

## ARTICLE II RIGHT OF SUFFRAGE

### Editor's Note

The amendment ratified by 1971 Act No 277 (1971 (57) 319) revised and rewrote this article, substituting present Section Section 1 to 11 for former Section Section 1 to 15. The amendment also transferred and renumbered the following sections of the former article: former Section 2 was transferred and renumbered as Section 1A of Article XVII; former Section 13 was transferred and renumbered as Section 7B of Article XVII. Former Section 10 of the article was eliminated by amendment ratified by 1945 Act No 11 (1945 (44) 10).

### **SECTION 1.** Elections to be by secret ballot; protection of right of suffrage.

All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret. The right of suffrage, as regulated in this Constitution, shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct. (1970 (56) 2691; 1971 (57) 319.)

### Editor's Note

The present provisions of the first sentence of this section are similar to former Section 1 of Article II as it existed prior to the 1971 revision. The present provisions of the second sentence of this section are identical to former Section 9 of Article I as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 1.

### **SECTION 2.** Free exercise of right of suffrage.

No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State. (1970 (56) 2691; 1971 (57) 319.)

### Editor's Note

The present provisions of this section are identical to former Section 15 of Article II as it existed prior to the 1971 revision.

### **SECTION 3.** Electors.

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. (1970 (56) 2691; 1971 (57) 319.)

### Editor's Note

The present provisions of this section are somewhat similar to former Section 3 of Article II as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 2.

### **SECTION 4.** Voter qualifications.

Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law. (1970 (56) 2691; 1971 (57) 319; 1974 (58) 3005; 1975 (59) 44; 1997 Act No. 15.)

### Editor's Note

The present provisions of this section are somewhat similar to former Section 4 of Article II as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 2.

1997 Act No. 3, Section 3, eff March 25, 1997, provides as follows:

“SECTION 3. The General Assembly is aware that pursuant to Joint Resolution 470 of 1996 and Joint Resolution 472 of 1996 differing amendments to Section 4, Article II of the Constitution were submitted to the qualified electors at the general election of 1996 and a favorable vote was received on both. The General Assembly in the ratification process under Section 1, Article XVI of the Constitution has, therefore, determined to ratify the provisions of Section 4, Article II as submitted to and approved by the qualified electors pursuant to Joint Resolution 470 of 1996 and to ratify all amendments to the Constitution submitted to and approved by the qualified electors pursuant to Joint Resolution 472 of 1996 except for the amendment therein to Section 4, Article II.”

**SECTION 5.** Qualifications of municipal electors.

Municipal electors shall possess the qualifications prescribed in this Constitution, but each such elector must have resided in the municipality in which he offers to vote for thirty days next preceding the election. (1970 (56) 2691; 1971 (57) 319.)

Editor’s Note

The present provisions of this section are somewhat similar to former Section 12 of Article II as it existed prior to the 1971 revision.

**SECTION 6.** General Assembly may require demonstration of literacy.

The General Assembly may require each person to demonstrate a reasonable ability, except for physical disability, to read and write the English language as a condition to becoming entitled to vote. (1970 (56) 2691; 1971 (57) 319.)

**SECTION 7.** Disqualifications by reason of mental incompetence or conviction of crime.

The General Assembly shall establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and may provide for the removal of such disqualifications. Persons who are confined in any penal institution under the judgment of a court shall not be entitled to vote. (1970 (56) 2691; 1971 (57) 319.)

Editor’s Note

The present provisions of this section are somewhat similar to former Section 6 of Article II as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 8.

**SECTION 8.** Registration of voters.

The General Assembly shall provide for the registration of voters for periods not less than ten years in duration. Provision shall be made for registration during every year for persons entitled to be registered. The registration lists shall be public records. (1970 (56) 2691; 1971 (57) 319.)

Editor’s Note

The present provisions of this section are somewhat similar to former Section 8 of Article II as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 3.

**SECTION 9.** Appeal by person denied registration.

Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in or authorized by this article, and on such appeal the hearing shall be de novo, and the General Assembly shall provide for such appeal. (1970 (56) 2691; 1971 (57) 319.)

Editor’s Note

The present provisions of this section are similar to former Section 5 of Article II as it existed prior to the 1971 revision.

**SECTION 10.** Nominations; conduct of elections; contests.

The General Assembly shall provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the administration of elections and for absentee voting, insure secrecy of voting, establish procedures for contested elections, and enact other provisions necessary to the fulfillment and integrity of the election process. (1970 (56) 2691; 1971 (57) 319.)

**SECTION 11.** Electors privileged from arrest.

Electors shall in all cases except treason, felony, or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls for voting, and going to and returning therefrom. (1970 (56) 2691; 1971 (57) 319.)

Editor's Note

The present provisions of this section are similar to former Section 14 of Article II as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VIII, Section 6.

**SECTION 12.** Secret ballot; employee representation by labor organization.

The fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization.

HISTORY: 2011 Act No. 4, Section 1, eff April 6, 2011.

Editor's Note

2011 Act No. 4, Section 1, provides in part:

“The amendment to Article II of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 295 of 2010, having been submitted to the qualified electors at the General Election of 2010 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 12 as added to Article II reads:”