

1984 WL 249855 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1984

*1 Honorable T. Moffatt Burriss
Member
House of Representatives
4204 Rockbridge Road
Columbia, South Carolina

Dear Representative Burriss:

Mr. Medlock has referred your recent letter to me for reply. You have requested our Office to interpret the meaning of 'membership of convention' as used in [Section 7-11-30 of the South Carolina Code](#) of Laws, 1976.

This Section provides in part that

[n]o convention shall make nominations for candidates for officers unless the decision to use the convention method is reached by a three-fourths vote of the total membership of such convention . . .

You have inquired if the total membership means the absolute number of eligible delegates or the delegates who are actually present at the convention.

In statutory construction, words are to be given their ordinary and plain meaning. [McGlohon v. Harlan](#), 254 S.C. 207, 174 S.E. (2d) 753 (1970); [Boyd v. State Farm Mutual Automobile Ins. Co.](#), 260 S.C. 316, 195 S.E. (2d) 706 (1973). Giving this statutory language its ordinary and plain meaning would require that the total membership be deemed all those persons who were entitled to attend the convention. The statute is not phrased as requiring a three-fourths vote of all members present and voting or of all members present. Specifically, the language requires a three-fourths vote of the total membership.

Support to this interpretation is found in the definition of majority vote in [Robert's Rules of Order](#) at page 339 of the Newly Revised Edition. A 'majority vote' means '. . . more than half of the votes cast by persons legally entitled to vote . . .' (Emphasis added). And at page 17 quorum is defined as '. . . a majority of the entire membership.' (Emphasis added).

Therefore, three-fourths of the total membership of the convention should be read as meaning three-fourths of the entire membership that could have attended the convention.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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