

**TOWN OF McBEE**  
**REGULAR TOWN COUNCIL MEETING**  
**APRIL 4, 2017**

**Present:** Mayor John Campolong, Charlie Sutton, A. C. McLeod, Jr., Marion Stephens, Beulah Bolton, Martin Driggers (Town Attorney), and Terri King (Administrator)

**Absent:**

**Note to Minutes:** Terri King, Administrator, typed minutes.

**Meeting Called to Order:** Mayor John Campolong called meeting to order.

**Invocation:** Rev. Hinson

**Pledge of Allegiance**

**Motion to approve Minutes** from the March 7, 2017 Regular Council Meeting made by Mayor John Campolong, seconded by Council Member Charlie Sutton. All were in favor.

**Motion to approve Minutes** from the March 10, 2017 Special Council Meeting made by Mayor John Campolong, seconded by Council Member Marion Stephens. All were in favor.

**Motion to approve Minutes** from the March 20, 2017 Special Council Meeting made by Council Member Charlie Sutton, seconded by Council Member A.C. McLeod, Jr. All were in favor

**Pee Dee Coalition** presentation made by Tierra Cash

**Reports**

**Administrator: Terri King**

Work sessions for the fiscal year 2017 – 2018 Budget will need to be scheduled. We will need to schedule two work sessions during April.

Sessions scheduled: April 11<sup>th</sup> at 5:45 p.m.  
April 18<sup>th</sup> at 5:45 p.m.

**Linda Sterling – MEC**

Gave an update on the McBee Mayoral Election Protest

The Municipal Election Commission has filed its order stipulating the following:

“In this case, the Commission unanimously finds that the evidence introduced by Protestant did not support the grounds contained in his notice of Election Contest. Accordingly, a new election is not warranted, the protest is denied, and the certified results of the election for the Office of Mayor of the Town of McBee are sustained. Alternatively, even if the Protestant’s Notice of Contest had been supported by the evidence introduced at the hearing in this Matter, the Commission finds as a matter of fact and law that any such Evidence did not rise to a level beyond mere irregularity, did not render the outcome of this election doubtful, and did not prevent a fair election.

This election protest is therefore DENIED.”

(The Order is attached to these minutes in its entirety.)

**Mayor Campolong** as discussed in our March 10<sup>th</sup> Special Council meeting, we are discussing a different method of police protection for the Town by bringing in the Sherriff’s Department to provide coverage for the Town. We had thought we would have a contract to review tonight, but we were unable to get everything complete in time. At this time I’ll let our attorney, Martin Driggers, give us an update.

**Attorney Martin Driggers**

The attorney for Chesterfield County has said that they would be using the contract that they currently have with the Town of Jefferson as a guide for the contract proposal for the Town of McBee. There are some differences that will need to be added to the contract, such as the use of our vehicles and a few other adjustments. I’m expecting to receive the proposed contract by the end of this week.

**Council Member Beulah Bolton**

I would like to share a few concerns that have been brought to my attention.

**First:** Missing Street Signs – many streets in McBee are without street signs; which make it difficult to locate addresses within the town. I would like to propose that we look into getting street signs put up, especially for those streets that have never had any street signs at all.

**Council agreed** and requested that Council Member Beulah Bolton gather cost information in order to be included in next year's fiscal budget.

**Second:** There are four entrances into the Town of McBee and I would like to propose that the local churches be contacted and asked if there is any interest in adopting an entrance. The Town would pay for any needed supplies, but the church would be responsible for the upkeep.

**Council agreed** and requested that Council Member Beulah Bolton write a letter to be sent to the local churches and Administrator Terri King would print the letters on Town letterhead.

**Council Member A.C. McLeod, Jr.**

I've contacted Earl Horton and asked that he give the Town a quote to survey the Town limits along US 1 South and Union Church Road. I feel that this is a necessary step in order to determine if the Town limit sign is in the proper location. If the sign is not in the correct location, I would propose that the sign be properly located and that the Council develop an Ordinance that would prohibit anyone from moving the sign and charging a \$1,000 fine to any violator of the Ordinance, plus applicable fees to move the sign back to its correct location.

**Council agreed** and requested that three verbal or written quotes be obtained from local surveyors.

Baseball / Softball games will begin on Monday, April 17<sup>th</sup> and Family Day will be held at the Recreation Complex on Saturday, May 6<sup>th</sup>.

**Council Member Marion Stephens**

Could we give an update on the water situation with Alligator and A.O. Smith? There are so many different things floating around, we should try to get the correct information out there.

**Mayor John Campolong**, we currently do not have an update and have not been able to get one. We do know that there is litigation out there and that it is kind of on hold. Martin can give us an update.

**Attorney Martin Driggers**

A portion of the case is under appeal and the other part of the case has been assigned to Judge Roger Henderson, who has been having some health issues over the past few months, which has caused a delay in the case.

**Motion to adjourn** was made by Mayor John Campolong and seconded by Council Member Marion Stephens. All were in favor.

