

STATE OF SOUTH CAROLINA
BEFORE THE STATE ELECTION COMMISSION

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Dorchester County Republican Party and)
Arthur Bryngelson, individually and as)
Chairman of the Party,)
)
Petitioners,)
)
v.)
)
William C. Collins,)
)
Respondent.)
)

SOUTH CAROLINA
ELECTION COMMISSION

NOTICE AND PETITION
FOR REHEARING

**TO: Marci Andino, Executive Director, South Carolina State Election Commission,
2221 Devine Street, Suite 105, Columbia, SC 29205**

PLEASE TAKE NOTICE that Petitioners Dorchester County Republican Party (“DCRP”), and Arthur Bryngelson, individually and as Chairman of the DCRP (hereinafter collectively “Petitioners”), by and through their undersigned counsel, hereby petition the South Carolina State Election Commission (“Election Commission”) for a rehearing of the protest and objections of the Petitioners to the candidacy by petition of William C. Collins (“Collins”) for Senator for Senate District #38, in the General Election to be held on November 4, 2008.

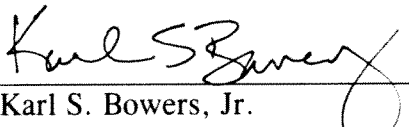
A hearing was held in this matter before the Election Commission on August 12, 2008, and Petitioners seek a rehearing to consider the merits of their protest and objections because the hearing was in error. In support of this Petition, the Petitioners submit, attached hereto as Exhibit “1” and incorporated by reference, a Letter dated August 11, 2008, from Mr. Bryngelson and previously submitted to Marci Andino, with its attachments.

Petitioners hereby move for rehearing on the merits of this matter on the following grounds, as more fully described in Exhibit 1:

1. The Collins Petition ("Petition") is invalid due to failure to ensure all Petition signers registered to vote 30 days or more prior to the deadline for filing the Petition and were thus qualified electors, in violation of S.C. Code Section 7-11-70, which requires a petition to contain the requisite number of signatures of eligible "*qualified* registered electors" (emphasis added).
2. The Petition is invalid because individual Petition pages contain signatures of registered voters from different counties in violation of S.C. Code Section 7-11-80(4).
3. The Petition is invalid by failure to check at least one out of every ten signatures, beginning with the Five Hundred and First Signature, in violation of S.C. Code Section 7-11-85, which requires that at least one out of every ten signatures "*beginning with the five hundred and first signature*" must be checked for validity when a petition requires more than five hundred signatures (emphasis added).
4. The Petition is invalid because all signatures on the Petition are not consecutively numbered in violation of S.C. Code Section 7-11-80(5), which requires "all signatures of registered voters shall be numbered consecutively."
5. The Petition is invalid because all pages of the Petition are not consecutively numbered in violation of S.C. Code Section 7-11-80(6), which requires "Petitions with more than one page must have the pages consecutively numbered upon filing with the appropriate authority."
6. The Petition is invalid because of inadequate identification of the candidate at the time signatures were obtained in violation of S.C. Code Section 7-11-80(2), which requires that Petitions contain "the name of the candidate, the office for which he offers and the date of the election for such office shall be contained in such petition."
7. The Petition is invalid because Collins, the putative candidate, signed his name twice to the Petition.
8. The Petition is invalid because it was signed by voters who had previously voted in the primary election for this same office, which violates the United States Constitutional requirement of "one person, one vote."
9. Upon information and belief, the Petition is facially invalid because it contains at least 1,898 errors or omissions, including but not limited to illegible signatures, duplicate signatures, missing signatures, missing pages, and signatures of at least two individuals who were deceased as of the date of the filing of the Petition.

