**South Carolina General Assembly**

119th Session, 2011-2012

**S. 256**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts

Document Path: l:\s-jud\bills\cleary\jud0045.kw.docx

Companion/Similar bill(s): 3061

Introduced in the Senate on January 11, 2011

Last Amended on February 9, 2011

Currently residing in the Senate

Summary: Charitable Raffles Constitutional Amendment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2010 Senate Prefiled

12/15/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 116](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 116](file:///h:\sj%20archive\2011\01-11-11.docx))

1/12/2011 Senate Referred to Subcommittee: Cleary (ch), McConnell, Hutto, Bright

1/19/2011 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 12](file:///h:\sj%20archive\2011\01-19-11.docx))

1/20/2011 Scrivener's error corrected

2/8/2011 Senate Motion For Special Order Failed ([Senate Journal‑page 11](file:///h:\sj%20archive\2011\02-08-11.docx))

2/8/2011 Senate Roll call Ayes‑23 Nays‑16 ([Senate Journal‑page 11](file:///h:\sj%20archive\2011\02-08-11.docx))

2/8/2011 Senate Motion For Special Order Failed ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\02-08-11.docx))

2/8/2011 Senate Roll call Ayes‑18 Nays‑23 ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\02-08-11.docx))

2/9/2011 Senate Amended ([Senate Journal‑page 19](file:///h:\sj%20archive\2011\02-09-11.docx))

2/9/2011 Senate Read second time ([Senate Journal‑page 19](file:///h:\sj%20archive\2011\02-09-11.docx))

2/9/2011 Senate Roll call Ayes‑22 Nays‑17 ([Senate Journal‑page 19](file:///h:\sj%20archive\2011\02-09-11.docx))

2/10/2011 Scrivener's error corrected

**VERSIONS OF THIS BILL**

[12/15/2010](file:///p:\pprever\2011-12\256_20101215.docx)

[1/19/2011](file:///p:\pprever\2011-12\256_20110119.docx)

[1/20/2011](file:///p:\pprever\2011-12\256_20110120.docx)

[2/9/2011](file:///p:\pprever\2011-12\256_20110209.docx)

[2/10/2011](file:///p:\pprever\2011-12\256_20110210.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 9, 2011

**S. 256**

Introduced by Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts

S. Printed 2/9/11--S. [SEC 2/10/11 3:30 PM]

Read the first time January 11, 2011.

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 7, Article XVII of the Constitution of this State be amended to read as follows:

“Section 7. Only the State may conduct lotteries, and these lotteries must be conducted in the manner that the General Assembly provides by law. The revenue derived from the lotteries must first be used to pay all operating expenses and prizes for the lotteries. The remaining lottery revenues must be credited to a separate fund in the state treasury styled the ‘Education Lottery Account’, and the earnings on this account must be credited to it. Education Lottery Account proceeds may be used only for education purposes as the General Assembly provides by law. The game of bingo, when conducted by charitable, religious, or fraternal organizations exempt from federal income taxation or when conducted at recognized annual state and county fairs, is not considered a lottery prohibited by this section.

A raffle, if provided for by general law and conducted by a charitable, religious, fraternal, educational, or nonprofit organization is not a lottery prohibited by this section. The general law must define the type of organization authorized to operate and conduct a raffle, provide standards for its operation and conduct, provide for the use of proceeds for religious, charitable, educational, or other eleemosynary purposes, provide penalties for violations, and provide for other laws necessary to assure the proper functioning, honesty, and integrity of the raffles. The absence of general law regarding the conduct and operation of a raffle means that the raffle is a lottery prohibited by this section.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article XVII of the Constitution of this State be amended so as to provide that a raffle is not a lottery prohibited by this section, if provided by general law and conducted by a charitable, religious, fraternal, educational, or nonprofit organization, and the general law defines the type of organization authorized to operate and conduct the raffles, provides standards for their operation and conduct, provides for the use of proceeds for religious, charitable, educational, or other eleemosynary purposes, provides penalties for violations, and provides for other laws necessary to assure the proper functioning, honesty, and integrity of the raffles, but in the absence of any general law, then a raffle remains a prohibited lottery?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

‑‑‑‑XX‑‑‑‑