

Bond Case Briefs

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BOND REFERENDUM - SOUTH CAROLINA

Ziegler v. Dorchester County

Supreme Court of South Carolina - May 8, 2019 - S.E.2d - 2019 WL 2022648

County residents, county taxpayers association, and public interest organization filed complaint challenging referendum question which granted county council authority to issue general obligations bonds for library facilities and for recreational facilities, seeking declaratory judgment that including two questions in one referendum question was unlawful, a permanent injunction enjoining county from conducting the referendum, and costs and attorney fees.

After referendum passed, the Circuit Court granted county's and county council members' motion for judgment on the pleadings. Plaintiffs appealed, and case was transferred from the Court of Appeals.

The Supreme Court held that referendum question was unlawful because it contained two separate bond proposals, making it impossible to vote "in favor" of one and "opposed" to the other as required by statute.

Referendum question asking whether county should be authorized to issue up to \$30 million in general obligation bonds for new library facilities and up to \$13 million in general obligation bonds for recreational facilities contained two separate bond proposals and required voters to support both or neither, and thus the referendum question was unlawful because it was not possible to vote "in favor" of one and "opposed" to the other as required by statute.