Accordingly, for the reasons set forth herein and based on such other and further authorities and/or arguments as may be advanced in a hearing before the Election Commission, Petitioners respectfully request that the Election Commission hold a rehearing in this matter. Furthermore, Petitioners respectfully request that the Election Commission, after a consideration of this matter on the merits, declare the Petition invalid as a matter of law and deny the certification of the Petition. In the alternative, Petitioners request that the Election Commission remand the Petition to the Charleston and Dorchester County Election Commissions for further review and verification of the Petition to determine the validity of the Petition consistent with the applicable law and the findings of the Election Commission in this matter.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Petitioners Dorchester County Republican
Party and Arthur Bryngelson

Columbia, South Carolina

August 15, 2008

CERTIFICATE OF SERVICE

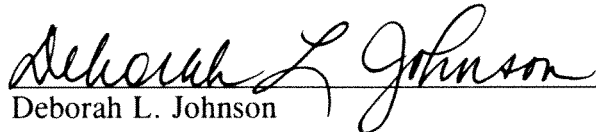
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Dorchester County Republican Party and Arthur Bryngelson, do hereby certify that I have served all parties in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

NOTICE AND PETITION FOR REHEARING

Party Served:

Thomas H. Hart III, Esquire
Law Offices of Thomas H. Hart III, PC
112 West Fourth Street North
Summerville, SC 29483


Deborah L. Johnson

August 15, 2008

ARTHUR BRYNGELSON
Chairman, Dorchester County Republican Party
308 Tuggle Lane
Givhans, South Carolina 29472-8724

August 11, 2008

Marci Andino
Executive Director
State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205
Fax: 803-734-9366
cwhitmire@elections.sc.gov

Dear Ms. Andino,

Please consider this letter, prepared with the help of our attorney,¹ to supplement and to restate our objections in my letters dated or delivered to you on July 21, July 24, July 28 (two letters), and in our Press Release² dated July 31, 2008, to the attempt of "Bill Collins" to become a candidate by petition for Senate District #38 in the November 4, 2008 General Election.

We have requested from you in those letters, which are incorporated herein by reference, several items which have not been provided to us. Please provide us right away those items, including a copy of each "summary form" containing the results of checking any petition from Bill Collins, as required by Section 7-11-85 of the Code of Laws of South Carolina.

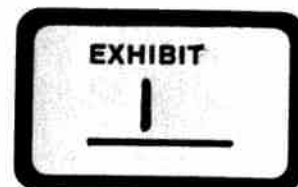
We object to certification of "Bill Collins" as a petition candidate for Senate District #38 for the reasons stated in our previous letters, plus for each of the following additional reasons:

1. Petition Disqualified by Failure to Ensure Petition Signers Registered As Voters 30 Days Before Final Date for Filing Petition

The Election Commission appears to have failed to determine whether each, or even any, signer of the petition had been registered to

¹ Samuel W. Howell, IV, The Lining House, 106 Broad Street, Charleston, SC 29401 Tel. 843-266-3800. Mr. Howell served as a member of the South Carolina State Election Commission during 1992-2002, and as its Chairman during 1997-2000.

² Press Release by Republican Party re Petitions 7/31/08, attached hereto as Exhibit "A" and incorporated herein by reference



vote at least 30 days before the final date for the filing of the petition. When I objected to this failure by telephone to Chris Whitmire, Public Relations Officer for the State Election Commission, he informed me that no such 30 day registration requirement exists, and that a person could sign the petition the same day that that person registered as a voter. Apparently, the petitioner believes that also, as signs at his petition headquarters in Summerville, SC, invited people to register to vote and to sign the petition the same day.

This position by the Election Commission is not correct. As stated in an opinion of the Attorney General of South Carolina:

“[Question:] [M]ust each petitioner have registered to vote at least thirty (30) days prior to the final date for filing the petition . . . ?

