

1974 WL 28030 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 12, 1974

\*1 Mr. G. Conrad Derrick  
Vice-President  
Newberry College Student Association  
Newberry, South Carolina 29108

Dear Mr. Derrick:

We are in receipt of your letter of December 5, 1974, in which you requested an opinion of this office as to whether or not the new constitutional amendments relating to eighteen year olds would now mean the election registration boards would 'not be able to tell said students that they remain residents of the city and county wherein their parents reside.'

The State Constitution and the State statutes have been amended so as to remove durational residency requirements which had been a prerequisite to being allowed to register and vote. However, it is still required that each individual registering to vote be a resident in the county and polling precinct in which he offers to vote. See South Carolina Code of Laws, 1962, as amended, Section 23-62(3). 'Residence' for the purposes of election means 'domicile.' [Phillips v. S. C. Tax Commission](#), 195 S.C. 472, 12 S.E.2d 13; [Clarke v. McCown](#), 107 S.C. 209, 92 S.E.2d 479. One's domicile is 'the place where a person has his ture, fixed and permanent home and principal establishment, to which he has, whenever he is absent, an intention of returning.' [O'Neills Estate v. Tuomey Hospital](#), 254 S.C. 578, 176 S.E.2d 527. An intention to remain permanently, or for an indefinite time, in a place is one of the essential elements of domicile. [Barfield v. Coker & Co.](#), 73 S.C. 181, 53 S.E. 170. Every person must have a domicile somewhere; and a domicile once established becomes lost or changed only when one removes to a new locality with: (1) the intention of abandoning his old domicile, and (2) the concurrent intention of living permanently or indefinitely in the new locale. 25 Am.Jur.2d, [Domicile](#), Sections 24 and 25; 98 A.L.R.(2d) 488, 489. College students must establish, as with all other voter registration applicants, that the locale within which they seek to register is their domicile, i.e., that they are living in the college community with the intention of abandoning their former domicile and with the intention of remaining permanently, or for an indefinite length of time, in the new location.

Domicile is a mixed question of law and fact, and a person's intentions in this regard 'may be proved by his acts and declarations, and perhaps other circumstances.' [Clarke v. McCown](#), supra. In passing on the qualifications of applicants, registration officials perform a quasi-judicial duty, and they are 'required to satisfy themselves that the applicant is qualified for registration under the conditions imposed by the Constitution.' [State v. Bibbs](#), 193 S.C. 231, 6 S.E.2d 276. Boards of registration are 'the judges of the legal qualifications of all applicants for registration.' Section 23-73, South Carolina Code of Laws, 1962, as amended.

Therefore, it would still be necessary for the student to show that his residence or domicile is in the college community, The only change in the law being the removal of the durational residency requirement.

Sincerely,

\*2 Treva Ashworth  
Assistant Attorney General

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