

1977 S.C. Op. Atty. Gen. 48 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-47, 1977 WL 24390

Office of the Attorney General

State of South Carolina

Opinion No. 77-47

February 4, 1977

*1 The Honorable Frank L. Roddey
State Senator
Box 129
Lancaster, South Carolina 29720

Dear Senator Roddey:

You have inquired whether the Legislature may exempt a portion of land from the surveyed area to be voted upon by the electors in an annexation procedure between Lancaster and Kershaw Counties.

In my opinion, the Legislature cannot make such an exemption from the surveyed area. This opinion is based upon the case of [Clarendon County v. Sumtor County, 116 S.C. 258, 108 S.E. 103](#), in which the precise question appears to have been considered by the Supreme Court. In that case, the Supreme Court considered the question: 'Has the General Assembly the power to permit a portion of the territory voted to be annexed to the County of Sumter to remain in the County of Clarendon, and to alter the lines accordingly?'

The Supreme Court answered this question in the negative, stating that the Constitution required that the question of the territory to be annexed must be submitted to the voters and that a portion so voted upon cannot be deleted by action of the General Assembly. The constitutional provisions remain now as they did before and, in my opinion, the decision of the Supreme Court is controlling. The Legislature, in short, is bound by the line as established in the survey and as voted upon by the electors.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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