[Answer:] Yes. *South Carolina Code of Laws, 1976, Section 7-11-70* requires a petition to “. . . contain the signatures of at least five (5%) percent of the qualified registered electors . . .” (emphasis added). See also *South Carolina Code of Laws, 1976, Sections 7-11-71*; and *7-11-80(3)(c)* which requires the signature to be that of a “voter”. A qualified elector would be a person who is registered and eligible to vote. A registration card is not valid for thirty (30) days after it is issued. A person who has not had a registration card for thirty (30) days would not be a qualified elector and therefore would not be eligible to vote. *South Carolina Code of Laws, 1976, Sections 7-5-220*; *7-5-150*; *1963-64 Att’y Gen. Ops. No. 1632*, p. 61.”

Opinion of the Attorney General of South Carolina, LEXSEE 1981 S.C. LEXIS 61, attached as Exhibit “B” and incorporated herein by reference.

The failure by the Election Commission to ensure that every signer of the petition counted as valid had been registered to vote 30 days before the final date for filing the petition is contrary to law and, therefore, itself renders the petition as not eligible for certification as valid.

In addition, the failure of the Election Commission to ensure that each signer of the petition counted as valid otherwise was a “qualified registered elector” and a qualified “voter” and elector registered and eligible to vote (including being in compliance with Section 7-3-20 of the Code of Laws of South Carolina) also renders the petition invalid.

2. Petition Disqualified by Failure to Check At Least One Out of Every Ten Signatures Beginning With the Five Hundred and First Signature

Section 7-11-85 of the Code of Laws of South Carolina states in part as follows:

“When a petition requires more than five hundred signatures, every one of the first five hundred signatures must be checked for validity and at least one of every ten signatures thereafter beginning with the five hundred and first signature must be checked for validity.”

Id. (Emphasis added.)

The above quoted statutory provision obviously states and means that the checking of every tenth signature must begin with the 501st signature submitted by the petitioner. However, every tenth signature was checked not beginning with the 501st signature actually submitted by the petitioner, but with the 542nd signature actually submitted by the petitioner.³ As a result, the statutorily mandated sequence for checking the validity of signatures was not followed and, therefore, on that ground alone the petition must not be certified as valid.

3. Petition Disqualified Because Individual Petition Pages Contain Signatures of Registered Voters from Different Counties⁴

Section 7-11-80(4) of the Code of Laws of South Carolina states as follows:

“(4) No single petition page shall contain the signatures of registered voters from different counties.”

Id. (Emphasis added.)

Apparently as recognition of the importance of this requirement, each of the 597 pages of petition signatures submitted has the following warning printed by the Election Commission in a rectangular box at the top of the page:

³ Lee Johnson at the Dorchester County Election Commission told me that the checking of every tenth signature began with number 542 because 541 signatures had to be checked to find 500 valid signatures on the petition. However, Section 7-11-85 does not state that every tenth signature must be checked beginning with the 501st “valid” signature, but states, and means, that the checking of every tenth signature must start with the 501st signature stated on the petition, whether valid or not.

⁴ In addition, the petition contains signatures of people who live in a county different than the county listed on the petition. See page 571, which states in error that petition signers who live in Dorchester County live in Charleston County. That error should disqualify the petition.

“IMPORTANT: Only signatures of registered voters of the same county can be placed on this page.”

Despite this clear warning and the clear requirement of Section 7-11-80(4) quoted above, the petition contains numerous instances in which the signatures of registered voters from different counties are on the same page.

