



Notice of Permanent Adoption

Office of the Secretary of State Rules Concerning Bingo and Raffles Games 8 CCR 1505-2

September 7, 2021

I. Adopted Rule Amendments

As authorized by the Colorado bingo and raffles laws¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the rules concerning bingo and raffles games³ are adopted on a permanent basis.

The following rules were considered at the August 24, 2021 rulemaking hearing in accordance with the State Administrative Procedure Act⁴.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes

Amendments to 8 CCR 1505-2 follow:

Amendments to Rules 3.1.5(b) and (d) concerning closing a bingo game:

- (b) The caller may not call the next ball removed from the machine or otherwise selected, until the signaled bingo is verified or invalidated. IF A BINGO HAS BEEN SIGNALLED AND A WORKER ACKNOWLEDGES THE PLAYER BUT THE CALLER WAS UNAWARE AND CONTINUES TO CALL THE NEXT BALL, THE EFFECT OF THE PRECEDING BALL IS SUSPENDED PENDING VERIFICATION OR INVALIDATION OF THE LAST BINGO. If the signaled bingo is verified, the caller must return the ball to the machine unless the verified bingo is part of a multi-part or continuing game.

[No changes to (c)]

¹ Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

² Section 24-4-103(3)(a), C.R.S. (2020).

³ 8 CCR 1505-2.

⁴ Section 24-4-103(3)(a), C.R.S. (2020).

- (d) When a player or worker signals "Bingo", a worker on the floor must place the card, sheet, or electronic bingo aid device in front of at least one other player AT A DIFFERENT TABLE to confirm the bingo.

Amendments to Rule 5.4.1 and 5.4.3 concerning progressive pull tab operations:

- 5.4.1 Number allowed. A licensee may not offer, put into play or have in play more than one progressive pull tab deal at any time. A LICENSEE MAY OPEN THE NEXT DEAL IN THE PULL TAB GAME IF A WINNER IS NOT IMMEDIATELY DISCOVERED. THE LICENSEE MUST ANNOUNCE THE WINNER OF THE DEAL TWICE AND ALLOW A REASONABLE AMOUNT OF TIME FOR THE WINNER TO CLAIM THEIR PRIZE. IF NO WINNER COMES FORWARD, THE LICENSEE MUST DISPLAY THE FLARE CARD FOR AT LEAST 15 DAYS TO ALLOW TIME FOR THE WINNER TO CLAIM THEIR PRIZE.

[No changes to 5.4.2]

- 5.4.3 Offered for play. Once a progressive pull tab game starts at a bingo occasion, a licensee must offer the game at each succeeding bingo occasion sponsored by the licensee until the jackpot is won. If a progressive pull tab game starts on the licensee's premises, the licensee must offer the game on each successive day that the premises are open. A LICENSEE MAY SUSPEND PLAY OF PROGRESSIVE PULL TAB GAMES ONLY WHILE OPERATING A PARI-MUTUEL BINGO OCCASION. ONCE THE PARI-MUTUEL OCCASION HAS ENDED, THE PROGRESSIVE PULL TAB GAME MUST CONTINUE DURING THE NEXT REGULAR BINGO OCCASION.

Amendments to Rule 8.4 concerning progressive raffles, including New Rule 8.4.1(b)(1). Current Rule 8.4.1(b)(1) is amended and re-codified as Rule 8.4.1(b)(1)(ii):

- (b) Playing card progressive raffles
 - (1) ~~The licensee must select a Jackpot Prize Card from either a~~ A LICENSEE MAY CONDUCT A PLAYING CARD PROGRESSIVE RAFFLE GAME BY SELECTING A JACKPOT PRIZE CARD FROM EITHER:
 - (i) A SPECIFICALLY DESIGNED PREPACKAGED GAME PURCHASED FROM A LICENSED SUPPLIER; OR
 - (ii) A standard deck of 52 cards or a standard deck of 52 cards plus two joker cards (for a total of 54 playing cards).

New Rule 8.4.1(b)(2):

- (2) IF USING A PREPACKAGED GAME:
 - (i) THE BOARD MUST HAVE A SERIAL NUMBER AND THE LICENSEE MUST RETAIN THE USED BOARD FOR AT LEAST SIX MONTHS AFTER THE FINAL GAME.
 - (ii) THE LICENSEE MUST POST THE JACKPOT PRIZE CARD FOR THE RAFFLE WITH THE BOARD'S SERIAL NUMBER AT THE LOCATION OF THE PROGRESSIVE RAFFLE GAME. THE LICENSEE MUST POST JACKPOT PRIZE CARD SO THAT IT IS OUT OF THE REACH OF ALL PLAYERS BUT ALSO FULLY VISIBLE TO ALL PLAYERS.
 - (iii) THE LICENSEE MUST BREAK OR TEAR OPEN THE JACKPOT PRIZE CARD'S WINDOW IN PLAIN VIEW OF ALL INDIVIDUALS PRESENT.

Current Rule 8.4.1(b)(2) is re-codified as Rule 8.4.1(b)(3)(i) and Current Rules 8.4.2(a) through (c) are re-codified as Rules 8.4.1(b)(3)(ii) through (iv):

~~(2)~~(3) IF USING A PLAYING CARD DECK WITH ENVELOPES OR OTHER CONTAINERS:

(i) The licensee must place the cards from the deck in identical separate envelopes or other containers, one card per container, through which the card is not visible. The container must be sealed so that the licensee must tear, break, or rip a portion of the container in order to access the card.

~~8.4.2(a)~~(ii) Before sealing cards in the containers, the games manager and at least one other licensee member must verify that all cards are present.

~~8.4.2(b)~~(iii) The licensee must shuffle the envelopes containing the cards before putting them on public display.

