

# State of Wisconsin



2013 Assembly Bill 422

Date of enactment:  
Date of publication\*:

## 2013 WISCONSIN ACT

AN ACT *to repeal* 563.03 (12m) and 563.935 (6) (b); *to renumber and amend* 563.90 and 563.935 (6) (a); *to amend* 563.03 (11), 563.05 (2), 563.91, 563.92 (1m), 563.92 (2), 563.93 (1) (e), 563.93 (4) (a), 563.93 (4) (b), 563.93 (4m), 563.93 (5), 563.93 (7), 563.93 (8), 563.93 (9), 563.935 (8), 563.935 (9), 563.935 (10) (intro.) and 945.01 (3) (b) 1.; and *to create* 563.03 (4p), 563.03 (5r), 563.03 (12r), 563.908, 563.909 and 563.98 (1) (f) of the statutes; **relating to:** raffles that involve the racing of plastic or rubber ducks and other types of raffles.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 563.03 (4p) of the statutes is created to read:

563.03 (4p) "Certificate of participation" means a form of raffle ticket that entitles a person to enter into a raffle as described under s. 563.908 (2).

**SECTION 2.** 563.03 (5r) of the statutes is created to read:

563.03 (5r) "Drawing" means a method of random selection of a raffle ticket portion from a container housing all raffle tickets purchased for the raffle, with such selection used to determine a winner; determination of a winner in a plastic or rubber duck race; or any other method that is used to determine a winner and that is approved by the department under s. 563.909.

**SECTION 3.** 563.03 (11) of the statutes is amended to read:

563.03 (11) "Premises" means any room, hall, enclosure, tent, or outdoor area in which bingo is being played or a raffle drawing is being held.

**SECTION 4.** 563.03 (12m) of the statutes is repealed.

**SECTION 5.** 563.03 (12r) of the statutes is created to read:

563.03 (12r) "Raffle game" means a game as described under s. 563.908 (1) or a plastic or rubber duck race or other game of chance that has been approved by the department under s. 563.909.

**SECTION 6.** 563.05 (2) of the statutes is amended to read:

563.05 (2) The department may promulgate rules requiring holders of licenses issued under this chapter to post a notice in a conspicuous place where a bingo occasion or raffle drawing is being conducted describing the procedures for filing a complaint against the holder.

**SECTION 7.** 563.90 of the statutes is renumbered 563.907 and amended to read:

**563.907 Qualified organizations.** Any local religious, charitable, service, fraternal or veterans organization or any organization to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which has been in existence for one year immediately preceding its application for a license or which is chartered by a state or national organization which has been in existence for at least 3 years, may conduct a raffle upon receiving a license for

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

the raffle event from the department. No other person may conduct a raffle in this state.

**SECTION 8.** 563.908 of the statutes is created to read:

**563.908 Types of raffles allowed.** A raffle may not be conducted in this state unless it is one of the following types:

(1) A game of chance for which tickets or calendars are sold and a drawing for prizes is held.

(2) A game of chance for which a method, other than the methods described in sub. (1), is used to determine a winner and that has been approved by the department under s. 563.909. Any method approved under s. 563.909 shall be based on the winner being determined by random selection with all participants having an equal opportunity to win.

**SECTION 9.** 563.909 of the statutes is created to read:

**563.909 Approval for additional types of raffles.**

(1) The department shall approve a type of raffle that consists of flexible plastic or rubber ducks being used in a race. In approving this type of raffle, the department shall establish requirements for conducting this type of raffle so that the raffles will comply with the requirements under this subchapter and any applicable rules promulgated under s. 563.04 or 563.05.

(2) An organization that holds a Class A or Class B license and that seeks to conduct a raffle that is not of the type that is described under s. 563.908 (1) or sub. (1) shall obtain approval from the department before conducting such a raffle. The request for approval submitted to the department shall include all of the following information:

(a) The name of the organization.

(b) The number of the license issued to the organization by the department.

(c) The address of the premises where the drawings will be held.

(d) A description of how this type of raffle will be conducted, including the method to be used for selling certificates of participation and the type of random selection process to be used for determining winners.

(e) A description of the record-keeping and accounting procedures that will be used for this type of raffle.

(f) The date on which the membership of the organization approved this type of raffle.

(g) The signature of a member of the organization whom the organization has designated to submit the request for approval.

(3) The department may not approve a type of raffle under this section unless it determines that the raffle will comply with the requirements under this subchapter and with any applicable rules promulgated under s. 563.04 or 563.05. The department shall issue a written determination as to whether the type of raffle is approved or denied and the basis for its determination. If the raffle is approved, the determination shall include a description of how the raffle must be conducted and a description of

record-keeping and accounting procedures that must be used. The department shall post a copy of the determination on the department's Internet site.

(4) Upon approval of a type of raffle under this section, any organization holding a Class A or Class B license issued under s. 563.92 may conduct this type of raffle without receiving specific approval under this section.

