

1975 WL 29535 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1975

*1 Senator Horace G. Smith
State House
Columbia, South Carolina

Dear Senator Smith:

Judges of the Civil and Criminal Court of Spartanburg County are appointed and commissioned by the Governor upon recommendation of the majority of the Spartanburg County Legislative Delegation. See, 57 STAT. Act No. 167, Section 2 at 154 (1971); see also, 57 STAT. Act No. 1127, Section 1 at 2297 (1972). The recommendation of a majority of the Spartanburg County Legislative Delegation is, according to you, taken by secret ballot, and your question is whether or not such recommendation comes within the provisions of the Freedom of Information Act. See, CODE OF LAWS OF SOUTH CAROLINA, Cumulative Supplement, Sections 1-581, et seq.

Nothing in the Freedom of Information Act or the statutes relating to the appointment of the judges of the Civil and Criminal Court of Spartanburg County requires a member of the delegation to disclose the contents of his ballot; however, in our opinion, any written record of the results of the vote would be subject to inspection and examination under the Freedom of Information Act.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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