For example, page 93 of the petition contains the signature of Nancy Mescher, who resides at 103 Kingfisher Ct, Goose Creek, SC 29445. That address for Nancy Mescher is in Charleston County or Berkeley County, while the addresses of other signers on that page of the petition are in Dorchester County. Thus, page 93 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 129 of the petition contains the signature of James Danny Coggins, and states his address is 1004 Highland Pines, Ladson, SC. That address is in Charleston County, while the addresses of the other signers on that page of the petition are in Dorchester County. Thus, page 129 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 155 of the petition contains the signature of Odell Boren and his address is identified on that page as 154 Wasson Lane, Walterboro, SC 29488. That address for Mr. Boren is in Colleton County, SC, while at least some of the addresses of signers on that page of the petition reside in Dorchester County. Thus, page 155 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 222 of the petition contains the signature of Troy Benton and his address is identified on that page 222 as 30 Plainfield Ave., Goose Creek, SC. That address for Mr. Benton is in Charleston County or Berkeley County, SC, while at least some of the addresses of other signers on that page of the petition reside in Dorchester County. Thus, page 222 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 284 of the petition contains the signature of Darryl Bennett, whose residence is stated to be at 211 Kent Ct, Ladson, SC 29456. That address is in Charleston County, while some of the other addresses of

signers on that page reside in Dorchester County. Thus, page 284 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 309 of the petition contains the signature of Megan Nye, whose residence is stated to be at 717A Temple Rd, Ladson, SC. That address is in Charleston County, while some of the other addresses of signers on that page reside in Dorchester County. Thus, page 309 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 382 of the petition contains the signature of James H. Hill, and lists his residence address as 4176 Ten Shillings Way, Ravenel, SC 29470, in the St. Pauls 6 precinct. That address and that precinct are in Charleston County, while some of the other addresses of signers on that page reside in Dorchester County. Thus, page 382 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 500 of the petition contains the signature of Smith Gause, and lists his residence as 100 Sweet Alyssum Dr., Ladson, SC 29456, in Ladson precinct. That address and that precinct are in Charleston County, while the other addresses of signers on that page are in Dorchester County. Thus, page 500 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 520 of the petition contains the signature of William Wyly, Jr.⁵ and states his residence is at 6220 Shilelagh Oaks Parkway, Ravenel, SC 29470. That address is in Charleston County, while the address of the other signer of the petition is in Dorchester County. Thus, page 520 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 552 of the petition contains the signature of Patricia Northrop, and states her address is 402 Iowa Ct, Ladson, SC. In addition, page 552 of the petition contains the signature of Julian Noal, and states his address is 9919 Hwy 78, Ladson, SC. Both of those addresses are in Charleston County, while the addresses of the other signers on that page of the petition are in Dorchester County. Thus, page 552 of the petition does

⁵ This name may be spelled incorrectly above as it is not completely legible as written on the petition.

contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 576 of the petition contains the signature of Evelyn Neals and states his residence at 9919 Hwy 78 Lot #46, Ladson, SC 29456. That address is in Charleston County, while the addresses of the other signers on that page of the petition reside in Dorchester County. Thus, page 576 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

Page 592 of the petition contains the signatures of both Virginia P. Stallings and John W. Stallings, and states their residence address as being at 6836 Ingalsbe Drive, Ravenel, SC 29470. That address is in Charleston County, while the addresses of the other signers on that page of the petition reside in Dorchester County. Thus, page 592 of the petition does contain signatures of registered voters from different counties. That alone disqualifies the petition, due to its being in violation of Section 7-11-89(4) of the Code of Laws of South Carolina.

There well may be other pages in the petition that contain the signatures of voters from different counties. That is evidenced because at least 33 additional petition pages contain at least 58 additional addresses at locations, e.g., Ravenel, Yemessee, Goose Creek, Hollywood, North Charleston and Ladson, SC, which are or could be outside of Dorchester County, in addition to addresses in Dorchester County. See Exhibit "C",⁶ attached hereto and incorporated herein by reference. In addition, voters in Senate District #38 report that signatures were solicited for this petition at a location in Berkeley County, which is outside of Senate District #38, i.e., in front of a Wal Mart in Berkeley County. The only way to know for sure whether additional pages contain the signatures of registered voters from different counties is to check all of the signatures on all of the pages. We ask that all signatures be checked for compliance with Section 7-11-89(4).

4. Petition Disqualified Because Not All Signatures on the Petition Are Consecutively Numbered

Section 7-11-80(5) of the Code of Laws of South Carolina states as follows:

"(5) All signatures of registered voters shall be numbered consecutively."

