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Opinion No. 80-115—June 26, 1980

SUBJECT: DEFINITION OF TERM "BINGO"—The term "bingo" does not include punchboard bingo as that term was understood by the voters who enacted the charitable bingo amendment to the state constitution in 1976. Punchboard bingo may not be authorized under subdivision (c) of section 19, article IV of the California Constitution.

Requested by: DISTRICT ATTORNEY, SAN BERNARDINO COUNTY

Opinion by: GEORGE DEUKMEJIAN, Attorney General
Jack R. Winkler, Assistant

The Honorable James M. Cramer, District Attorney of the County of San Bernardino, has requested an opinion on the following questions:

1. Does the term "bingo" as used in section 19, article IV of the California Constitution have the same meaning as that set forth in the first sentence of Penal Code section 326(n)?

2. Does the 1979 amendment of Penal Code section 326(n) including punchboards in the legislative definition of bingo exceed the authority of the Legislature to permit charitable bingo granted by the 1976 amendment of the state constitution?

CONCLUSIONS

1. The term "bingo" as used in article IV, section 19(c) of the California Constitution refers to a particular game of that name commonly played in California when the voters added subdivision (c) in 1976 and does not embrace any other game or activity included in the legislative definition of bingo contained in the first sentence of Penal Code section 326.5(n).

2. The 1979 amendment of Penal Code section 326.5(n) including punchboards in the legislative definition of bingo exceeded the authority of the Legislature to permit charitable bingo granted by the 1976 amendment of the state constitution.

ANALYSIS

Article IV, section 19 of the California Constitution provides:

> "SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.
>
> "(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.
>
> "(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes."

Subdivision (c) was added June 8, 1976, by an affirmative vote of the people to Assembly Constitutional Amendment No. 3 (ACA 3) of the 1975-76 Regular Session of the Legislature.

Chapter 869, Statutes of 1975, enacted Penal Code section 326.5,[1] to implement the bingo provision, but it specifically provided that it was to become operative only if ACA 3 was approved and if approved it would become operative the same time as the constitutional amendment. Subdivision (n) of section 326.5 as originally enacted by chapter 869 provided:

> "(n) As used in this section 'bingo' means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random."

Chapter 271, Statutes of 1977, added a second sentence to section 326.5 which reads:

> "It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law."

Chapter 1006, Statutes of 1979, again amended section 326.5. Three sentences were added to subdivision (n) which are the subject of this opinion. As amended in 1979 and with the new sentences underlined, subdivision (n) now reads:

> "(n) As used in this section 'bingo' means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. *Notwithstanding Section 330c, as used in this section, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person partici-*

[1] Section references are to the Penal Code unless otherwise noted.

pating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend, 'for sale or use only in a bingo game authorized under California law and pursuant to local ordinance.' It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law."

We are asked initially if the term "bingo" as used in section 19, article IV of the state constitution has the same meaning as the definition set forth in the first sentence of Penal Code section 326(n).

> "In construing the meaning and intent of the constitutional language, we are guided by established principles of construction and other extrinsic aids to constitutional interpretation. (Citations) In undertaking that construction, we are mindful that the words used should be accorded the ordinary and usual meaning given them among people by whose vote they were adopted (citation), resorting to extrinsic aids only where doubt or ambiguity is manifested. (Citation) It is likewise recognized that if such meaning is doubtful or capable of more than one reasonable interpretation, the construction placed thereon by the Legislature is of very persuasive significance. (Citations)" (*Flood* v. *Riggs* (1978) 80 Cal. App. 3d 138, 152.)

