ALAN WILSON
ATTORNEY GENERAL

September 30, 2016

The Honorable Paul Thurmond, Member
South Carolina Senate, District No. 41
P.O. Box 142
Columbia, SC 29202

Dear Senator Thurmond:

Attorney General Alan Wilson has referred your letter dated September 8, 2016 to the Opinions section for a response. The following is this Office's understanding of your question and our opinion based on that understanding.

Issue (as quoted from your letter):

I am writing to ask you to provide us as soon as possible an Attorney General Opinion about the legality of the wording of a bond referendum Dorchester County Council has voted to hold in the general election to be held on November 8, 2016. [ ] As shown in the ordinance dated 7/18/16 attached as Exhibit #1, Dorchester County Council has voted to hold a referendum on November 8, 2016, on whether Dorchester County should issue bonds for TWO expressly stated different purposes and amounts (i.e., $30 million for libraries, $13 million parks) but pursuant to only ONE question. ... This Ordinance cites as authority for this referendum Article X, Section 14, of the South Carolina Constitution, and the County Bond Act, S.C. Code Section 4-15-10 to 4-15-180. Neither of those authorities appears to state expressly whether a referendum question to be voted on as a prerequisite for this issuance of bonds pursuant to these authorities may contain more than one purpose or item in a question to be voted on, or whether there must be a separate question voted on for each purpose or item. However, both authorities refer to the "purpose" of an approved bond in the singular and not in the plural, thereby perhaps evidencing the intent to require a separate vote for each specific different purpose for which the bonds are issued.

*For example, Article X, Section 14(4) states that "[g]eneral obligation debt may be incurred only for a **purpose** which is a public **purpose** and which is a corporate **purpose** of the applicable political subdivision" (emphasis added). S.C. Code Section 4-15-20 states that "the term 'authorized **purpose**' shall mean any **purpose** for which the particular county might, under the applicable constitutional provisions, issue bonds or levy taxes" (emphasis added). Section 4-15-30(A) states that "[t]he authorities of a county may issue general obligation bonds of the county to defray the cost of any authorized **purpose** ... if: (1) the election required by this chapter as a condition precedent to the issuance of bonds is favorable ... (emphasis added)."*

Taxpayers questioning the legality of combining these two different items into one referendum question appear to believe that each question should stand on its own merits and not affect or cause a favorable or unfavorable vote on the other. Further, some taxpayers express fear that if these two items can be combined into one referendum question, multiple other unrelated items, perhaps without limit,

could be combined into one referendum question, each affecting or even determining the outcome of the vote on the other items and rendering meaningless a decision about each item on its individual merits. They argue that if more than one purpose were allowed in a question to be voted on in the referendum, the law would have read that election approval must be for authorized purposes [plural] and not for an authorized purpose [singular]. Again, they fear that allowing two items in one question in a referendum to justify the issuance of bonds for two different purposes would be a precedent for allowing an unlimited number of items to be combined into one question in a referendum, and do not think the Constitution or the Legislature intended to give County Council the authority to combine multiple separate requests for bond issuance authority into one referendum question.

Please let us know whether it is legal to combine both of the above stated requests of authorization to issue bonds – for libraries and for parks – into one referendum question or if a separate referendum question must be stated and voted on for each of the two separate purposes.

Law/Analysis:

As you reference in your letter, the South Carolina Constitution Article X, § 14 authorizes political subdivisions, including a county, to "incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law within the limitations set forth in this section and Section 12 of this article." S.C. Const. art. X, § 14(2). Section 14 goes on to authorize indebtedness as general obligation debt or from a "revenue–producing project or from a special source as provided in subsection (10) of this section." Id. It is our understanding the bonds referenced in your letter would be incurred by a county as general obligation debt. Regarding general obligation debt, § 14 of the Constitution defines it as "any indebtedness of the political subdivision which shall be secured in whole or in part by a pledge of its full faith, credit and taxing power." S.C. Const. art. X, § 14(3). Furthermore, as you mention in your letter, our Constitution specifies that general obligation debt "may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the applicable political subdivision." S.C. Const. art. X, § 14(4) (emphasis added). As you point in your opinion request "purpose" is singular here, as opposed to other statutes such as the Capital Project Sales Tax Act (S.C. Code § 4-10-300 et seq.) which authorize a referendum "for a specific purpose or purposes." S.C. Code § 4-10-310; Op. S.C. Att'y Gen., 2004 WL 1182081 (S.C.A.G. May 20, 2004).[1] Moreover, South Carolina Code § 7-13-400 specifies the form for the ballot for the issuance of bonds. The form uses the language "in favor of the question or issue (as the case may be)" and "opposed to the question or issue (as the case may be)." The legislative intent from the plain language of the ballot has each "question" or "issue" listed separately when multiple questions or issues are submitted. S.C. Code § 7-13-400.[2]

