



HENRY McMASTER  
GOVERNOR

April 25, 2017

The Honorable Kevin L. Bryant  
President of the Senate  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-19, S. 568, which seeks to add two at-large members to the Board of Trustees of the Williamsburg County School District ("School Board"). Aside from constitutional concerns attendant to such special legislation, S. 568 improperly attempts to vest the Williamsburg County Legislative Delegation with the authority to implement and execute this local law. Therefore, for the reasons set forth below, I must veto S. 568.

At present, the School Board consists of seven members elected from single-member districts who serve staggered four-year terms. S. 568 seeks restore two at-large members to the School Board as previously provided prior to 2002 S.C. Act No. 471. To initiate this change, the bill provides that the Williamsburg County Legislative Delegation shall appoint two individuals to serve as at-large members of the School Board until the next nonpartisan election in 2018. For purposes of staggering terms in a manner that is consistent with the other seven School Board members, S. 568 dictates that one of the at-large members elected in 2018 shall serve a two-year term and that the other shall serve a four-year term. However, rather than designating the initial term of each seat, the bill prescribes that "[t]he members of the Williamsburg County Legislative Delegation shall designate which at-large seat shall be subject to the two-year term *following* the 2018 Election." R-19, S. 568, § (B)(2) (emphasis added). Therefore, the Williamsburg County Legislative Delegation will get to pick, *post hoc*, which of the two prevailing candidates will serve the longer, four-year term and which will serve the shorter, two-year term. Because the General Assembly may not "undertak[e] 'to both pass laws and execute them by setting its own members to the task of discharging such functions by virtue of their office as legislators,'" *Knotts v. S.C. Dep't of Nat. Res.*, 348 S.C. 1, 8, 558 S.E.2d 511, 514 (2002) (quoting *Aiken County Bd. of Educ. v. Knotts*, 274 S.C. 144, 149-50, 262 S.E.2d 14, 17 (1980)), such a method of implementing staggered terms is inconsistent with our system of separation of powers.

For the foregoing reasons, I am respectfully vetoing R-19, S. 568 and returning the same without my signature.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster".

Henry McMaster