

**Weston Public Schools****Raffles**

Finance and Operations Office
 89 Wellesley Street
 Weston, MA 02493

Procedure:	Raffles	Revised Date:	May, 2012
Policy: Adherence to the laws governing raffles			
Raffles are a form of gambling and are therefore not legal for children under the age of 18. Raffles may be conducted by WEEFC or other educational organization.			
Completed By:	Individual organizing the raffle	Reviewed By:	Town Clerk/Chief of Police
Approved By:	Town Clerk/Chief of Police	Entered By:	N/A
Form Title:	N/A	Estimated Time Frame:	Unknown
Process for Completion:			
<p>Raffles are governed by Massachusetts General Law, Chapter 271, section 7A and the Commonwealth of Massachusetts Regulations 940 CMR 12.00 (Attorney General's Office). Essentially, the following criteria must be followed:</p> <ol style="list-style-type: none"> 1. Raffles are limited to certain types of organizations, one being an education or charitable organization; 2. The operator applies for a permit through the Town Clerk's office in the Town where the raffle is occurring (a fee is also paid); 3. If approved by the Town Clerk, the application is forwarded to the Chief of Police. The Chief will determine if the applicant is qualified to operate a raffle; 4. If approved, the application is endorsed by the Chief and returned to the Town Clerk; and 5. The Town Clerk issues a permit valid for one year. <p>The regulations also includes specifics on:</p> <ol style="list-style-type: none"> 1. Printing tickets (layout, text, etc.); 2. Reporting requirements (number of raffles, who won prizes, etc.); and 3. File a return with the state lottery commission. <p>Student clubs and organizations are prohibited from selling or marketing gambling (50/50 raffles, bingo, games of chance, etc.) for fund raising as they are all forms of gambling and therefore illegal for individuals under the age of 18.</p> <p>It is the responsibility of the individual organizing the raffle to read and understand the respective general laws and regulations regarding raffles. Copies of both are attached.</p>			
For additional information, please contact:			
Name:	Cynthia D. Mahr	Email:	mahrc@weston.org
Phone:	781-786-5230	Fax:	781-786-5279
External URL:	www.westonschools.org		
Weston School Committee Policy:	Student Activity Agency Accounts, DFH; Student Travel, JJH		



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Attorney General **Martha Coakley**

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940 CMR 12.00

940 CMR 12.00: Regulations Governing Raffles

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940 CMR 12.00 shall apply to any raffle conducted under [M.G.L. c. 271, § 7A](#) in which the value of the prize or prizes to be awarded exceeds \$10,000 or in which the ticket price exceeds \$10.00.

12.01: Definitions

Prize. Any item or items chosen by a sponsoring organization as the subject of a raffle, which the organization announces it will award to a person selected by chance from among those purchasing tickets to the raffle.

Qualified Member. For the purposes of eligibility to participate in managing or otherwise assisting in the operation of a raffle, a person is a bona fide member of the licensed organization only when he or she:

- (a) Has become a member prior to the commencement of the function and such membership was not dependent upon, or in any way related to the payment of consideration to participate in, any gambling activity; and
- (b) Has held full and regular membership status in the licensed organization for a period of not less than three consecutive months prior to the subject function; and
- (c) Has paid any reasonable initiation or admission fees for membership, and/or any dues, consistent with the nature and purpose of the licensed organization and with the type of membership obtained and is not in arrears in payment of any such fees or dues; and
- (d) Has met all other conditions required by the licensed organization for membership and is in all respects a member in good standing at the time of the subject function.

A person may also be a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to his or her licensed organization, or to which his or her own licensed organization is auxiliary, when he or she meets all of the standards set out above respecting his or her own licensed organization.

Related Party. Includes:

- (a) An officer, director, or trustee (or an individual having powers or responsibilities similar to those of officers, directors, or trustees) of the organization.
- (b) A spouse other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance; a child including legally adopted children; grandchildren; parents; and grandparents of parties described in 940 CMR 12.01(1).
- (c) A corporation, trust, estate or partnership more than 35% of which is owned or held by any of the preceding.

