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The State of South Carolina



Office of the Attorney General

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January 3, 1985

The Honorable Larry Blanding
Member, House of Representatives
Post Office Box 1446
Sumter, South Carolina 29150

Dear Representative Blanding:

By your letter of December 18, 1984, you requested an opinion on the voting status of the member of the Board of Visitors of The Citadel serving ex officio as the representative from the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives. The composition of the Board of Visitors is specified by Section 59-121-10, Code of Laws of South Carolina (1983 Cum.Supp.), but that Code section is silent as to voting status or other rights or responsibilities of ex officio members.

In an opinion rendered by retired Attorney General McLeod on March 4, 1976, it was stated that "[a]n ex officio member has all the rights, powers, duties and responsibilities of any other member of a board unless restricted by a specific statute." Attorney General McLeod's opinion referred to an earlier opinion by Attorney General Callison reaching the same conclusion. Subsequently, in an opinion dated December 22, 1981, this Office opined that "an ex officio member of [a] Board is a member for all purposes, including but not limited to voting and counting in the determining of a quorum of the Board." Copies of these opinions are enclosed for your information.

Because there is no statute specifically restricting the rights or responsibilities, including voting, of an ex officio member of the Board of Visitors of The Citadel, it would remain

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the opinion of this Office that the ex officio members would vote just as would any other member of the Board of Visitors of The Citadel. See also Robert's Rules of Order Newly Revised, §48 (1970).

We trust that we have satisfactorily responded to your inquiry. Please advise if we may provide clarification or additional assistance.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:djg

Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions