

1983 WL 181812 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 23, 1983

***1 SUBJECT: Public Disclosure by a Member of a Board of his Individual Vote Made During an Executive Session and the Reasons for his Vote on the Particular Subject Matter before the Board During that Executive Session**

While the contents of discussions taking place during an executive session need not be disclosed pursuant to the South Carolina Freedom of Information Act, there is no restriction under the Act to prevent an individual member of a public body from revealing his vote, the reason for that vote, or even the contents of the discussions held during the closed meeting in which that individual participated.

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QUESTION: \$Can an individual member of the Budget and Control Board publicly disclose his vote on a particular matter taken up during an executive session of the Board and publicly disclose the rationale supporting his vote on the issue in question?

OPINION:

Yes. The South Carolina Freedom of Information Act, [Section 30-4-70, South Carolina Code of Laws \(1976\)](#), as amended, specifically details when the meetings of a public body may be closed to the public. While the Act does not require that minutes of these closed meetings or executive sessions be kept, [Section 30-4-70\(a\)\(5\)](#), does require that any recorded vote committing the public body to a specific course of action be ratified in public session prior to such action becoming effective. However, there is no mandatory restriction either upon the public body or the individual members of that body against the disclosure of an individual's vote or the reasons for that vote on any topic taken up during the session.

The only preventative solution to individual disclosure of the contents of executive session discussions and individual votes would be by the rules of conduct or regulations adopted by the particular Board in issue with appropriate sanctions attached in the event of disclosure.

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