

1981 WL 158012 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 13, 1981

**\*1 RE: Clarendon County Council on Aging Fund Raising Project (Lottery)**

Mr. Harry R. Bryan  
Director  
South Carolina Commission on Aging  
915 Main Street  
Columbia, South Carolina 29201

Dear Mr. Bryan:

In a letter from Ed Ninestein, which was forwarded to this office, the question was raised as to whether a lottery may be conducted involving a parcel of land whereby all money received above a certain amount from the sale of lottery tickets would go to the Clarendon County Council on Aging, a private, non-profit charitable organization.

Please be advised that [§ 16-19-10, Code of Laws of South Carolina, 1976](#), prohibits the conducting of a lottery in this State. In [Darlington Theatres v. Coker, 190 S.C. 282, 2 S.E.2d 782 \(1939\)](#), the South Carolina Supreme Court determined that a lottery consists of three (3) elements:

1. the offering of a prize;
2. the payment of money or other consideration for an opportunity to win the prize;
3. the awarding of the prize by chance.

A comparison of the above three elements with the proposal for the lottery as referenced in your letter indicates that your scheme would fall within the definition of a lottery and, thus, be illegal. It matters not whether the proceeds from such a lottery go to charity.

I hope this provides you with the information you need. If you have any questions, please feel free to contact me.

With best wishes,  
Sincerely,

Charles H. Richardson  
Assistant Attorney General

1981 WL 158012 (S.C.A.G.)