

1981 WL 157887 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 29, 1981

\*1 Honorable Chris Pracht  
Representative  
District No. 6  
Box 574  
Anderson, South Carolina 29622

Dear Representative Pracht:

I am in receipt of your letter concerning voting procedures under new apportionment legislation. You have asked the following question:

Several appointments such as the State Planning and Development Board, Board of Education, Agriculture Commission and Highway Commission are made from the Tenth Judicial Circuit with Anderson and Oconee Counties delegations voting. Under our reapportionment legislation, two resident Oconee House members will be representing portions of Anderson County. When this situation occurs, will these members have two votes, one vote for each county, or will they vote only as individuals?

There is no statutory provision that governs the question you have raised, However, by reading the provisions for determining a majority vote of a legislative delegation as set out in South Carolina Code of Laws, 1976, Section 2-7-40 as a guideline, it would appear that the statute authorizes each member of the delegation one vote. Therefore, each member of the delegation would be entitled to one vote in voting for or against a legislative appointment.

In practice this would entitle a person representing, for example, Oconee and Anderson Counties to be a member of the legislative delegation for Anderson County and the legislative delegation for Oconee County. When voting in the legislative delegation of Oconee County, the representative would have one vote as part of that delegation. Likewise when voting as a member of the Anderson County Legislative Delegation, the representative would have one vote as part of that delegation.

In a situation where an appointment is made by the legislative delegation from the judicial circuit and the representative represents two counties within that judicial circuit (as would be the case in all of the Boards or Commissions mentioned in your letter), the representative would have only one vote as would all the other members of the legislative delegation making up that judicial circuit.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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