

1973 WL 26757 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1973

\*1 Honorable J. M. Morris  
Senator  
Clarendon County  
Box 10  
Manning, South Carolina 29102

Dear Senator Morris:

You have inquired as to the validity of S-448 which provides:

‘The term of office of the Director of the South Carolina Public Service Authority originally appointed to represent the First Congressional District who resides in a county transferred to the Sixth Congressional District is hereby terminated.’

Based upon the case of [McElveen v. Stokes](#), 240 S.C. 1, 124 S.E.2d 592, it is my opinion that the bill is most probably unconstitutional. It creates an exception to a statute of general applicability which is incorporated in Section 23-554, Code of Laws, 1962, as amended in 1966 and in 1971.

The 1971 amendment provides:

‘Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board, commission or committee to represent a Congressional District whose residency is transferred to another district by a change in the composition of a district may serve or continue to serve the terms of office for which he was elected or appointed.’

The bill under consideration would make an exception for the First Congressional District. I seriously doubt whether this can validly be done, particularly in the light of [McElveen v. Stokes](#), which took note of the fact that in that case a statute of general applicability could have been enacted and, in fact, had been enacted. This is practically the same situation as in [McElveen v. Stokes](#), and I therefore feel constrained to doubt the validity of the proposed Act.

With best wishes,

Very truly yours,

Daniel R. McLeod  
Attorney General

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