



BOB TAFT
Secretary of State
State of Ohio

ADVISORY NO. 94-04
March 16, 1994

ALL COUNTY BOARDS OF ELECTIONS

TO: Members, Directors, & Deputy Directors

RAFFLES AND OTHER GAMES OR SCHEMES OF CHANCE

This advisory is to expand upon the new Ohio Campaign Finance Reporting Handbook which states that "raffles" fall within the gambling statutes.

In conducting fund raising events, candidates and campaign committees sometimes hold a "raffle" and award prizes to some of those who attend.

Under R.C. Chap. 2915, Ohio's gambling statutes, anyone who conducts or participates in a game or scheme of chance for profit other than a charitable bingo game commits the offense of gambling. A raffle is a scheme of chance. A "scheme of chance" or a "game of chance" as defined in R.C. 2915.01(C) and (D) includes any scheme or game in which a person gives anything of value or a valuable consideration such as purchasing a ticket to a fund raising event, for a chance to win a prize where the outcome is determined largely by chance. However, awarding prizes to individuals participating in an event based upon the skill of the individual participants does not constitute gambling. For example, no violation of the gambling statutes would occur if prizes were awarded to individuals participating in a golf outing based upon the scores they achieve.

Many fund raising events award "door prizes" to some of persons who attend. By definition, a determination that an illegal scheme of chance has been conducted would require a finding that individuals gave a valuable consideration for a chance to win a prize. Consequently, giving door prizes of minimal value such as flower arrangements or common hospitality items should not constitute a violation of the gambling statute as it is unlikely that the participants made their contributions for the chance to receive such a prize; the contributors only incidentally receive

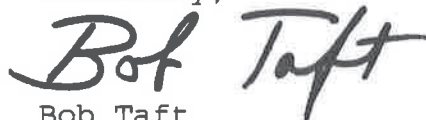
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a chance for a prize. However, if the value of a door prize or prizes is significant, such as a new car, vacation trip, or set of golf clubs, it could be argued that the door prize raffle is a scheme of chance for profit since persons may attend the event primarily because of the chance to win a valuable prize.

In addition, Rule 4301:1-1-53 of the Ohio Department of Liquor Control prohibits gambling on the premises of a liquor permit holder. Therefore if a raffle is held as part of a fund raising event at a local restaurant possessing a liquor permit, a violation occurs.

Questions and information concerning "raffles" and other schemes or games of chance should be referred to your county prosecutor.

Sincerely,

A handwritten signature in dark ink, reading "Bob Taft". The signature is written in a cursive, flowing style. The "B" is large and loops around the "o". The "T" is tall and has a long horizontal stroke that extends to the right.

Bob Taft
Secretary of State

BT:vf
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