Following these rules, our first task is to determine whether the term "bingo" as used in section 19, article IV has a doubtful meaning, is ambiguous or is capable of more than one reasonable interpretation. If there is no such doubt or ambiguity there is no room for construction by this office, by the courts or by the Legislature. This rule has been stated in various ways by the courts. "When statutory language is thus clear and unambiguous there is no need for construction, and courts should not indulge in it." (*Solberg* v. *Superior Court* (1977) 19 Cal. 3d 182, 198; *People* v. *Boyd* (1979) 24 Cal. 3d 285, 294; *In re Waters of Long Valley Creek* (1979) 25 Cal. 3d 339, 348.) "Also, in arriving at the meaning of a constitution, consideration must be given to the words employed, giving to every word, clause and sentence their ordinary meaning. If doubts and ambiguities remain then, and only then, are we warranted in seeking elsewhere for aid." *State Board of Education* v. *Levit* (1959) 52 Cal. 2d 441, 462.)

Where it does not appear that words used in a constitutional amendment were used in a technical sense, the voters must be deemed to have construed the amendment by the meaning apparent on its face according to the general use of the words employed. (*In re Quinn* (1973) 35 Cal. App. 3d 473, 482.) Since nothing in the language of section 19, article IV indicates the word "bingo" is used in any technical sense we must focus on the ordinary meaning of the word as it was understood by the voters when they approved the amendment in 1976.

Webster's Third New International Dictionary defines bingo as "a game re-

sembling lotto or keno, the card used being a grid on which five numbers that are covered in a row in any direction constitutes a win, the center square being counted as an already drawn number-called also beano."

More definitive descriptions of the game of bingo may be found in encyclopedias. In the Encyclopedia Britannica 91973) bingo is described as follows:

> "To play bingo, which is a form of lottery (q.v.), each player purchases one or more cards divided into numbered and blank squares. Random numbers, usually up to 75 or 90, are called out, in England often in a vocabulary peculiar to the game-for example, 'legs eleven' for 11; 'two fat ladies' for 88. The first player to achieve a card 9or a line) with all of his numbers, usually 20, called, shouts 'bingo'! and collects the entire stake money, usually less a specified percentage, if that is permitted by local law."

The encyclopedia Americana, International Edition (1980) describes bingo thus:

> "Each player receives one or more bingo cards, with counters, from the banker. The cards are divided into five rows of five squares each; 24 of the squares show numbers between 1 and 75, the center square being unnumbered or 'free.' All cards have different number combinations. To start the game, each player puts a counter on the center square. Then he puts a counter on each number called that appears on one or more of his cards. When any row is complete, the player calls 'Bingo.' If several call 'bingo' at the same time, duplicate prizes are awarded."

The Encyclopedia International (1979) describes bingo in the following manner;

> "Bingo is played in many forms, but the standard game is as follows: Each player buys from a banker one or more cards. Each card contains five rows of five squares each; the squares carry numbers (which vary from card to card) and each card contains an unnumbered center space on which play begins when each contestant places a counter there. The banker then draws numbered tokens from a container, one by one. As each token is drawn he calls out its number. Every player who has a corresponding number on his card covers it with a counter. The numbers drawn are recorded on a master chart. The first player able to cover a complete vertical, horizontal, or diagonal line with counters calls out 'Bingo.' The numbers comprising the complete lines are checked against the master chart to insure the validity of his claim. The winner (or winners, if two players call at the same time) receives a percentage from the bank, as specified in advance."

> While we have found no California cases describing bingo, the foregoing encyclopedic definitions of the game are essentially the same as the descriptions of bingo contained in *States v. Multerer* (Wis. Supreme Ct. 1940) 289 N.W. 600,602

and *Loder* v. *City of Canton* (Ohio Ct. of Common Pleas 1951) 111 N.E.2d 793, 795.

