

1978 WL 34979 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1978

*1 Councilwoman Sarah Glenn Rivelin
307 Glenwood Avenue
Lancaster, South Carolina 29720

Dear Councilwoman Rivelin:

You have requested an opinion whether the results of a referendum to be conducted by the City of Lancaster would be merely advisory or would be binding on the council. In our opinion, the voters may enact a valid ordinance through a referendum and that ordinance would have the same effect as an ordinance enacted by the municipal council.

[Section 5-17-10, SOUTH CAROLINA CODE](#), 1976, permits the voters of a municipality to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, by a petition. The petition must be signed by voters equal in number to at least fifteen percent of the registered voters at the last regular municipal election. [Section 5-17-30 of the Code](#) gives the opportunity to the municipal council to enact the ordinance proposed by that initiative petition. If the council fails to pass the ordinance as proposed in the petition or passes it in a form substantially different from that set forth in the petition, then the ordinance proposed in the petition must be submitted to the voters in a referendum. Id.

If the results of the referendum are favorable to the proposed ordinance then it would become a valid enactment.

Sincerely yours,

David C. Eckstrom
Staff Attorney

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