

The State of South Carolina



Office of the Attorney General

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May 6, 1986

Aaron A. Brown, Chairman
S.C. Manufactured Housing Board
300 Gervais Street
Columbia, South Carolina 29201

Dear Mr. Brown:

By your memorandum which this Office received on April 9, 1986, you have asked whether the State Fire Marshal, as an ex officio member of the South Carolina Manufactured Housing Board, may send a proxy or other representative to meetings of the Board. You have advised that very often conflicts in the Fire Marshal's schedule preclude his attendance at Board meetings and thus the question of a proxy, to attend meetings or vote in his place, arises.

Section 31-17-90, Code of Laws of South Carolina (1985 Cum. Supp.), provides in part that the "State Fire Marshal shall serve on the [Manufactured Housing] Board as a consultant and as an ex officio member." Within this statute there is no reference to proxy voting by an absent member, ex officio or otherwise, or to sending a representative in place of a member who must be absent.

The law relative to sending proxies to meetings and voting by proxy has been discussed in numerous opinions of this Office; enclosed please find opinions dated June 13, 1967; July 27, 1967; January 21, 1972; April 5, 1972; August 9, 1976; January 15, 1979; and May 10, 1984. As you will see from these opinions, the law generally is that proxy appointing power or voting is permitted only where authorized by statute. Where, as here, there is no such statutory authorization, proxy voting or appointment would not be permitted.

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We trust that the foregoing, with the enclosed opinions, will satisfactorily respond to your inquiry. If you need clarification or additional assistance, please advise.

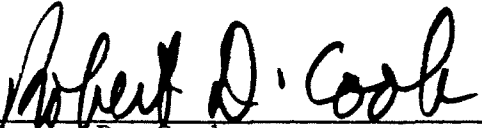
Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

PDP:hcs

Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions

cc: C. Havird Jones
Assistant Attorney General

Malcolm E. Rentz, Esquire