



HENRY DARGAN McMASTER
GOVERNOR

March 11, 2026

The Honorable G. Murrell Smith, Jr.
Speaker of the House of Representatives
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-112, H. 4902, which seeks to exempt from public disclosure the amount and recipient of any revenue-sharing payment made by a public college or university. It also seeks to exempt the aggregate or total amounts of revenue-sharing payments made to all student-athletes as a group in each sports program, without any recipient identified. The individual exemption has merit; the group exemption does not. I therefore cannot sign H. 4902 into law.

This legislation presents a conflict between serious concerns and a clear principle. On the one hand are privacy rights of student-athletes and the competitive interests of our State's collegiate athletic teams. On the other hand is the right of the People to know how public funds are being spent. Both sides offer compelling considerations.

How we got into this mess in college athletics is a familiar but sad story. For decades, the National Collegiate Athletic Association (NCAA) failed to respond to emerging legal challenges and lead, and it now lacks the credibility to do so. As members of the General Assembly noted during the debates on this legislation, college athletics is in "shambles" and is the "Wild West." Money drives decisions more than ever before, and the rules change so often that they hardly mean anything at all. One day the main difference between college and professional sports may be only the age of the players.

How do we ever—if we can—get out of this situation? Although I much prefer that the States solve problems, the current predicaments that college athletics faces likely cannot be resolved at the state level. Given the NCAA's lack of moral authority, the federal government may be necessary to help resolve this crisis. President Trump is already hosting discussions at the

White House to find solutions, and Congress may be called upon to create a viable legal framework.

This legislation, H. 4902, goes too far in shielding information from public view because it precludes disclosure of *any and all* records related to revenue-sharing. It shields each individual's records, but it also shields the anonymous aggregate records of each sports program. As our Supreme Court explained, FOIA serves "the important governmental interests of providing transparency in governmental decision-making, preventing fraud and corruption, and fostering trust in government." *Disabato v. S.C. Ass'n of Sch. Adm'rs*, 404 S.C. 433, 450, 746 S.E.2d 329, 338 (2013). Exemptions, of course, exist for "certain sensitive records," *id.* at 453, 746 S.E.2d at 340, but exemptions must be the exception. The default is that government information must be publicly disclosed at a citizen's request.

Despite this FOIA default, both state and federal law rightfully protect privacy interests under certain circumstances. One such law is the Family Educational Rights and Privacy Act (FERPA), enacted in 1974. Under that law, a college student's records and information cannot be publicly released by his school without the student's consent. 20 U.S.C. § 1232g(b)(1). This law protects the student's privacy. FERPA uses broad language to define what constitutes a protected "education record." Specifically, such a record includes any "records, files, documents, and other materials" that "contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution." *Id.* § 1232g(a)(4)(A). Thus, the plain text of this definition would apply to any document concerning a revenue-sharing agreement with a student. In my view, for colleges or universities accepting federal funds, as ours have done for years, Congress's valid exercise of its power under the Spending Clause in FERPA applies, and these records should not be released, regardless of what our FOIA says or does not say. *See Antrican v. Odom*, 290 F.3d 178, 188 (4th Cir. 2002). In fact, Louisiana State University recently prevailed in court on the argument that FERPA precluded it from disclosing any name, image, and likeness contracts. For these reasons, I believe that H. 4902's exemption as to individual student-athletes is reasonable.

The aggregate funds spent by a college on each team is a different story. FERPA applies and shields only an individual student's records and information. It does not apply to de-identified, aggregated information. This is where South Carolina should draw the line, too. Although there are legitimate privacy and competitive-disadvantage reasons to keep private the amount of revenue-sharing funds that a particular student-athlete is being paid, taxpayers should be able to know how much a university is spending on each of its various teams as an aggregate number. In other words, publication would likely invade an individual student-athlete's privacy without justification, but the people's right to know extends to every dollar that their colleges and universities choose to spend on the various sports programs. That is reasonable.

This balance—protecting an individual student's information while requiring aggregate disclosure—is not new. For instance, colleges and universities are not allowed to disclose how much any individual student receives in financial aid, but the schools must provide aggregate data about its total of financial aid to students.

If the General Assembly sends me legislation that strikes this balance of protecting both the individual student-athletes' privacy and the people's right to know how colleges and

universities spend public funds, I will sign it immediately. Because H. 4902 fails to balance these considerations effectively, I am respectfully vetoing this legislation and returning it without my signature.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry Dargan McMaster". The signature is fluid and cursive, with the first name "Henry" being the most prominent.

Henry Dargan McMaster

HDM/wgl