

1977 S.C. Op. Atty. Gen. 95 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-107, 1977 WL 24449

Office of the Attorney General

State of South Carolina

Opinion No. 77-107

April 13, 1977

*1 TO: William L. Pyatt
Associate Director
Human and Support Services-Head Start Program

QUESTION PRESENTED:

Does a raffle in which the general public purchases one dollar tickets for a chance to win a cow worth \$350, or the monetary equivalent, violate the laws of this State?

STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED:

§ 16-501, Code of Laws of South Carolina of 1962, as amended Article 17, § 7, Constitution of South Carolina

DISCUSSION:

The scheme described in your letter works, as I understand it, as follows:

1. One of your Board members has agreed to donate a cow worth \$350 or its cash equivalent as a prize;
2. Tickets or chances are to be sold to the general public for \$1 each; and
3. A drawing would be held and the winner would get either the money or the cow according to his preference.

§ 16-501, a copy of which is attached hereto, forbids lotteries and imposes a punishment of \$1,000 and one year imprisonment on those operating same.

In [Darlington Theatres v. Coker](#), 190 S.C. 282, 2 S.E. 2d 782, the South Carolina Supreme Court held that a lottery has three elements:

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

A comparison of the foregoing free elements with the elements of your scheme indicates that your scheme falls within the definition of a lottery and is therefore illegal.

The fact that your lottery is to be held for humanitarian purposes is, unfortunately, immaterial. Article 17, § 7 of the South Carolina Constitution, which prohibits lotteries, was amended in 1975 to exclude 'Bingo' from the lottery definition when

conducted by 'charitable, religious, or fraternal' organizations. This would not, however, legalize your scheme since it is, in the classical sense, a lottery.

Joseph R. Barker
Assistant Attorney General

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