

EXECUTIVE ORDER NO.

2026-23

WHEREAS, Congress passed and President Donald J. Trump signed into law the One Big Beautiful Bill Act. *See* Pub. L. 119-21, 139 Stat. 72 (July 4, 2025); and

WHEREAS, as part of the One Big Beautiful Bill Act, Congress enacted a tax credit for contributions of individuals to scholarship granting organizations (“Tax Credit Program”). *See id.* § 70411, 139 Stat. 215–17; and

WHEREAS, the undersigned submitted Form 15714 to the Internal Revenue Service on January 13, 2026, electing that South Carolina participate in the Tax Credit Program for 2027. *See* 26 U.S.C. §§ 25F(c)(1), (g)(1)(A); and

WHEREAS, the Tax Credit Program requires a State to “provide to the Secretary [of the Treasury] a list of the scholarship granting organizations that meet the requirements described in subsection (c)(5) [of 26 U.S.C. § 25F] and are located in the State.” *Id.* § 25F(g)(1)(A); and

WHEREAS, the election to participate and required list must be provided “by the Governor of the State or by such other individual, agency, or entity as is designated under State law to make such elections on behalf of the State with respect to Federal tax benefits.” *Id.* § 25F(g)(1)(B); and

WHEREAS, no individual, agency, or entity other than the undersigned has been designated under South Carolina law to make this election and submit the required list of scholarship granting organizations; and

WHEREAS, the Tax Credit Program establishes the requirements for a scholarship granting organization. *See id.* §§ 25(F)(c)(5), (d)(1); and

WHEREAS, the Internal Revenue Service issued guidance on those requirements on October 2, 2026. *See* Dep't of the Treasury, Internal Revenue Service, *Federal Scholarship Tax Credit*, 91 Fed. Reg. 62818 (Oct. 2, 2026); and

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. Applications from Scholarship Granting Organizations

A. The Department of Revenue is an appropriate agency to assist the undersigned by creating and receiving an application that an entity must submit to be considered a scholarship granting organization.

B. The Department of Revenue shall compile a list of organizations who have submitted complete applications.

C. The Department of Revenue shall provide to the Office of the Governor by February 1, 2027, a list of the applicants that have submitted complete applications to be scholarship granting organizations.

Section 2. 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,

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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 provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 13th DAY
OF OCTOBER, 2026.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State