This Office has previously opined regarding bond referenda. See, e.g., Op. S.C. Att'y Gen., 2009 WL 2844866 (S.C.A.G. August 19, 2009). In one such opinion we were asked whether a bond could be used

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[1] See also S.C. Code § 4-37-20 et seq. authorizing a sales and use tax for transportation facilities. The statute authorizes a referendum for the "project or projects for which the proceeds of the tax are to be used." S.C. Code § 4-37-30 (emphasis added).

[2] While we note prior opinions by this Office have referenced a June 18, 1994 opinion stating "the effect of the referendum question is to limit the use of the funds for the purposes set forth" in that question, we were not able to find such an opinion, nor we were able to find any authority for interpreting the plain language of the statute any way other than "purpose" in the singular. See, e.g., Op. S.C.Att'y Gen., 2003 WL 22050874, at *2 (S.C.A.G. Aug. 22, 2003).

for "purposes other than those described in the bond referendum" pursuant to the School Bond Act. Id. In that opinion we stated, among other things, that:

> "a ballot referendum may not confuse or mislead the voter." Op. S.C. Atty. Gen. May 8, 2003. We explained in detail, in an opinion issued in 2003, the general requirements in this regard:
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> > The general test applied by our Supreme Court as to whether a particular referendum is upheld or set aside is whether "when viewed as a whole, [the referendum] ... would likely mislead the average voter." Lowery v. Bright, 234 S.C. 279, 107 S.E.2d 769 (1959). It is the purpose of a bond referendum to "determine the will of the voters upon the assumption of a public debt to the amount of and for the object proposed." Fairfax County Taxpayers Alliance v. Bd. of County Supervisors of Fairfax, 202 Va. 462, 117 S.E.2d 753 (1961). The general purpose of the debt "must be stated with sufficient certainty to inform and not mislead voters as to the object in view . . . ." The painstaking details of the proposed work or improvements, of course, need not be set out in the ballot. Id.
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> > In Tipton v. Smith, et al., our Supreme Court articulated the general standard for legal sufficiency of a referendum. Quoting with approval the Massachusetts case, In re Opinion of Justices, 271 Mass. 582, 171 N.E. 294, 297, 69 A.L.R., the Court stated that the referendum
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> > > ... must be complete enough to convey an intelligible idea of the scope and import of the proposed law. It ought not to be clouded by undue detail, nor yet so abbreviated as not to be readily comprehensible. It ought to be free from any misleading tendency, whether of amplification, of omission, or of fallacy. It must contain no partisan coloring. It must in every particular be fair to the voter to the end and that the intelligent and enlightened judgment may be exercised by the ordinary person in deciding how to mark the ballot.
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> > 93 S.E.2d at 642. In the Tipton case, the Court found that the ballot in question was materially misleading and thus declared the election invalid. See also, Heinitsh v. Floyd, 130 S.C. 434, 126 S.E. 336, 337 ["To give effect to the [wording of the ballot] would be to approve the submission of constitutional amendments under forms which would procure their adoption by deceit."].
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> Id. However, we noted that the determination of whether a particular bond referendum is misleading is a factual determination that only a court can decide. Id.

Op. S.C. Att'y Gen., 2009 WL 2844866, at *4 (S.C.A.G. Aug. 19, 2009).[3]

Let us, therefore, examine bond referenda generally. Traditionally, bonds must fulfill their statutory purpose and otherwise comply with their governing statutory. See, e.g., Watson v. Harmon, 280 S.C. 214, 312 S.E.2d 8 (Ct. App. 1984). Our State Court of Appeals stated in one opinion that:

