**South Carolina General Assembly**

125th Session, 2023-2024

**S. 885**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Kimbrell

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Introduced in the Senate on January 9, 2024

Currently residing in the Senate Committee on **Judiciary**

Summary: Constitution Testing Requirement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2023 Senate Prefiled

11/30/2023 Senate Referred to Committee on **Judiciary**

1/9/2024 Senate Introduced and read first time ([Senate Journal‑page 71](h:\sj\20240109.docx))

1/9/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 71](h:\sj\20240109.docx))

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/885_20231130.docx)

A joint Resolution

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE III AND SECTION 1, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO QUALIFICATIONS OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES AND ELIGIBILITY FOR OFFICE FOR OFFICERS OF THIS STATE, RESPECTIVELY, SO AS TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY AND OFFICERS OF THIS STATE MUST PASS A TEST ON THE CONTENT AND CONTEXT OF THE CONSTITUTION OF THIS STATE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

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

SECTION 1. It is proposed that Section 7, Article III of the Constitution of this State be amended to read:

Section 7. No person is eligible for a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the district in which he may be chosen and has not passed a competency test designed, administered, and graded by the University of South Carolina School of Law that assesses a basic knowledge of the content and context of the Constitution of this State and the Constitution of the United States of America. Senators must be at least twenty‑five and Representatives at least twenty‑one years of age. A candidate for the Senate or House of Representatives must be a legal resident of the district in which he is a candidate at the time he files for the office. No person who has 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 who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives. 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.

SECTION 2. It is proposed that Section 1, Article VI of the Constitution of this State be amended to read:

Section 1. 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, has passed a competency test designed, administered, and graded by the University of South Carolina School of Law that assesses a basic knowledge of the content and context of the Constitution of this State and the Constitution of the United States of America, 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. (1972 (57) 3181; 1973 (58) 83; 1997 Act No. 3.)

SECTION 3. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article III and Section 1, Article VI of the Constitution of this State, relating to qualifications of members of the Senate and House of Representatives and eligibility for office for officers of this State, respectively,be amended so as to provide that members of the General Assembly and officers of this State must pass a test on the content and context of the Constitution of this State and the Constitution of the United States of America compiled, administered, and graded by the University of South Carolina Law School?

Yes o

No o

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’.”

SECTION 4. This joint resolution takes effect upon approval by the Governor.

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