

1979 WL 42861 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1979

*1 Honorable W. Green DesChamps, Jr.
Representative
District No. 51
State House
Columbia, SC 29211

Dear Representative DesChamps:

Mr. McLeod has referred your recent inquiry to me for reply. You have asked if a person convicted in federal court for violating Title 18, U.S. Code, Sections 922(b)(1), 922(b)(5), 922(m), 924(a) and 26 C.F.R. 178 would be eligible to offer for a municipal office. These above-cited provisions in general prohibit selling guns to a person under the age of twenty-one and require the seller to keep certain records concerning the sale of weapons.

A person must be a qualified elector in order to be elected to an office. [South Carolina Constitution, Article VI, Section 1](#). South Carolina Code of Laws, 1976, Section 7-5-120(5)(b) lists the crimes that would disqualify a person from registering and voting. Perjury is a disqualifying offense. However, from checking the applicable federal laws and by discussing the requirements of the federal statute with the U.S. Attorney's Office, it is apparent that the records required to be kept are not records that are sworn to or attested. Therefore, a violation of the federal statutes on record keeping would not constitute a conviction for perjury. Likewise, a violation of the gun laws is not one of the enumerated disqualifying offenses.

Therefore, a person convicted of the above-cited federal statutes would not be convicted of a disqualifying offense and could be a candidate for office.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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