

1981 S.C. Op. Atty. Gen. 95 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-74, 1981 WL 96600

Office of the Attorney General

State of South Carolina

Opinion No. 81-74

August 24, 1981

*1 Honorable Lois T. Shealy
Clerk
House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mrs. Shealy:

On behalf of the Speaker of the House, you have inquired as to the powers that must be granted to the Committee to which S-559 may be referred.

S-559 is a bill establishing the Congressional Districts of the State in accordance with [Article VII, Section 13, of the Constitution of this State](#), which authorizes the General Assembly to 'arrange the various counties—into Congressional Districts—as it may deem wise and proper—.'

The Senate has refused to concur in the House proposal submitted to it, and the consequence is the origin of the problem presently before the Speaker.

Pursuant to Rule 4 of the Joint Rules of the Senate and House, if this matter should be submitted to a Conference Committee, that Committee would not have power to insert any new matter not found in the Senate or House version of the bill. Upon two-thirds vote of the Senate and House separately taken, the bill may be referred to a Committee of Free Conference. In such case, the Free Conference Committee shall have power to insert new matter not found in either the House or Senate version.

S-559, in both the House and Senate Versions, consists of the arrangement of various counties into Congressional Districts. Within this framework, a Conference Committee must work, and it would require Free Conference powers in order to insert matters not found in either of the versions. The resolution of what constitutes new matter shall be resolved by the presiding officer of each body, and my opinion is requested for guidance in this respect.

In my opinion, the supremacy of constitutional requirements vests in the General Assembly the authority to split counties in the formation of Congressional Districts, but this is not decisive of the present dilemma which rests upon Rules of Procedure adopted by the General Assembly for the conduct of its own business. In the consideration of the proposals presently before a Committee, the resolution of that Committee, if a Conference Committee, must be guided by the provisions of those Rules, as well as [Article VII, Section 13, of the Constitution of this State](#). Therefore, the proposals which are presently before the House must be viewed by a Conference Committee as specifically providing for the division of counties in their entirety into Congressional Districts; in order to deviate from such consideration, the Committee must, in my opinion, receive Free Conference powers. I reiterate that my opinion is based solely with respect to the authority that may be granted by a body the General Assembly under its own Rules, and the ?? decision must rest with the entire General Assembly, which must act within the mandates of the decisions of the United States Supreme Court concerning the one-man, one-vote principle.

Very truly yours,

*2 Daniel R. McLeod

Attorney General

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