

1979 WL 43027 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
May 28, 1979

***1 Re: Veterans Organizations With National Charters**

Mr. Eric W. Pantsari
Administrator
Public Charities
Department of State
816 Keenan Building
Columbia, South Carolina 29201

Dear Eric:

You have requested an opinion from this Office concerning whether a local chapter or affiliate of a 'national chartered' organization is exempt from the registration requirements of the charitable organizations solicitations or Charitable Funds Act, [§ 33-55-10 et seq.](#), [Code of Laws of South Carolina](#), 1976, as amended.

Section 33-55-40 of that Act requires every charitable organization, unless specifically exempted, to register with the Secretary of State prior to any solicitation of contributions. That section further sets forth the necessary information that should be included in such registration.

It should be noted that if the charitable organization is a chapter, branch or affiliate of a parent organization, § 33-55-40 states a particular registration procedure to follow. That section states in part that:

Each chapter, branch affiliate, . . . shall report the information required to its parent organization which shall then furnish such information as to its State affiliates, chapters, and branches in a consolidated form to the Secretary or his designee. . . .

From the facts as submitted it appears that Army & Navy Union U.S.A. Garrison #2154, is a chapter or affiliate of the Army & Navy Union, U.S.A. and should send the requested information to its parent organization so that the parent organization can supply the necessary information to the Secretary of State.

However, § 33-55-60(7) provides exceptions as to the registration requirements for 'any veterans organization which has a national charter'. Therefore, if the parent organization has been issued a national charter from the Congress of the United States and according to the applicable statutes exempt from the registration requirements, ipso facto, a local chapter or affiliate would also be exempted from registration requirements.

It is axiomatic in statutory construction that exceptions to general statutory provisions are to be construed narrowly. In the situation at hand, the burden of producing the necessary documentation of an existing national charter would be upon the parent organization seeking to fall within the exemption. Vol. 2A SUTHERLAND STATUTORY CONSTRUCTION § 47.11 (1973).

Should you need any further assistance in this matter, please do not hesitate to contact me.

Very truly yours,

C. Havird Jones, Jr.
Assistant Attorney General

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