

1975 S.C. Op. Atty. Gen. 85 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4013, 1975 WL 22311

Office of the Attorney General

State of South Carolina

Opinion No. 4013

April 7, 1975

*1 The Honorable Thomas S. Linton
Director
Legislative Council
Post Office Box 11417
Columbia, South Carolina 29211

Dear Mr. Linton:

You have inquired whether the Great Seal of the State must be attached to an Act before it will become effective.

I advise that, in my opinion, it is necessary that the Great Seal of the State be attached before an Act shall become effective.

The constitutional provision recites that:

‘No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each House, has had the Great Seal affixed to it, and has been signed—.’

The provisions of the Constitution are, of course, mandatory and prohibitive unless declared to be otherwise. Article I, Section 23, Constitution of South Carolina. The constitutional provision is essentially the same as that set forth in the Constitution of 1868, and the Journal of the Constitutional Convention of 1868 reflects no discussion upon this constitutional requirement, nor was there any discussion by the Constitutional Revision Committee at the time of its formulation of the present constitutional Article I.

Decisions of the Supreme Court of South Carolina upon a constitutional provision in pari materia and relating to the inclusion of the words ‘against the peace and dignity of the State’ in indictments have construed this provision as mandatory.

It is my opinion that the Great Seal of the State must be attached to a statute before it shall become effective.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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