



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

August 30, 1996

Ladson F. Howell  
Beaufort County Attorney  
155 Sea Island Parkway  
Post Office Box 40  
Beaufort, South Carolina 29901

Re: Informal Opinion

Dear Mr. Howell:

You have requested an opinion from this Office on behalf of the Beaufort County Council regarding S.C. Code Ann. § 4-37-30(A)(3)(Supp.1995). You advise that pursuant to S.C. Code Ann. § 4-37-10 et seq. (Supp.1995), the County Council has recently passed an ordinance which contains the specific question to be placed on the referendum ballot. You ask whether the inclusion of the word "accelerate" in the ordinance to be placed on the referendum ballot is an improper or unlawful editorial addition to the referendum question in violation of § 4-37-30(A)(3).

As provided by § 4-37-10 et seq., counties are empowered to impose a sales and use tax to fund certain transportation projects. Subject to a referendum, the governing body of a county may vote to impose a sales and use tax by enacting an ordinance. S.C. Code Ann. § 4-37-30(A)(1)(Supp.1995). Upon receipt of the ordinance, the county election commission shall conduct a referendum on the question of imposing the optional sales and use tax in the jurisdiction. S.C. Code Ann. § 4-37-30(A)(2)(Supp.1995). The question to be placed on the referendum ballot must read substantially as follows: "I approve of a special one percent sales and use tax to be imposed in (county) for not more than (time) to fund the following project or projects: . . . ."

You have advised that the ordinance to be placed on the referendum ballot reads as follows: "I approve a special purpose one (1%) percent sales and use tax to be imposed in Beaufort County

for not more than sixty-nine (69) months, beginning June 1, 1997, to supplement available South Carolina Department of Transportation (SCDOT) funds to accelerate the completion of the following project: . . . ." (emphasis added).

A ballot description must give a true and impartial statement of the purpose of the measure in such language as not intentionally to be an argument or to be likely to create prejudice either for or against the measure. 42 Am.Jur.2d Initiative and Referendum § 46 (1969).

In my opinion, when the ordinance is read as a whole, the word "accelerate" is merely a descriptive term. It is unlikely that the inclusion of the word "accelerate" in the referendum question will create a prejudice either for or against the ordinance. Therefore, in my opinion, it is not improper to include the word "accelerate" in the referendum question.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General not officially published in the manner of a formal opinion.

Very truly yours,



Paul M. Koch  
Assistant Attorney General