

1976 WL 30594 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1976

\*1 The Honorable David S. Taylor  
Member  
South Carolina Senate  
Box 46  
Laurens, South Carolina 29360

Dear Senator Taylor:

You have requested my opinion concerning the question of whether or not a nominee of the Governor for position of member of the South Carolina Commission for the Blind may assume the duties of the office without confirmation by the Senate.

Section 71-291, as amended, provides for the appointment by the Governor, with the advice and consent of the Senate, of members of the Commission by an amendment to the law enacted in 1975 (75 Acts 150). Membership of the Commission was increased and nominations therefor have been proposed by the Governor but have not been confirmed by the Senate. The statute provides that 'vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only.'

Thus, initial appointments must be made with the advice and consent of the Senate and vacancies are required to be made subject to the same confirmation requirements.

Until confirmation is obtained, it is my opinion that a member does not have the capacity to assume the duties of the office and exercise its functions.

Very truly yours,

Daniel R. McLeod  
Attorney General

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