

1972 WL 25183 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 21, 1972

**\*1 Re: Regular members of the State Agricultural Marketing Commission can not vote by proxy on Commission matters.**

Mr. Spencer B. Walker  
Director  
Agricultural Marketing Commission  
P. O. Box 13504  
Columbia, South Carolina 29201

Dear Spencer:

After you left my office, I had an opportunity to go further into the question you raised as to whether or not the members of the State Agricultural Marketing Commission could vote by proxy and not in person at a Commission meeting. You were speaking of one of the regular members and not an ex officio member.

I find that in 1967 this office ruled that a member of an administrative body could not vote by proxy unless authorized to do so by Legislative enactment. A copy of this Opinion, 1967 Atty. Gen. Ops., p. 212, is enclosed. Our conclusion that a regular member of the Agricultural Marketing Commission can not vote by proxy is strengthened by the fact that the act creating the Commission expressly extended the privilege of proxy voting to ex officio members but not to regular members. See Section 3-202, Code of Laws of South Carolina, 1962.

Our opinion is, as stated above, that a member of the State Agricultural Marketing Commission can not vote by proxy at a Commission meeting if he is a regular member.

Very truly yours,

Robert W. Brown  
Assistant Attorney General

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