STATE OF SOUTH CAROLINA )  
 )  
 TOWN OF McBEE )  
 )  
 Glenn Odom, )  
 )  
 Protestant, )  
 )  
 v. )  
 )  
 John Campolong, )  
 )  
 Respondent. )

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MUNICIPAL ELECTION COMMISSION

**ORDER**

2017 MAR 31 PM 4: 00  
 Wanda C. Miles  
 CLERK OF COURT  
 CHESTERFIELD COUNTY, S.C.

This matter comes before the Town of McBee Municipal Election Commission (“Commission”) upon the timely Petition and Notice of Election Contest of Candidate for Mayor of the Town of McBee, Mr. Glenn Odom (“Protestant”), alleging multiple instances of violations of the election laws of South Carolina in the Town of McBee election for the Office of Mayor held on February 21, 2017. The Commission, after accepting the Petition and conducting a full hearing and investigation, finds that Protestant has not established the necessary proof that sufficient illegalities occurred during said election. The Commission further finds that Protestant has not made the requisite showing that the outcome of the election was affected by any improper and/or illegal conduct. Upon timely motion by counsel for Mayor John Campolong (“Respondent”), the Commission unanimously grants Respondent’s motion for directed verdict and hereby dismisses this protest as more fully set forth below.

**Finding of Facts**

The Town of McBee held an election for the office of Mayor on February 21, 2017. The final certified results for Mayor were John Campolong with 219 votes, and Glenn Odom with 202 votes. Therefore, the Commission certified that Mr. Campolong, the incumbent, had won the race for Mayor. This timely protest of the election followed.

### Evidence and Legal Analysis

At the hearing in this matter, which was duly noticed and timely held in accordance with S.C. Code §5-15-130, the Protestant called twenty-four (24) witnesses to the stand and elicited testimony under oath and entered numerous documents into evidence regarding a variety of allegations. However, none of the testimony or evidence supported the grounds alleged in Protestant's Notice of Election Contest dated February 23, 2017.

“Under the common law there is no right to contest an election. The right to contest an election exists only under the [state] constitutional and statutory provisions, and the procedure prescribed by statute must be strictly followed.” Taylor v. Roche, 271 S.C. 505, 509 (1978). There are two prerequisites to maintaining an election contest in South Carolina: (1) the contest notice must allege irregularities or illegalities; and (2) the alleged irregularities or illegalities must have changed or rendered doubtful the result of the election in the absence of fraud, a constitutional violation, and a statute providing that such irregularity or illegality shall invalidate the election. See Yonce v. Lybrand, 254 S.C. 14 (1970); Harrell v. City of Columbia, 216 S.C. 346 (1950); State ex rel. Welsh v. Jennings, 79 S.C. 246 (1908); State ex rel. Birchmore v. State Board of Canvassers, 78 S.C. 461 (1907).

S.C. Code § 5-15-130 provides that 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 (emphasis added).” “While technical precision in pleading should not be required [for election contests], still reason and justice require that the grounds relied upon should be stated plainly and clearly that the contestee may prepare to meet them without unnecessary labor or expense.” State ex rel. Davis v. State Board of Canvassers, 86 S.C. 451, 458-459 (1910). Therefore, unless plainly and

concisely stated in the Notice of Protest, a general allegation of fraud is not a ground for contest under Section 5-15-130. See Butler v. Town of Edgefield, 328 S.C. 238, 248 (1997).

In this municipal election protest, the evidence introduced into the record by Protestant failed to support the allegations and grounds contained in his Notice of Contest. Therefore, the motion for directed verdict made by Respondent was properly granted under the applicable legal standards as set forth herein.

### Conclusion

Every reasonable presumption must be employed to sustain a contested election, and an election will not be set aside due to mere irregularities or illegalities unless the result is changed or rendered doubtful. In the absence of fraud, a constitutional violation, or a statute providing that an irregularity or illegality invalidates an election, an election will not be set aside for a mere irregularity. *E.g.* Broadhurst v. City of Myrtle Beach Election Comm., 342 S.C. 373 (2000); George v. Mun. Election Comm. of Charleston, 335 S.C. 182 (1999); Sims v. Ham, 275 S.C. 369 (1980); May v. Wilson, 199 S.C. 354 (1942).

“Voters who have done all in their power to cast their ballots honestly and intelligently are not to be disfranchised because of an irregularity, mistake, error, or even wrongful act, of the officers charged with the duty of conducting the election, which does not prevent a fair election and in some way affect the result.” Berry v. Spigner, 226 S.C. 183, 190 (1954).

In this case, the Commission unanimously finds that the evidence introduced by Protestant did not support the grounds contained in his Notice of Election Contest. Accordingly, a new election is not warranted, the protest is denied, and the certified results of the election for the Office of Mayor of the Town of McBee are sustained. Alternatively, even if the Protestant’s Notice of Contest had been supported by the evidence introduced at the hearing in this matter, the


Commission finds as a matter of fact and law that any such evidence did not rise to a level beyond mere irregularity, did not render the outcome of this election doubtful, and did not prevent a fair election.

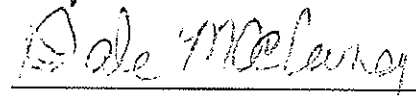
This election protest is therefore DENIED.

IT IS SO ORDERED.

**McBee Municipal Election Commission**

  
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Linda Sterling, Chairwoman

  
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Lynn Dixon, Commissioner

  
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Dale McLuney, Commissioner

Date: 30 March 2017