

1977 WL 37007 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1977

*1 Ms. Diana B. Jones
Counselor
Lexington Office
Council on Aging
1813 Main Street
Room 306
Columbia, South Carolina 29201

Dear Ms. Jones:

You have inquired as to the legality of conducting the game of bingo for residents of Lexington County over the age of sixty. You have further indicated that there will be no charge for them to participate and that such prizes to be awarded will be donated by local merchants.

In this State, a lottery is prohibited not only by the Constitution but by statute. Bingo is a lottery and thus falls within this prohibition. Of course, the recent Amendment to the Constitution allows bingo when conducted by religious, charitable or fraternal organizations which are exempt from federal income taxation; also, recognize State and County fairs.

Assuming, that the organization which will be conducting the game does not fall within these exceptions, it must be determined whether bingo as played would constitute a lottery. The three essential elements of a lottery are: consideration, chance, and prize. You have indicated that there will be no charge for the members of the group to participate in the game. If there is no consideration given for a chance to play then the game you wish to conduct would not be a lottery, and therefore, legal. In other words, if the players do not have to pay anything to play and no other consideration is given, then the bingo game would be legal.

I hope this will satisfactorily answer your question, and if I may be of further assistance, please do not hesitate to call upon me.
Very truly yours,

Cameron B. Littlejohn, Jr.
Assistant Attorney General

1977 WL 37007 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.