



HENRY DARGAN McMASTER  
GOVERNOR

March 7, 2025

The Honorable Fawn M. Pedalino  
418D Blatt Building  
Columbia, South Carolina 29201

Dear Representative Pedalino:

I have signed into law R-6, H. 3792, which pertains to the Clarendon County School District ("District"). As you know, this legislation amends Act No. 106 of 2021 so as to change the method of determining the results of elections for members of the District's Board of Trustees ("Board"), and to provide that the District's annual budget is subject to the approval of Clarendon County Council. It is my understanding that the concerns expressed by H. 3292's detractors have principally focused on the bill's latter provisions, which alter the District's financial authority.

As the General Assembly is well aware, like several of my predecessors, I have consistently vetoed local or special legislation that violates the South Carolina Constitution. Our 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 in the context of public education, "legislation regarding education is not exempt from the requirements of Article III, § 34(IX)." *Charleston Cnty. Sch. Dist. v. Harrell*, 393 S.C. 552, 558, 713 S.E.2d 604, 607 (2011). Therefore, I carefully review and consider all such legislation presented to me and scrutinize the same in view of the governing law. Absent other issues or infirmities, I have, on occasion, signed local or special legislation that is not clearly unconstitutional, such as where a general law could not be made applicable or where "a special law would best meet the exigencies of a particular situation." *Id.* at 559, 713 S.E.2d at 608. Regardless, I have repeatedly cautioned the General Assembly to avoid relying on local legislation and, whenever possible, to instead address the underlying issues by passing laws of uniform, statewide application.

Here, while H. 3792 plainly pertains to only Clarendon County, the General Assembly has demonstrated that it is necessary to "best meet the exigencies of [this] particular situation." *Id.* For instance, in 2024, the South Carolina Department of Education ("Department") issued a

The Honorable Fawn M. Pedalino

Page 2

March 7, 2025

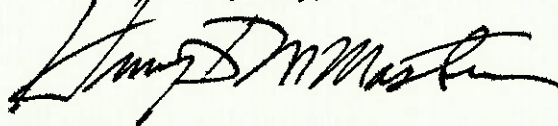
declaration of Fiscal Watch after the District failed to submit its FY2023 audit report in a timely manner. Likewise, both when H. 3792 was first introduced and when it was enrolled for ratification, the District similarly still had not submitted its FY2024 audit report by the statutory deadline. Accordingly, because the District was already subject to a declaration of Fiscal Watch, on February 18, 2025, the Superintendent of Education issued an escalated declaration of Fiscal Caution pursuant to section 59-29-90(D)(2)(b) of the South Carolina Code of Laws.

In light of the aforementioned and other issues, and given the District's continued financial difficulties since consolidation, it appears H. 3792—and the additional financial oversight it seeks to provide—is necessary to address the exigent circumstances identified both by the Clarendon County Legislative Delegation and by the Superintendent of Education. Therefore, I am persuaded that H. 3792 does not constitute impermissible local legislation based on the standards established by the South Carolina Supreme Court. Insofar as these issues may have prompted this legislation, I applaud the Clarendon County Legislative Delegation's apparent desire to guard against the potential waste of taxpayer resources and to otherwise improve transparency and accountability.

Notwithstanding the foregoing, while I do not believe this bill is clearly unconstitutional, given the General Assembly's regular resort to—and the recurring nature of—special legislation in this context, I am nevertheless compelled to reiterate my longstanding concerns regarding this practice. Over the years, this practice has produced a patchwork of authorities governing South Carolina's schools and school districts. As I am sure you are aware, school districts in this State enjoy varying degrees of fiscal autonomy, so questions pertaining to budget approval and fiscal oversight are certainly not unique to the District. Indeed, in 2017 the General Assembly passed, and I signed into law, Act No. 23 of 2017. This law requires the Department to work with school district superintendents and finance officers to develop and adopt a statewide program with guidelines for "identifying fiscal practices and budgetary conditions that, if uncorrected, could compromise the fiscal integrity of a school district." S.C. Code Ann. § 59-20-90(A)(1). Accordingly, I encourage you and your colleagues to confer with the Department and consider addressing similar issues in the future by passing general laws of uniform, statewide application.

For the foregoing reasons, I have signed H. 3792 into law. I look forward to continuing to work with the General Assembly to address these and other similar issues on a statewide basis.

Yours very truly,



Henry Dargan McMaster

HDM/es/tl

cc: The Honorable Jeff Zell  
South Carolina Senate