

1973 S.C. Op. Atty. Gen. 329 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3645, 1973 WL 21096

Office of the Attorney General

State of South Carolina

Opinion No. 3645

October 18, 1973

\*1 Mr. Ronald H. DaBarry  
Securities Analyst  
Department of State  
Post Office Box 11350  
Columbia, South Carolina 29211

Dear Mr. DeBarry:

You have inquired as to whether or not a charitable, religious or otherwise non-profit corporation is required by South Carolina law to adopt by-laws or other written operating procedure. Under Section 12-752, Code of Laws of South Carolina (1962), as amended, a non-profit organization seeking to incorporate is required to submit to the Secretary of State such information as he may require and as specified within the cited statute. There is no indication, however, that the provisions of Section 12-752 place any requirement upon the proposed corporation to adopt by-laws or other written operating procedure.

Section 12-758, Code of Laws of South Carolina (1962), as amended, empowers a non-profit corporation to make by-laws, but there is no requirement that such corporation adopt by-laws or other written operating procedure.

My research does not disclose any law which requires a charitable, religious or otherwise non-profit corporation to adopt by-laws or other written operating procedure, and in the opinion of this Office, the same cannot be required of a non-profit corporation.

Very truly yours,

Raymond G. Halford  
Assistant Attorney General

1973 S.C. Op. Atty. Gen. 329 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3645, 1973 WL 21096

---

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.