

1974 S.C. Op. Atty. Gen. 20 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3684, 1974 WL 21205

Office of the Attorney General

State of South Carolina

Opinion No. 3684

January 3, 1974

***1 The Alston Wilkes Society is required to register and file reports pursuant to the ‘Solicitation of Charitable Funds Act.’**

Secretary of State of South Carolina

You have requested the opinion of this office as to whether or not the Alston Wilkes Society is required to register and file reports pursuant to the ‘Solicitation of Charitable Funds Act’. It is the opinion of this office that the Society is subject to the provisions of the Act and must register thereunder.

First, there is no question but that the Alston Wilkes Society is a ‘charitable organization’ as defined by the Act. ‘Charitable organization’. A person which is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, or eleemosynary organization or any person which solicits or obtains contributions solicited from the public for charitable purposes. . . . § 67–92(1), CODE OF LAWS OF SOUTH CAROLINA (1962) supp.

Consequently, the Society must register as a ‘charitable organization’ unless it falls within one of the exemptions listed under § 5 of the Act.

The only exemption under which the Society might possibly fall is § 67–95(6) which provides: ‘Organizations which solicit only within the membership of the organization by the members thereof.’ The term ‘membership’ is defined by the Act as:

‘Membership’. A status applied upon condition of the payment of fees, dues, assessments, etc., in an organization which provides services and confers a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect officers, or hold offices. The term ‘membership’ shall not include those persons who are granted a membership upon making a contribution as the result of solicitation. § 67–92(11), CODE OF LAWS OF SOUTH CAROLINA (1962).

As far as can be determined, the only rights or privileges conferred by the Alston Wilkes Society are voting rights at the county chapter level and the state level; each member receives a quarterly newsletter; and each member is eligible for election to any office in the Society. Furthermore, either members or non-members may do volunteer work for the Society. The question is whether or not the Society confers any ‘bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect officers, or hold offices.’ The statute itself expressly excludes the right to vote, elect officers or hold office from being considered as bona fide ‘rights’ or ‘privileges’ of ‘membership’. Consequently the only ‘privilege’ or ‘benefit’ the Society claims is the right to do volunteer work.

The right to do volunteer work in the criminal justice field is apparently not limited to members of the Alston Wilkes Society. H. Parker Evatt, Executive Director of the Society, stated in his letter to Mr. Libby: ‘About all members join at the local level *after* getting involved in our work.’ (Emphasis supplied.) Thus, doing volunteer work is not necessarily a privilege or direct benefit conferred by membership in the Society. Furthermore, in interpreting a statute, the statute must be read as a whole to determine the intention of the Legislature. In § 67–95(11), CODE OF LAWS OF

SOUTH CAROLINA (1962), 'membership' must confer a 'right, privilege, professional standing, honor *or other* direct benefit.' 'The word 'other' in a statute means of like kind and character.' 30A WORDS AND PHRASES at 107 (1972). Consequently, the rights, privileges, professional standing and honors must confer direct benefits upon the members of the Society and not just incidental benefits which may be enjoyed by members and nonmembers alike.

*2 Therefore, it is the opinion of this office that the Alston Wilkes Society must register pursuant to the provisions of § 67-91 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA (1962).

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