



State of South Carolina

Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

June 11, 2012

The Honorable Kevin L. Johnson
422A Blatt Building
Columbia, South Carolina 29201

Dear Representative Johnson,

I am writing to let you know that, today, I signed into law R259, H.4887, a bill which you sponsored to merge the Clarendon County Election Commission and Voter Registration Board.

In signing this bill, I want to make clear that while H.4887 affects only Clarendon County, I do not believe it violates the Home Rule or Special Laws provisions of the South Carolina Constitution – Article VIII, Section 7 and Article III, Section 34(IX) and (X), respectively – because the bill relates to the traditional state function of conducting elections and registering voters, not a local home rule function, and is codified into general law in the state's Code of Laws. Therefore, I do not believe this bill is clearly unconstitutional.

In 2008, the General Assembly recognized that local acts relating to election laws may be considered unconstitutional special legislation and, accordingly, enacted Act 312 of 2008 which codified these local acts in Article 2, Chapter 27 of Title 7. Act 312 intended to both codify special election acts into general permanent statutes to satisfy Article III, Section 34(X) and to make clear that the conduct of elections and registering voters is a state function to satisfy Article VIII, Section 7.

For the reasons stated above, I have signed R259, H.4887 into law today.

My very best,

A handwritten signature in black ink, appearing to read "Nikki R. Haley", is written over the typed name.

Nikki R. Haley

cc: Members of the Clarendon County Delegation