Sponsoring Organization. Any organization conducting a raffle pursuant to a license under [M.G.L. c. 271, § 7A](#) to conduct raffles.

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12.02: Disclosure

(1) In any raffle conducted pursuant to [M.G.L. c. 271, § 7A](#), the sponsoring organization must disclose the following information either on the raffle ticket itself or in a written notice given to the purchaser prior to the sale:

- (a) a full and fair description of the prize;
 - (b) the appraised value of the prize;
 - (c) date or dates when the prize will be available for inspection;
 - (d) if there is a minimum number of tickets to be sold; what the minimum is and the procedure to be employed to secure a refund in the event the minimum is not reached;
 - (e) the maximum number of tickets to be sold if any;
 - (f) the fact that the value of the prize will be treated as ordinary income to the winner for federal and state income tax purposes and that the winner may be required to pre pay a portion of the tax liability prior to receiving the prize;
 - (g) the fact that the Internal Revenue Service takes the position that no portion of the ticket price will qualify as a charitable contribution for federal income tax purposes;
 - (h) the drawing date for the raffle;
 - (i) the estimated percentage of the ticket price which will be used for charitable purposes in the event that only the minimum number of tickets are sold;
 - (j) the exact nature of the charitable purpose for which the proceeds will be used;
 - (k) any other facts the disclosure of which may have influenced the purchaser or prospective purchaser not to enter into the transaction.
- (2) Each ticket must bear a clear and conspicuous warning to the effect that depositing the ticket or any other material in connection with the raffle in the federal mails is a violation of federal law and may lead to criminal penalties.

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12.03: Obligations of the Sponsoring Organization

(1) If there are any changes in the terms of the raffle such as a change in the nature or value of the prize, a postponement of the drawing date, the sale of greater than the maximum number of tickets, etc., the organization shall notify

each of the ticket purchasers of the change and offer them an opportunity to rescind their purchase.

(2) If for any reason the raffle is not completed and a prize is not awarded on the scheduled drawing date, the sponsoring organization must take all steps necessary to notify ticket purchasers of that fact and return all money received from ticket purchasers within 30 days.

(3) No member or employee, or immediate family member of a member or employee, of a sponsoring organization who has been directly involved in the promotion or operation of a raffle shall be permitted to purchase tickets to the raffle or win the prize. The sale of tickets alone shall not constitute the promotion and sale of a raffle for purposes of 940 CMR 12.03.

(4) The sponsoring organization shall take such steps as are necessary under the circumstances to insure that each ticket purchased has a chance to be selected as the prize winner and that the prize winner is selected in an entirely random manner.

(5) In cases where the sponsoring organization purchases the prize from a third party, it must arrange for an independent appraisal of the value of the prize from a person licensed to render such appraisals, or if there is no applicable licensing requirement, from a person qualified to render such appraisals.

(6) If the sponsoring organization purchases a prize from a related party, the price to be paid must be at cost or substantially less than the appraised value of the prize.

(7) No sponsoring organization or its employees, members, agents or servants, shall give away tickets to a raffle without receiving the full established price for them.

(8) The sponsoring organization shall structure the raffle in such a way that it may reasonably be anticipated that the sponsoring organization will retain a percentage of the gross proceeds which is reasonable under the circumstances and shall retain all of the net proceeds (gross proceeds minus the direct expenses of the raffle) for the purposes specified in their application under [M.G.L. c. 271, § 7A](#).

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12.04: Record Keeping, Financial Control

(1) A record keeper shall be designated from among the members of the organization as defined at 940 CMR 12.01 and shall have been a member for a minimum of two years prior to the commencement of the raffle. The record keeper or his designee shall be responsible for the keeping and distribution of raffle tickets to be sold, the safekeeping of paid for and completed ticket stubs, and the maintenance of the records prescribed by 940 CMR 12.04 during and after the completion or suspension of the raffle for a period of at least two years.