⁶ Excel Spreadsheet on Computer Disk Showing Exact Row and Page Number of 1898 Apparent Individual Errors in 13 Categories in Petition of Bill Collins

Id. (Emphasis added.)

Not all signatures on the petition are numbered consecutively. The word “consecutively” is the adverb form of the word “consecutive”. The word “consecutive” is defined as “following one after the other in order without gaps: continuous”. See e.g., Webster’s Seventh New Collegiate Dictionary, at 177 (1965).

The signatures on the petition are not numbered “consecutively” as required by Section 7-11-80(5). To be numbered “consecutively”, each of the 4,670 signatures would have to be numbered sequentially, in order with one following after the other, with numbers 1 through 4,670 beside each respective successive signature. That did not occur. Instead, the same numbers are repeated on each page beside some of the signatures.

The signature of Barbara Wierings⁷ on page 233 is not numbered at all, leaving a gap between the name before Barbara Wierings and the name after Barbara Wierings. Thus, the signature of Barbara Wierings is not numbered sequentially.

Because all the signatures are not numbered consecutively as required specifically by Section 7-11-80(5), the petition does not comply with the requirements of South Carolina law and, therefore, must be disqualified.

5. Petition Disqualified Because Not All Pages of the Petition Are Consecutively Numbered

Section 7-11-80(6) of the Code of Laws of South Carolina states as follows:

“(6) Petitions with more than one page must have the pages consecutively numbered upon filing with the appropriate authority.”

Id. (Emphasis added.)

Not all pages of the petition are consecutively numbered, in violation of Section 7-11-80(6) quoted above. For example, the page containing the purported signature of “Roxie Wright”, attached hereto as Exhibit “D”, obviously is not numbered. In addition, Lee Johnson of the Dorchester County Election Commission and I both observed that pages 23, 117, 174, 188 and 194 of the petition were missing when the Dorchester County

⁷ This name may be spelled incorrectly above as it is not completely legible as written on the petition.

Election Commission checked signatures on the petition pages submitted by the State Election Commission to the Dorchester County Election Commission. Those missing pages not only destroyed sequential numbering, but prevented any signatures on those pages being available to be checked using the percentage methods of checking signatures provided by Section 7-11-85.

Because all pages of the petition were not consecutively numbered as required by Section 7-11-80(6), the petition does not comply with the requirements of South Carolina law and, therefore, must be disqualified.

6. Petition Disqualified Because of Inadequate Identification of the Candidate to Whom the Petition Applies

My letter, undated but delivered to you on July 24, 2008, objected that the petitioner had failed to submit an appropriate form on which the petitioner certified that he met or would meet the qualifications for being a SC State Senator, as required by Section 7-13-351 of the Code of Laws of South Carolina. That objection was made because no such form had been provided to the Dorchester County Election Commission or to us as of the time the signatures on the petition began being checked by the Dorchester County Election Commission. However, after making our objection in our July 24th letter, your office provided us a copy of a form that was completed by the petitioner. Therefore, we withdraw our objection to the failure of the petitioner to have submitted that form.

However, we object that the petition is disqualified because of the uncertainty of the identity of the petitioner at the time each page of the petition was signed. There is no showing or evidence that the information required by Section 7-11-80(2) of the Code of Laws of South Carolina was in fact on each page of the petition at the time that each signer of the petition signed the petition. Upon information and belief, petition pages in fact were signed without the information required by Section 7-11-80(2) being on the petition at the time of the signing. As a result, petition signers may not have known for or regarding whom they were signing the petition.

In addition, the information provided on each page of the petition was insufficient at the time of the signing of the petition to ensure or enable the petition signer to know for or regarding whom the petition was being signed. The top of each page of the petition merely identifies the petitioners with the words "Bill Collins". No other information about the petitioner, including his full correct name or his address, is provided. As a result, signers of the petition could have not known for or regarding whom they were signing the petition, and in fact could have believed that they were signing the petition for or regarding one person when in fact they

were signing the petition for or regarding another person for or regarding whom they did not intend to sign the petition.

To demonstrate the ease with which this error could occur, see Exhibit "E" attached hereto, which lists from www.whitepages.com the names and addresses of 25 different individuals in Dorchester County or Charleston County (which are included in Senate District #38) having the name "Bill Collins", "William C. Collins" or "William Collins", including 4 different individuals with the name "William Collins", 4 different individuals with the name "Bill Collins" and 3 different individuals with the name "William C. Collins" in the Dorchester County portion of Senate District #38. The information on the petition pages themselves did not ensure that the signers of the petitions knew for or regarding whom they were signing the petitions.

7. Petition Disqualified Because the Petitioner Signed His Petition Twice

We believe the petition should be disqualified, and that Williams C Collins a/k/a Bill Collins should be disqualified as a signer of the petition and as a petition candidate for Senate District #38, because the petitioner intentionally signed his petition twice (compare page 89, line 10 with page 123, line 2 of the petition) in order to become certified as a petition candidate. Collins' cavalier attitude about his trying to qualify his candidacy with his duplicate signatures is shown by his statements to the Post and Courier:⁸

"Collins said it's possible he signed twice, but it shouldn't matter. 'I guess I must have tried to vote early and often,' he said with a laugh."

Collins' attempt to "vote early and often", as he admits and boasts, should not be rewarded; should be considered a violation of the election laws; should disqualify him from being a candidate and a petition signer; and should disqualify his petition.

8. Petition Disqualified Because June 10, 2008 Republican Primary Voters Were Ineligible To Sign Petition For Same Office For Same General Election:

As stated in my letters to you dated July 21 and July 28, 2008, we ask that you provide us data to enable us to determine who voted in the June 10, 2008 Republican Primary, so we can determine who voted in that Primary and signed the petition. We have not received that information.

⁸ "GOP to challenge Collins' ballot bid", Post and Courier, August 1, 2008, page B1.

We believe that anyone who voted in the June 10, 2008 Republican Primary is disqualified from signing the petition, and that the petitioner would not have enough qualified signatures if signatures of those who voted in that Primary were excluded from the petition.

Our rationale for this conclusion is as follows:

"Vote" and "voting" are defined to include:

"[A]ll action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration . . . or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office"

28 C.F.R. Section 51.2 (emphasis added).

Section 7-11-10 of the Code of Laws of South Carolina provides three ways to nominate or place a candidate on a general election ballot: by party primary, party convention or petition. Black's Law Dictionary defines an "election" as the act or process of choosing. Section 7-25-110 makes it unlawful for a person to vote at any general, special, or primary election "more than once at such election, for the same office". As the term "voting" is broadly defined under federal law, any person who votes in a primary election for a candidate to be on the general election ballot and then takes action to nominate an additional candidate for the same office to be on the same general election ballot by signing a petition, has voted twice (has chosen twice) to place a candidate for the same office on the same general election ballot, in violation of Section 7-25-110.

Federal case law indicates that allowing the same voter to vote twice for the same office on the same general election ballot by voting in a primary and signing a petition, would violate the "one man – one vote" requirement in the United States Supreme Court decision Baker vs. Carr. See Jackson vs. Ogilvie, 325 F.Supp. 864, 867 (1971). As stated by the United States District Court for the Northern District of Illinois:

"[V]oting in a primary would prevent an elector from supporting an independent. Thus, the state's scheme attempts to insure that each qualified elector may in fact exercise the political franchise. He may exercise it either by vote or by signing a nominating petition. He cannot have it both ways. Such a requirement seems not only fair but mandatory under the holding in Baker v. Carr, supra."

