

Resolution No. 9-1

RESOLUTION TO AMEND CHAPTER 5.18 – RAFFLES AND POKER RUNS ORDINANCE OF THE SANGAMON COUNTY CODE

WHEREAS, on or about November 17, 1981, pursuant to 230 ILCS 15/1 *et. seq.* The Illinois Raffles and Poker Runs Act, the Sangamon County Board adopted Resolution 47 establishing Chapter 5.18 – Raffles, as part of the Sangamon County Code, which established a system for the licensing of organizations to operate raffles in Sangamon County, Illinois; and

WHEREAS, effective July 19, 2019, Illinois Public Act 101-0109 amended the Illinois Raffles and Poker Runs Act (230 ILCS 15/1 *et. seq.*) (the “Act”) to allow raffle chances to be sold throughout the State, including beyond the borders of the licensing county, and to change other provisions of the Act concerning the conduct of raffles; and

WHEREAS, the Sangamon County Board finds that amending Chapter 5.18 Raffles and Poker Runs Ordinance of the Sangamon County Code to establish regulations in conformity with Public Act 101-0109, will protect the public health, safety and welfare of the citizens of Sangamon County; and

WHEREAS, the Sangamon County Board desires to make certain other changes to Chapter 5.18 Raffles and Poker Runs Ordinance of the Sangamon County Code to modernize the language, concepts and definitions contained therein and to delete obsolete provisions, and to clarify the Code;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Sangamon, in session this 8th day of October, 2019 that the Raffle and Poker Runs Ordinance of Sangamon County be hereby amended, a copy of which amendment is attached hereto, marked Exhibit A and made a part hereof, known as the Sangamon County Raffle and Poker Runs ordinance; and

BE IT FURTHER RESOLVED, that these changes shall be effective immediately upon adoption by the Sangamon County Board.

Election Oversight Committee

Sam Snell, Chair

Tom Madonia, Jr., Vice Chair

FILED
OCT 03 2019

Don Khay
Sangamon County Clerk

RECEIVED
2660
OCT 03 2019

Andy Goleman
SANGAMON COUNTY AUDITOR

EXHIBIT A

Chapter 5.18

RAFFLES AND POKER RUNS

Sections:

- 5.18.010** **Definitions**
- 5.18.020** **Licensing**
- 5.18.030** **License—Application—Restrictions**
- 5.18.040** **Ineligibility**
- 5.18.050** **Conduct of Raffles and Poker Runs**
- 5.18.060** **Manager—Bond**
- 5.18.070** **Records and Reports**
- 5.18.080** **Penalty**

5.18.010 Definitions. For the purpose of this Act the terms defined in this section have the meanings given them:

- A. "Business" means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.
- B. "Charitable" means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.
- C. "Educational" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- D. "Fraternal" means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.
- E. "Key location" means:
 - (1) For a Poker Run, the location where the poker run concludes and the prizes are awarded.
 - (2) For a raffle, the location where the winning chances in the raffle are determined.
- F. "Labor" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such

pursuit and the development of a higher degree of efficiency in their respective occupations.

G. "Law Enforcement Agency" means an agency of this State or a unit of local government in this State that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

H. "Net Proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other operating expenses incurred as a result of operating a raffle or poker run.

I. "Non-profit" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

J. "Poker run" means a prize-awarding event organized by an organization licensed under this Act in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

K. "Raffle" means a form of lottery, as defined in subsection (b) of Section 28-2 of the "Criminal Code of 2012," conducted by an organization licensed under this Act in which:

1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and

2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

3. Raffle does not include any game designed to simulate; (1) gambling games as defined in the Riverboat Gambling Act, (2) any casino game approved for play by the Illinois Gaming Board, (3) any games provided by a video gaming terminal, as defined in the Video Gaming Act, or (4) a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act or Section 4 of the Home Owners' Loan Act.

L. "Religious" means any church, congregation, society, or organization founded for the purpose of religious worship.

M. “Veterans” means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.020 Licensing.

A license shall authorize the holder of such license to sell raffle chances throughout the State, including beyond the borders of Sangamon County.

A. Location. Sales of raffle chances and poker runs shall be only at location(s) designated in the license application. Poker runs shall be licensed by the governing body with jurisdiction over the key location. The license granted by the key location shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each predetermined location.

B. Eligibility for License. Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans’ or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a raffle license and which have during that entire 5-year period been engaged in carrying out their object, or to a non-profit fundraising organization that the County Clerk determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster, or to any law enforcement agencies and statewide associations that represent law enforcement officials.

Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans’, or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a poker run license and which have during that entire 5-year period been engaged in carrying out their objects.

Licenses for poker runs shall be issued for the following purposes:

(i) providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster or (ii) to maintain the financial stability of the organization. The County Clerk may waive the 5-year requirement under

this subsection (B) for a bona fide religious, charitable, labor, business, fraternal, educational or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement.

C. Duration of License.

1. Licenses shall be valid for one raffle or poker run or for a specified number of raffles or poker runs to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Code. The County shall act on a license application within 30 days after the date of the application.

D. Maximum Value of Prizes.

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, if any, shall not exceed two million dollars.

