



HENRY MCMASTER
GOVERNOR

May 18, 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-189, S. 1180, which seeks to amend Act No. 525 of 1982, relating to the election of members of the Chester County School Board of Trustees ("Board"), so as to establish new single-member districts that are different from those districts for members of Chester County Council. Currently, under Act No. 525 of 1982, as amended by subsequent legislation, the single-member districts for the Board correspond to, and are co-terminus with, the single-member districts for Chester County Council. For the reasons set forth below, and particularly in light of the concerns recently expressed by one or more members of the Chester County Legislative Delegation ("Delegation"), I am compelled to veto S. 1180.

As an initial matter, and as the General Assembly is aware, like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation "for a specific county" or exempting a specific county from the general law or passing special legislation "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 in the context of public education, "legislation regarding education is not exempt from the requirements of Article III, § 34(IX)." *Horry Cnty. v. Horry Cnty. Higher Educ. Comm'n*, 306 S.C. 416, 419, 412 S.E.2d 421, 423 (1991). Similarly, while the South Carolina Constitution provides that "[t]he General Assembly shall . . . regulate the time, place and manner of elections [and] provide for the administration of elections," S.C. Const. art. II, § 10, local election-related legislation is not immune from scrutiny. Therefore, I carefully review and consider all such legislation presented to me and evaluate the same in view of the governing law. Here, while S. 1180 plainly pertains only to Chester County, it appears that a general law, to the extent necessary, could not be made applicable. However, although S. 1180 may not violate the constitutional prohibition on local or special legislation, this bill and others recently passed by the General Assembly addressing the reapportionment of school districts further illustrate and underscore the problems associated with piecemeal, and often inconsistent, local legislation. Accordingly, I must reiterate my longstanding

The Honorable Thomas C. Alexander

Page 2

May 18, 2022

concerns regarding the General Assembly's regular resort to this practice, which has produced a patchwork of authorities governing South Carolina's schools and school districts.

Notwithstanding the foregoing, S. 1180 appears to be independently problematic, and it is my understanding that at least one member of the Delegation apparently was not aware of S. 1180's implications. As evidenced by the enclosed correspondence, there are concerns regarding this legislation's unexplained, unjustified, or undisclosed alteration of district lines and the sudden departure from the single-member districts for Chester County Council. If S. 1180's impact was not clear to the General Assembly that passed the bill, one can safely presume that the general public may not be aware of the same. Moreover, I am concerned that the manner in which S. 1180 proposes to stagger implementation of the new districts could potentially result in overlapping districts or unrepresented areas, which may lead to temporary disenfranchisement or other representational issues prior to the 2024 General Election. Accordingly, and particularly in view of the aforementioned considerations and the objections raised by one or more members of the Delegation, I am compelled to veto S. 1180.

For the foregoing reasons, I am respectfully vetoing R-189, S. 1180 and returning the same without my signature.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", is written over a horizontal line.

Henry McMaster

Enclosure

T. Randolph "Randy" Ligon
District No. 43-Chester & York
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May 16, 2022

HAND DELIVER

The Honorable Henry McMaster
Governor, State of South Carolina
State House
1100 Gervais Street
Columbia, SC 29201

Dear Governor McMaster:

It has come to my attention that the drawing of the lines for Chester County School District have been moved. It is my understanding that these lines were moved to accommodate a sitting member of the school board. I feel that this is improper and was done without any notice from the school board to the public.

I mistakenly voted for passage of this bill, not knowing the lines had been moved. I am asking that you veto S.1180, and I would ask that you send it back for further review and clarification.

I feel strongly that the public should be informed of this move of the district lines before this is permanent.

Sincerely,

T. Randolph "Randy" Ligon

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