

1982 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-71, 1982 WL 155040

Office of the Attorney General

State of South Carolina

Opinion No. 82-71

December 8, 1982

*1 Honorable Ryan C. Shealy
Member
South Carolina Senate
Post Office Box 142
Columbia, South Carolina 29202

Dear Ryan:

Thank you for your letter of December 1 in which you asked whether or not the oath or office taken to uphold the Constitution of South Carolina would bind a senator not to have senatorial districts that divide a county.

The oath, of course, is not only directed to the State Constitution but also to the Constitution of the United States, and the latter Constitution is paramount in law. The oath which you take as a senator pledges you to uphold the Constitution, but that Constitution is as interpreted by the highest authority in the land, which, in the case of reapportionment, is the United States Supreme Court or some subordinate federal court of lesser precedence.

I, therefore, advise that the constitutional oath does not require you to maintain county lines, but when the final judicial authority has spoken, its construction of the constitutional requirement of equal representation must be followed.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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