

1974 WL 27931 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 22, 1974

*1 Donald D. Aaron
Attorney at Law
1418 Laurel Street
Columbia, South Carolina 29202

Dear Mr. Aaron:

Thank you for your letter of August 9, 1974, in which you raised various questions concerning the correct procedure for a referendum on a proposed annexation in Cayce. Specifically, you have asked what procedure would be deemed proper notification of the upcoming referendum. South Carolina Code of Laws, 1962, Section 47-15 establishes the procedure for notification of a proposed annexation procedure. This section states

The county commissioners of elections shall give at least ten days' notice prior to the date set for such election by notice signed by the county commissioners of elections and posted in three conspicuous places within the corporate limits of the municipality and also three conspicuous places within the territory proposed to be annexed to the municipality or by similar notice published ten days prior to the time set for such election in a newspaper of general circulation within the corporate limits of the municipality and within the territory proposed to be annexed thereto.

Additionally, you have stated that you plan to have two boxes at the polls one with the label 'I approve annexation' and the other box labeled 'I do not approve annexation'. This plan would violate the constitutional guaranty of secrecy of the ballot. A more appropriate procedure would be to have one ballot, and printed on this ballot the two statements of 'I approve annexation' and 'I do not approve annexation.' There should be one unmarked box in which these ballots should be placed.

Sincerely,

Treva Ashworth
Assistant Attorney General

1974 WL 27931 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.