

The State of South Carolina



Office of the Attorney General

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March 13, 1986

Howell A. Wilson, Esquire
Post Office Box 1286
Lake City, South Carolina 29560

Dear Mr. Wilson:

By your letter of March 5, 1986, you have requested the opinion of this Office as to whether an individual convicted of a felony in the United States District Court may file as a candidate for the office of school board trustee. You have further advised that the individual has filed an appeal from the conviction. This Office has issued numerous opinions dispositive of the issues raised by your question; the following opinions are enclosed herewith:

1. Opinion No. 84-94, as to conviction of a felony in federal court and disenfranchisement.

2. Opinion No. 1940, dated November 8, 1965, as to an appeal from a conviction not staying disqualification to serve as a public officer.

3. Opinions dated August 27, 1968; August 13, 1959; April 17, 1968; October 31, 1974; and June 12, 1974 as to inclusion of one unqualified to hold a public office on the ballot for that office.

The following cases are consistent with the foregoing opinions listed in number 3: Ravenel v. Dekle, 265 S.C. 364, 218 S.E.2d 521 (1975) (enclosed); Comer v. Ashe, 514 S.W.2d 730 (Tenn. 1974); Hughes v. Oklahoma State Election Board, 413 P.2d 543 (Okla. 1966); Braly v. Wingard, 326 P.2d 775 (Okla. 1958); Polly v. Navarro, 457 So.2d 1140 (Fla. Dist. Ct. App. 1984); Barbour v. Democratic Executive Committee of Crawford County,

Continuation Sheet Number 2
TO: Howell A. Wilson, Esquire
March 13, 1986

246 Ga. 193, 269 S.E.2d 433 (1980); Ball v. Thomas, 1
Mich.App. 1, 133 N.W.2d 218 (1965); and Bardacke v. Dunigan, 98
N.M. 473, 649 P.2d 1386 (1982).

We trust that the enclosed opinions will satisfactorily
respond to your inquiry. If you have additional questions,
please advise this Office.

Sincerely,


Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:hcs

Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions