

The State of South Carolina



Office of the Attorney General

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May 22, 1992

The Honorable Jarvis R. Klapman, Chairman
Lexington County Legislative Delegation
Lexington County Courthouse
Room 105
139 East Main Street
Lexington, South Carolina 29072

Dear Representative Klapman:

By your letter of May 12, 1992, you have asked for our opinion on what number of votes would constitute a majority of a legislative delegation when voting on appointments. The statute with which you are concerned requires that an appointee be recommended by the majority of the delegation.

In a virtually identical situation addressed in an opinion of our Office dated April 15, 1986 (copy enclosed), we advised that the necessary vote would not be calculated on the basis of those members present and voting but on the basis of the total membership of the delegation (in that opinion, several delegations acting jointly).

In the situation you have described, the Lexington County Legislative Delegation is comprised of ten members. It is noted that no limiting words such as "a majority of the delegation present and voting" were used. Thus, the majority would be calculated as more than half of the votes cast by those persons entitled to vote. See also Robert's Rules of Order Newly Revised § 43. In such case, at least six votes would be needed to comprise a majority of the Lexington County Legislative Delegation. As applied to the vote taken as described in your letter, it appears that no candidate received at least six votes and therefore no candidate received a majority favorable vote.

The Honorable Jarvis R. Klapman, Chairman

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With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:ss
Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions