

Memo No. 3.

To: Committee on Constitutional Revision

From: Robert H. Stoudemire, Staff Consultant

1. Enclosed is the study on Suffrage and Elections which I prepared.
2. Enclosed is the study on Article XIV, Eminent Domain.
3. No changes as of this date have been proposed to the Agenda, therefore, the Agenda for September 15 - 16 included on the Proposed Agenda for the Fall will be followed.
4. The meeting is scheduled for September 15 - 16, Executive Board Room, State Board of Health, beginning at 10:00 a. m. on the 15th.

September 8, 1967

ARTICLE XIV
EMINENT DOMAIN

Ask Don
Will it
be harm to
omit?

ARTICLE XIV
Eminent Domain

Public
Section 1. Boundary rivers.—The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all navigable waters within the limits of the State, shall be ~~common~~ highways and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

See Const. 1868, VI, 1.

Section 2. Title to certain lands.—The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats or otherwise shall vest in the State of South Carolina, the same as though no change had taken place.

See Const. 1868, VI, 2.

Section 3. Ultimate property in lands.—The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from defect of heirs shall revert or escheat to the people.

See Const. 1868, VI, 3.

Statements similar to these are found in very few constitutions. None of the latest revisions contain such statements except Alaska where the whole issue of natural resources, public lands and waters is a major concern.

Alaska of course can hardly be compared to the other states on this type of question.

Do any of the sections guarantee anything which is not provided for under federal regulations or is ^{not} a natural attribute of a sovereign state?

Section 1. Boundary questions come under the federal constitutions. Rights to navigable waters is also a federal question. Even if the State can regulate, the General Assembly could do so without the specific authority granted herein. Also the statement is partly a duplication of that which is stated in Article I, section 28.

Section 2. The rights provided here would naturally follow, but if such a statement is needed should it not be contained in the Schedule Article which provides for the continuation of prior rights, time tables, etc?

Section 3. The S. C. Supreme Court in Jennings v. Sawyer, 182 S. C. 427 (1937) essentially stated that this section is not needed. The Court stated: "The primary right to acquire rests in eminent domain, and that power resides of right and by necessity in the State. The Constitution did not create it, but has only affirmed it."

THE BOOK OF THE STATES

QUALIFICATIONS FOR VOTING

State or other jurisdiction	State	Residence in County	District	Special qualifications in presidential elections (a)	Literacy test
Alabama.....	1 yr.	6 mo.	3 mo.	..	..
Alaska.....	1 yr.	..	30 da.	..	(d)
Arizona.....	1 yr.	30 da.	30 da.	X	..
Arkansas.....	12 mo.	6 mo.	1 mo.	..	..
California.....	1 yr.	90 da.	54 da.	X	★
Colorado.....	1 yr.	90 da.	20 da.	X	..
Connecticut.....	6 mo.	..	6 mo.	X	★
Delaware.....	1 yr.	3 mo.	30 da.	..	★
Florida.....	1 yr.	6 mo.	..	..	..
Georgia.....	1 yr.	6 mo.	..	..	(b)
Hawaii.....	1 yr.	..	3 mo.	..	★ (i)
Idaho.....	6 mo.	30 da.	..	X	..
Illinois.....	1 yr.	90 da.	30 da.	X	..
Indiana.....	6 mo.	60 da. (k)	30 da.	..	..
Iowa.....	6 mo.	60 da.	10 da.	..	..
Kansas.....	6 mo.	30 da. (k)	30 da.	X	..
Kentucky.....	1 yr.	6 mo.	60 da.	..	..
Louisiana.....	1 yr.	1 yr.	3 mo. (l)	..	★
Maine.....	6 mo.	3 mo.	3 mo.	X	★
Maryland.....	1 yr.	6 mo.	6 mo.	..	..
Massachusetts.....	1 yr.	..	6 mo. (m)	X	★
Michigan.....	6 mo.	..	30 da.	X	..
Minnesota.....	6 mo.	..	..	..	..
Mississippi.....	2 yrs.	..	1 yr. (o)	..	..
Missouri.....	1 yr.	60 da.	60 da.	X	..
Montana.....	1 yr.	30 da.	..	..	..
Nebraska.....	6 mo.	40 da.	10 da.	X	..
Nevada.....	6 mo.	30 da.	10 da.	..	..
New Hampshire.....	6 mo.	..	..	..	..
New Jersey.....	6 mo.	40 da.	..	X	..
New Mexico.....	12 mo.	90 da.	30 da.	..	..
New York.....	1 yr.	4 mo.	30 da.	X	(q)
North Carolina.....	1 yr.	..	30 da.	..	★
North Dakota.....	1 yr.	90 da.	30 da.	..	..
Ohio.....	1 yr.	40 da.	40 da.	X	..
Oklahoma.....	6 mo.	6 mo.	30 da.	..	..
Oregon.....	6 mo.	..	30 da.	X	..
Pennsylvania.....	1 yr. (r)	..	60 da. (s)	..	..
Rhode Island.....	1 yr.	..	6 mo.	..	..
South Carolina.....	1 yr. (t)	6 mo.	3 mo.	..	(u)
South Dakota.....	1 yr.	90 da. (v)	30 da. (v)	..	..
Tennessee.....	12 mo.	3 mo.	..	..	..
Texas.....	1 yr.	6 mo.	6 mo.	..	..
Utah.....	1 yr.	4 mo.	60 da.	..	..
Vermont.....	1 yr.	..	3 mo. (k)	X	..
Virginia.....	1 yr.	6 mo.	30 da.	..	★
Washington.....	1 yr.	60 da.	..	..	★
West Virginia.....	1 yr.	60 da.	..	..	..
Wisconsin.....	6 mo.	..	10 da.	X	..
Wyoming.....	1 yr.	60 da.	10 da.	X	★
Guam.....	2 yrs.	..	90 da. (z)	..	..
Puerto Rico.....	1 yr.	..	1 yr.	..	..
Virgin Islands.....	1 yr.	..	60 da.	..	★