We recognize that if interpretation of a constutional provision is necessary, the construction placed thereon by the Legislature is of very persuasive significance. (*California Housing Finance Agency* v. *Patitucci* (1978) 22 Cal. 3d 171, 175.) In the implementing statute which became operative simultaneously with the bingo amendment the Legislature defined bingo as a "a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random." While this definition would include bingo it clearly is not specific to that particular game. The same definition would include any raffle, keno, many playing card games and any form of lottery in which cards were used. If the betting field for roulette, craps or a wheel of fortune were placed on a card we see no reason why they would not also be included in the broad definition of bingo contained in the first sentence of subdivision (n) of section 326.5. Had this definition of bingo been approved by the voters and included in the constitution with the bingo amendment its practical effect would have been the virtual repeal of the proscription against lotteries.

Where an enactment follows voter approval, the ballot summary and arguments and analysis presented to the electorate in connection with a particular measure may be helpful in determining the probable meaning of uncertain language. (*Amador Valley Joint Union High School District* v. *State Board of Equalization* (1978) 22 Cal. 3d 208, 245-246.) Our review of the ballot summary and arguments[2] revealed no discussion regarding the nature of bingo or how it is played other than to note that if the players pay for a chance to win a prize bingo was a prohibited lottery. The arguments assume the voters knew what bingo was since no attempt is made to define the game. No reference to the broad legislative definition of bingo set forth in Section 326.5(n) is made in the arguments and materials submitted to the voters in the ballot pamphlet.

A constitutional amendment must be construed in accordance with the natural and ordinary meaning of the words used as generally understood at the time of its enactment among the people by whose vote the amendment was adopted. (*In re Quinn, supra,* 35 Cal. App. 3d 473, 482; *Flood* v. *Riggs, supra,* 80 Cal. App. 3d 138, 152.)

The game of bingo has been available in many stores in California for many years. It is a common game found in many homes throughout the state. It is frequently played without money or prizes for the fun of playing and the excitement of winning. Except for paying for the cards and awarding prizes, bingo is played in the manner described in the encyclopedias quoted above.[3]

[2] The ballot summary and arguments are set forth in full in Appendix A.

[3] A bingo game produced by the Milton Bradley Company contains bingo cards in the stan-

We believe that the term "bingo" in the minds of most California voters when they voted for the bingo amendment in 1976 referred to the specific game of that name found in many California homes and described in the encyclopedias as set forth above. We also believe that those California voters were not generally aware of the broad definition the Legislature had given the term "bingo" in the statute which had not become operative law when they voted approval of the bingo amendment to the constitution. We conclude that the term "bingo" as used in article IV, section 19(c) of the California Constitution refers to the particular game of that name commonly played in California when the voters added subdivision (c) in 1976 and does not embrace any other games or activities included in the legislative definition of bingo contained in the first sentence of subdivision (n) of section 326.5.

Three years after the enactment of the bingo amendment and its original statutory definition of the term the legislature enacted a new provision which purports to include within its definition of bingo a game which it describes as follows:

> "Notwithstanding Section 330c, as used in this section, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend, 'For sale or use only in a bingo game authorized under California law and pursuant to local ordinance.' "

We are asked if this new form of bingo is authorized by the bingo amendment to the state constitution enacted by the people.

Penal Code section 330c provides:

> "A punchboard as hereinafter defined is hereby declared to be a slot machine or device within the meaning of Section 330b of this code and shall be subject to the provisions thereof. For the purposes of this section, a punchboard is any card, board or other device which may be played or operated by pulling, pressing, punching out or otherwise removing any slip, tab, paper or other substance therefrom to disclose any concealed number, name or symbol."

Clearly, the game which the 1979 amendment added to the definition of bingo in Penal Code section 326.5(n) is a punchboard as the Legislature recognized by its specific reference to section 330c. We believe the people of California would be startled to learn that when they approved charitable bingo the Legislature

dard 25 square configuration, covering counters and 75 numbered counters numbered B1-15, I16-30, N31-45, G46-60 and O61-75. The instructions for the game are set forth in Appendix B.

thought they were also approving punchboards, which the Legislature has, since the enactment of section 330c an 1953, declared to be slot machines.

