



HENRY McMASTER
GOVERNOR

February 26, 2019

The Honorable Harvey S. Peeler, Jr.
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-4, S. 335, which seeks to amend certain election procedures related to the Langley Water and Sewer District, Bath Water and Sewer District, and Clearwater Water and Sewer District. To be clear, I understand and appreciate the need to address existing issues involving the aforementioned public service districts. Therefore, I have endeavored to assist the local legislative delegation by seeking guidance from the Office of the Attorney General, 2018 WL 5096184 (S.C.A.G. Oct. 4, 2018), and by appointing individuals to fill vacancies one or more of the governing commissions. However, because the manner in which S. 335 attempts to resolve these issues ultimately conflicts with the constitution, I am compelled to veto the bill.

Like several of my predecessors, I have been clear and consistent since the beginning of my administration that I will veto unconstitutional local or special legislation. Article VIII, section 7 of the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation which applies only to a single county. S.C. Const. art VIII, § 7; *see also* S.C. Const. art. III, § 34(IX) (prohibiting local or special laws "where a general law can be made applicable"). Yet, S. 335 indicates that all of the special purpose districts in question are located entirely within Aiken County. Therefore, while I applaud the members of the Aiken County Legislative Delegation for their efforts to craft a solution to what has been described as a "confused and muddled matter," 2018 WL 5096184, at *7, I must veto S. 335 because the measure amounts to unconstitutional local, or special, legislation. *See Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 80, 321 S.E.2d 258, 265 (1984) ("Article VIII, § 7 is not only applicable to special legislation creating a special purpose district, but also to special legislation dealing with special purpose districts created prior to the ratification of [a]rticle VIII or the amendment of prior special legislation." (citation omitted)). As I noted in vetoing similar legislation in 2017—and as the Attorney General's Opinion recently alluded to—the General Assembly should address these matters by passing laws of uniform, statewide application.

For the foregoing reasons, I am respectfully vetoing R-4, S. 335 and returning the same without my signature.

Yours very truly,

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

Henry McMaster