325 F.Supp. 864, 867 (emphasis added).

In Gordon et al. v. Executive Committee of the Democratic Party of the City of Charleston, 335 F. Supp. 166 (Dist. S.C. 1971), a three judge federal court did not confine the proscription of Section 7-13-1040 [the predecessor to Section 7-25-110 in effect today] to participation in primary elections “held the same day” (as the statute literally read) but, instead, interpreted that phrase to mean “preliminary to the same general or special election”. See id. at 169. This supports our conclusion that voters who voted in the June 10, 2008 Republican Primary are precluded from signing a petition to put a candidate on the General Election ballot on November 4, 2008.

Additional analysis and support for disqualifying from signing the petition anyone who voted in the June 10, 2008 Republican Primary is found in the four page Memorandum of Law Re Legality of Nominating A Candidate for the Same Office in the Same General Election by Both Voting in a Primary and Signing a Petition, attached hereto as Exhibit “F” and incorporated herein by reference.

9. Petition Disqualified Because of Secrecy, Non-Transparency and Non-Accountability of Petition Validation Process:

Particularly disturbing is the total secrecy and lack of public accountability with which the signatures on the petition have been validated. The Election Commission did not allow anyone to actually observe the actual checking of the approximately 900 signatures the Election Commission did check, and has not given us or any other member of the public access to the official record of voter signatures so the public can review the signatures the Election Commission did check and the more than 3700 signatures on the petition the Election Commission have not checked. State law does not require or allow this shutting of the public out of the petition signature review process.

The Election Commission literally required our Republican Party observers present when the Election Commission checked the signatures, to remain outside of the room and out of view of where the signatures were being checked, with the result that no one other than an Election Commission employee ever saw the Election Commission signatures against which the petition signatures were checked. No member of the public has been allowed to verify the accuracy of the signatures on the petition, and no one knows or is being allowed to know the criteria used to check the accuracy of the petition signatures; whether that criteria was applied consistently by each person checking signatures and with regard to each signature checked; or if, indeed, there were any criteria used when checking signatures for validity.

There are numerous errors that the Election Commission may have committed regarding the petitions that no member of the public can protest since the existence of each error is unknown due this secrecy. As just one example, Section 7-11-85 of the Code of Laws of South Carolina provides in part that “every one of the first five hundred signatures must be checked for validity and at least one out of every ten signatures thereafter beginning with the five hundred and first signature must be checked for validity.” (Emphasis added.) Did the Election Commission really check the 501st signature stated and submitted on the petition, followed by the 511th, 521st, etc.? We will never know what really happened because we were not permitted to observe what was checked.

The American people would not have accepted as valid and legitimate the voter verification process used in Florida to verify the accuracy of votes for President of the United States in Florida in the 2000 Presidential election, if that verification process had been conducted out of the public view, as has occurred regarding verification of the signatures on the Collins petition. Similarly, we cannot accept as valid or legitimate the secret petition signature verification process being used thus far by this Election Commission regarding the Collins petition.

10. Petition Disqualified Because of Election Commission’s Failure to Check All Signatures When At Least 1898 Errors Are Apparent On the Petition:

Based on our inspection of 4,670 signatures on the 597 pages of petition signatures we have been provided, we have detected at least 1,898 apparent errors, as follows:

- A. 1,576 illegible signatures;
- B. 103 signatures using the same handwriting;
- C. 559 signatures that are questioned by the petitioner, with comments on the petition, e.g., “cannot read”, “cannot find” and “?”;
- D. 5 pages missing (pages 23, 117, 174, 188 and 194, see supra);
- E. 1 signature signed by third person without proper authority;
- F. 21 signed at the wrong locations on the petition;
- G. 7 failed to print their name by their signatures;
- H. 1 not registered to vote;
- I. 51 not live in Senate District #38;
- J. 37 signed 2 or 3 times (Collins himself signed twice – compare page 89, line 10 with page 123, line 2);
- K. 79 failed to sign the petition, even though their names were printed;
- L. 1 signature not numbered on page as required;
- M. 1 page not numbered, see Exhibit “D” attached;

- N. At least two people (T.C. Limehouse, C.L. Soles) listed as signers of the petition were deceased as of the date of the filling of the petition; and
- O. At least 46 pages contain signatures of registered voters from more than one county, in violation of Section 7-11-80(4) of the Code of Laws of South Carolina.

