

Procedures for Notice of Bingo and Raffles:

- Notice form is required to be filled out and submitted to City Hall **30 days** before any bingo games or raffle tickets are to be held or sold.
- The Finance Officer or designee will review the notice for completeness.
- The Finance Officer will inform the Common Council of the notice via email.
- Common Council has the authority to pass a resolution objecting to the bingo or raffle.

General Information:

- South Dakota has specific laws to conduct both raffles and bingos (SDCL 22-25-23 through SDCL 22-25-25). Under South Dakota State Law, games of chance are prohibited in the state, except if an exemption is granted, such as for Deadwood gaming or the state lottery. Other exemptions include bingo and raffles for charitable purposes.
- State law provides that any organization that conducts a raffle and tickets or shares for the raffle that are sold statewide shall provide written notice of such raffle to the secretary of state and to the governing body where the drawing for such raffle is held. They must also give thirty days written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the raffle. SDCL 22-25-25.
- Bingo, as defined in SDCL 22-25-23, or lottery (raffle) as defined in SDCL 22-25-24 may not be construed as gambling or as a lottery within the meaning of SDCL 22-25-1 if: (1) The bingo game or raffle is conducted by a bona fide congressionally chartered veterans organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota.

Frequently asked questions about raffles:

What if the organization does not register with the state or municipality 30 days in advance of selling tickets?

If you do not register with the state or municipality 30 days in advance you would not be able to hold your raffle. You could then however if you so choose hold a silent auction or live auction with the prizes you had intended to raffle off.

Is there an age limit on the selling of raffle tickets? SDCL 22-25-25 sets forth the basic requirements. That statute does not set any parameters with regard to age.

Do local raffles need to register with the state or municipality? SDCL 22-25-25(6), provides that the registration must occur "before conducting a bingo game or before selling any chances for a Lottery (raffle)." Local raffles only need to be registered with the municipality where the raffle is being held. If the raffle tickets are being sold statewide, the group or individual conducting the raffle would also need to register with the South Dakota Secretary of State.

What are the consequences of not registering with the state for a statewide raffle? SDCL 22-25-26. Unauthorized bingo or lottery (raffle) is a misdemeanor. Any person who conducts bingo or raffle in violation of SDCL 22-25-25 is guilty of a Class 2 misdemeanor.

Example:

Question: I am personally planning on selling raffle tickets for a drawing of a prize. The money made from the sale of the tickets will go towards a charitable cause. Is this legal under South Dakota law?

Answer: No, according to South Dakota law this would be considered an illegal raffle. Only certain groups defined by state law are allowed to conduct the type of drawing you describe. Raffles conducted by a non-profit or charitable entity must give written notice to the governing body of the municipality or county in which it intends to hold the drawing, at least thirty (30) days in advance of selling any tickets. Also, if the tickets are sold state-wide, written notice must also be provided to the South Dakota Secretary of State. The municipality has the right to disapprove of the raffle.

Codified Laws for Bingo and lottery

22-25-23. Bingo defined.

As used in this chapter, the term, bingo, is that game in which each player is supplied a card, board, or electronic bingo device containing five adjoining horizontal and vertical rows with five spaces in each row each containing a number or figure therein, except for the central row with four spaces, each containing a number or figure therein and the word, free, marked in the center space thereof. Upon announcement by the person conducting the game of any number or figure appearing on the player's card, board, or electronic bingo device, the space containing the figure or number is covered by the player. If the player covers all five spaces in any horizontal or vertical row, covers four spaces and the free space in a five-space diagonal row, or covers the required combination of spaces in some other preannounced pattern or arrangement, the combination of spaces covered constitutes bingo. The player to first announce bingo is awarded money, merchandise, or some other consideration by the person conducting the game. For purposes of this section, an electronic bingo device does not include any device which may be activated for play by a player inserting coins, tokens, tickets, vouchers, or similar objects of value or which is capable of dispensing coins, tokens, vouchers, tickets, or any similar object of value. Source: SL 1970, ch 247, § 2; SL 1973, ch 149, § 2; SL 1976, ch 158, § 25-6; SL 2009, ch 118, § 1.

22-25-24. Lottery defined.