**SECTION 10.** 563.91 of the statutes is amended to read:

**563.91 Limit.** No qualified organization under s. 563.90 ~~563.907~~ may conduct more than 200 raffles or more than one calendar raffle during a year.

**SECTION 11.** 563.92 (1m) of the statutes is amended to read:

563.92 (1m) The department may issue a Class A license for the conduct of a raffle in which some or all of the tickets for that raffle are sold on days other than the same day as that the raffle drawing occurs and in which equal shares of a single ticket may be sold to one or more purchasers. The department may issue a Class B license for the conduct of a raffle in which all of the tickets for that raffle are sold on the same day as that the raffle drawing occurs or within the 24 hours immediately preceding the start of the drawing.

**SECTION 12.** 563.92 (2) of the statutes is amended to read:

563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with the application. A raffle license shall be valid for 12 months and may be renewed as provided in s. 563.98 (1g). The department shall issue the license within 30 business days after the filing of an application if the applicant qualifies under s. ~~563.90~~ 563.907 and has not exceeded the limits of s. 563.91. All moneys received by the department under this subsection shall be credited to the appropriation account under s. 20.505 (8) (j).

**SECTION 13.** 563.93 (1) (e) of the statutes is amended to read:

563.93 (1) (e) The date, time and place of ~~the each~~ drawing or drawings.

**SECTION 14.** 563.93 (4) (a) of the statutes is amended to read:

563.93 (4) (a) Except as provided in par. (b), tickets for a proposed raffle may not be offered for sale more than 270 days before the raffle date of the drawing.

**SECTION 15.** 563.93 (4) (b) of the statutes is amended to read:

563.93 (4) (b) An organization that existed at least 5 years before the organization was issued a Class A license may offer tickets for sale for a proposed raffle up to one year before the date of the raffle drawing.

**SECTION 16.** 563.93 (4m) of the statutes is amended to read:

563.93 (4m) The organization that conducts a raffle under a Class A license shall provide the purchaser of a

raffle ticket or calendar the purchaser's portion of the ticket or calendar before ~~the each~~ raffle drawing is held, but need not provide it to the purchaser at the time of purchase.

**SECTION 17.** 563.93 (5) of the statutes is amended to read:

563.93 (5) All ~~raffle~~ drawings shall be held in public.

**SECTION 18.** 563.93 (7) of the statutes is amended to read:

563.93 (7) If a raffle ~~drawing game~~ is canceled, the organization shall refund the receipts to the ticket or calendar purchasers.

**SECTION 19.** 563.93 (8) of the statutes is amended to read:

563.93 (8) The organization that holds a raffle ~~drawing game~~ shall furnish a list of prize winners to each ticket or calendar holder who provides the organization with a self-addressed stamped envelope and requests the list.

**SECTION 20.** 563.93 (9) of the statutes is amended to read:

563.93 (9) If a person who holds a Class A license sells equal shares of a single ticket to one or more purchasers for a raffle game, the person shall, prior to the date on which the raffle drawing ~~for which the shares were sold is held~~, purchase any shares of the ticket that have not been sold.

**SECTION 21.** 563.935 (6) (a) of the statutes is renumbered 563.935 (6) and amended to read:

563.935 (6) ~~Except as provided in par. (b), the~~ The purchaser of a ticket must be present at the drawing to win a prize, unless the purchaser gives the ticket to another person who may claim the prize on behalf of the purchaser, but only if that other person is present at the drawing. If the purchaser of the ticket gives the ticket to another person to claim a prize on behalf of the purchaser,

the organization conducting the raffle and the department shall not be held responsible or liable in any dispute regarding the ownership of the ticket.

**SECTION 22.** 563.935 (6) (b) of the statutes is repealed.

**SECTION 23.** 563.935 (8) of the statutes is amended to read:

563.935 (8) The date, time, and place of ~~the each~~ drawing ~~and~~, the prizes to be awarded, and the prize amount or the methodology used to determine the prize amount shall be posted or announced before ~~the each~~ drawing.

**SECTION 24.** 563.935 (9) of the statutes is amended to read:

563.935 (9) If a raffle ~~drawing game~~ is canceled, the organization shall refund the receipts to the ticket purchasers.

**SECTION 25.** 563.935 (10) (intro.) of the statutes is amended to read:

563.935 (10) (intro.) A raffle that is of the type described in s. 563.908 (1) and that is conducted under a Class B license to which all of the following apply is one raffle for purposes of s. 563.91:

**SECTION 26.** 563.98 (1) (f) of the statutes is created to read:

563.98 (1) (f) For raffles of the type described in s. 563.908 (2), an accounting of all sold and unsold tickets for each raffle.

**SECTION 27.** 945.01 (3) (b) 1. of the statutes is amended to read:

945.01 (3) (b) 1. A device used in conducting a bingo occasion or raffle ~~event game~~ under ch. 563, used in conducting a lottery under ch. 565 or used in conducting a race under ch. 562.