



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-122, S. 948, which seeks to move the 2022 election date for seats on the Marion County Board of Education ("Board of Education") from the second Tuesday in April to the second Tuesday in May. For the reasons set forth below, I am compelled to veto S. 948.

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" and "where a general law can be made applicable." S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(IX). Yet, S. 948 would apply to only a single county. 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 Cty. v. Horry Cty. Higher Educ. Comm'n*, 306 S.C. 416, 419, 412 S.E.2d 421, 423 (1991). Here, it appears that a general law could be made applicable, and the General Assembly has not established that a special law is necessary to "best meet the exigencies of [this] particular situation." *Charleston Cty. Sch. Dist. v. Harrell*, 393 S.C. 552, 559, 713 S.E.2d 604, 608 (2011). Accordingly, I am compelled to reiterate my longstanding concerns regarding the General Assembly's regular resort to local or special legislation, which has produced a patchwork of authorities governing South Carolina's schools and school districts.

For the foregoing reasons, I am respectfully vetoing R-122, S. 948 and returning the same without my signature.

Yours very truly,

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

Henry McMaster