

EXECUTIVE ORDER NO.

2025-23

WHEREAS, the undersigned has consistently advocated for reforming and restructuring various Executive Branch agencies and departments, several of which were legacies of the system previously described by Governor Campbell as “a government run by a multitude of uncoordinated, unaccountable[,] and uncontrolled autonomous boards, commissions, agencies, departments, and authorities that are simply incapable of responding efficiently to the massive demands and responsibilities placed on a modern state government,” Exec. Order No. 91-07 (Mar. 6, 1991); and

WHEREAS, in recent years, the General Assembly has recognized the need for such reform and has taken several important steps to restructure quasi-independent Executive Branch agencies and departments and to provide direct lines of accountability to the Governor of the State of South Carolina, *e.g.*, 2025 S.C. Acts No. 3; 2023 S.C. Acts No. 60; and

WHEREAS, the undersigned is convinced that the aforementioned measures will significantly enhance accountability and improve the quality of government services available to South Carolinians by replacing bureaucratic fragmentation and isolation with agencies designed for communication, collaboration, and coordination, the leadership of which is directly and immediately accountable to the undersigned; and

WHEREAS, in light of the above-referenced developments, the undersigned has determined that it is necessary and appropriate to update the composition of the undersigned’s Executive Cabinet, which is the coordinated structure designed to facilitate the organized and efficient functioning and administration of Executive Branch agencies and departments; and

WHEREAS, in addition to providing clarity and promoting accountability by specifying those state agencies and departments that comprise the undersigned’s principal advisory body and identifying those state officials who constitute members of the Governor’s Executive Cabinet, the undersigned has further determined that it is prudent to take certain additional proactive actions to improve the organization and operation of those agencies; and

WHEREAS, the effective and uninterrupted operation of state government is vital to the health, safety, and welfare of the citizens of the State of South Carolina, and to that end, ensuring a continuity of leadership within state agencies and departments is essential in providing for the continued delivery of essential services, particularly in the event of an emergency, and requires state officials to prepare for unanticipated vacancies or other similar circumstances, *see* S.C. Code Ann. §§ 1-9-10 *et seq.*; *Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952); and

WHEREAS, the South Carolina Constitution expressly provides that the Governor of the State of South Carolina is vested with “[t]he supreme executive authority of this State” and that he “shall take care that the laws be faithfully executed,” S.C. Const. art. IV, §§ 1, 15; and

WHEREAS, in recognition of the aforementioned authority, article IV, section 17 of the South Carolina Constitution provides that “[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements”; and

WHEREAS, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to “call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare”; and

WHEREAS, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that “[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities”; and

WHEREAS, it is axiomatic that the undersigned’s Executive Orders shall have the force and effect of law, *see* S.C. Code Ann. § 1-23-100; *Amisub of S.C., Inc. v. S.C. Dep’t of Health & Env’t Control*, 407 S.C. 583, 600, 757 S.E.2d 408, 417 (2014); *see also Com. of Va. v. Cannon*, 228 F.2d 313, 315 (4th Cir. 1955) (noting that courts “must look to the proclamations of the Governors to determine what the policy of the state was [and] that these have the effect of statutory enactments”).

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Designating Executive Cabinet

A. In accordance with the foregoing authorities, historical practice, and other applicable law, I hereby designate the following administrative heads of Executive Branch agencies (“Cabinet Agency”), as well as the following officials of corresponding rank, as comprising the Governor’s Executive Cabinet:

1. Lieutenant Governor
2. Adjutant General, South Carolina Military Department
3. Chief of the South Carolina Law Enforcement Division
4. Chief Resilience Officer, South Carolina Office of Resilience
5. Director of the Department of Administration
6. Director of the Department of Behavioral Health and Developmental Disabilities
7. Director of the Department of Corrections
8. Director of the Department of Employment and Workforce
9. Director of the Department of Environmental Services
10. Director of the Department of Health and Human Services
11. Director of the Department of Insurance
12. Director of the Department of Juvenile Justice
13. Director of the Department of Labor, Licensing and Regulation
14. Director of the Department of Motor Vehicles
15. Director of the Department of Natural Resources
16. Director of the Department of Parks, Recreation and Tourism
17. Director of the Department of Probation, Parole and Pardon Services
18. Director of the Department of Public Health
19. Director of the Department of Public Safety
20. Director of the Department of Revenue
21. Director of the Department of Social Services
22. Director of the Department on Aging
23. Director of the Emergency Management Division
24. Secretary of Commerce
25. Secretary of Transportation
26. Secretary of Veterans' Affairs
27. State Child Advocate
28. State Inspector General
29. Chief of Staff, Office of the Governor
30. Chief Legal Counsel, Office of the Governor

B. The Executive Cabinet shall meet at the call of the undersigned or the undersigned's designee and shall advise the undersigned and the Office of the Governor on matters pertaining to executive branch operations, strategic initiatives and areas of common interest, policy development and implementation, and interagency collaboration, coordination, and cooperation.

C. Members of the Executive Cabinet ("Cabinet Official") shall provide to the undersigned and to the Office of the Governor any and all reports, information, or materials requested by the undersigned, including copies of any and all reports provided to the General Assembly or to the leadership or a committee thereof.

D. The undersigned or the undersigned's designee is authorized to invite additional agency heads to attend meetings of the Executive Cabinet, which shall be subject to the Freedom of Information Act in accordance with section 30-4-65 of the South Carolina Code of Laws, as amended.

E. This Section does not alter, amend, modify, or supersede any duties, functions, or responsibilities assigned to, or which may be assigned to, the foregoing positions under existing law.

Section 2. Requiring Submission of Potential Emergency or Acting Successors

A. In accordance with section 1-9-40 of the South Carolina Code of Laws, as amended, and other applicable law, I hereby authorize and direct that each Cabinet Official shall identify at least three (3) employees of the corresponding Cabinet Agency whom the Cabinet Official deems qualified to serve on a temporary or emergency interim basis as the acting agency head in the event of an unanticipated vacancy in said office or the Cabinet Official's temporary absence, incapacity, or unavailability. Unless otherwise provided by law, within fifteen (15) days of this Order or within thirty (30) days of appointment, whichever is later, each Cabinet Official shall notify the Office of the Governor, in writing, of the individuals recommended for potential designation as the acting agency head, should the circumstances require such a designation, and shall confirm both that the individuals recommended satisfy any statutory qualifications associated with the position and that the individuals recommended would be willing to serve on a temporary basis if called upon to do so. Each Cabinet Official's recommended designations shall include and identify any deputy authorized by law to exercise the powers and discharge the duties of said office in the event of a vacancy or the Cabinet Official's temporary absence, incapacity, or unavailability.

B. Each Cabinet Official's recommended designations, which shall include the names and titles of the employees, are subject to the undersigned's approval and designation, and each Cabinet Official shall review and update the list of individuals recommended for potential designation as the acting agency head at least annually or upon any change in the employment status of the individuals identified and recommended.

C. In the absence of a prior recommended designation approved by the Governor, and until such time as the Governor takes different or additional action with respect to said position or until a successor is appointed and qualifies as provided by law, whichever event occurs first, the Cabinet Agency's chief legal counsel, chief legal officer, general counsel, or equivalent senior attorney is authorized to serve as the acting agency head during such periods, subject to the Governor's review and approval.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph,

sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 25th DAY OF
JUNE, 2025.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State