

1973 WL 27645 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 26, 1973

***1 Re: 'Solicitation of Charitable Funds Act'—registration of the United Jewish Appeal, Inc. thereunder.**

Honorable O. Frank Thornton
Secretary of State of South Carolina
Post Office Box 11350
Columbia, South Carolina 29211

Dear Mr. Thornton:

You have asked for an opinion from this office as to whether or not the United Jewish Appeal, Inc. is exempt from registration under the 'Solicitation of Charitable Funds Act,' 57 STAT. 2661 (1972). It is the opinion of this office that the United Jewish Appeal, Inc. is exempt from registration under the Act.

Section 4 of the Act provides:

Every charitable organization, except as otherwise provided in this act, which intends to solicit contributions within this State, or have funds solicited on its behalf, shall, prior to any solicitation, file an registration statement with the Secretary of State . . .

One of the exceptions provided in the Act is contained in § 5(1):

The following shall not be required to file registration statements with the Secretary of State:

1. Religious organizations, religious societies and institutions affiliated therewith which are under the supervision or control thereof . . .

Furthermore, as § 4, supra, provides, only 'charitable organizations' have to register under the Act, and the definition of a 'charitable organization' does not include religious organizations.

This definition shall not be deemed to included duly constituted religious organizations or any group affiliated with and forming an integral part of such organization no part of the net income of which insures to the direct benefit of any individual and which have received a declaration of current tax exempt status from the government of the United States. 57 STAT. 2661 (1972).

A reading of the Restated Certificate of Incorporation of the United Jewish Appeal, Inc. shows that 'no part of the not income . . . inures to the direct benefit of any individual.' Furthermore, the United Jewish Appeal, Inc. is an organization exempt from federal tax under [§ 501\(c\)\(3\) of the Internal Revenue Code](#).

Although some of the work performed by the United Jewish Appeal, Inc. may appear to be more charitably oriented than religiously oriented,

its activities are devoted to persons of one religious faith whose difficulties have arisen because of their religion. The essentially religious character of United Jewish Appeal's activities rests in the fact that it is engaged in the rescue of persons of the Jewish faith from countries where they are persecuted solely because of their religion. 1957 opinion of the Attorney General of New York 256, 257.

For the above reasons, it is the opinion of this office that the United Jewish Appeal, Inc. is exempt from the registration and reporting requirements of the 'Solicitation of Charitable Funds Act.' If this office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

*2 M. Elizabeth Crum
Staff Attorney

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