

1983 WL 197509 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1983

Re: Sumter County Legislative Delegation and the Public Meeting Requirement of the South Carolina Freedom of Information Act

*1 Honorable Richard W. Riley

Governor

State of South Carolina

P. O. Box 11450

Columbia, SC 29211

Dear Governor Riley:

Your letter of January 28, 1983, has been referred to me for review. The question which you have presented is whether or not the Sumter County Legislative Delegation should have held a public meeting, pursuant to the South Carolina Freedom of Information Act, in order to submit the name of Ferdinand Burns, Jr. for appointment to the Sumter County Elections Commission. As you are aware, the public meeting requirements of the South Carolina Freedom of Information Act specifically apply only to public bodies under [Section 30-4-60, South Carolina Code of Laws \(1976\)](#), as amended. The initial question addressed should be whether or not the Sumter County Legislative Delegation is in fact a "public body" within the definition of the South Carolina Freedom of Information Act. [Section 30-4-20\(a\), South Carolina Code of Laws \(1976\)](#), as amended, defines "public body" as meaning "...any department of the State, any State Board, Commission, agency and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, town-ships, school districts, and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or extending public funds, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina Ports Authority." The Sumter County Legislative Delegation does not appear to me to come within the definition of "public body". Although, arguably, it might be termed an "organization" which is "supported in whole or in part by public funds." However, even if we were to define the Sumter County Legislative Delegation as a public body, the open meetings requirement would still only apply if a meeting were held. In this case, there appears to have been a ballot which was submitted to members individually. Therefore, I do not feel that the spirit of the requirements of the Act has been circumvented and there is, in that case, no requirement that a public meeting should have been held.

Please do not hesitate to contact me if I may be of further assistance to you.

Sincerely,

Judith Evans Finuf

Assistant Attorney General

Approved:

Frank K. Sloan

Chief Deputy Attorney General

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