> If a bond is given pursuant to a statutory requirement, the bond is construed with reference to the statute and the intent of the statute will govern. *Rogers v. U.S. Fidelity and Guaranty Co.*, 225 S.C. 298, 81 S.E.2d 896 (1954). Furthermore,
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> > [w]hile a bond is ordinarily purely a contract which, when privately given without any qualifying laws, is to be strictly construed and not extended beyond the scope of the obligation according to its express terms, a statutory bond to the public given for the observance of a law is to be read, construed, and enforced in connection with, and according to, the statute pursuant to which it is given, and to be interpreted according to the purpose and meaning of the legislative enactment. The provisions of the statute pursuant to which a bond is given are to be read into the bond and considered a part of it.... *It is essential that the principal to a statutory bond be a party thereto, while the person in whose behalf a statutory undertaking is executed need not become a party to the instrument.*
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> 12 Am.Jur.2d *Bonds* § 2, 479 (1964) [emphasis added]. *See also id.* § 26, 495-96; *Kimbrell v. Heffner,* 163 S.C. 35, 161 S.E. 175, 177 (1931). "When a bond is given in compliance with the provisions of a statute, the Court will hold liberally the wording and terms of the bond to carry out the statutory purpose." *Pickens County v. Love,* 171 S.C. 235, 250, 171 S.E. 799 (1933).

Watson v. Harmon, 280 S.C. 214, 217–18, 312 S.E.2d 8, 10–11 (Ct. App. 1984). We also note this concept of limiting bonds to a single purpose is generally practiced, and McQuillin states concerning bonds:

> If there are two or more separate and distinct propositions to be voted on, each proposition should be stated separately and distinctly, so that a voter may declare his or her opinion as to each matter separately, since several propositions cannot be united in one submission to the voters so as to call for one assenting or dissenting vote on all the propositions.[5]
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> Elections are invalid where held under such restrictions as to prevent the voter from casting his or her individual and intelligent vote on the object or objects sought to be attained.[6] The object of the rule preventing the submission of several

[3] Fairfax County Taxpayers Alliance v. Bd. of County Supervisors of Fairfax, 202 Va. 462, 117 S.E.2d 753 (1961) was cited by the South Carolina Supreme Court in Sadler v. Lyle, 254 S.E. 535, 176 S.E.2d 290, 295 (1970). See Op. S.C. Att'y Gen., 2003 WL 23138213 (S.C.A.G. December 23, 2003). See also W.J. Douan v. Charleston County Council, 357 S.C. 601, 594 S.E.2d 261 (2003) (our State Supreme Court held, among other things, that the ballot did not conform to the statutory mandate to the extent that it affected the outcome of the election).

> and distinct propositions to the people united as one in such a manner as to compel the voter to reject or accept all, is to prevent rejection of popular or necessary propositions that are joined with other measures that are not so popular or necessary.[7] However, unless otherwise provided, it is proper to submit a number of propositions or questions at one time, providing the ordinance specifies each separate question or proposition as such, and provision is made by which the voters are given an opportunity to vote on each specific proposition or question independent of the other questions submitted at the same time. This may be done on a single ballot, but the ballot must state each proposition separately, so that the voter may be able to express his or her will with reference to each question.[8] For example, a dual question of: (1) increase of debt limit; and (2) bonding after increase of debt limit, both for a stated purpose, may be submitted on the ballot at one election, if the form of the ballot permits such propositions to be voted on separately.[9]
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> ...
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> There is considerable difference of judicial opinion as to whether the submission of the question concerning the issuance of bonds for the "purchase" or "erection," or practically equivalent words, of waterworks or the like, combines two or more propositions in a single question so as to be invalid. Some courts hold that such a submission is improper, states two propositions, and renders the election void,[33] but the weight of authority is to the contrary.[34]
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> The presumption arises that the acting municipal authorities in all required steps kept within the law, and one who raises the question of invalidity of anything done has the burden of demonstration.[35]
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> However, an election need not be invalidated despite a violation of the single-purpose rule, unless fraud has been perpetrated or corruption or coercion practiced to a degree to have affected the result.[36] A violation of the single-purpose rule does not render bonds invalid per se.[37]

15 McQuillin Mun. Corp. § 40:9 (3d ed.) (citing Wood v. Ross, 85 S.C. 309, 67 S.E.449 (1910); McDaniel v. Bristol, 160 S.C. 408, 158 S.E. 804 (1931)).[4] Moreover regarding two or more propositions, it states:

> Applying these rules, mandamus to compel an issuance of bonds has been denied where the approval of the electorate was not had, [6] where the notice of election was insufficient, [7] where the order for an election was insufficient,[8] where the election was irregularly held,[9] and where two or more propositions were voted on as one.[10]

