



HENRY McMASTER  
GOVERNOR

March 14, 2022

The Honorable James H. Lucas  
Speaker of the House  
State House, Second Floor  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval R-132, H. 4800, which seeks to amend Act No. 777 of 1988, establishing the Lancaster County School District, so as to provide that members of the Lancaster County School District's Board of Trustees ("Board") must be elected in partisan elections beginning in 2024. The bill also requires present members of the Board whose terms expire after 2024 to declare their political affiliation by affidavit filed with the Lancaster County Board of Voter Registration and Elections. Although I recognize and appreciate the importance of the underlying issue, for the reasons set forth below, I am compelled to veto H. 4800.

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, H. 4800 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.

This very issue illustrates the problems associated with governing via piecemeal, and often inconsistent, local legislation. Currently, numerous local acts require that boards of trustees of the various school districts be elected in nonpartisan elections. *See, e.g.*, Act No. 613 of 1986 (requiring that elections for the Board of Trustees of Richland County School District Nos. 1 and

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2 be nonpartisan); Act No. 287 of 1987 (requiring that elections for the Board of Trustees of Lexington County School District No. 5 be nonpartisan). Meanwhile, it is my understanding that only the Horry County School District Board of Trustees and the Lee County School District Board of Trustees are presently elected in partisan elections; yet, according to the South Carolina School Boards Association, apparently neither their legal counsel nor the legal counsel for these school districts has been able to locate or cite the local acts or policies authorizing or requiring partisan elections.

As our recent experience has made abundantly clear, school board elections are critically important. Thus, the manner in which these elections are conducted warrants scrutiny and debate, and the proposal to transition to partisan elections may have merit. However, given the importance of this issue, the General Assembly should address the matter on a statewide basis and consider general legislation that, for example, provides that all such elections should be conducted on a partisan basis or affords electors in the various districts the option to select the form of election in a referendum. Accordingly, while I commend the bill's sponsors for their attention to this important issue, because I am concerned that H. 4800 appears to violate the constitutional prohibition on local or special legislation, I am compelled to veto the same. Nevertheless, I would encourage the General Assembly to consider the underlying proposal on a statewide basis.

For the foregoing reasons, I am respectfully vetoing R-132, H. 4800 and returning the same without my signature.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster