

1977 WL 37406 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 22, 1977

*1 Senator T. Ed Garrison
Anderson County Courthouse Annex
Anderson, South Carolina 29622

Dear Senator Garrison:

You have requested an opinion from this Office as to whether or not the members of the Anderson County Legislative Delegation who are not residents of Anderson County (three of ten members) must vote on appointments, recommendations, etc., which relate solely to Anderson County. In my opinion, the three members who do not reside in Anderson County are not required to do so as hereinafter discussed.

Act No. 978 of 1966 provides as follows:

Notwithstanding any other provision of law to the contrary, beginning on the Monday following the general election of 1966, any provision of law requiring the approval of a majority of the Legislative Delegation from Anderson County, including the Senator, or and the Senator, shall be construed as requiring the approval of a majority of the Members of the House of Representatives from Anderson County, including at least one Senator, or and at least one Senator. 54 STAT. 2380 (1966).

Therefore, using as an example the recommendation for appointment of the members of the Broadaway Lake Commission [51 STAT. 293 at 294 (1959)], I think that four of the five House members who reside in Anderson County plus one of the Senators who reside in Anderson County can validly make the recommendation. See, e.g., [Ellison, et al. v. City of Haverhill](#), 309 Mass. 350, 35 N.E.2d 202 (1941).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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