

1974 WL 27571 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 2, 1974

*1 M. Gay Suber
Executive Director
South Carolina Republican Party
P. O. Box 5247
Columbia, South Carolina 29250

Dear Mr. Suber:

Thank you for your letter of December 29 concerning whether ex officio members of the State Executive Committee of a political party have the right to vote in committee matters.

An ex officio member of a public body is reassessed of all the rights exercised by any, other member, in the absence of a statute specifically providing otherwise. No such contrary provision is contained in Section 23-261 Code of Laws, 1962 relating to the State Executive Committee. Previous opinions of this office considering the same matter are enclosed herewith.

You also inquire as to whether a political party can by its rules increase the number of voting members of a state committee by adding members not presently provided for by a law. I advise that in my opinion this cannot be done. The rule-making power granted to a body can be utilized only for the purpose of implementing a law; it cannot alter or modify the statute under which it functions. Where a political party is given authority to promulgate rules, this power is generally granted with the injunction that it may be exercised if such rules 'do not conflict with provisions hereof.' See for example Section 23-253 relating to qualifications for party members.

Very truly yours,

Daniel R. McLeod
Attorney General

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