

1983 WL 181808 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1983

*1 J. Lewis Cromer, Esquire
County Attorney
Post Office Box 192
Columbia, South Carolina 29202

Dear Mr. Cromer:

I am in receipt of your recent letter. You have stated that Richland County held a referendum to reduce the size of council which was approved by the electorate but disapproved by the United States Department of Justice under their Voting Rights Act review. You have inquired if a new referendum can be held or if the provisions of SOUTH CAROLINA CODE OF LAWS, 1976, as amended, Section 4-9-10(c) would prohibit a new referendum election for four years.

The pertinent provisions of Section 4-9-10(c) provide that:

After a referendum has been held and whether or not a change in the form results therefrom no additional referendums shall be held for a period of four years. (Emphasis added.)

The language of this section would appear to prohibit a new referendum being held for a period of four years.

Additionally, you have inquired if it is still the opinion of this Office that the ‘ . . . council would be bound by the language of the petition in framing the ballot question and in implementing the proposal set out thereon.’

This opinion was expressed in a letter of October 27, 1982, addressed to you by Treva G. Ashworth. In that letter she confirmed in writing an earlier oral opinion of Karen Henderson that the ballot must be phrased in the language of the petition and if the referendum had been approved by the Justice Department only two officials would have been elected in 1984. This letter represents the opinion of this Office on those questions.

Sincerely,

T. Travis Medlock
Attorney General

1983 WL 181808 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.