A close examination of the description of the new game added to the definition of bingo by the 1979 amendment to section 326.5(n), hereinafter referred to as "punchboard bingo," reveals that its purports to authorize any kind of punchboard, no matter how unrelated to the standard game of bingo, provided only that it bears the prescribed legend.

The punchboard bingo amendment to section 326.5 is governed by a rule which is well established in California law.

> "Terms used in a constitutional amendment must be construed in the light of their meaning at the time of the adoption of the amendment, and cannot be extended by legislative definition, for such an extension would, in affect, be an amendment of the constitution, if accepted as authoritative." (*Pacific G. & E. Co.* v. *Ind. Acc. Com.* (1919) 180 Cal. 497, 500; *Forster Shipbldg. Co.* v. *County of L.A.* (1960) 54 Cal. 2d 450, 456; *Stribling's Nurseries, Inc.* v. *County of Merced* (1965) 232 Cal. App. 2d 759, 762; *Lucas* v. *County of Monterey* (1977) 65 Cal. App. 3d 947, 954.)

While we have found no California cases in point the courts in Ohio and South Carolina have addressed the issue.

South Carolina has a constitutional provision which proscribes lotteries with the exception of the game of bingo when conducted by charitable organizations. In *Bingo Bank, Inc.* v. *Strom* (S.C. Supreme Ct. 1977) 234 S.E.2d 881, the plaintiff operated a game called "Bingo Bank" which the court described as follows:

> "Bingo Bank is played with one player. While several may play, no one would play in conjunction with the others. The cards used are all identical and the winner does not depend upon covering the squares in any configuration. In fact, the shape of the card and the arrangement of the figures is of no significance. The Bingo Bank player must make additional wagers as the game continues and the prize varies according to the length of the game and the odds at which the management places its bets. The prize in Bingo Bank may be won on the first roll of the dice or draw of a number, or the game may continue indefinitely if the player fails to roll or draw the winning number."

Plaintiff obtained an order restraining enforcement officials from interfering with plaintiff's operation of the game. After defining what the game of bingo meant[4],

[4] "The 'game of bingo' is played by the use of a card on which is printed twenty-five squares arranged in five rows of five squares each. The word 'Bingo' is at the top of the card, with one letter at the top of each column. The squares on the card contain twenty-four numbers and one free space. The numbers in the five squares under the

as used in the state constitution, the state supreme court reversed the order holding there were material differences between "Bingo Bank" and bingo as the court defined it.

In *State v. Beane* (Ohio Mun. Ct. 1977) 370 N.E.2d 793 a pastor operated a game called "instant bingo" and was charged with conducting a game of chance. A motion to dismiss was made claiming "instant bingo" was authorized by the bingo exception to the Ohio gaming statute. The court denied the motion stating:

> "In Instant Bingo, the participant buys the card and removes five little paper slips, which act as concealing flaps, revealing five numbers or symbols or numbers and letters. On the reverse side of the card are printed the winning combinations and the participants need only compare the two to see if and how much they may have won. The device clearly bears no relation to the definition of 'bingo' as contained in R.C. 2915.01(R)."[5]

We believe that punchboard bingo was not included in the term "bingo" as that term was understood by the voters who enacted the charitable bingo amendment to the state constitution in 1976. We conclude that punchboard bingo may not be authorized under subdivision (c) of section 19, article IV of the California Constitution.

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letter 'B' range from on to fifteen, under the letter 'I' from sixteen to thirty, under the letter 'N' from thirty-one to forty-five, under the letter 'G' from forty-six to sixty, and under the letter 'O' from sixty-one to seventy-five. Each card used by the players contains a different arrangement of the numbers and the card is indispensible to the play of the game. The player, to enter the game, purchases a card at a set price and no further bets or payments are made. There are always numerous players and they are notified beforehand of the prize they will win if they are successful. The payment for the card and the value of the prize to the winner remain the same throughout the game.