15 McQuillin Mun. Corp. § 43:142 (3d ed.) (citing Johnson v. Roddey, 83 S.C. 462, 65 S.E. 626 (1909)).[5] Moreover, as far back as 1909 when our State Supreme Court decided Ross v. Lipscomb, 83 S.C. 136, 65 S.E. 451 (1909), it denied a mayor a writ of mandamus requiring bonds for lights, waterworks and a sewer system. The case opined the election notice stated that the bonds "shall be issued to extend the

[4] Please read McQuillin for the full text and for all cites listed therein.
[5] Please see Footnote #4.

electrical light plant or waterworks in the town of Gaffney or to secure additional water supply for said town." Id. at 454. Our State Supreme Court stated in Ross that:

> The intention of the Legislature was that there should be separate and distinct statements as to the amount of the bonds for electric lights and waterworks and as to the amount of those for establishing a sewerage system, ... But, even if the manner in which the different propositions were submitted to the voters is considered apart from the statute, the same result would follow.
> In the well-considered opinion in the case of Rea v. City of La Fayette, 130 Ga. 707, 61 S. E. 707, it was ruled that, when several distinct and independent propositions for the issuing of bonds by a municipality are submitted to the qualified voters of the town or city, provision should be made in the submission for a separate vote upon each. They cannot be lawfully combined as a single question. ... Mr. Chief Justice Fish in delivering the opinion of the court used this language: "There may be in a given community such a strong sentiment in favor of incurring a public debt for a particular purpose-for instance, as providing adequate and suitable accommodations for the public schools-that by combining a proposition of this popular character with one to create a public debt for a wholly different purpose, which would not, as an independent measure, commend itself to the unbiased judgment of the voters, the unpopular proposition may obtain the requisite number of votes to insure its adoption. On the other hand, the sentiment against the last-mentioned proposition might be so strong as to cause the voters to defeat the one in favor of the public schools, although, if standing alone, it would have received their hearty support. To present both propositions in a single submission, thus rendering the success of the one dependent upon the success of the other, or the defeat of the one dependent upon the defeat of the other, is clearly unfair to the voters, and not at all conducive to a free and untrammeled expression of public sentiment as to the merits of either. ...Mr. Justice Stockton, delivering the opinion of the court in McMillan v. Lee County, 3 Iowa, 311, said: "The law in our opinion has provided no such mode of submitting these questions to the vote of the people. The evils which might be permitted to grow up under such a system are so obvious and apparent that any extended discussion of the question by us would be superfluous. It may be sufficient to suggest that, if it were allowed, measures in themselves odious and oppressive might by means of it become fastened upon a county which in no other way would have obtained the number of votes requisite to insure their adoption, but by being connected with some other proposition which commended itself to the favor and suffrages of the people by its inherent merits and popularity. They must be adopted or rejected together. After the same manner a measure desirable and necessary to a people of a county may when offered for their adoption be rejected by their votes and fail to become a law by reason of its connection with some other measure or measures unpopular and uncalled for. In either case there is an evil. An unpopular measure may be enforced upon an unwilling people or a necessary and desirable one may be denied them in despite of their wishes. It is sufficient for us to say that the law in our opinion intended to provide for no such system of contradictions .... In Lewis v. Bourbon County Com'rs, 12 Kan. 186, Mr. Justice Brewer thus stated the rule: "It may be conceded that two or more questions may be submitted at a single election, provided each question may be voted on separately, so that each may stand or fall upon its own merits. But that is a very different matter from tacking two questions together, to stand or fall upon a single vote. It needs no argument to show the rank injustice of such a mode of submission. By it several interests may be combined, and the real will of the people overslaughed. By this combination an unpopular measure may be tacked on to one that is popular, and carried through on the strength of the latter. A necessary matter may be made to carry with it some private speculation for the benefit of a few. Things odious and wrong in themselves may receive the popular approval because linked with propositions whose immediate consummation is deemed essential. It i[s]

> against the very spirit of popular elections, that aims to secure freedom of choice, not merely between parties, but also in respect to every office to be filled, and every measure to be determined. A voter at a state election would be shocked to be told that because he voted for a person named for governor on one ticket he must vote for all other persons named thereon; or that, voting for one person, he was to be understood as voting for all. He would feel that his freedom of choice was infringed upon. None the less so it is by such a submission as this."

