

Minutes of the Lottery Advisory Commission

June 3, 2015

Final

Attendance

A meeting of the Lottery Advisory Commission (Commission) was held from 1:37 p.m. – 2:55 p.m., on Wednesday, June 3, 2015. Representing the Commission were Mr. Mike Rud (Chairman), Mr. Russ Hanson, and Senator Nicole Poolman; Representative Lois Delmore participated by telephone. Representative Thomas Beadle was absent. Representing the North Dakota Lottery (Lottery) were Mr. Randy Miller, director, Mr. Matt Anderson, account/budget specialist, Mr. Ryan Koppy, sales and marketing manager, Ms. Julie Thompson, security officer, Ms. Missy Reich, administrative staff officer, and Ms. Sonja Walder, administrative assistant.

Approval of Minutes

Commissioner Delmore made a motion to approve the minutes of the December 16, 2014 meeting. Commissioner Hanson seconded the motion. The motion passed 3-0.

Approval of the Draft Administrative Rules for the Addition of Lucky for Life game, changes to the Powerball game, and Miscellaneous Changes to General Rules, Retailer, Conduct and Play, Points for Prizes, and Points for Drawings

Commissioner Poolman joined the meeting at 1:43 p.m.

Mr. Miller provided an overview of the draft administrative rule changes/additions. The proposed amendments addressing changes to the Powerball game including game description, expected prize pool percentages and odds, and power play option; Retailer sales commission and bonus; and North Dakota Lottery Players Club Points for Prizes general and Points for Drawings general are emergency rules with a declared effective date as interim final rules of October 4, 2015.

The proposed amendments adopting rules for the Lucky for Life game including game description, prizes and odds, prize pool and payment, and prize liability limits; addressing changes to General Rules definitions; and Conduct and Play games authorized, claim of a prize, and subscription are not emergency rules and are effective January 31, 2016.

**CHAPTER 10-16-11**  
**LUCKY FOR LIFE™ GAME**

Section

10-16-11-01

Game Description

10-16-11-02

Prizes and Odds

10-16-11-03

Prize Pool and Payment

10-16-11-04

Prize Liability Limits

**10-16-11-01. Game description.** To play LUCKY FOR LIFE™, a player selects five different numbers, between one and forty-eight, and one additional number (Lucky Ball) between one and eighteen. The additional number may be the same as one of the first five numbers selected. The price of a play is two dollars. Draws are held every Monday and Thursday.

**History:** Effective January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**10-16-11-02. Prizes and odds.** The top prize is seven thousand dollars a week for life. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts:

<u>Matches Per Play</u>	<u>Prize</u>	<u>Odds</u>
<u>5 of 5 + Lucky Ball</u>	<u>\$7,000/Week for Life*</u>	<u>1:30,821,472</u>
<u>5 of 5</u>	<u>\$25,000/Year for Life*</u>	<u>1:1,813,028</u>
<u>4 of 5 + Lucky Ball</u>	<u>\$5,000*</u>	<u>1:143,356</u>
<u>4 of 5</u>	<u>\$200</u>	<u>1:8,433</u>
<u>3 of 5 + Lucky Ball</u>	<u>\$150</u>	<u>1:3,413</u>
<u>3 of 5</u>	<u>\$20</u>	<u>1:201</u>
<u>2 of 5 + Lucky Ball</u>	<u>\$25</u>	<u>1:250</u>
<u>2 of 5</u>	<u>\$3</u>	<u>1:15</u>
<u>1 of 5 + Lucky Ball</u>	<u>\$6</u>	<u>1:50</u>
<u>Lucky Ball</u>	<u>\$4</u>	<u>1:32</u>

Overall odds of winning a prize on a two dollar play are 1 in 7.769.

\*Prize amounts may be split if there are multiple winners, in accordance with the provisions established in these rules. Split prizes may be lower than the published prize amounts.

**History:** Effective January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**10-16-11-03 Prize pool and payment.**

1. The prize pool for all prize categories shall consist of approximately fifty-nine and one-half percent of each draw period's sales.
2. All annuitized payments shall be made for a minimum of twenty years.
3. All low-tier set prizes (all prizes except the top prize and second prize) shall be paid in a single lump sum cash payment.

**History:** Effective January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**10-16-11-04 Prize Liability Limits.** There are ten prize levels in the game.

