1975 WL 29007 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
July 15, 1975

*1 Mr. J. Archie Lee
Third Avenue
Conway, S.C. 29526

Dear Mr. Lee:

Pursuant to your telephone request I have looked into the various questions you raised concerning Section 14-3701(a) of the Home Rule Bill.

It is necessary to hold two public hearings which have been adequately advertised and in which the various alternate forms of government are explained before a referendum can be held. The referendum may be called by the General Assembly, the governing body of the county, or by petition. It is not necessary to place on the ballot by whom the referendum is called. What is required to be placed on the ballot is a properly framed question which will present to the electors the question of which form of government they wish to adopt.

In addition you have inquired if a person with a dishonorable discharge from the armed forces may be allowed to register to vote. Section 23-62 of the South Carolina Code of Laws, 1962, as amended, at Section 5(b) lists the disqualifying crimes which would prevent a person convicted of these crimes from registering to vote. This section lists the following as disqualifying crimes:

Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, larceny, murder, rape or crimes against the election laws shall be disqualified from being registered or voting, unless such disqualification shall have been removed by pardon.

If a person has not been convicted of these crimes and is not mentally incompetent or confined to a prison, he may register to vote.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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