



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

October 5, 2011

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Doug Anstaett, Executive Director  
Kansas Press Association  
5423 S.W. 7<sup>th</sup> Street  
Topeka, KS 66606

RE: Raffle/Lottery

Dear Mr. Anstaett:

Attorney General Derek Schmidt requested that I respond to your inquiry regarding holding a drawing or raffle as a promotion or to raise funds for an organization. Please understand that our office cannot specifically approve or disapprove any particular promotion or fundraiser, however, we can provide you with information on the generally applicable Kansas law.

In Kansas, lotteries or "raffles" are illegal both by statute and the Kansas Constitution (with the exception of the official state run lottery games). Under Kansas law, a "lottery" is defined as an enterprise in which a *prize* is awarded on the basis of *chance* for which *consideration* (usually money) is given. Thus, an individual or an organization may not require tickets be purchased for a chance to win a prize in a random drawing. Nor may an organization sell an item, such as a pen, and "give" a raffle ticket to those who purchase the pen. In either instance, the elements of prize, chance and consideration are present. Constitution of the State of Kansas, Article 15 § 3; K.S.A. 21-4302; K.S.A. 21-4303.

An organization may have a drawing for a prize if the element of consideration is eliminated. The organization may request, but not require, a donation from a person to participate in the drawing. If a person requests a ticket but does not wish to make a donation, the person *must* be given a free ticket. The ticket itself and any advertising should state: **"Donations requested, but no donation or purchase is necessary to participate."** No specific amount of donation should be printed on the ticket(s) and, additional tickets may not be given to individuals giving larger donations. Thus, if a person donates nothing, 25¢, \$1.00, or \$10.00, the person should be given *one* ticket. Persons working on the project may *suggest* a donation amount, but should make it clear that tickets are available without a donation.

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We recommend that you contact your local county or district attorney before proceeding with any such promotion or fundraiser, since the local prosecutor would make the determination as to whether a particular promotion or fundraiser violates the law. If you require legal advice or assistance on this matter, we suggest you contact a private attorney. We hope this information is of assistance to you.

Sincerely

OFFICE OF KANSAS ATTORNEY GENERAL  
DEREK SCHMIDT



Richard D. Smith  
Assistant Attorney General

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