Ross v. Lipscomb, 83 S.C. 136, 65 S.E. 451, 454–55 (1909) (emphasis added). After our State Supreme Court decided Ross, it also decided other cases consistent with Ross. See, e.g., Johnson v. Roddey, 83 S.C. 136, 65 S.E. 451 (1909).[6]

However, in 1918 the General Assembly passed an act authorizing municipalities to incur bonds for water, sewerage and lighting plants in a single question. Act No. 463, 1918 S.C. Acts 801. That Act became § 4429 of the 1922 Code of Laws. It stated:

> Powers of Municipal Corporations—Provisos.—All cities and towns in this State are hereby authorized and empowered to incur bonded indebtedness and to own and possess property to any amount within the discretion of the municipal authorities of such towns and cities for the purposes of purchase, establishment and maintenance of waterworks plants, sewerage systems and lighting plants: *Provided*, That the question of such purchase or establishment shall be submitted to an election, and no such purchase or construction shall be made except upon a majority of the electors of such cities or towns who are qualified to vote on the bonded indebtedness of said cities or towns; *And provided, further,* That the question of incurring such indebtedness be submitted with favorable results to the freeholders of such municipalities by petition, and the qualified voters of such municipalities for decision according to the requirements of the Constitution of this State upon the question of other bonded indebtedness.

Act No. 463, 1918 S.C. Acts 801 (emphasis added).[7] In 1930 the Supreme Court decided Waits v. Town of Ninety-Six, 154 S.C. 350, 151 S.E. 576 (1930). In Waits the Supreme Court of this State held that a bond referendum was "legal, valid and binding obligations of said town" for construction of waterworks and a sewerage system. Id. at 579. The Court held the ballot did not need to have two separate bond questions for water and lights because of the act passed in 1918. Id. Quoting from Waits, the court stated:

> However, the Court decided that a separate submission was necessary in that case under the statutes considered in accordance with the rule as laid down in case of Ross v. Lipscomb, 83 S.C. 136, 65 S.E. 451, 137 Am. St. Rep. 794; Johnson v. Roddey, 83 S.C. 462, 65 S. E. 626; Chase v. Gilbert, 83 S.C. 546, 65 S.E. 735; State v. Brasington, 93 S.C. 447, 76 S. E. 1086; Weeks v. Bryant, 99 S.C. 8, 82 S. E. 988. These cases, however, were decided prior to the general statute now Section 4429 of Code of 1922, which was enacted in 1918, and evidently for the express purpose of changing the rule declared in the above cases. At any rate the general statute Sec. 4429 does have that effect, for it is plain that all three

[6] The Court decided other relevant cases too numerous to mention here.
[7] See S.C. Code § 5-21-250 authorizing a referendum for bonds for water and sewer purposes to be combined.

> purposes, water works, lighting plants, and sewerage systems are tied together; whereas under former provisions of the Code water works plant and sewerage systems were provided for under entirely different sections. ...

Waits v. Town of Ninety-Six, 154 S.C. 350, 151 S.E. 576, 578 (1930) (emphasis added). Thus, it is this Office's opinion that Waits did not change that each separate proposition should be voted on as individual questions, but that it merely complied with the South Carolina's General Assembly's codification that certain utility bonds controlled by municipalities could be voted within the same bond. We believe the language the Court warns of, the "evils" of voting on two on more propositions in the same question, still exist. Ross v. Lipscomb, 83 S.C. 136, 65 S.E. 451, 454–55 (1909). We also believe the Court's concerns are a correct interpretation of the General Assembly's intent since the law passed after Ross only gave municipalities the power to put propositions of bonds for certain utilities as one question. The General Assembly could have instead passed a law authorizing a single bond question for multiple purposes, but it chose to only combine water, sewer and light systems. Act No. 463, 1918 S.C. Acts 801.