~~8.4.2(c)~~(iv) Once the licensee places the envelopes on display, the licensee must keep them in a locked container at all times except during drawings. Only the games manager and licensee officers are allowed access to the keys for the container.

Current Rules 8.4.1(b)(3) through (6) are amended and re-codified as Rule 8.4.1(b)(4)(i) through (iv):

~~(3)~~(4) FOR BOTH METHODS OF PLAYING CARD PROGRESSIVE RAFFLES:

(i) After selling raffle tickets, the licensee must hold a drawing with the pool containing all tickets purchased for that drawing.

~~(4)~~(ii) The purchaser of the drawn ticket is given the opportunity to select one or more of the WINDOWS OR envelopes. The number of WINDOWS OR envelopes selected per draw must remain constant throughout the progression.

~~(5)~~(iii) If the ticket purchaser selects the WINDOW OR envelope containing the Jackpot Prize Card, the ticket purchaser wins the raffle prize amount, consisting of the prize money accumulated since the last winning draw.

~~(6)~~(iv) If the ticket purchaser's selected WINDOW OR envelope does not contain the Jackpot Prize Card, there is no winner and the prize amount is added to the jackpot for the next drawing.

8.4.2 Additional rules for BOTH METHODS OF playing card progressive raffles

[Current Rules 8.4.2 (a) through (c) are re-codified as Rules 8.4.1(b)(3)(ii) through (iv) above]

Amendments to Current Rules 8.4.2(d) through (g), including renumbering:

~~(d)~~(A) A ticket holder must be present at the drawing in order to claim a progressive raffle prize. If the winning ticket purchaser is not present at the drawing, the licensee must continue to draw tickets until selecting a ticket purchaser who is present.

- (e)-(B) If the WINDOW OR envelope selected by the drawing winner does not contain the Jackpot Prize Card, the licensee must display the selected card at all future drawings until the licensee awards the jackpot prize.
- (f)-(C) The A-licensee must determine the amount of the jackpot based on a percentage of gross raffle ticket sales from each raffle in the progressive sequence, not to exceed 70%.
- (g)-(D) The licensee may offer a cash consolation prize for a winning ticket purchaser that does not select the Jackpot Prize Card.
 - (1) Consolation prizes do not count against the \$15,000 maximum progressive raffle prize limit.
 - (2) Before conducting a progressive raffle offering a consolation prize, the licensee must designate the consolation prize as either a specified amount or a specified percentage of the gross proceeds collected from the sale of raffle tickets for a particular drawing.

Current Rule 15.6.3 is repealed:

~~15.6.3—The Secretary of State will send a fine to Central Collection Services for collection if it is not paid within 90 days of the payment deadlines listed in Rules 15.6.2(a)-(c).~~

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Effective Date of Adopted Rules

The rules will become permanently effective twenty days after publication in the Colorado Register.⁵

Dated this 7th day of September, 2021,

/s/ Melissa Kessler

Melissa Kessler
Legal and Policy Director

For

Jena Griswold
Colorado Secretary of State

⁵ Section 24-4-103(5), C.R.S. (2020).



Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Bingo and Raffles Games 8 CCR 1505-2

September 7, 2021

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Bingo and Raffles Games Rules. The Secretary adopted amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles laws,¹ answer questions arising under these laws, and improve the administration of bingo and raffles games in Colorado. Such amendments include revisions proposed by Colorado Bingo-Raffle Advisory Board members and bingo-raffle stakeholders.

Specific changes include:

- Amendments to Rules 3.1.5(b) and (d) to clarify the procedures for closing a bingo. Specifically, the amendments provide procedures if a caller fails to hear a player signal bingo and for verifying a bingo. These amendments increase fairness in bingo playing and decrease the potential for disputes.
- Amendments to Rule 5.4.1 to clarify that a licensee may only open the next deal in a progressive pull tab game when a winner is not immediately discovered and to specify the requirements for ensuring that a winner has sufficient notice. These amendments increase efficiency for licensees by allowing them to proceed to the next deal when the sole outstanding issue is to determine the last deal's winner. The amendment also ensures that a winner has sufficient time to come forward to claim a prize.
- Amendments to Rule 5.4.3 to clarify that a licensee may suspend play of a progressive pull tab game only while operating a pari-mutuel bingo operation. Pari-mutuel bingo is played during short and rapidly played sessions. Suspension of the requirement to sell progressive pull tabs during a pari-mutuel session increases efficiency for licensees.

¹ Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

- Amendments to Rule 8.4 to authorize licensees to use prepackaged games for playing card progressive raffles and to specify the requirements for these games. These amendments increase variety for licensees conducting progressive raffle games and create additional opportunities for licensed suppliers.
- Repeal of Current Rule 15.6.3 which references referral of fines to the Central Collection Services (CSS) for collection. This Rule is outdated because SB 21-055 eliminated the CSS and made state agencies responsible for collecting their own debts.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

Written comments received during the formal rulemaking are available online at: https://www.sos.state.co.us/pubs/rule_making/hearings/2021/BingoRulesHearing20210824.html. All comments are incorporated into the official rulemaking record.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-605(1)(b), C.R.S., (2020), which authorizes the Secretary of State to “supervise the administration and enforcement of [the Bingo and Raffles Law] and, in consultation with the board, to adopt, amend, and repeal rules governing the holding, operating, and conducting of games of chance[.]”
- Section 24-21-617(5), C.R.S., (2020), which requires the Secretary of State to establish by rule the method of play for games of chance.
- Section 24-21-620(2)(f)(I), C.R.S., (2020), which authorizes the Secretary of State to establish by rule the permitted methods of conducting a progressive raffle.
- Senate Bill 21-055; enacted March 21, 2021.