

1974 WL 27494 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 29, 1974

*1 Mr. J. K. Westbury
Clerk of Court
Orangeburg County
Orangeburg, SC 29115

Dear Mr. Westbury:

You have inquired whether persons over the age of 65 are qualified to serve as jurors. It is the opinion of this Office that persons over age 65 are eligible to serve as jurors if they have registered to vote in this State.

Article 5, Section 18 of the South Carolina Constitution states that, 'Each juror must be a qualified elector under the provision of this Constitution and of good moral character. Article 2, Section 3 of the South Carolina Constitution provides, 'Every citizen possessing the qualifications required by this Constitution and not laboring under the disabilities named in or authorized by it shall be an elector. Numerous South Carolina decisions have held that a 'qualified elector' within the constitutional provision regarding jurors, means a 'registered elector'. [Bostwick v. State, 247 S.C. 22, 145 S.E.2d 439 \(1965\), rev'd on other grounds, 368 U.S. 479 \(1967\);](#) [Moorer v. State, 244 S.C. 102, 135 S.E.2d 713 \(1964\);](#) [State v. Mittle, 120 S.C. 526, 113 S.E. 335 \(1922\);](#) [Mew v. Charleston & S.Ry., 55 S.C. 90, 32 S.E. 828 \(1899\).](#)

Article 2, Section 4 of the South Carolina Constitution states that a 'citizen of the United States and of this State of the age of twenty-one and upwards' who is properly registered shall be entitled to vote. Under the old South Carolina Constitution Article 5, Section 22 only persons between the ages of 21 and 65 were qualified to serve as jurors, but the 1973 amendment to Article 5 through the ratification of the above quoted section 18 has removed the 65 years of age restriction from the Constitution.

Very truly yours.

John L. Choate
Legal Assistant

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