NOTE: All states have a minimum voting age of 21 except Georgia, Kentucky and Guam, 18; Alaska, 19; and Hawaii, 20. No state has property qualifications for voting in a general election. Some states have property qualifications for voting on bond issues or special assessments.

With ratification of the 24th amendment to the United States Constitution in January, 1964, the poll tax is prohibited as a requirement for voting in national elections. As of 1965, states requiring the poll tax qualification for voting in other elections were: Alabama, Mississippi, Texas and Virginia.

All states require United States citizenship; California, Minnesota, New York and Utah require U. S. citizenship 90 days.

(a) Special residence qualifications for voting in presidential elections have been established by 19 states for residents who have not lived in the state long enough prior to a national election to meet the regular residence requirements.

(b) All states which have permanent registration, except Alabama, Delaware, Florida, Maine, Mississippi, Nebraska, New Hampshire, Oregon and South Dakota, make it subject to cancellation for failure to vote at certain specified intervals.

(c) Registration is permanent unless removed for cause.

(d) Must be able to read and write any article of the U. S. Constitution unless prevented by physical disability or be able to furnish proof of eighth grade education.

(e) Municipal election.

(f) Except for irrigation district elections.

(g) All except certain minor elections.

(h) Under 1958 Registration Act, a person must read and write section of Constitution in order to register. If unable to do this (unless physically disabled) he must answer 15 of 20 questions prescribed in act.

(i) English or Hawaiian language, except for physically disabled.

(j) For all state and federal elections.

(k) Township.

(l) Municipality, four months.

(m) In city or town.

(n) Except school district elections.

(o) Ministers of the Gospel and their wives may vote after 6 months' residence.

(p) Registration is for all elections of state and county, but voter must be registered in municipality also to vote in municipal elections.

(q) A person who became entitled to vote after January 1, 1922, must be able, except for physical disability, to read and write English.

(r) Six months if previously an elector or native of the state.

(s) Persons who are qualified to vote in an election district prior to moving and who move within 60 days preceding an election may vote in the election.

(t) Six months if previously an elector or native of the state.

(u) Persons who are qualified to vote in an election district prior to moving and who move within 60 days preceding an election may vote in the election.

(v) Six months if previously an elector or native of the state.

(w) Persons who are qualified to vote in an election district prior to moving and who move within 60 days preceding an election may vote in the election.

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