

1980 WL 121013 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 30, 1980

**\*1 Re: People United for Justice Corporation**

Paul E. Short, Jr., Esquire  
Chester County Attorney  
Post Office Box 547  
Chester, South Carolina 29706

Dear Mr. Short:

Your recent letter to Karen Henderson has been referred to me for reply. You have asked whether the requirement of § 33-31-40, 1976 Code of Laws, that the Sheriff and others approve the Declaration for Incorporation of a non-profit corporation constitutes only an administrative act or whether it was intended to require the actual consent of the sheriff to the formation of each such corporation. In this instance the sheriff is personally opposed to the corporation.

Our research has failed to reveal anything in the legislative history or elsewhere which would indicate the purpose of this requirement. However, it would appear that the requirement serves the function of informing all the officials listed in this statute of the formation of the corporation and offers them an opportunity to object if in the course of their official duties any of them knows of any reason why the corporation should not be formed. It is unlikely that the statute intended to make the formation of all non-profit corporations contingent upon the personal approval of all five officials listed in the statute. Therefore, since the sheriff in this matter does not know that the corporation intends to violate any law or is to be organized for any unlawful purpose, it is the opinion of this Office that his personal opposition to the corporation should not form the basis for a refusal to approve it as the statute requires.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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