



HENRY McMASTER
GOVERNOR

February 1, 2022

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-120, S. 836, which seeks to require the School District of Union County ("District") to observe Memorial Day as a legal holiday. The bill also provides that all District schools and offices must be closed on Memorial Day and prohibits the District from using the date as an instructional day or teacher workday or requiring students to attend school, whether in person or virtually. To be sure, I find it odd that a school district would not observe Memorial Day, and I appreciate the underlying aims of this legislation and the well-intentioned efforts of its sponsors to address this issue. However, for the reasons set forth below, I am compelled to veto S. 836.

First, like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. Here, S. 836 appears to apply to only a single county or a portion thereof. However, the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation "for a specific county" and "where a general law can be made applicable." S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(IX). Although our courts have held that greater deference is warranted when local or special legislation relates to the General Assembly's obligation to provide for the maintenance and support of public schools, the regular resort to this practice has produced an undesirable assortment of authorities governing South Carolina's school districts. Accordingly, I am compelled to reiterate my longstanding concerns regarding local or special legislation, which creates a patchwork of piecemeal, and often inconsistent, local laws. Nevertheless, aside from this threshold constitutional issue, I believe S. 836 encounters an additional legal obstacle.

Second, S. 836 also appears to conflict with existing law. While section 53-5-10 of the South Carolina Code of Laws specifically enumerates Memorial Day as a legal holiday, the General Assembly has elsewhere provided that local school districts shall have "the authority to establish an annual school calendar for teachers, staff, and students." S.C. Code Ann. § 59-1-

425(A). Therefore, I am concerned that any effort, however well intentioned, to require a school district to observe a holiday in a particular manner may conflict with general law. *See* S.C. Const. art. III, § 34(X) (“The General Assembly shall forthwith enact general laws . . . which shall be uniform in their operations.”); *Med. Soc. of S.C. v. Med. Univ. of S.C.*, 334 S.C. 270, 279, 513 S.E.2d 352, 357 (1999) (“The purpose of the prohibition on special legislation is to make uniform where possible the statutory laws of this State in order to avoid duplicative or conflicting laws on the same subject.”).

I firmly believe there is no greater sacrifice than those who have offered, and lost, their lives in service to the United States. Thus, I can think of no cause more deserving of appropriate tribute and solemn recognition than honoring those who have paid the ultimate sacrifice for our freedom. While I understand that nearly all school districts in this State either regularly observe Memorial Day as a legal holiday or cease in-person instruction prior to that date, this legislation suggests that the District may not plan to do so. Although I encourage the District to revisit any such plans and commend the bill’s sponsors for bringing attention to this issue, because I am concerned that S. 836 appears to violate the constitutional prohibition on local or special legislation and conflict with existing law, I am compelled to veto the same.

For the foregoing reasons, I am respectfully vetoing R-120, S. 836 and returning the same without my signature.

Yours very truly,



Henry McMaster