(2) The raffle ticket shall have at least two parts, one of which is to be retained by the purchaser, and the other to be retained by the record keeper. The record keeper's part must at a minimum contain the purchaser's name, address, and the telephone number. All such parts shall be imprinted with sequential serial

numbers commencing with the numeral "1" through the maximum number of tickets to be sold. Both copies shall bear the signatures of both the seller and the purchaser of the ticket.

(3) The record keeper shall maintain and periodically update as the need arises, the following types of records:

- (a) a list of members of the sponsoring organization;
- (b) a list of members authorized to sell raffle tickets or participating in any way in the promotion or operation of the raffle;
- (c) all documents, bills of sale, agreements, appraisals or other documents concerning the purchase of the article or articles to be raffled;
- (d) all permits, licenses, and any other documents prescribed or required by law as necessary for the lawful conduct of a raffle;
- (e) a ledger book or other suitable record keeping device listing the serial number of the ticket sold, the purchaser's name and address, and the date purchased. Such entries shall be made upon receipt of the ticket part from the selling member or members and will be maintained in such a way as to permit a calculation at any time, of the number of tickets sold to date;
- (f) the ticket stubs used to conduct the drawing for a period of not less than two years.

(4) Financial records shall be maintained by the record keeper sufficient to show:

- (a) the current amount of proceeds received on account of the raffle;
- (b) all expenses related to the conduct of the raffle including printing costs, advertising costs, lawyers fees, appraisal costs, insurance premiums, and any other costs reasonably attributable to the raffle.

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12.05: Violations of Regulations

Failure to comply with any of 940 CMR 12.00 shall be deemed an unfair and deceptive act or practice, in violation of [M.G.L. c. 93A, § 2](#) or a misapplication of funds given or appropriated to public charities.

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12.06: Severability

If any provision of 940 CMR 12.00 or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of 940 CMR 12.00 and the applicability of such provision to other persons or circumstances shall not be affected thereby.

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REGULATORY AUTHORITY

940 CMR 12.00: [M.G.L. c. 12, § 8J](#); [M.G.L. c. 93A, § 2\(c\)](#).



PART IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES
(Chapters 263 through 280)

TITLE I CRIMES AND PUNISHMENTS

CHAPTER 271 CRIMES AGAINST PUBLIC POLICY

Section 7A Raffles and bazaars; conduct by certain organizations

Section 7A. In this section the following words shall have the following meanings:

“Raffle”, an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes.

“Bazaar”, a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each.

Notwithstanding any other provisions of law, raffles and bazaars may be promoted, operated and conducted under permits issued in accordance with the provisions of this section.

No organization, society, church or club which conducts a raffle or bazaar under the provisions of this section shall be deemed to have set up and promoted a lottery and nothing in this chapter shall authorize the prosecution, arrest or conviction of any person connected with the operation of any such raffle or bazaar; provided, however, that nothing contained in this section shall be construed as permitting the game commonly known as “beano” or any similar game regardless of name.

No raffle or bazaar shall be promoted, operated or conducted by any person or organization, unless the same is sponsored and conducted exclusively by (a) a veterans’ organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty of the General Laws; (b) a church or religious organization; (c) a fraternal or fraternal benefit society; (d) an educational or charitable organization; (e) a civic or service club or organization; and (f) clubs or organizations organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any member or shareholder. Such organization shall have been organized and actively functioning as a nonprofit organization in the commonwealth for a period of not less than two years before it may apply for a permit. The promotion and operation of the raffle or bazaar shall be confined solely to the qualified members of the sponsoring organization and no such member shall receive remuneration in any form for time or effort devoted to the promotion or operation of such raffle or bazaar. All funds derived from any raffle or bazaar shall be used exclusively for the purposes stated in the application of the sponsoring organization which purposes shall be limited to educational, charitable, religious, fraternal or civic purposes or for veterans’ benefits. An organization which meets the qualifications required by this section and which desires to conduct or operate a raffle or bazaar within the commonwealth shall apply for a permit to conduct raffles and bazaars from the clerk of the city or town in which the raffle will be drawn or the bazaar held. The application form shall be approved by the commissioner of public safety and shall include the name and address of the applicant, the evidence on which the applicant relies in order to qualify under this section, the names of three officers or members of the organization who shall be responsible for the operation of the raffle or bazaar, and the uses to which the net proceeds will be applied. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, a fee of ten dollars shall accompany each such application and shall be retained by the city or town, but in no event shall any such fee be greater than fifty dollars. Upon receipt of such application, the clerk shall determine whether it is in conformity with this section. If the clerk so determines, he shall forward the application to the chief of police of the city or town, who shall determine whether the applicant is qualified to operate raffles and bazaars under this section. If the chief of police so determines, he shall endorse the application and return it to the clerk, who shall forthwith issue a permit, which shall be valid for one year from the date of its issuance. The clerk shall retain a copy of the application and shall send a copy to the commissioner of public safety. If there is any change in the facts set forth in the application for a permit subsequent to

