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HENRY McMASTER  
ATTORNEY GENERAL

February 14, 2006

The Honorable Vida O. Miller  
Member, House of Representatives  
335D Blatt Building  
Columbia, South Carolina 29211

Dear Representative Miller:

In a letter to this office you indicated that in accordance with Act Nos. 200 of 2005 and 591 of 1994, the Georgetown County Board of Elections and Registrations ("the Board") has recently been reappointed by the Governor upon the recommendation of the Georgetown County legislative delegation ("the delegation"). You have questioned what "governing authority" does the delegation have with relation to the Board. You also asked whether the delegation has the authority to make recommendations and suggestions to the Board relating to Board operations, procedures and bylaws.

Generally, to determine what authority, if any, a delegation has in regard to a board, there must be an examination of the statutes relative to the Board. Op. Atty. Gen. dated November 8, 1993. A board is typically considered to be an autonomous entity subject by statute to specific grants or restrictions of authority in carrying out its specific purposes. Op. New Mex. Atty. Gen. dated September 28, 1987. Act No. 591 in providing for the manner of appointment of the members of the Board does not comment on your question regarding the authority of the delegation as to the Board. Therefore, there is no specific authority giving the delegation authority with respect to the operations, procedures and bylaws of the Board. As a result, in my opinion, there is no "governing authority" on behalf of the delegation with regard to the Board.

As to your question of whether the delegation has the authority to make recommendations and suggestions to the Board regarding operations, procedures and bylaws, inasmuch as there is no "governing authority" on behalf of the delegation with regard to the board, there are likewise no requirements that the Board follow the recommendations or suggestions of the delegation. Op. Tenn. Atty. Gen. dated April 19, 2005. Of course, with the appointments to the Board being made upon the recommendations of the delegation, the Board should be cognizant of the suggestions and recommendations of the delegation with regard to the Board's operations, procedures and bylaws.

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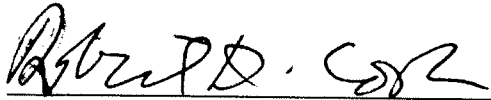
If there are any questions, please advise.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General