



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

May 14, 2003

The Honorable Leon Howard
Member, House of Representatives
432B Blatt Building
Columbia, South Carolina 29211

Dear Representative Howard:

In reference to this Office's opinion dated May 8, 2003 regarding Richland School District One's purchase of properties for renovation and/or expansion of Dreher High School, you have asked the following question: assuming a court were to conclude that the purchases of property were invalid or the ballot question concerning Dreher's renovation and/or expansion constituted a material misrepresentation, what remedy would the court likely impose?

This question is answered by the May 8, opinion. As stated in the opinion, rather than setting aside the bond referendum, the court would likely enjoin both the purchases of property for the proposed Dreher High School expansion "as well as any expenditures of bond [proceeds] for such expansion." See, Doran v. Robertson, 203 S.C. 434, 27 S.E.2d 714 (1943) [expenditure of bond proceeds for unauthorized purpose enjoined]; Watson v. Livingston, 154 S.C. 257, 151 S.E. 469 (1930) [school bond referendum upheld, but any bond proceeds beyond constitutional debt limit held to be invalid]; Sadler v. Lyle, 254 S.C. 535, 176 S.E.2d 290 (1970) [purpose for which the particular bond proceeds are used must be stated "with sufficient certainty to inform and not mislead the voters as to the object in view."]; Lindsey v. Guhl, 237 Ga. 567, 229 S.E.2d 354 (1976) [bond proceeds approved by voters for one purpose may not be used for another and different purpose]; Little Portion Franciscan Sisters, Inc. v. Boatright, 26 S.W.3d 443 (2000) ["the proceeds of this bond election may only be used for the purpose of constructing a new sewerage treatment plant at the location of the existing treatment plant"]; expenditure of bond proceeds for the construction of other facilities at the location are invalid and enjoined]; McNichols v. City and County of Denver, 120 Colo. 380, 209 P.2d 910 ("the use of the proceeds for any other purpose is a violation of the city charter and a wrongful diversion of the funds because such use has not been authorized by the people."].

I trust this responds to your inquiry.

Yours very truly,

Henry McMaster

HM/an

Request Letter