhibits with the county clerk, notify the parties of the decision, and order a new election, if necessary. We believe the main purpose of this law is to expeditiously finalize protested municipal elections in the interest of realizing the voters' will and seamlessly transitioning governmental offices. Therefore, insubstantial deviations from these provisions would not ordinarily require this Court to nullify a protest hearing decision. However, in this case, the MEC's startling disregard of the statute in no way merits lenient application of the statute by this Court.

The MEC's delay in ordering the transcript and filing the final order was not just by a few hours, or even days, but by several months. During this time, the parties protesting the election—Isom and Taylor—remained in their town council positions. We believe the delay was a direct attempt by the MEC to interfere with the full and fair expression of the voters' choice. "The Court . . . will not sanction practices which circumvent the plain purposes of the law and open the door to fraud." *May v. Wilson*, 199 S.C. 354, 360, 19 S.E.2d 467, 470 (1942). Therefore, we vacate the MEC's decision to de-certify and order a new election, and conclude that the original certification of the election, declaring Appellants Cole and Price as the winners, should be restored.

CONCLUSION

In light of our holding in this case, we find it unnecessary to address the additional issues argued by Appellants. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999). However, if this Court were to reach these arguments, this opinion would include facts no less astonishing than those thus far relayed. We accompany this decision with strong admonishment of the MEC and other involved parties, who worked diligently to obstruct the town council election process. The attempts by members of the MEC and the town manager to prevent Cole and Price from establishing residency were deplorable. The manner in which the MEC conducted the protest hearings causes us great concern and makes us question whether future election protests can be properly conducted in Atlantic Beach without direct monitoring by the State Election Commission. Nearly every Atlantic Beach municipal election held in recent history has found its way to this Court. We have grown weary of the shenanigans engaged in by all parties involved in the election process at Atlantic Beach, and will not hesitate to issue sanctions if the election laws of this State continue to be blatantly disregarded. For the forgoing reasons, we vacate the MEC's decision to de-certify the election, and order the original certification of Appellants Cole and Price as winners to be restored. Accordingly, Cole and Price should immediately begin serving in their capacities as town

councilmembers upon issuance of the remittitur in this case. The ruling of the circuit court is

REVERSED.

PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

[1] See *Armstrong v. Atlantic Beach Mun. Election Comm'n*, 380 S.C. 47, 668 S.E.2d 400 (2008) (finding the circuit court erred by ordering the reopening of the filing period for candidacy for mayor because that decision was based on facts not considered by the election commission when it ordered a new election for the parties concerned); see also *Taylor v. Town of Atlantic Beach Election Comm'n*, 363 S.C. 8, 609 S.E.2d 500 (2005) (finding the Municipal Election Commission was not required to state findings of fact and conclusions of law when rendering decisions, and holding that a limited number of ballot secrecy violations did not give rise to a constitutional violation sufficient to set aside the mayoral and town council elections).

[2] The Atlantic Beach Town Council is comprised of four at-large council seats.

[3] Commissioner Graham misdated the letter as October 25, 2009.

[4] On September 25th, Price filed a Statement of Economic Interest with the State Ethics Commission. The Statement of Economic Interest form states that the penalty for late filing is a fine of \$100 per day, rather than disqualification. On October 1, 2009, Price filed a complaint in circuit court against Commissioners Graham and Booker, Gary Baum of the South Carolina Election Commission, and Atlantic Beach town clerk, Cheryl Pereira, requesting the court to issue a temporary restraining order preventing Defendants from removing her name from the November 3, 2009 town council election ballot. The circuit court dismissed the case on October 26, 2009 for improper service and improper parties, but the court did not file the order until January 20, 2010, well after the election.

[5] "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"

[6] Appellants allege Isom and Taylor failed to submit their protest letters before the 7:00 p.m. deadline. Because we decide this case on other grounds, we do not reach this issue.

[7] Section 5-15-140 provides that a party aggrieved by a decision of the municipal election commission has ten days after notice of the decision to appeal it to circuit court. *Id.* § 5-15-140 (2004 & Supp. 2010). Appellants filed their appeal within ten days of the close of the protest hearings, but before the MEC issued a written order.

[8] According to testimony at the November 11th hearing, Appellants were not served with formal notice of the hearing, as required by section 5-15-130.

Attachment 5

Copies of Local Newspaper Articles Discussing
November 1, 2011 Election



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NEWS - LOCAL - POLITICS

Saturday, Nov. 05, 2011

Atlantic Beach will hold new election

By Brad Dickerson - bdickerson@thesunnews.com

25 COMMENTS

TEXT SIZE: 

 E-MAIL  PRINT

A marathon election protest hearing in Atlantic Beach that ran almost nine hours Saturday ended with the town's election commission throwing out the results of Tuesday's contest and setting the stage for another election within six months.

