

1973 WL 26748 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1973

***1 Re: Lottery**

Hon. John C. Williams, Jr.
Spartanburg County Legislative Delegation
Court House-Room 321-B
Spartanburg, South Carolina

Dear Mr. Williams:

You have requested that this office advise you as to whether certain proposed activities would constitute a violation of the South Carolina gambling laws, to wit: games such as are found in traveling fairs, throwing rings over bottles, picking up plastic ducks with numbers on them, knocking down objects with balls, etc., for which prizes would be awarded.

Under the laws of this State, the three elements required for a lottery are: (1) the giving of a prize; (2) by a method involving chance; (3) for a consideration. The fact that no game would be paid off by money is irrelevant. The critical element would be whether or not a consideration was given or required by the participant as a condition of his participating. The proposed scheme of activities would be in violation of the laws of this State if such activities involved all three of the above enumerated elements. Section 16-501, *et seq.*, Code of Laws of South Carolina (1962).

If I may be of further assistance, please do not hesitate to call or write.

Very truly yours,

H. Brent Fortson
Legal Assistant

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