"The game of bingo is played by the use of a 'Caller' who announces, one at a time, numbers drawn at random from a container into which has been placed numbered balls or objects for that purpose. A total of seventy-five numbers are used. When a number is called, any player having that number would cover that square on his card with some small previously designated object. The winner of the game is the first player who covers a row of squares in accordance with a previously set configuration, such as a vertical, horizontal, or diagonal row of numbers from those drawn and announced. Each game has a winner."

[5] R.C. 2915.01 (R) and (S) are set forth in Appendix C.

APPENDIX "A"

CALIFORNIA VOTERS PAMPHLET

June 8, 1976

Primary Election

PROPOSITION 9 BINGO

Ballot Title

BINGO. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Permits Legislature to authorize cities and counties to provide for bingo games, but only for charitable purposes. Financial impact: None on state; nominal fiscal effects on cities and counties.

FINAL VOTE CAST BY LEGISLATURE ON ACA 3 (PROPOSITION 9):

ASSEMBLY—Ayes, 57	SENATE—Ayes, 27
Noes, 16	Noes, 11

Analysis by Legislative Analyst

PROPOSAL:

The Constitution prohibits lotteries in California. Bingo is a form of lottery if the players pay for a chance to win a prize.

This proposal would let the Legislature authorize cities and counties to permit bingo for charitable purposes.

FISCAL EFFECT:

Legislation has been enacted (Chapter 869, Statutes of 1975) which authorizes cities and counties to permit bingo conducted by charitable organizations for charitable purposes. Chapter 869 becomes operative upon adoption of this proposal by the voters.

Under Chapter 869, cities and counties will not receive any revenues from these games, but they may charge a license fee which cannot exceed its issuance cost. As a result, the local fiscal effect will be nominal. There is not state fiscal effect.

Argument Against Proposition 9

Commercialized bingo is big business.

Commercialized bingo is bad business.

Commercialized bingo is corrupting business.

Florida legalized bingo in 1967 and has experienced a flood of problems ever since. A Florida Legislative council report states, "Adoption of the State Bingo Law by the 1967 Legislature unleased a torrent of questionable, if not illegal, gambling activities in Florida."

Iowa legalized bingo in 1973, and has been swamped by serious law enforcement problems. The Iowa Attorney General states that ". . . a dozen high-stake operations have sprung up and are doing a $37 million a year business."

The California Attorney General's Task Force on Legalized Gambling has recommended 8 reasonable safeguards be written into the law, should commercialized bingo come to California. Proposition 9 ignores 4 of these safeguards, including mandatory licensing, statewide standards for regulation and conduct of games, limits on the frequency of games, and a statewide supervisory agency.

Proposition 9 fails to provide for mandatory licensing on bingo operations.

Proposition 9 fails to provide for the regulation of bingo advertising.

Proposition 9 fails to provide reporting and auditing procedures. This failure provides no controls over price of leases, exorbitant salaries, skimming, or the final distribution of bingo profits.

Proposition 9 fails to prohibit individuals with criminal records from running bingo games.

Proposition 9 fails to provide for statewide standards for bingo regulations. This failure will produce a crazy-quilt pattern of different bingo laws among different California cities.

The most glaring fault of Proposition 9 is that it fails to provide for a "Statewide Supervisory Agency." The Attorney General's Task Force on Legalized Gambling made this safeguard their final recommendation. Such an agency would protect California citizens against abuses, would give society a measure of control over gambling, and make bingo operators accountable.

Proposition 9 is a threat to a well-governed, crime-free society.

Many non-profit organizations in California oppose legalizing gambling in order to raise funds for "charity."

If Proposition 9 passes, Californians can brace themselves for a deluge of flamboyant advertising, promoting exotic prizes and a "something-for-nothing"

attitude toward life. Commercialized bingo could well become California's No. 1 headache.

If Proposition 9 passes, an aggressive organization could legally promote and operate bingo on a 24-hour, 7-day-a-week basis and reap a fortune.

