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The State of South Carolina



Office of the Attorney General

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November 10, 1987

The Honorable John W. Tucker, Jr.
Member, South Carolina House of
Representatives
Route 1, Highway 81 North
Anderson, South Carolina 29621

Dear Representative Tucker:

You have requested the advice of this Office as to whether an Act pertaining to Anderson County Schools can be amended although, according to your information, it was established by referendum in November, 1982. Act 510, Joint Acts and Resolutions of South Carolina, 1982, addresses Anderson County schools and the budgets for Anderson County School Districts, but I believe that Act 511 may be the Act in question because it provides for an advisory referendum to determine whether the electors of Anderson County want an elected County Board of Education with review authority over local school district budgets. Because the referendum for which provision is made in Act 511 is advisory, it could not alone change legislative provisions. Ops. Atty. Gen., October 2, 1987. Moreover, because the referendum was authorized by legislation pertaining only to that particular referendum, any results of it could be changed by subsequent legislative act.

Should you need additional information, please let me know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

JESjr/srcj

REVIEWED AND APPROVED:

Robert D. Cook
Executive Assistant for Opinions