

1976 WL 30439 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 27, 1976

*1 Mr. Ed McElveen, Jr.
Lee County Administrator
Lee County Courthouse
Bishopville, South Carolina 29010

Dear Mr. McElveen:

Enclosed is a copy of a 1976 act bearing ratification number R-497 which is the act that the United States Justice Department recently cleared for implementation and which you inquired about last week. As you can see, it is not any type of 'home rule' legislation.

In connection with the 'home rule' matters which we discussed in Bishopville last week, I want to emphasize that if a petition for a referendum is filed early enough for it to be certified and for the referendum to be held prior to July 1, 1976, then all Lee County officials must act expeditiously in performing their respective duties. Although we discussed May 15, 1976, as the date after which such a petition would probably not be able to be honored, there is no deadline as such specified in the 'home rule' act and, therefore, a reasonable effort to certify the names, hold the two required public hearings, print the notices and conduct the referendum should be made, certainly if the petition is received by that date. To do otherwise might subject those officials to mandamus proceedings.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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