

1972 S.C. Op. Atty. Gen. 78 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3276, 1972 WL 21431

Office of the Attorney General

State of South Carolina

Opinion No. 3276

March 9, 1972

*1 Legislation making the position of county auditor and county treasurer elective rather than appointive would not constitute special legislation.

Senator

District 13

You recently inquired as to whether legislation making the positions of county auditor and county treasurer elective rather than appointive would constitute special legislation.

It is my view that such legislation would not be special legislation of the kind precluded by the Constitution of South Carolina. I reach this conclusion in view of the case of [Townsend v. Richland County](#), 190 S.C. 270, 2 S.E.2d 277, and in view of the fact that numerous statutes of a similar nature have been enacted by the General Assembly in recent years. Two such exemptions were of long standing, indicating a legislative determination that elective or appointive procedures in the cases of auditors and treasurers is a subject which can reasonably be varied among the counties. [McElveen v. Stokes](#), 240 S.C. 1, 124 S.E.2d 592, undercuts this conclusion in some degree, but not to the extent of compelling a resolution of doubt as to validity contrary to the general principle.

Daniel R. McLeod

Attorney General

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