2. The maximum retail value of each prize awarded by a licensee in a single raffle, if any, shall not exceed two million dollars.

3. The maximum price which may be charged for each raffle chance issued or sold, if any; and

4. The maximum number of days during which chances may be issued or sold, if any.

E. Price of Chances. The price charged for each raffle chance sold or issued, if any, shall not exceed two hundred fifty dollars. (Res. 9, Nov. 9, 2004; Res. 1, December 5, 1994; Res. 47(part), November 17, 1981; Res. 8, Aug. 9, 2011; Res. 1, Dec. 5, 1994); (Res. 9, October 8, 2019).

5.18.030 License - Application – Issuance - Restrictions

Licenses issued by Sangamon County are subject to the following restrictions:

A. No person, firm or corporation shall conduct raffles and chances or poker runs without having first obtained a license therefor pursuant to this Code.

B. The license and application for license must specify the location or locations at which winning chances in the raffle will be determined, the time period during which raffle chances will be sold or issued or a poker run will be conducted; the time or times of determination of winning chances and the location or locations at which winning chances will be determined.

C. The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization

D. A license authorizes the licensee to conduct raffle or poker runs as defined in this Code.

1. Each application for a license to conduct a poker run shall be accompanied by payment of an initial fee of \$25.00;

2. Each application for a license to operate a raffle will be accompanied by an initial payment of \$25.00 or 1%, whichever is higher, of the total value of all prizes awarded if the total value of all prizes is determined at the time of application. If the total value of all prizes is undetermined at the time of application, an initial payment of \$25.00 must be submitted, then after the raffle drawing an additional amount totaling 1% of the total value of all prizes awarded shall be remitted to the Sangamon County Clerk if the total prize value awarded exceeded \$2,500.

3. Application for licenses shall be submitted to the Sangamon County Clerk. The Sangamon County Clerk shall act to either issue or deny the license within thirty days after the date of application. (Res. 18, May 14, 1996; Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.040 Ineligibility. The following are ineligible for any license under this chapter:

A. Any person whose felony conviction will impair the person's ability to engage in the licensed position;

B. Any person who is or has been a professional gambler or professional gambling promoter;

C. Any person who is not of good moral character;

D. Any organization in which a person defined in A, B or C has a proprietary, equitable or credit interest, or in which such a person is active or employed;

E. Any organization in which a person defined in A, B or C is an officer, director or employee, whether compensated or not; and

F. Any organization in which a person defined in A, B or C is to participate in the management or operation of a raffle as defined in this Act. (Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.050 Conduct of Raffles and Poker Runs. The conducting of raffles and poker runs is subject to the following restrictions:

A. The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

B. No person except a bona fide director, officer, employee, or member of the sponsoring organization may manage or participate in the management of the raffle or poker run. No person may receive any remuneration or profit for managing or participating in the management of the raffle or poker run. Sponsoring organizations may contract with third parties who, acting at the direction of and under the supervision of the sponsoring organization, provide bona fide services to the sponsoring organization in connection with the operation of a raffle and may pay reasonable compensation for such services. Such services include the following: (a) advertising, marketing and promotion, (b) legal, (c) procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle, (d) rent, if the premises upon which the raffle will be held is rented (e) accounting, auditing and bookkeeping, (f) website hosting, (g) mailing and delivery, (h) banking and payment processing, and (i) other services relating to the operation of the raffle.

C. A licensee may rent a premises on which to determine the winning chance or chances in a raffle provided that the rent is not determined as a percentage of receipts or profits from the raffle.

D. Raffle chances may be sold throughout the State, including beyond the borders of the licensing municipality or county. Winning chances may be determined only at those locations specified on the license for a raffle.

E. A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

F. If a lessor rents a premises where a winning chance or chances on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County under the provisions of this code. (Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.060 Manager - Bond.

A. All management, operation, and conduct of raffles and poker runs shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in the amount determined by the Sangamon County Clerk, in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the

bond shall provide that notice shall be given in writing to the County Clerk not less than 30 days prior to its cancellation.

B. The above bond requirement shall be deemed waived upon the affirmative vote of the requisite number of members of the licensed organization or, if the licensed organization does not have members, of members of the governing board of the organization, to constitute an affirmative action of the licensed organization. Nothing in this Section shall be deemed to apply to poker runs. (Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.070 Records and Reports.

A. Each organization licensed to conduct raffles and chances or poker run events shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

B. Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization should have separate records for its raffles and poker runs. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles or poker runs should not be the same person who accounts for other revenues of the organization.

C. Each organization licensed to conduct raffles or poker runs shall report promptly after the conclusion of each raffle or poker run to its membership or, if the organization does not have members, to its governing board. Each organization licensed to conduct raffles shall report promptly to the Sangamon County Clerk its gross receipts, expenses and net proceeds from the raffle and the distribution of net proceeds itemized as required by this section.

D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to the operation of raffles or poker runs for public inspection at reasonable times and places. (Res. 47(part), November 17, 1981); (Res. 9, October 8, 2019).

5.18.080 Penalty. Any person, firm, corporation, society, association or organization that violates any provision of this chapter shall be fined not less than one hundred dollars or more than five hundred dollars.
(Res. 47(part), November 17, 1981).