

1973 WL 26923 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1973

*1 Honorable T. Ed Garrison
Route 2
Anderson, South Carolina 29621

Dear Senator Garrison:

Thank you for your letter of October 4 requesting an opinion as to the constitutionality of a bill to amend Sections 14-851, 14-852 and 14-853, so as to increase membership upon the Board of Commissioners for Anderson County and to modify residency requirements when including the election of one member at large.

In the light of the provision contained in Article 8 of the Constitution (local government) which prohibits the enactment of laws for a specific county, it is my opinion that this is probably an unconstitutional act in that it constitutes special legislation. In my opinion the prohibition against special legislation referred to probably relates to forms of government and this act seems to basically reach that area.

I wish to emphasize that this provision contained in Article 8 has not received construction in this respect by the Supreme Court of South Carolina and consequently an opinion with regard to such a matter cannot be expressed with complete confidence but must be based to some degree upon speculation.

I, therefore, express doubt as to the validity of the bill on this ground, but I feel that it probably comes within the prohibition against special legislation for a particular county.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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