

1981 WL 158226 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1981

**\*1 Re: Task Force Subcommittee Meetings—Freedom of Information Act**

Senator Dewey Wise  
P. O. Box 142  
Suite 610, Gressette Senate Office Building  
Columbia, SC 29202

Dear Senator Wise:

You have written to ask whether or not members of the press must be given access to subcommittee meetings of the 'Task Force to Study a University at Charleston'. I am informed that the above Task Force is a project sponsored by the State Reorganization Commission. I have further been informed that the above Task Force contains twenty-seven (27) members now appointed, with twenty-seven (27) additional members to be appointed in the near future. You have stated that there are six (6) subcommittees of the Task Force, with each subcommittee being made up of approximately ten (10) members.

As this Task Force is a project of the State Reorganization Commission and is supported by public funds, there would be no question but that the Task Force is a 'public body' within the definition of the South Carolina Freedom of Information Act, Section 30-4-20(a). As to whether or not the press must be admitted to subcommittee meetings of the Task Force, one must look to the definition of a 'Meeting', found under the Freedom of Information Act. Section 30-4-60 of the South Carolina Freedom of Information Act requires that ' . . . every meeting of all public bodies shall be open to the public unless closed pursuant to Section 30-4-70 of this chapter.' Section 30-4-20(d) of the South Carolina Freedom of Information Act defines 'Meeting' to mean ' . . . the convening of a quorum of the constituent membership of the public body, whether corporal or by electronic equipment to discuss or act upon a matter of which the public body has supervision, control, jurisdiction or advisory power.' A 'Quorum', unless otherwise defined by law, means ' . . . a simple majority of the membership of a public body', Section 30-4-20(e). Based on the information concerning the above-referenced Task Force supplied to me by your office, meetings of subcommittees would not have to be open to the press or to the public in general, since such a gathering would not fall within the statutory definition of 'Meeting'. A gathering of ten (10) members of the Task Force would not constitute the convening of a quorum of the constituent membership and could, therefore, be closed to the public at the option of the subcommittee members.

Please find enclosed a copy of our Opinion to the State Reorganization Commission concerning subcommittee meetings for your review.

Should you desire further assistance, please do not hesitate to call me.

Sincerely,

Judith Evans Finuf  
Assistant Attorney General

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