



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

October 5, 2011

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

Doug Anstaett, Executive Director
Kansas Press Association
5423 S.W. 7th Street
Topeka, KS 66606

RE: Raffle/Lottery

Dear Mr. Anstaett:

Attorney General Derek Schmidt requested that I respond to your inquiry regarding holding a drawing or raffle as a promotion or to raise funds for an organization. Please understand that our office cannot specifically approve or disapprove any particular promotion or fundraiser, however, we can provide you with information on the generally applicable Kansas law.

In Kansas, lotteries or "raffles" are illegal both by statute and the Kansas Constitution (with the exception of the official state run lottery games). Under Kansas law, a "lottery" is defined as an enterprise in which a prize is awarded on the basis of *chance* for which *consideration* (usually money) is given. Thus, an individual or an organization may not require tickets be purchased for a chance to win a prize in a random drawing. Nor may an organization sell an item, such as a pen, and "give" a raffle ticket to those who purchase the pen. In either instance, the elements of prize, chance and consideration are present. Constitution of the State of Kansas, Article 15 § 3; K.S.A. 21-4302; K.S.A. 21-4303.

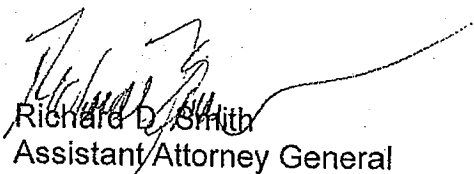
An organization may have a drawing for a prize if the element of consideration is eliminated. The organization may request, but not require, a donation from a person to participate in the drawing. If a person requests a ticket but does not wish to make a donation, the person *must* be given a free ticket. The ticket itself and any advertising should state: **"Donations requested, but no donation or purchase is necessary to participate."** No specific amount of donation should be printed on the ticket(s) and, additional tickets may not be given to individuals giving larger donations. Thus, if a person donates nothing, 25¢, \$1.00, or \$10.00, the person should be given *one* ticket. Persons working on the project may *suggest* a donation amount, but should make it clear that tickets are available without a donation.

Doug Anstaett
Page 2

We recommend that you contact your local county or district attorney before proceeding with any such promotion or fundraiser, since the local prosecutor would make the determination as to whether a particular promotion or fundraiser violates the law. If you require legal advice or assistance on this matter, we suggest you contact a private attorney. We hope this information is of assistance to you.

Sincerely

OFFICE OF KANSAS ATTORNEY GENERAL
DEREK SCHMIDT



Richard D. Smith
Assistant Attorney General

RDS:ke

Eisenhower State Office Building
700 SW Harrison, Suite 500
Topeka, KS 66603



Phone: (785) 296-5800
Fax: (785) 296-0900
krge@krge.ks.gov
krge.ks.gov

Richard Petersen-Klein, Executive Director

Sam Brownback, Governor

June 25, 2012

Mr. Jerry Regier
Hutchison Rod Run, Inc.
PO Box 627
Hutchison, KS 67504-0627

RE: KRGC opinion of the Hutchison Rod Run poker run

Dear Mr. Regier:

Thank you for your inquiry about the legality of poker runs in Kansas. Like Agent Root and I discussed during our phone conversations with you, most poker runs are illegal in Kansas because they have the characteristics of a lottery.

Lotteries are illegal in Kansas with the exception of Powerball and similar state-sanctioned drawings, or games at the tribal casinos. A lottery is defined as "an enterprise wherein for a *consideration* the participants are given an opportunity to win a prize, the award of which is determined by chance." A lottery, therefore, is any activity that has the elements of consideration, chance, and prize.

Poker runs that are conducted in their most usual fashion are illegal in Kansas because they resemble a lottery. A group of participants stop at various spots along a given route. At each stop, they are randomly given a card from a deck. The cards from the various stops make up a "hand" of poker similar to a hand that was dealt by a dealer sitting at a poker table.

Where there is either a registration fee, a financial or commercial advantage to the promoters of the event or a disadvantage to any participant, the "consideration" element of a lottery has been met. The "chance" element happens when the cards are randomly given to the participants. The "prize" occurs when the best hand, etc. wins their share of the money, or something else of value. These similarities make poker runs a form of an illegal lottery.

Again, thank you for checking with our agency about the legality of some of the events you will be organizing.

Sincerely,

A handwritten signature in black ink that reads "Brian Duncan". The signature is written in a cursive style.

Brian Duncan
Enforcement Attorney

Cc: Agent John Morrill, ABC