As used in this chapter, lottery or lotteries means a plan whereby for a valuable consideration money is raised by selling chances to share in the distribution of prizes. Source: SL 1970, ch 247, § 3; SL 1973, ch 149, § 3; SL 1976, ch 158, § 25-7

22-25-25. Bingo and lotteries permitted for restricted purposes--Conditions.

The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

- (1) The bingo game or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; a local industrial development corporation as defined in § 5-14-23; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;
- (2) The proceeds therefrom do not inure to the benefit of any individual;
- (3) No separate organization or professional person is employed to conduct the bingo game or lottery or assist therein;
- (4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other similar official action of the governing body of a county, municipality, or village;
- (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
- (6) The actual value of any lottery prize is stated before any chances for the lottery are sold. A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;
- (7) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery, give thirty days' written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and sells tickets or shares for the lottery state-wide shall provide written notice of the lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for the lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery tickets or shares for the lottery issued pursuant to this section; and
- (8) No organization authorized to conduct a bingo game or lottery under subdivision (1) of this section may enter into any lease or agreement with any other person or organization to provide equipment or services associated with the conduct of a bingo game or lottery. However, this subdivision does not apply to any lease or agreement with a distributor to provide bingo or lottery equipment and supplies.

Source: SL 1970, ch 247, § 4 (1); SL 1973, ch 149, § 4; SL 1976, ch 158, § 25-8; SL 1984, ch 168; SL 1985, ch 184; SL 1987, ch 167; SL 1989, ch 198, § 1; SL 1991, ch 191; SL 1991, ch 192; SL 1992, ch 60, § 2; SL 2001, ch 113, § 1; SL 2006, ch 127, § 1; SL 2010, ch 122, § 1; SL 2013, ch 109, § 1; SL 2022, ch 66, § 1.

22-25-25.1. Congressionally chartered veterans' organization defined.

Any veterans' organization which has applied for a congressional charter prior to July 1, 1989, shall be deemed a congressionally chartered veterans' organization pursuant to § 22-25-25 until such application is denied or until July 1, 1995, whichever occurs first. Source: SL 1989, ch 198, § 2.

22-25-26. Unauthorized bingo or lottery as misdemeanor.

Any person who conducts bingo or lottery in violation of § 22-25-25 is guilty of a Class 2 misdemeanor. Source: SL 1970, ch 247, § 4 (2); SL 1973, ch 149, § 5; SL 1976, ch 158, § 25-9.

Process Established 1/23/2023



HEART OF THE BLACK HILLS™

Notice of Bingo or Lottery (Raffle)

_____ DATE RECEIVED Review Completed: _____ By: _____
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Note: Bingo games and raffle tickets cannot be sold until 30 days after filing this form.

Notice is hereby given that the hereinafter described organization:

- () Congressionally Chartered Veterans Organization () Religious, Charitable, Educational, or Fraternal Organization
- () Local Civic or Service Club () Political Party () Volunteer Fire Department () Industrial Development Corp
- () Political Committee on behalf of Candidate for Political Office

and duly exists under the laws of the State of South Dakota and is giving notice to hold a Bingo game or Raffle as provided by SDCL 22-25-25, which organization states as follows:

Organization Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Name: _____ Phone Number: _____

Email Address: _____

Bingo Dates: _____ Bingo Location: _____

No prize in excess of \$2,000 will be awarded at any one play of bingo. *SDCL 22-25-25(5) ()

Raffle will be held:

Start Date: _____ End Date: _____

Date/Time of Drawing: _____

Location of Drawing: _____

Cost of Tickets: _____

List of Prizes and Value: (All prizes must be listed)

Said Organization also states: (Fill in blanks and/or check box to indicate having read)

The proceeds of the bingo or raffle will be used as follows: _____ and will not inure to the benefit of an individual. *SDCL 22-25-25(2)

No separate organization or professional person is/will be employed to conduct the raffle. *SDCL 22-25-25(3) ()

No compensation of any kind in excess of state minimum wage per hour or sixty dollars (whichever is greater) is paid to any person rendering service to conduct a raffle. *SDCL 22-25-25(4) ()

The actual value of any raffle prize is stated before any chances for the raffle are sold. A raffle prize of a stated amount of dollars in value may be given to a person who sells a winning raffle ticket or share as long as the winning raffle ticket or share is selected at random. *SDCL 22-25-25(6) ()

Signature: _____ Date: _____ Title: _____