

The State of South Carolina



Office of the Attorney General

Damon No 86-97
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September 18, 1986

The Honorable Ben E. Thraillkill, Jr.
Member, House of Representatives
Post Office Box 15407
Surfside Beach, SC 29587

Dear Representative Thraillkill:

You have indicated that the law requires that a state political party must convene its biennial convention in Columbia. You have asked whether, upon the reconvening of such a convention, the reconvened meeting must be held in Columbia. For the reasons following, it is the opinion of this Office that such a reconvened meeting must be held in Columbia.

Section 7-9-100, Code of Laws of South Carolina (1985 Cum. Supp.), provides in pertinent part:

The state convention [of a political party] shall meet at Columbia every general election year on a day from April first to April fifteenth... . When the business has concluded it shall adjourn sine die, or may recess. But the state chairman may recall the state convention into special session at any time he deems wise... .

The predecessor of this statute was interpreted by this Office in an opinion dated January 22, 1968 (enclosed). A party's convention was proposed to be held at a site less than one-half mile outside the city limits of Columbia. In that opinion, former Attorney General McLeod indicated that the terms of the statute are directory but that holding the convention at that site would be in substantial compliance with "the precise mandate of the statute." The opinion did not address the site of a reconvened meeting, however, apparently considering only the initial convening of a party's convention.

An adjourned meeting is not deemed to be a new meeting but instead, "an adjourned meeting is but a continuation of the regular meeting, of which it is an adjournment." Town of Hodgenville v. Kentucky Illinois Co., 250 Ky. 195, 61 S.W.2d 1047 (1933); Vogel v. Parker, 118 N.J. Law

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521, 193 A. 817 (1937); 59 Am. Jur. 2d Parliamentary Law §14; 67A C.J.S. Parliamentary Law §5; Op. Atty. Gen. dated March 17, 1981 (enclosed); and Robert's Rules of Order Newly Revised §9 (p. 79). Thus, such a reconvening would likely be viewed as a continuation of the earlier convention which was required to be held in Columbia.

A "special" meeting or session, as the term is used in Section 7-9-100, may be defined as a separate session of the party "held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting." Robert's Rules of Order Newly Revised §9 (p. 78). Such a meeting may or may not be deemed a continuation of an earlier convention; the answer may depend upon how the previous meeting was concluded. Generally, however, a special meeting is not usually deemed a part of the regular meeting. See 67A C.J.S. Parliamentary Law §5; 59 Am. Jur. 2d Parliamentary Law §14. On the other hand, the statute provides that the state chairman may "recall the state convention into special session...;" "to recall" is "to call back: a summon or cause to return." Webster's Third New International Dictionary 1893 (1976). Thus, in this instance, a special session could be viewed as a continuation of an earlier session, particularly if the convention merely recessed.

A review of all acts which affected Section 7-9-100 or its predecessor statutes reveals that, as early as the adoption of the general election laws by Act No. 858 of 1950, the state's political party conventions were mandated to be held in Columbia; further, the state chairman has been empowered, since at least 1950, to convene his party's convention in special session as may be necessary or desirable. While no express requirement appears in the various acts and statutes that a reconvened convention or special session be held in Columbia, it would be in keeping with the spirit of the statute to require such meetings to also be held in Columbia.

Why the General Assembly found it necessary to specify that parties' biennial conventions be held in Columbia is not found within the various acts of the General Assembly. It may be readily acknowledged that Columbia is not only the state capital but is also the geographic center of the state; in a sense, all roads lead to Columbia. While we may only speculate as to the reasoning of the legislature, these reasons would be logical bases for the requirement of convening in Columbia. Furthermore, these same reasons would make equal sense in the determination that a reconvened meeting also be held in Columbia. Otherwise, the apparent intent of Section 7-9-100 could easily be thwarted by convening the meeting briefly in Columbia, adjourning or recessing, and then reconvening elsewhere to actually conduct party business.

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For the foregoing reasons, it is the opinion of this Office that a reconvened meeting of a state political party convention be held in Columbia.

Sincerely,

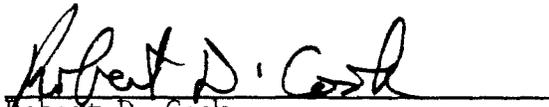
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Enclosures

REVIEWED AND APPROVED BY:



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