~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2012

**H. 4672**

Introduced by Rep. H.B. Brown

S. Printed 3/7/12--H.

Read the first time January 25, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 4672) proposing an amendment to Section 1, Article VI of the Constitution of South Carolina, 1895, relating to the eligibility to hold a popularly elected office in this State, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. It is proposed that Section 1, Article VI of the Constitution of this State be amended to read:

“~~No~~A person may not be popularly elected to and serve in any office in this State or its political subdivisions unless he possesses the qualifications of an elector, is not disqualified by age as prescribed in this Constitution, and has not been convicted of a felony under state or federal law or convicted of tampering with a voting machine, fraudulent registration or voting, bribery at elections, procuring or offering to procure votes by bribery, voting more than once at elections, impersonating a voter, or swearing falsely at elections/taking oath in another’s name, or has not pled guilty or nolo contendere to these offenses. However, notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law ~~or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected.~~ ~~No~~A person may not be elected or appointed to office in this State for life or during good behavior, but the terms of all officers must be for some specified period except officers in the militia.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with following words:

“Must Section 1, Article VI of the South Carolina Constitution, relating to the eligibility to hold a popularly elected office in this State, be amended so as to eliminate the exception that allows a person to hold elective office if a person’s conviction has been pardoned under state or federal law, or it has been fifteen or more years after the completion date of the person’s sentence, including probation and parole time?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word, ‘No’.” /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELIGIBILITY TO HOLD A POPULARLY ELECTED OFFICE IN THIS STATE, SO AS TO ELIMINATE THE EXCEPTION THAT ALLOWS A PERSON TO HOLD ELECTIVE OFFICE IF A PERSON’S CONVICTION HAS BEEN PARDONED UNDER STATE OR FEDERAL LAW, OR IF IT HAS BEEN FIFTEEN OR MORE YEARS AFTER THE COMPLETION DATE OF THE PERSON’S SENTENCE, INCLUDING PROBATION AND PAROLE TIME.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 1, Article VI of the Constitution of this State be amended to read:

“No person may be popularly elected to and serve in any office in this State or its political subdivisions unless he possesses the qualifications of an elector, is not disqualified by age as prescribed in this Constitution, and has not been convicted of a felony under state or federal law or convicted of tampering with a voting machine, fraudulent registration or voting, bribery at elections, procuring or offering to procure votes by bribery, voting more than once at elections, impersonating a voter, or swearing falsely at elections/taking oath in another’s name, or has not pled guilty or nolo contendere to these offenses. ~~However, notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected.~~ No person may be elected or appointed to office in this State for life or during good behavior, but the terms of all officers must be for some specified period except officers in the militia.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with following words:

“Must Section 1, Article VI of the South Carolina Constitution, relating to the eligibility to hold a popularly elected office in this State, be amended so as to eliminate the exception that allows a person to hold elective office if a person’s conviction has been pardoned under state or federal law, or it has been fifteen or more years after the completion date of the person’s sentence, including probation and parole time?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word, ‘No’.”

‑‑‑‑XX‑‑‑‑