the making of such application, the applicant shall forthwith notify the authority granting such permit of such change, and such authority shall issue such permit if the applicant is qualified, or, if a permit has already been issued and the change in the facts set forth in the application disqualify the applicant revoke such permit.

If an application is not acted upon within thirty days after it is submitted, or if the organization is refused a permit, or if a permit is revoked, any person named on the application may obtain judicial review of such refusal or revocation by filing within ten days of such refusal or revocation or within ten days of the expiration of such thirty day period a petition for review in the district court having jurisdiction in the city or town in which such application was filed. A justice of said court, after a hearing, may direct that such permit be issued, if he is satisfied that there was no reasonable ground for refusing such permit, and that the applicant was not prohibited by law from holding raffles or bazaars.

An organization issued a permit under this section shall within thirty days of the expiration of its permit submit a report on a form to be approved by the commissioner of public safety. Such form shall require information concerning the number of raffles and bazaars held, the amount of money received, the expenses connected with the raffle or bazaar, the names of the winners of prizes exceeding twenty-five dollars in value, the net proceeds of the raffles and bazaars, and the uses to which the net proceeds were applied. The organization shall maintain and keep such books and records as may be necessary to substantiate the particulars of such report, which books and records shall be preserved for at least one year from the date of such report and shall be available for inspection. Such report shall be certified to by the three persons designated in the permit application as being responsible for such raffle or bazaar and by an accountant. Two copies of said report shall be filed with city or town clerk. The clerk shall send one copy to the commissioner of public safety. Failure to file said report shall constitute sufficient grounds for refusal to renew a permit to conduct raffles or bazaars. The fee for renewal of such permit shall be ten dollars.

The authority granting any permit under this section shall immediately revoke the same for a violation of any provision of this section and shall not issue any permit to such permittee within three years from the date of such violation. Any person aggrieved by the action of such authority revoking such permit may appeal to the district court having jurisdiction in the city or town where the permit was issued; provided that such appeal shall be filed in such court within twenty days following receipt of notification by said authority. The court shall hear all pertinent evidence and determine the facts and upon the facts so determined annul such action or make such decision as equity may require. The foregoing remedy shall be exclusive.

Any organization conducting or operating a raffle or bazaar under this section shall file a return with the state lottery commission, on a form prepared by it, within ten days after the raffle or bazaar is held and shall pay therewith a tax of five per cent of the gross proceeds derived from such raffle or bazaar.

All sums received by said commission from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interest or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth.

Whoever violates any provision of this section or submits false information on an application or report required under this section shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for not more than one year, or both.

No person who prints or produces tickets, cards or any similar article used in the conduct of a bazaar or raffle pursuant to a permit issued under the provisions of this section shall be subject to any penalty therefor, provided that a certified copy of such permit was presented to him prior to his undertaking to print or produce such tickets or cards.

No organization issued a permit under this section shall conduct more than three bazaars in any single calendar year nor shall such organization conduct more than one bazaar in any single calendar day. The operation of a bazaar shall be limited to five consecutive hours.