Commercialized bingo poses serious social problems—especially among families with marginal incomes. "Grocery money" often ends up in the pockets of bingo operators. Gambling victimizes the poor and elderly.

Proposition 9 is badly written. It contains many loopholes. It will produce no tax revenue for the state.

Bingo does not belong in the California Constitution.

A NO vote on Proposition 9 will refer commercialized bingo back to the state legislature for more careful study and some reasonable safeguards.

A NO vote will discourage other forms of legalized gambling from entering California.

A NO vote will create a better moral environment in which to raise families.

A NO vote will make California a better state in which to live.

ROBERT H. BURKE
Member of the Assembly
73rd District

ALBERT S. RODDA
Member of the Senate
5th District

Rebuttal to Argument Against Proposition 9

The opponents say commercialized Bingo is big, bad, corrupt business. Is Bingo played "illegally" daily throughout California by churches, civic organizations and others big, bad, corrupt business?

The opponents point to a Florida law long since amended and the Iowa law which does not contain all our safeguards. Comparisons without merit. Neither these states nor approximately 26 others are about to give up their legalized Bingo.

The opponents refer to the Attorney General's Task Force on Legalized Gambling neglecting to state its conclusion. After reviewing all states that permitted Bingo the Task Force wrote: (pages 32-33) "The general opinion of both law enforcement and public administration authorities interviewed seems to confer approval on the legalization of Bingo for civic, religious and charitable purposes. On the whole, they felt that a properly regulated and conducted Bingo game presented no law enforcement problems of substance."

The opponents want more bureaucracy; statewide licensing, statewide regulation, limits on frequency of games and statewide supervision. Our Statute provides local control and supervision requiring an ordinance by the City or County before Bingo could be played.

A "no" vote will not prevent Bingo from being played. It is played illegally daily.

A "yes" vote will allow people to play Bingo legally. There will be no commercial profit. All proceeds go to charity.

Finally, opposition arguments concentrate on the Attorney General's Task Force Report—But the Attorney General does not oppose this measure. He has reviewed the Statute and finds no enforcement problems.

LEROY F. GREENE
Member of the Assembly, 6th District

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment No. 3 (Statutes of 1975, Resolution Chapter 98) amends an existing section of the Constitution by adding a subdivision thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE IV, SECTION 19

(c) Notwithanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

PROPOSITION 9 BINGO

Argument in Favor of Proposition 9

Proposition 9 deserves your favorable vote. This proposal will add a single sentence to our State Constitution making it possible to play bingo legally provided the proceeds are used for charitable purposes only.

It is presently illegal to play bingo anywhere in California under almost any circumstances.

The enabling act, AB 144 (1975), permits bingo games for charitable purposes where it is authorized by a local ordinance and conducted by nonprofit charitable organizations. All proceeds must be used for charitable purposes. The statute (AB 144) was written to preclude participation by the underworld. The charitable organization running the game must be recognized as a charity and exempt from

taxation by both State and federal government. The games must be conducted by members of the organization and no individual connected with the games can receive a salary, wage or profit from the conduct of such bingo games.

Opponents point to problems in other states long since corrected by those states. And unlike other states permitting bingo, this proposal does not permit bingo for profit.

Your favorable vote on Proposition 9 will allow those who wish to play an opportunity to play bingo while both enjoying themselves and benefiting charity.

LEROY F. GREENE
Member of the Assembly, 6th District

Rebuttal to Argument in Favor of Proposition 9

Citizens interested in a humane, responsive, crime-free society should vote NO on 9. Legalizing more gambling in California is a step backwards.

The argument that problems in other states have been "long since corrected" is inaccurate. In November of 1975, Florida officials reported to a Federal Gambling Commission: "The abuse of the State Bingo Law is widespread . . . A recent undercover investigation by the Public Safety Department disclosed that for every fifty bingo customers playing nightly, a $1,000 skim of profits goes into the illegal operator's pockets, instead of to the charity as law prescribes. Bingo in Dade County run by professional gamblers now is estimated to produce approximately 4½ million dollars annually in skimmed profits and unreported income."

