

1981 WL 157841 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1981

\*1 Honorable Richard W. Riley  
Governor of the State of South Carolina  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Governor Riley:

Your recent letter addressed to Mr. McLeod has been referred to me for reply. You have requested our office review H.2936 (R182) for constitutional weakness.

This Act provides that

In accordance with the provisions of [Section 4-9-90 of the 1976 Code](#), the General Assembly delegates its authority to reapportion all county council election districts in Anderson County as to population to the governing body of Anderson County. The provisions of this act shall not apply to the reapportionment of Senate or House of Representatives Districts.

It would appear that this provision, which deals only with Anderson County, would constitute special legislation within the prohibition of [Article III, Section 34, Subsections IX and X of the South Carolina Constitution](#), which prohibits a special law being enacted where a general law can be made applicable. [McElveen v. Stokes](#), 240 S.C. 1, 124 S.E.2d 552 (1962). As all counties will be faced with the necessity of reapportioning election districts, it would appear that a general law could be made applicable. Therefore, the Act bearing House Number 2936 would constitute a special law where a general law could be applicable and, in the opinion of this office, would thereby violate the provision of the Constitution prohibiting special legislation.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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