

1982 S.C. Op. Atty. Gen. 61 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-58, 1982 WL 155027

Office of the Attorney General

State of South Carolina

Opinion No. 82-58

September 7, 1982

\*1 The Honorable Joyce Hearn  
Member  
S. C. House of Representatives  
1316 Berkeley Road  
Columbia, SC 29205

Dear Representative Hearn:

You have asked whether a general sixty-day notice of a general election would satisfy the notice requirements for a referendum to be conducted at the time of that general election. It is the opinion of this Office that a specific legal notice must be given for the referendum sixty days prior to the referendum.

The notice requirements are set out in [§ 7-13-35, Code of Laws of South Carolina](#), 1976 (as amended). It provides that '[t]he election commission in each county shall publish two notices of general and special elections held in the county in a newspaper of general circulation in the county. . . . The first notice shall appear sixty days prior to the election . . . .' (Emphasis added.) A special election is defined elsewhere in the Code to include a referendum. [§ 7-1-20, Id.](#) Thus, the conclusion follows that [§ 7-13-35, Id.](#), requires the county election commission to publish a newspaper notice of a referendum at least sixty days prior to the date of that referendum.

The content of that notice, as a matter of general law, must state the purpose of the special election or the question submitted in the referendum. 26 Am. Jur. 2d 'Elections,' § 195; see [Phillips v. City of Rock Hill](#), 188 S.C. 140, 145, 198 S.E.2d 604, 606 (1938). Mere news articles in a newspaper would probably not satisfy the formal notice requirements of the special election or referendum. [Richmond County Business Association v. Richmond County](#), 155 S.E.2d 395, 399 (Ga. 1967). For these reasons, the fact that a notice states that the general election is to be conducted on a given date would not by itself satisfy the notice requirements for the special election. See [§ 7-1-20\(1\), Id.](#)

Therefore, it is the opinion of this Office that a specific notice of a referendum must be given by the county election commission in order to satisfy the requirements of the state law, and that the general sixty-day notice of a general election would not satisfy the notice requirements for a referendum to be conducted on that same date.

Sincerely yours,

Daniel R. McLeod  
Attorney General

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