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## **SCCRC 1949-1950 Document 1: Thomas Allen, Vice-Chairman, and Ruth Roettinger, Secretary, to the General Assembly of the State of South Carolina, April 12, 1950**

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Ruth Roettinger

Committee to Study the South Carolina Constitution of 1895 (1949-1950)

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TO THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA:

Under the authority of a joint resolution of the General Assembly, approved April 10, 1948, as amended by a joint resolution, approved April 1, 1949, a committee of fifteen members, composed of five members elected by the House of Representatives from its membership, five members elected by the Senate from its membership and five members appointed by the Governor, was created for the following purposes, as stated in the joint resolution of April 1, 1949:

"To study the existing Constitution of the State of South Carolina and the present Constitutional needs of said State; to conduct such investigations and hold such hearings as the Committee shall deem advisable; to fully inform itself as to the present Constitutional needs of South Carolina and such revision of the present Constitution as may be desirable; to employ such clerical and technical help as the Committee may deem necessary, within the appropriations hereinafter provided, for the performance of the duties of the Committee; and to report to a constitutional convention if ordered and also to the General Assembly during its regular session for the year 1950 the findings and recommendations of the Committee, together with a proposed draft of a new constitution in the event that a new constitution is deemed desirable."

The committee organized by the election of Hon. R. M. Jefferies, Senator from Colleton County, as Chairman, Hon. Thomas Allen of Anderson, S. C., as Vice-Chairman, and Miss Ruth Roettinger of Winthrop College as Secretary.

Five subcommittees were named, and to each of these certain designated articles of the present Constitution were assigned for study, and with instructions to report to the full committee recommending such changes as might seem desirable. The reports of these subcommittees have been given due consideration by the full committee, and after careful study of these reports and the present Constitution of South Carolina, as well as those of other States, a majority of the full committee now submits its report for your consideration, together with a proposed new Constitution for the State of South Carolina. This proposed new Constitution does not in all respects have the approval of some members of the committee, but it represents the best judgment of the majority.

In the proposed new Constitution herewith submitted many parts of the present Constitution thought to be unnecessary have been omitted, and the effort has been made to place all matters relating to the same subject matter in the same article. Important changes have been made as to some subjects, which will be

readily apparent from a careful reading of the proposed new Constitution herewith submitted.

The proposed new Constitution entirely omits the limitations on the bonded indebtedness of cities, towns and other political subdivisions of the State contained in the present Constitution. This would have the effect of avoiding the constant amendment of the Constitution, as in the case of the present Constitution, eliminating these limitations as to various political subdivisions of the State. By referring to the present Constitution as it appears in the Code of 1942, the amendments to Article VIII, Section 7, occupy fifteen and one-half printed pages, and the amendments to Article X, Section 5, occupy fourteen and one-half printed pages.

Article III, Section 21, of the proposed new Constitution expressly authorizes the General Assembly to enact local or special laws regulating or relating to the internal government or the fiscal affairs of counties, townships and school districts, thereby somewhat liberalizing the power of the General Assembly to authorize local government peculiarly suited to local needs.

No attempt is being made to summarize the differences between the present Constitution and the proposed new Constitution, since these two documents are available and can more accurately speak for themselves. It may not be amiss, however, to call special attention to the very important changes made by Article II of the proposed new Constitution in relation to the requirements for the registration of voters.

Consideration for a time was given by the Committee to the possibility of bringing about the changes in the present Constitution thought desirable by the generous use of amendments, but it was finally determined that this would not be practicable on account of the very large number of amendments that would be necessary, each of which would have to be separately submitted to the electors. Some of these amendments might be adopted while at the same time others necessary to the full effectiveness of the adopted amendments might be rejected, thereby destroying the consistency of the general plan of revision.

Consideration then was given to the possibility of submitting the qualified electors a proposed new Constitution as a whole, but this idea was also abandoned by the committee, because it was thought that it would violate the provisions of Article XVI, Section 2, of the present Constitution.



The committee is of the opinion that a new Constitution is needed, and that there are only two practicable ways to have it, either through a constitutional convention, or by the submission of a new Constitution as whole to the qualified electors. To submit a new Constitution as a whole obviously would require an amendment of the present Constitution authorizing such submission.

The present Constitution requires proposed amendments as well as a proposed call of a constitutional convention to be submitted to the electors at a general election. A majority of the Committee is of the opinion that there ought to be authority to submit proposed amendments and a proposed call of a convention at a special election as well as at a general election, and that in the interest of more expeditious action the present Constitution ought to be amended accordingly. The committee therefore so recommends.

If these amendments should be approved by the qualified electors and ratified by the General Assembly at its next session, then the General Assembly at a reasonably early date could submit to the electors for their approval or disapproval either a proposed new constitution as a whole or a proposed call of a convention, according to its preference.

In case a convention might be held, and in order to remove any possible doubt, it would probably be advisable also to submit to the electors at the next general election still another amendment to the present Constitution providing that membership in a constitutional convention shall not bring any member within the inhibition against dual office holding. The committee is of the opinion that excluding all office holders in the State, including members of the General Assembly, from a constitutional convention would be a distinct loss to the State on account of the long and valuable experience of many of them in governmental affairs.

Respectfully submitted,

Thomas Allen  
Vice-Chairman

Ruth Roettinger  
Secretary

Columbia, S. C.

April 12, 1950.