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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

April 2, 2002

The Honorable George Addison
Mayor, Town of Cottageville
Post Office Box 57
Cottageville, South Carolina 29435

Re: Your Letter of February 26, 2002

Dear Mayor Addison:

In your above-referenced letter, you request "... an advisory opinion concerning elected officials playing the lottery or gambling outside of the State of South Carolina." Article XVII, Section 8 of the South Carolina Constitution provides that:

It shall be unlawful for any person holding an office of honor, trust or profit to engage in gambling or betting on games of chance, and any such officer, upon conviction shall become disqualified from the further exercise of the functions of the office, and the office of said person shall become vacant, as in the case of resignation or death.

This Office recently opined that this provision of the Constitution applied to the State Lottery and prevented state and local officials from participating in such. See OP. ATTY. GEN. (Dated January 7, 2002). In reaching this opinion, we concluded that the legality of the gambling activity was irrelevant to the prohibition and stated that "... the Constitution in Article XVII, Section 8, makes no mention of any requirement that the 'gambling' or 'betting on games of chance' must be illegal activity." *Id.* Similarly, Article XVII, Section 8 contains no geographical restriction or limitation on the gambling prohibition. As we stated previously, "[t]he purpose of Article XVII, Section 8 is to insure that public officers holding an 'office of honor, trust or profit' are not compromised in their duties or placed in a conflict of interest by engaging in gambling activities." *Id.* Therefore, I am compelled to conclude that the constitutional prohibitions of "gambling" and "betting on games of chance" apply equally to "officials playing the lottery or gambling outside of the State of South Carolina."

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked.

Rembert C. Dennis

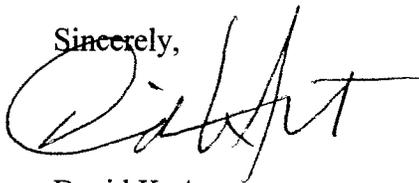
The Honorable George Addison

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It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Avant", written in a cursive style.

David K. Avant
Assistant Attorney General

DKA/an