

The State of South Carolina

3544
Library



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3680

March 10, 1989

The Honorable Ennis M. Fant
Member, House of Representatives
330-D Blatt Building
Columbia, South Carolina 29211

Dear Representative Fant:

You have inquired if a person with a prior felony conviction may seek public office. You have informed me that the offense committed by this individual took place twenty-four years ago and the person was sentenced to four years probation. The individual is presently a registered voter.

Article VI, Section 1 of the South Carolina Constitution prohibits a person from being

...popularly elected to any office in this State or its political subdivisions unless he possesses the qualifications of an elector. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age as prescribed in this Constitution.

Article II, Section 7 of the South Carolina Constitution provides in part that

[t]he General Assembly shall establish disqualifications for voting by reason of ... conviction of serious crime, and may provide for the removal of such disqualifications.

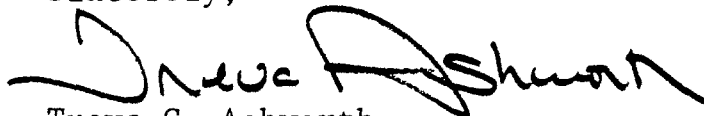
Section 7-5-120 of the South Carolina Code of Laws sets out the qualifications for registration to vote. Sub-section (5) (b) of that statute provides that

[p]ersons convicted of a felony or offenses against the election laws are disqualified from being registered or voting, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.

The Honorable Ennis M. Fant
March 10, 1989
Page Two

Therefore, if this individual convicted of a felony twenty-four years ago has served all of his time, including probation and parole, the fact that he was convicted of a felony would no longer disqualify that person from being a registered elector; and, therefore, the fact that he was convicted of a felony would not serve, in itself, to prohibit him from running for office.

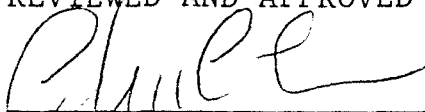
Sincerely,



Treva G. Ashworth
Senior Assistant Attorney General

TGA:bvc

REVIEWED AND APPROVED BY:



EDWIN E. EVANS
Chief Deputy Attorney General



ROBERT D. COOK
Executive Assistant for Opinions