1972 WL 25347 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
June 6, 1972

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Dear Ed.:
Thank you for your letter of June 2, 1972, inquiring if legislation would be constitutionally defective if it sought to remove from the provisions of Section 47-699.72, Code of Laws of South Carolina, 1962, the requirement that the City Recorder elected thereunder be a lawyer.

The section provides, in part:
'The City Recorder shall be an attorney at law—.' Section 47-699.72, Code of Laws of South Carolina, 1962.

This section is applicable to those cities with a population of from 7,000 to 12,000 inhabitants which desire to adopt the council manager form of government. Other and varying provisions of law exist with respect to the office of City Recorder. In some circumstances, the Recorder is required to be an attorney; in others, not; and in some cities the Recorder is required to be resident, and in some cities the Recorder is required to obtain a city business license, whereas in both of such instances, other contrary provisions exist with respect to this position. The result is that the Legislature has clearly recognized that these requirements of the office of Recorder are subject to varied treatment, and it appears logical and reasonable to conclude that this is based upon differing circumstances within the municipalities. See Townsend v. Richland County, 190 S.C. 270, 2 S.E.2d 77; Sections 15-1003, 1006, 1069, et seq., Code of Laws of South Carolina, 1962.

It is my opinion that an amendment to Section 47-699.72 so as to authorize a non-lawyer to serve as City Recorder for the City of Hartsville would not be in violation of Article 3, Section 34 of the Constitution of this State, nor of Article 8, Section 1 thereof.
Very truly yours,

Daniel R. McLeod
Attorney General

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