

1975 WL 29073 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 14, 1975

*1 The Honorable James B. Edwards
Governor
Columbia, South Carolina

Dear Governor Edwards:

Your letter of July 17, 1975, requests the opinion of this Office concerning the action to be taken by you upon receipt of Petition for Annexation filed with you by Miss Margaret Elmendorf on June 6, 1975, and seeking annexation of an area lying in Charleston County to Dorchester County.

The constitutional provisions which govern this procedure are now incorporated in Article 8, Section 5, of the Constitution. Those provisions vary from previous constitutional requirements and are not self-executing. The General Assembly has not undertaken action to implement the provisions of Article 8, Section 5. I have heretofore, and prior to the rendition of the few decisions by the Supreme Court construing the application of other provisions of Article 8 of the Constitution, expressed the opinion that an annexation could be undertaken utilizing existing annexation procedures but modifying those procedures to the extent required by the new constitutional restrictions.

In view of the strict construction of Article 8, which seems apparent from the three or four decisions to which reference is made, it is my opinion that annexations cannot and should not be ordered unless and until implementation of Article 8, Section 5, is undertaken by the General Assembly.

Very truly yours,

Daniel R. McLeod
Attorney General

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