

1976 WL 30505 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1976

*1 Ms. Esther Jackson
President
League of Women Voters
P. O. Box 1111
Sumter, South Carolina 29150

Dear Ms. Jackson:

In response to your inquiries concerning certain provisions of Act No. 283 of 1975, the 'home rule' legislation, the referendum provided for by Section 10-3701(a) of that Act must have taken place prior to July 1, 1976, and cannot be called to take place in the November general election or at any time after July 1, 1976.

Assuming that there was no referendum held in Sumter County prior to July 1, 1976, then, pursuant to Section 10-3701(b) thereof, Sumter County shifted to the council-administrator form of government effective as of that date. Thus Section 10-3701(c) comes into play and provides, in part, that:
the adopted form, number and composition shall not be changed for a period of two years from the date such form becomes effective and then only as a result of a referendum . . .

Sumter County, then, cannot change its form of government, number of council members or composition until July 1, 1978, at the earliest.

You raise an additional question concerning when the referendum can be held to take effect on or after July 1, 1978. I am enclosing a copy of an earlier opinion which is dispositive of this inquiry.

Regarding the two hearings required by Section 10-3701(a), this requirement is not applicable to a referendum held after July 1, 1976, as they are not required by Section 10-3701(c). Notice of such a referendum will still have to be given, however, and this notice requirement can generally be met by at least two notices published in a county-wide publication not later than two weeks before the referendum.

The signatures which your organization has collected cannot be used to call for a referendum in 1978. The petition must represent at least ten percent of the registered electorate, according to Section 10-3701(c), and in all probability, some of the present petitioners may no longer be registered electors two years from now. Moreover, as the number of registered electors increases in Sumter County, your petition will no longer represent ten percent thereof.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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