

1973 WL 26569 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 3, 1973

**\*1 Re: Abbeville County Governing Board**

Mr. Gerald R. Clay  
County Attorney  
Abbeville County  
Post Office Box 550  
Abbeville, South Carolina 29620

Dear Mr. Clay:

Thank you for your letter of December 29 wherein you request an opinion as to whether the Senator has a vote in certain matters pursuant to the Supply Bill for Abbeville County and what action can be taken if there is a tie vote within the governing body of the County in the conduct of County affairs.

I am not certain which provision of the last Supply Bill you have reference to. In certain sections the County Legislative Delegation is referred to, whereas in other sections, such as Section 28, the governing board of the County and the member of the House of Representatives from the County is referred to as being the authority to undertake certain action set forth in the section.

If the statutory provision has reference to 'the Legislative Delegation,' or words of similar import, it is my opinion that the provisions of Section 30-203.1 would control and the Senator would have a vote. On the other hand, if reference is made only to the governing board 'and the member of the House of Representatives from the County,' the presence of that House member only is required.

It will require further specification by you before this problem can be properly assessed. If there is a tie vote on matters affecting the County, the result is simply that no action can be taken. This type of stalemate is what precipitated the case of [Bradford v. Byrnes](#), 221 S.C. 255, 70 S.E.2d 228. Of course, if a majority of the governing body is present, a majority of that majority can not in a binding manner provided there are no statutory provisions to the contrary. I am aware of none.

I would suggest that you forward me precisely the statutory provision in question and I will be pleased to comply with your request concerning it.

With best wishes.  
Very truly yours.

Daniel R. McLeod  
Attorney General

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