A NO vote will prevent this kind of corruption.

We are not against bingo. Social bingo and "donation" bingo are now legal in California. We do OPPOSE, however, commercialized bingo—especially unlicensed, unregulated, advertised operations. The enabling legislation contains legal loopholes because it ignores the key recommendations of the Attorney General's Task Force and fails to provide, therefore, meaningful controls.

After several long debates, the enabling legislation passed the Assembly committee by a 5-4 vote, and the Senate committee by a 6-5 vote. Proposition 9 barely got on the ballot.

Most reputable charities prefer to receive support from direct contributions, without depending on gambling profits. Many nonprofit organizations opposed Proposition 9 from its very beginning.

Join us in rejecting this legislation.

Vote NO on Proposition 9.

ROBERT H. BURKE
Member of the Assembly, 73rd District

ALBERT S. RODDA
Member of the Senate, 5th District

APPENDIX "B"

4002

BINGO

RULES FOR PLAYING

For Any Number of Players

One player is chosen to act as "Banker" of the game. He does not play, his part in the game being to draw and call the number counters.

The "Banker" shufles the Bingo cards and places them face down on the table. He then allows each player to draw a card. The covering counters are divided evenly among the players. These are used to cover the numbers as called.

The "Banker" places before him the Bingo number sheet which gives the complete list of numbers, and as he calls the numbers he places them over the corresponding number on this sheet.

The number counters should be placed in a deep box or paper bag so that the numbers cannot be seen.

The players place their Bingo card face up in front of them. To begin, each player places a counter on the "Free" space in the center of his card.

The "Banker" now draws a numbered counter blindly from the container, and calls it aloud and places it face up on the number sheet. Suppose he calls "N45." The player having a card with the number "45" in his third row under "N," calls it and places one of his covering counters over the number. If no player has a card bearing the number called, it is simply placed on the number sheet along with the others.

The game proceeds in this way with the "Banker" calling the numbers and the players covering when their numbers are called, until a player has covered five numbers in a row, when he calls "Bingo!" and the game stops. The player may have five numbers in a row, horizontally, vertically or diagonally. After the player calls "Bingo," he reads back the five numbers in his row, and they are checked by the "Banker" who notes if they are on his number sheet. The "Banker" then adds the numbers covered in the winning row, and enters the total as the score for the winner on a score sheet.

A game may be for 1,000 points, or may be played by hands, the player having the highest score at the end of an agreed number of hands being the winner.

Bingo Played for Stakes

Bingo may be played for stakes and each player may buy from the "Banker" as many cards as he wishes for two or five chips each, as may be agreed upon. The chips are put in the "Kitty" and the winner takes all.

MILTON BRADLEY COMPANY

SPRINGFIELD, MASSACHUSETTS

"Makers of the World's Best Games"

APPENDIX "C"

Bingo is defined in R.C. 2915.01 of the Ohio statutes as follows:

(R) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;

(b) The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in division (S)(1) of this section with the following characteristics:

(a) The participants use cards, sheets, or other devices that are divided into spaces arranged in horizontal, vertical, or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number, or symbol; by a combination of letters, numbers, or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers, and symbols, with some or none of the spaces being designated as a free, complimentary, or similar space;

(b) The participants cover the spaces on the cards, sheets, or devices that correspond to letters, numbers, smybols, or combinations of such that are an-announced by a bingo game operator or otherwise transmitted to the participants;

(c) A bingo game operator announces, or otherwise transmits to the participants, letters, numbers, symbols, or any combination of such as set forth in division (S)(2)(a) of this section that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols, or combinations of such that can appear on the bingo cards, sheets, or devices;

(d) The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet, or device being used by the participant.