Jake Evans, who was declared Atlantic Beach's mayor Tuesday night, said he was not surprised at all by the outcome of the hearing.

"I had no confidence whatsoever in this election commission," he said.



Murray State moves on



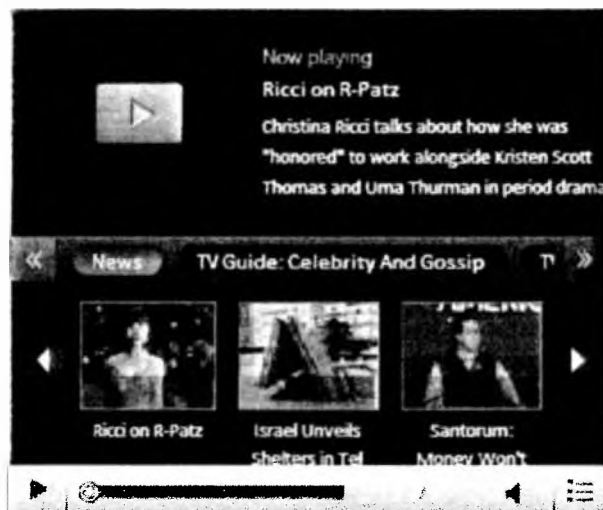
At this point, Evans hasn't decided if he's going to appeal the decision or not in an attempt to block another election.

Mc

"I feel I have no problem in gaining the support to win if we decide to not appeal," he said. "But ... we have to ponder that a little. We'll have to just think about that for a few days."

The commission's decision means the current leadership of the town will stay in place, until a new election is held or an appeal is settled in court.

Despite challenged votes, Evans had been declared the town's new mayor after receiving 55 votes to incumbent Retha Pierce's 18 and challenger Windy Price's 21, based on Thursday's certified election results. Josephine Isom and Charlene Taylor got the



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Election 2011 | New mayor takes reins in Atlantic Beach

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180-day time frame.

A phone number could not be found for Miller. Commissioner Charlette Hudson referred comments to Chairwoman Nicole Kenion.

A message left for Kenion was not returned Saturday.

Bennie Webb, the current town manager, said the town wants independent oversight for the next election, as long as it doesn't include any officials from the Grand Strand.

Councilwoman Carolyn Cole, the mayor pro tem, who assisted the candidates protesting the election results, said that the town had flaws in its voting.

"We did not provide a fair and impartial election," Cole said. "We put forth what we believed was an honest effort to strip away the intimidation piece. But we did not protect the voters."

Cole testified that the town wanted oversight this time but wasn't able to secure it in time. though Evans, a political opponent of Cole's, said Cole and others did not express a preference for such oversight.

The former town manager and other residents had contacted a variety of state and federal agencies hoping for outside oversight, to no avail. They said state law did not allow it unless the town asked for it.

Contact BRAD DICKERSON at 626-0301.

most votes for the two council seats – 53 and 55, respectively. The two beat out three other candidates: Monique Pointer, who received 16 votes, Misty Umphries, who received 21 votes, and James B. Van Fleet, with 16 votes.

Price, Umphries and Fleet filed the protests against Tuesday's election, stating in their notice of appeal that there was voter intimidation, improper management of the polling place and illegal voters.

Messages left for the three protestors were not returned Saturday.

Local resident Paul Curry was in attendance for 80 percent of Saturday's hearing, leaving after 6 1/2 hours of sometimes contentious testimony.

"The decorum was not the best," he said. "Both sides were not on their best behavior."

He said only two of the three election commissioners were present. Commissioner Delayne Miller was absent.

"I found it curious that one of the three commissioners was absent today, and I'm not sure why," Curry said.

He also questioned why the commission picked the

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Law_Man

Brad Dickerson was not present at the election protest hearing in AB. He's never present but he continues to write these articles stumping for Booker, the Evans, Woods, Armstrong crowd they call the previous administration. The current administration is right to ignore anything the Shun News writes about AB. He's nothing but a promo man for them, not a news reporter. Two of the most significant issues before the MEC was the former felon, Laura Best, brought by the Bookers, Evans, Taylor and Isom into the polling place on November 1 and took over the election process under the auspices of the State Attorney General's office. According to officials in the AG's office she was not there under their authority. Secondly the voting machine used to record the high number of votes for the alleged winning candidates is registered to an unknown account in Florida as out of service. Voters were steered to that machine and numbers were being assigned to those voters different from their number on the poll list sign in sheet. Why did Horry County have such a machine? Where else has it been used? Who programmed it? Their egos were too big to let the numbers show more realistic divisions in voter choices instead they along with a tip pointed to the voting machines and how it had been programmed. The MEC, ABPD, and the real AB Concerned Citizens did an excellent job of paring down the voter registration roll. Bill Nettles office was contacted for help with the election and so was DOJ. No one came but the false representative from Alan Wilson's office. Why are you silent on the real issues here? What about the false drivers' licenses and state ID cards issued by the Isom's son, Evans niece at the DMV office? What about Elneta Counts and Sandy Martin over in the Horry Co. Voter Reg office and their continuing roles in AB election fraud? Stop listening to Brad!!!! He could care less about real news. He's just a point man. In the big elections coming up for senate, solicitor, etc. We all should thank AB. How many more machines will be programmed for one person no matter whose name comes up on the screen?