Other courts have held that water and sewer systems were so connected that the two propositions could be placed together as one bond question. See, e.g., Henkel v. City of Pevely, 504 S.W.2d 141 (Mo. Ct. App. 1973). Quoting from Henkel, the Court in that case used a test described as a natural relationship between propositions and stated that:

> It has long been the law of Missouri that doubleness in propositions submitted to voters in bond elections is to be condemned to prevent the yoking together of distinct things to the end that the two combined may attract a majority of the voters when neither separately might be able to do so. State ex rel. Pike County v. Gordon, 268 Mo. 321, 188 S.W. 88 (banc 1916); State ex inf. Barrett v. Maitland, 296 Mo. 338, 246 S.W. 267 (banc 1922). 64 Am.Jur.2d, Public Securities and Obligations, s 154, pp. 196—197 (1972). But not every proposition which contains multiple submissions is to be condemned. The test whether there is presented a single or multiple proposition is whether or not there exists a natural relationship between the objects united in one proposition and whether or not the several projects are so related that united they form in fact one rounded whole. "The test is whether the several parts of the proposition are plainly and naturally so related or connected that, united, they form in fact but one united, rounded whole, and may be logically viewed as parts or aspects of a single plan. If so, or if they are dependent one upon the other, they may be grouped together and submitted as one proposition; if not, and if they have to do with different subjects which are so unrelated and incongruous and their association so artificial as to constitute logrolling and a fraud upon the voter, separate submissions are required * * *" State ex rel. Phelps County v. Holman, 461 S.W.2d 689, 691 (Mo. banc 1971) quoting from State ex inf. Taylor ex rel. Schwerdt v. Reorganized School District R—3, 257 S.W.2d 262, 266—267 (Mo.App.1953). Under these tests and under the authorities in this and other states, State ex rel. City of Chillicothe v. Wilder, 200 Mo. 97, 98 S.W. 465 (1906) (submitting water works and electric light plant does not violate rule although upon a new submission the proposition 'should' use the word combined); see cases collected in Annot., 4 A.L.R.2d 617, 654 (1949) and 64 Am.Jur.2d, Public Securities and Obligations, s 156, p. 201 (1972), the rule against doubleness of submission is not violated. A water system and the improvement of

> a sewer system complement one another. City of Maryville v. Cushman, 363 Mo. 87, 249 S.W.2d 347, 358 (1952).

Henkel v. City of Pevely, 504 S.W.2d 141, 146–47 (Mo. Ct. App. 1973).

Regarding public parks, our General Assembly has authorized a municipality to issue a bond referendum concerning a public park. See S.C. Code § 51-15-330; 1962 Code § 51-165.22; 1954 (48) 1809. Moreover, South Carolina Code § 4-9-30(5)(a) lists "recreation" as one of the operations of the county and its authority to levy taxes. We presume a court will interpret the General Assembly to include a "park" as a public purpose of the county. Furthermore, South Carolina Code § 4-9-35 requires each county council to establish a county public library system and deems the county public library system a "continuing function of the county." S.C. Code § 4-9-35. Regarding public libraries, this Office has previously opined that a county council must be the one to sponsor a referendum to increase taxes for the benefit of the county library system. Op. S.C. Att'y Gen., 2011 WL 2214064 (S.C.A.G. May 6, 2011); see also S.C. Code § 4-9-39; § 4-9-30(5)(a). Moreover, as you are likely aware, any millage levied by county council for the county public library system must be used for the county public library system. S.C. Code § 4-9-39. Thus, a court will also include a public library as encompassed by the General Assembly as a public purpose of the county. Nevertheless, we did not find evidence in the information you provide that a park provides a service which can fairly be classified within the same purpose as money for county libraries. This is especially true where the General Assembly specifically authorized a bond referendum for a library pursuant to South Carolina Code § 4-9-39. Thus, a bond question for a county library is governed by a separate statute than one for a park. Id. This further supports your concerns of combining the two questions into one question on the referendum ballot.

Conclusion:

It is for all of the above reasons we are in agreement with the concerns expressed in your letter and believe a court will likely determine neither the Constitution nor the General Assembly intended to give a county council the authority to combine multiple separate issues for bond issuance into one referendum question, that Article X, § 14(4) of the South Carolina Constitution authorizes a purpose in the singular and that South Carolina Code § 7-13-400 specifies each question or issue be listed in the singular on the ballot. Moreover, we believe your concerns are further supported by our State's case law and general bond referendum case law as expressed by McQuillin. However, this Office is only issuing a legal opinion based on the current law at this time and the information as provided to us. Until a court or the General Assembly specifically addresses the issues presented in your letter, this is only an opinion on how this Office believes a court would interpret the law in the matter. Additionally, you may also petition the court for a declaratory judgment, as only a court of law can interpret statutes and make such determinations. See S.C. Code § 15-53-20. If it is later determined otherwise, or if you have any additional questions or issues, please let us know.

Sincerely,

Anita S. Fair

Anita S. Fair
Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Solicitor General