

8058 Liberty



HENRY McMASTER
ATTORNEY GENERAL

March 2, 2006

The Honorable W. Greg Ryberg
Senator, District No. 24
203 Gressette Building
Columbia, South Carolina 29202

Dear Senator Ryberg:

In response to your question regarding the applicability of Art. XVII, § 8 of the South Carolina Constitution to those who play the State Lottery, please find an opinion, issued to you on January 7, 2002, which answers your questions. As that opinion suggests, whether or not the prohibition found in Art. XVII, § 8 of the Constitution is applicable to a particular position depends upon the powers and duties of that position. However, as to your questions regarding private attorneys (as officers of court), and teachers, the constitutional prohibition would be inapplicable to these persons. These positions are not public "officers," and therefore teachers and private attorneys (as officers of the court) would generally not be prohibited from playing the State Lottery. It is also questionable whether, in light of the recent case of *Sloan v. Sanford*, 357 S.C. 431, 593 S.E.2d 470 (2004), the prohibition is applicable to members of the National Guard. Again, the applicability of Art. XVII, § 8 must be determined on a case-by-case basis.

Very truly yours,

Robert D. Cook
Assistant Deputy Attorney General

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Enclosure