1. Except as provided in these rules, the top prize shall be annuitized and based on a top prize liability that will be split equally among the number of winning game tickets. A top prize winner may request the cash option, the amount of which is to be established by the game group for a defined period of drawings. Notice of the amount of and changes to the cash option shall be posted on the game's website. Under certain circumstances, as detailed below, the top prize is required to be paid in a single lump sum cash payment and no annuitized payment option is available.
  - a. One top prize winner. If there is one top prize winner, the annuitized prize value will be seven thousand dollars per week for life. As an alternative to the annuitized payment option, the top prize winner may request the top prize cash option.
  - b. Two to fourteen top prize winners. If there are between two and fourteen top prize winners, the annuitized prize option, based on an annuitized prize value of seven thousand dollars per week, will be divided by the total number of top prize winners. Any of these two to fourteen top prize winners may choose the cash option as an alternative to the annuitized payment option. The amount of the cash option for this category will be the amount of the top prize cash option divided by the total number of top prize winners.
  - c. Fifteen or more top prize winners. If there are fifteen or more top prize winners, the top prize liability will be capped at seven million one hundred twenty-five thousand dollars, shall be split equally among all top prize winners, and paid in a single lump sum cash payment without an annuitized payment option.
  - d. The winner(s) of the top prize who do not request the cash option shall be paid their appropriate top prize share on a weekly basis, or according to such other schedule of payments set at the discretion of the lottery as permitted in the rules for a minimum period of twenty years. The first top prize payment will be made when the prize is claimed at the lottery's office.
  - e. Measuring life. For a single wager, the measuring life of a top prize winner used to determine the duration over which the top prize is paid, shall be the natural life of the individual determined by the lottery to be the top prize winner. If the top prize under a single wager is being claimed by more than one natural person or by a legal entity, the measuring life for that top prize winner shall be twenty years.
  - f. If paid in a single lump sum cash payment, top prize amounts will be rounded to the nearest whole dollar.
2. Except as provided in these rules, the second prize winner will be paid twenty-five thousand dollars a year for life. A second prize winner may request the cash option, the amount of which is to be established by the game group for a defined period of drawings. Notice of the amount of and changes to the cash option shall be posted on the game's website. Under certain circumstances, as detailed below, the second prize is required to be paid in a single lump sum cash payment and no annuitized payment option is available.

- a. One to twenty second prize winners. If there are between one and twenty second prize winners, the annuitized prize value will be twenty-five thousand dollars per year for life. Any of these one to twenty second prize winners may choose the second prize cash option as an alternative to the annuitized payment option.
  - b. Twenty-one or more second prize winners. If there are twenty-one or more second prize winners, the second prize liability shall be capped at nine million four hundred thousand dollars, shall be split equally among all second prize winners, and paid in a single lump sum cash payment without an annuitized payment option.
  - c. The winner(s) of the second prize who do not request the cash option shall be paid their appropriate second prize share on an annual basis for a minimum period of twenty years. The initial second prize payment will be made when the prize is claimed at the lottery's office; subsequent second prize payments will be made annually thereafter.
  - d. Measuring life. For a single wager, the measuring life of a second prize winner used to determine the duration over which the second prize is paid, shall be the natural life of the individual determined by the lottery to be the second prize winner. If the second prize under a single wager is being claimed by more than one natural person or by a legal entity, the measuring life for that second prize winner shall be twenty years.
  - e. If paid in a single lump sum cash payment, second prize amounts will be rounded to the nearest whole dollar.
3. Except as provided in these rules, the third prize will be paid as a five thousand dollar set prize. If there are more than one thousand winners of this prize level in a single drawing, the total prize liability of five million dollars will be split equally among the winners. Under no circumstances, however, will the value of the third prize fall below a minimum prize value of two hundred dollars per winner regardless of the number of winners. Third prizes will be rounded to the nearest whole dollar and paid in a single lump sum cash payment.

**History:** Effective January 31, 2016.  
**General Authority:** NDCC 53-12.1-13  
**Law Implemented:** NDCC 53-12.1-13

## **CHAPTER 10-16-04 POWERBALL® GAME**

**10-16-04-01. Game description.** To play POWERBALL®, a player selects five different white numbers, between one and ~~fifty-nine~~sixty-nine, and one additional red number (Powerball) between one and ~~thirty-five~~twenty-six. The additional number may be the same as one of the first five numbers selected. The price of a play is two dollars. A grand prize is paid, at the election of a winning player or by a default election made according to these rules, either on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for the prize pool on a pari-mutuel basis. A set prize (cash prize of one million dollars or less) is paid on a single-payment cash basis. Draws are held every Wednesday and Saturday.

