

1977 WL 36970 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 18, 1977

*1 Roy D. Bates
City Attorney
City Hall
P. O. Box 147
Columbia, SC 29202

Dear Mr. Bates:

You have requested an opinion as to whether or not new freeholders can be added to a petition for annexation election after it has been submitted and acted upon or if an entirely new petition must be obtained.

In general, a petition is deemed to be complete when it is filed and new signatures cannot be added to the petition after it is filed. McQuillin on Municipal Corporations, § 7.33 at page 450 states

[n]ew signatures may be added to an annexation petition ordinarily prior to the filing thereof, but the rule is otherwise after it has been filed, even though withdrawal of signatures may have resulted in loss of jurisdiction of the body with which the petition was filed.

Research has failed to disclose any South Carolina case in point. However, in two South Carolina cases the Court has held that once a petition is filed names placed upon the petition by others can't be ratified by the persons whose names were filed. [Williams v. Jacobs](#), 237 S.C. 183, 116 S.E.2d 157; [Dalton v. Town Council of Mt. Pleasant](#), 241 S.C. 546, 129 S.E.2d 523. These cases, therefore, would impliedly uphold the principle that the petition must be complete at the time it is filed.

Therefore, it is the opinion of this Office that a petition must be complete upon filing and new signatures cannot be added after the petition has been filed. Any further proceeding to request the calling of an annexation election would necessitate the submission of an entirely new petition.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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