The exact page number and row number of each of these apparent errors referenced above are shown in Exhibit "C", which is provided with this letter on a disk since Exhibit "C" is too large to print.

It should be stressed and understood that the 1,898 apparent errors noted above are what appears from merely looking at the petitions themselves, and do not take into account errors that might exist but might not be apparent from merely inspecting the petitions. For example, while 1,576 signatures appear to be errors because they are not legible or readable when inspecting the petition pages, numerous signatures that are legible or readable may also be incorrect and in error.

If just the 1,898 individual errors apparent from inspecting the petition pages are in fact errors, only 2,772 remaining signatures (4,670 submitted minus 1,898 errors) on the petition would be valid, 425 less than the 3,197 qualified registered voter signatures reportedly necessary for Collins to be placed on the general election ballot. Because there so many apparent errors on the petition evident just from inspecting the pages of the petition, as shown above, we ask, and believe it is necessary and required, that the Election Commission inspect all signatures on the petition (including all signatures from Charleston County, regarding which we object because they have not been checked), not just 10% of them after inspecting the first 500. Inspection of all of the signatures on the petition is permitted by Section 7-11-85 of the Code of Laws of South Carolina, which by authorizing inspection of "at least one out of every ten signatures" (emphasis added) allows inspection more than one out of every ten signatures and of all of them. In addition, in order to enable the public to have confidence in any new results reported by the Election Commission, we ask that all future inspections of signatures be in public and not be secret.

The American people would not have accepted as valid and legitimate the voter verification process used in Florida to verify the accuracy of votes for President of the United States in 2000, if that verification process had involved inspection of only 10% of the votes after inspecting the first 500 and/or had been performed in secret, away from the public view. Similarly, we cannot accept as valid or legitimate the petition signature process being used thus far by this Election Commission regarding the Collins petition, involving review by the Election Commission

of only 917 signatures (the first 500 and then only every 10th signature), or only 19.6% of the total submitted, without any public oversight.

In conclusion, the Democrat and Republican Parties are required to validate the legitimacy and qualification of each candidate who files for office with a party, and must validate the qualification and registration of each and every voter who votes in a primary election. Over 12,000 voters participated in the June 10th Republican Primary, and 100% of them were found qualified to vote by the Dorchester County Election Commission staff. We believe that each person who signed a petition must and should be screened with the same degree of accuracy and scrutiny as primary voters.

Thank you for your consideration of these matters. Please let me or our attorney know if you have any question or comment. I can be contacted at 843- 873-1162, or 843-270-0656 cell or 843-875-6856 fax.

Sincerely yours,

COPY

Arthur Bryngelson
Chairman, Dorchester
County Republican Party

cc:

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List of Exhibits

- Exhibit A -- Press Release by Republican Party re Petitions 7/31/08
- Exhibit B -- Opinion of the Attorney General of South Carolina, LEXSEE 1981 S.C. LEXIS 6
- Exhibit C -- Excel Spreadsheet on Computer Disk Showing Exact Row and Page Number of 1898 Apparent Individual Errors in 13 Categories in Petition of Bill Collins

Exhibit D -- Unnumbered Petition page containing name of Roxie Wright

Exhibit E -- Addresses for 25 William Collins, William C. Collins or Bill Collins from www.whitepages.com

Exhibit F -- Memorandum of Law Re Legality of Nominating A Candidate for the Same Office in the Same General Election by Both Voting in a Primary and Signing a Petition