11/06/2011 09:57 AM 1 Like Report Abuse

Like Reply



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i think your right about the machine. if it can be programed to only pick one name, it could be very bad in coming elections. you said you looked at the number on the machine and then looked up the number online. what is the number? is there a link for the information you found.

its very bad because if your right, then the machine had to be sent and fixed by somebody who knows how to do it. which is county or state election people, not just AB people.

this is a very big scandle. your right and you should make SLED or the FBI investigate. ask ms. cole and ms. price and ms. pearce to vote on it. then everybody in SC really will thank AB for finding out about the scheme before the next elections.

11/06/2011 06:31 PM in reply to Law_Man Report Abuse

Like Reply



marj

if you really believe theres a big conspiracy with the horry county election people and the DMV and the voter reg. office and a machine, and edge and eliot and that lady and everybody else you said, are you going to ask the justice dept. or FBI or SLED to investigate it. why dont you? election fraud is serious.

11/06/2011 02:55 PM in reply to Law_Man Report Abuse

Like Reply



JoeJava

Someone please just throw dirt over this cesspool....

11/06/2011 09:45 AM 1 Like Report Abuse

Like Reply



JUSTDREAMING

Atlantic Beach must have been miffed by being out of the news for so long. Now the election commission has seen to it they are the number one laughing stock in Horry County again.

Glad to have Retha back too, we have needed a laugh...

11/06/2011 08:36 AM 4 Likes Report Abuse

Like Reply



Venita Peyton

Uh, 94 votes?

11/06/2011 07:33 AM 1 Like Report Abuse

Like Reply



TruSkeptik

Let's see. I opined just after the "election" that the whole fiasco wouldn't last "30 days". I plead guilty to underestimating the idiocy of AB. The town manager provides that "the town wants independent oversight for the next election, as long as it doesn't include any officials from the Grand Strand". I don't know why Mr. Webb didn't also prohibit any white person from the job. Maybe the SN jsut didn't get his quote right. You can lead a horse to water, but you can't make him think. . . .

11/06/2011 05:34 AM 3 Likes Report Abuse

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**wd4edu**

Another vote not counted in AB: Municipal Election Commissioner Delayne Miller's vote on the election protests.

It's not like she has to attend a lot of meetings/hearings. Elections don't occur that often.

Is there something Miller would like to tell the rest of us? Was she concerned about the fairness of the process, and no longer wanted to be involved?

Time to speak up, Miller.

11/06/2011 12:10 AM Report Abuse

Like Reply

**Law_Man**

get over it

11/06/2011 10:06 AM in reply to wd4edu Report Abuse

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**dc2mb**

Aren't these people all related to one another anyway?

11/05/2011 09:14 PM 2 Likes Report Abuse

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NEWS - LOCAL - POLITICS

Tuesday, Nov. 01, 2011

Election 2011 | New mayor takes reins in Atlantic Beach

26 COMMENTS

TEXT SIZE:

E-MAIL PRINT

By Janelle Frost - jfrost@thesunnews.com

Jake Evans will be the new mayor of the Town of Atlantic Beach, according to unofficial results Tuesday.

Evans won a resounding victory over incumbent Retha Pierce, receiving 49 votes to Pierce's 13.

Windy Price, another mayoral candidate, received 12 votes.



From left, Atlantic Beach councilmen L. Donnell Thompson, Jake Evans and mayor Retha Pierce have a heated discussion during council in this 2009 photo.

"I feel great about the results," Evans said outside of the town's community center Tuesday night. "The morale of the community is up now. It had been down for the last three months. So they feel great. I feel great. We all feel great."

Mc

The town's leadership was upended in July when the state Supreme Court reversed an earlier decision that upheld the results from a disputed 2009 election clearing the way for Windy Price and Carolyn Cole to take seats on the council. At the same time, Retha Pierce, who had been suspended from the mayor's seat following her arrest, returned to the role after those charges were dropped.

The town's staff was fired and replaced following the Supreme Court's decision.

Tuesday's results weren't unexpected, Pierce said after the votes were tallied.

