

1976 S.C. Op. Atty. Gen. 371 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4510, 1976 WL 23127

Office of the Attorney General

State of South Carolina

Opinion No. 4510

November 4, 1976

*1 Ms. Geraldine M. Coyle
Director
Senior Citizens Center
754 B. Avenue
West Columbia, South Carolina 29169

Dear Ms. Coyle:

This is in reference to your letter of October 5, 1976, concerning the legalities of playing Bingo at the Center.

As you are probably aware the South Carolina Constitution was amended in 1975 to allow the playing of Bingo when done by charitable, religious, or paternal organizations exempt from federal income taxation. Prior to this any kind of lottery was prohibited, including Bingo. Three essential elements of the lottery as stated by our Supreme Court are: (1) consideration on the part of the person playing; (2) the element of chance; and (3) a prize which is the goal of the participants. If any of these elements is lacking then there is no lottery, and therefore no illegal activity.

It appears from the description of the manner of play that you intend to institute that there would be no consideration on the part of the participants. If the manner of playing Bingo is designed where the participants do not have to give any consideration, by paying money or otherwise to participate, then the game of Bingo would be legal.

I hope this will be of aid to you, and I am
Yours truly,

Cameron B. Littlejohn, Jr.
Assistant Attorney General

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