

1975 WL 29391 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 14, 1975

*1 Mr. Gonzales S. Waddy
Chairman
Incorporation Study Group
1622 Camp Road
Charleston, South Carolina 29412

Dear Mr. Waddy:

Your letter addressed to Mr. James B. Ellisor has been referred to this office for reply. You have inquired whether or not it is possible to place an advisory referendum on the ballot of a special election to determine if citizens of James Island desire to incorporate James Island.

It has been the past opinion of this office that public funds may not be expended for an advisory election unless it is authorized by statute. See 1968-69 Ops. Atty. Gen., No. 2659, p. 75; 1969-70 Ops. Atty. Gen. No. 2935, p. 190. Where there is no authorizing legislation, it would appear that the Commissioners of Election would not be authorized to include such a referendum upon the official ballot.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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