Election 2011 | Myrtle Beach incumbents retain their seats

Economy a backburner issue for some voters Tuesday

Election 2011 | One North Myrtle Beach Council race too close to call

At a glance

Mayor

Jake Evans | 49

Retha Pierce | 13

Council

Charlene Taylor | 48

Josephine Isom | 47

James B. Van Fleet | 12

Monique Pointer | 14

Windy Price | 12

Misty Umphries | 12

What it means | Jake Evans will take over as mayor, Josephine Isom and Charlene Taylor will rejoin the council. It's unclear whether the new group will reverse any recent firings.

"I'm not surprised because of the tactics used here," Pierce said. "They like to keep things this way. They don't want to hold anyone accountable."

Josephine Isom and Charlene Taylor got the most votes for the two council seats -- 47 and 48 respectively, based on unofficial results.

Isom received 47 votes and Taylor received 48 votes.

The two beat out three other candidates: Monique Pointer, who received 14 votes, Misty Umphries, who received 12 votes, and James B. Van Fleet, with 12 votes.

Price will remain in her seat as councilwoman while Isom and Taylor will fill the council seats held by Evans and Donnell Thompson.

"I'm happy it turned out our way," Taylor said. "We gained our town back."

Price and Carolyn Cole replaced Taylor and Isom on Town Council earlier this year after the state Supreme Court justices reversed in July a circuit court ruling that upheld the town election commission's decision to overturn election results in a 2009 general election.

Former town manager Cole and the Rev. Price were the declared winners in the town's municipal election in November 2009.

Price, Cole, Taylor and Isom now will be working on council together with Evans as mayor.

To see a video from Atlantic Beach following Tuesday's election, go to TheSunNews.com.

Contact JANELLE FROST at 443-2404.

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GLAD

Benny Webb AKA Law_Man, is this all you got to do talk about Paul Curry. You need to stay out of Tyler Stanley house with Carolyn Cole. Do your wife know thats where you live and sleep? It's over for you no need to stay tune.

11/03/2011 03:47 PM 1 Like Report Abuse

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CitizenCaned

What? Try again. This time in English.

11/07/2011 11:04 PM in reply to GLAD Report Abuse

Like Reply



GLAD

NOPE, not this time, game over for all of you flunkys. Nicole now you can take time to figure out how to get rid of some of those gums you got in your mouth and go back to the ghetto (Detroit). Pat you can now go get you a place to live in with running water so you and your baby can get the attention (bath) you need. Reatha you, Carolyn and Windy can go to Dothan and run for office over there and make Benny the Town manager and Darnell the garbage collector. Maybe y'all can fool the hogs and wild animals. The people already know Reatha got game with her and will soon learn the rest. Donnell Thompson run on back to Durham and make that money so you can pay off some of the debt you occured building that straw house you got. For everyone that follows this crew that was not mention the reason is they don't care about you either. GOOD BYE!!!!!!!!!!!!

11/03/2011 03:40 PM 1 Like Report Abuse

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Law_Man

Paul Curry a town of Atlantic Beach resident Case # 97-1008 CFA, sentencing to 30 Months for Aggravated Stalking in the Martin County Department of Corrections, that the defendant receive meaningful psychiatric treatment while in the department of corrections his DC number is K57181 sentencing judge was Judge Schack, This facility was established in 1992 and houses adult male inmates. Gulf Forestry Camp is under the supervision of Gulf C.I. <http://clerk-web.martin.fl.us/...> <http://clerk-web.martin.fl.us/...> Correctional Institution Warden: David Ellis 500 Ike Steele Road Wewahatchka, Florida 32465-0010 (850) 639-1000

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Truth

Congratulations Jake Evans. One of the few good ones in Atlantic Beach.

11/02/2011 11:51 PM Report Abuse

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LAWSUIT probably being written today

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TruSkeptik

I'll give 'em 30 days, tops.

11/02/2011 01:14 PM Report Abuse

Like Reply



Law_Man

Taylor, Isom and Evans will not be seated. stay tune

11/02/2011 11:22 AM Report Abuse

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wd4edu

Benny, just go back to Sumter, will-ya?

And build that so-called "dream house" that you fantasied to Joe Perry, of The (Sumter) Item, when he questioned your falsifying your drivers license and voter registration in order to run for SC House District 60, which you didn't live in.

<http://www.theitem.com/news/ar...>

11/02/2011 12:02 PM in reply to Law_Man 1 Like Report Abuse

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Law_Man

They will not be able to take ther seats.

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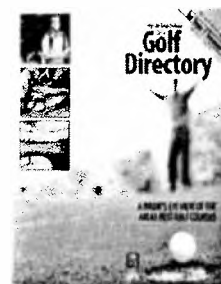
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