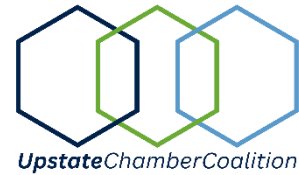


Date: Mar 3, 2025

To: Upstate Chamber Leadership

From: Matt Wills



The "Ending Illegal Discrimination and Restoring Merit-Based Opportunity Act," which aims to amend the South Carolina Code of Laws by introducing a new article that would prohibit state agencies, departments, institutions, and political subdivisions, including schools and institutions of higher learning, from promoting Diversity, Equity, and Inclusion (DEI) initiatives. Here's an outline of the key provisions and objectives:

Key Objectives:

1. **End DEI Preferences and Discrimination:** The primary goal is to eliminate DEI-based preferences, mandates, policies, and programs within public entities, including government offices, universities, and schools.
2. **Merit-Based Opportunity:** The act emphasizes promoting individual initiative, excellence, and hard work over identity-based considerations (such as race, sex, or religion) in employment and educational practices.
3. **Enforcement of Civil Rights Laws:** The act seeks to ensure that all public entities enforce state and federal civil rights laws, combating any illegal discrimination, and ensuring equality of opportunity.

Provisions:

1. **Prohibition on DEI Promotion (Section 1-1-1930):** Public entities in South Carolina would be prohibited from implementing, maintaining, or promoting DEI policies that prioritize race, sex, religion, or national origin in employment or admissions decisions. This includes preventing the creation of DEI offices or units within public entities.
2. **Contract and Grant Certification (Section 1-1-1940):** Before awarding contracts or grants, public entities must require certification from contractors or grant recipients that they do not operate discriminatory DEI programs.

3. **Accreditation and Higher Education (Section 1-1-1950):** Public universities must pursue accreditation with agencies that do not require adherence to DEI programs that involve discrimination based on race, color, religion, sex, or national origin.
4. **Exceptions and Legal Protections:** Certain exceptions are made, such as for veterans' preferences, and for First Amendment-protected speech. The act also ensures that individuals with disabilities retain protections under state and federal law.
5. **Enforcement and Reporting:** Complaints of violations can be reported to the Inspector General, and public entities must report annually on the number and nature of such complaints. The Attorney General can enforce the provisions of the act.
6. **Repeal of Previous Section:** The bill repeals Section 1-13-110, which likely relates to previous DEI regulations.
7. **Effectiveness:** The act takes effect upon approval by the Governor, with its provisions first applying to the Fiscal Year 2025-2026 and the 2025-2026 school year.

Key Considerations:

- **Constitutional and Legal Implications:** The act emphasizes that it is designed to comply with the U.S. Constitution, especially regarding First Amendment rights and protections for individuals with disabilities.
- **Potential Impact on Institutions:** The proposed bill could have significant effects on how institutions of higher learning and public schools operate, particularly in how they address DEI initiatives. It could also affect how public entities hire, promote, and interact with individuals from various demographic backgrounds.

Chamber Position: Oppose

Posture: Passed the SC House, 2 April 2025

Tactic: We will request a Senator object to the bill, requiring special order to overcome the objection. With the time left in the term, we feel this is the best tactic to all but stop the bill from advancing.