

**Joshua A. Putnam**  
District No. 10 – Anderson, Greenville  
and Pickens Counties

**Committees:**

Education and Public Works  
Chairman, Public Safety Subcommittee  
Operations and Management



**House of Representatives**  
State of South Carolina

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November 20, 2017

**HAND DELIVERED**

The Honorable Alan Wilson  
Attorney General  
State of South Carolina  
Dennis Building  
Columbia, SC 29211

Dear Mr. Attorney General:

Please accept this letter as a request for your office to issue an opinion pursuant to South Carolina Code §1-7-90 regarding the following matter.

With the recent events surrounding the Great Seal of the State not being affixed to an unknown number of legislative acts over the past fifteen years, it has called into question the legitimacy of such Acts.

Pursuant to South Carolina Constitution, Article III, Section 18. "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 of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: Provided, That either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Joint Resolution by its title only".

I personally discovered, with the help of staff at the South Carolina Department of Archives and History on Friday 17th, 2017, that during the legislative years of 2003 and 2004 that 109 legislative acts did not receive the Great Seal of the State affixed to them pursuant to the State Constitutional requirements regarding what is required of a Bill or Resolution to receive the force of law within this State. As you may also know from media reports, that the current Secretary of State, Mark Hammond has admitted within the AP that other Bills and Resolutions within other legislative years under his fifteen year tenure as Secretary didn't receive the Great Seal of the State.

As the magnitude of this failure to affix the Great Seal of the State to legislation over the past fifteen years is not fully known, there are constitutional questions surrounding the legitimacy of these Bills and Resolutions having not received the Great Seal of the State. There are also questions regarding when the Great Seal of the State must be affixed to such Bills and Resolutions. Can such Acts receive the Great Seal of the State within a later legislative session, other than the year it originated, since a Bill or Resolution is prohibited from being carried over to the next legislative session?

I raise these questions with your office and request an opinion regarding these matters because as an elected State Representative I took the Oath of Office "that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States."

The essential legal questions for your office to address are (a) what are the Constitutional requirements that a Bill or Joint Resolution must satisfy in order to receive the force of law within our state; (b) whether a Bill or Joint Resolution at the time it is without the Great Seal of the State affixed to it is considered constitutional and/or carry the force of law; (c) Whether there is a time requirement that the Great Seal of the State must be affixed to a Bill or Joint Resolution; (d) can the Great Seal of the State be affixed to a Bill and Joint Resolution that originated within a prior legislative session.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua Putnam". The signature is written in a cursive style with a long horizontal stroke at the end.

Representative Joshua A. Putnam