

1984 WL 249856 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1984

*1 The Honorable Frank H. McGill
Member
South Carolina Senate
Post Office Box 142
Columbia, South Carolina 29202

Dear Senator McGill:

I am in receipt of your letter to the Attorney General requesting an opinion from this Office concerning whether an individual who has been convicted of a crime and pardoned for that offense is eligible to run for the South Carolina House of Representatives. We are constrained to find that he is not ineligible for a seat in the General Assembly as a matter of South Carolina law.

[Article III, Section 7, of the South Carolina Constitution](#) sets out the qualifications for members of the General Assembly to be duly qualified electors and have attained the age of twenty-five (Senate) or twenty-one (House). The qualification to vote (be an elector) is contained in [Section 7-5-120, CODE OF LAWS \(1976\)](#). In 1981, the General Assembly amended that Act to include the following language in [Section 7-5-120\(5\)\(b\)](#):

(b) Persons convicted of a felony or offenses against the election laws shall be disqualified from being registered or voting, unless such disqualification shall have been removed by service of the sentence, including probation and parole time unless sooner pardoned. (Emphasis added).

The 1981 Parole and Community Corrections Act provided in [Section 24-21-990, CODE OF LAWS \(1976\)](#), that a ‘pardon shall fully restore all civil rights lost as a result of a conviction, which shall include the right to: (1) register to vote; (2) vote; . . . (4) hold public office . . .’ Therefore, it is the opinion of this office, as clearly, consistently and unambiguously expressed in the legislation, that a pardoned felon is not statutorily or constitutionally ineligible from holding public office as a member of the General Assembly.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

1984 WL 249856 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.