

1978 S.C. Op. Atty. Gen. 60 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-36, 1978 WL 22519

Office of the Attorney General

State of South Carolina

Opinion No. 78-36

February 23, 1978

\*1 Mr. Eric William Pantsari  
Administrator  
Public Charities  
Department of State  
816 Keenan Building  
Columbia, South Carolina 29201

Dear Mr. Pantsari:

You have requested our opinion as to whether or not political parties are included in the definition of a charitable organization and therefore required to register with the Secretary of State under the 'Solicitation of Charitable Funds Act', South Carolina Code of Laws, §§ 33-55-10, et seq., 1976, as amended. It is the opinion of this office that the regulation of political contributions is not within the scope of the 'Solicitation of Charitable Funds Act'.

Research has indicated that this is an issue of first impression in this State along with other states that have similar legislation. The only law discovered that involved the issue of gifts to political parties is one of generalities, the example being 15 Am. Jur.2d Charities § 63 (1976) which states in part:

Gifts or trusts for political purposes or the attainment of political objectives have generally been regarded as not charitable in nature. (Emphasis added).

After studying the 'Model Act' covering solicitations of charitable funds and the comments thereunder, and conferring with its drafters, National Health Council, Inc., 1740 Broadway, New York, N.Y., it is our conclusion that the regulation of contributions to political parties is not within the scope of the 'Solicitation of Charitable Funds Act'. The purpose of this Act is to allow the State to effect control of an administrative character over private philanthropy and to make available to the public full information concerning charities, fund raising, and administrative costs. The 'Ethics Act' provides for such public protection on the issue of contributions to political parties. See §§ 8-13-620 and 8-13-630, [Code of Laws of South Carolina](#), 1976, as amended.

It is the opinion of this office that political parties are not required to register under our 'Solicitation of Charitable Funds Act' when they make a public appeal for contributions.

Yours very truly,

C. Havird Jones, Jr.  
Assistant Attorney General

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