**History:** Effective February 1, 2004; amended effective November 8, 2005; January 4, 2009; January 15, 2012; October 4, 2015.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**10-16-04-02. Expected prize pool percentages and odds.** The minimum grand prize is forty million dollars and is paid on a pari-mutuel basis. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts with these expected prize payout percentages:

Matches Per Play	Prize	Prize Pool Percentage Allocated to Prize	Odds*
5 white + 1 red	Grand Prize	<del>63.95%</del> <u>68.01%</u>	<del>4:175,223,510</del> <u>1:292,201,338</u>
5 white + 0 red	\$1,000,000	<del>49.40%</del> <u>8.56%</u>	<del>1:5,153,633</del> <u>1:11,688,054</u>
4 white + 1 red	<del>\$10,000</del> <u>\$50,000</u>	<del>1.54%</del> <u>5.48%</u>	<del>1:648,976</del> <u>1:913,129</u>
4 white + 0 red	\$100	<del>0.52%</del> <u>0.27%</u>	<del>1:19,088</del> <u>1:36,525</u>
3 white + 1 red	\$100	<del>0.82%</del> <u>0.69%</u>	<del>1:12,245</del> <u>1:14,494</u>
3 white + 0 red	\$7	<del>1.94%</del> <u>1.21%</u>	<del>1:360</del> <u>1:580</u>
2 white + 1 red	\$7	<del>0.99%</del> <u>1.00%</u>	<del>1:706</del> <u>1:701</u>
1 white + 1 red	\$4	<del>3.61%</del> <u>4.35%</u>	<del>1:111</del> <u>1:92</u>
0 white + 1 red	\$4	<del>7.22%</del> <u>10.44%</u>	<del>1:55</del> <u>1:38</u>

Overall odds of winning a prize on a two dollar play are ~~4:31.85~~1:24.87.

\*Reflects the odds of winning and probable distribution of winning tickets in and among each prize tier, based on the total number of possible combinations.

**History:** Effective February 1, 2004; amended effective November 8, 2005; April 1, 2008; January 4, 2009; January 15, 2012; October 4, 2015.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**10-16-04-06. Power play option.**

1. The power play option is a limited extension of the POWERBALL® game and is conducted according to the game group's game rules. The option offers the owner of a qualifying play a chance to multiply or increase the amount of a set prize.
2. A qualifying play is a single POWERBALL® play for which the player pays an extra one dollar for the power play option. Power play does not apply to the grand prize.
3. A qualifying play which wins one of the seven lowest set prizes (excluding the match 5+0 prize) will be multiplied by the number selected, two through five or ten, in a separate random power play drawing. The match 5+0 prize, for players selecting the power play option, shall be paid two million unless a higher limited promotional dollar amount is announced by the game group or unless a lower dollar amount is announced by the game group under its limitation of liability rules.

4. A prize awarded must be paid as a lump sum set prize. Instead of the normal set prize amount, a qualifying power play will pay the amounts shown below when matched with the power play number drawn:

Matches Per Play	Set Prize Amount	Amount With Power Play Purchase				
		10X	5X	4X	3X	2X
5 white + 0 red	\$1,000,000	<u>\$2,000,000</u>	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
4 white + 1 red	<del>\$10,000</del> <u>\$50,000</u>	<u>\$500,000</u>	<u>\$50,000</u> <u>\$250,000</u>	<u>\$40,000</u> <u>\$200,000</u>	<u>\$15,000</u> <u>\$150,000</u>	<u>\$20,000</u> <u>\$100,000</u>
4 white + 0 red	\$100	<u>\$1,000</u>	\$500	\$400	\$300	\$200
3 white + 1 red	\$100	<u>\$1,000</u>	\$500	\$400	\$300	\$200
3 white + 0 red	\$7	<u>\$70</u>	\$35	\$28	\$21	\$14
2 white + 1 red	\$7	<u>\$70</u>	\$35	\$28	\$21	\$14
1 white + 1 red	\$4	<u>\$40</u>	\$20	\$16	\$12	\$8
0 white + 1 red	\$4	<u>\$40</u>	\$20	\$16	\$12	\$8

Rarely, under the game group's limitation of liability rules, a set prize amount may be less than the amount shown. In that case, the eight lowest power play prizes will be changed to an amount announced after the draw. For example, if the match 4+1 set prize amount of ~~ten~~five thousand dollars becomes five thousand dollars under the game group's rules, a power play player winning that prize amount when a "5" has been drawn would win one-hundred twenty-five thousand dollars (~~\$5,000~~\$25,000 x 5).

65. The following table reflects the probability of the power play numbers being drawn:

When the 10X multiplier is available:

Power Play	Probability of Prize Increase
<u>10X - Prize won times 10</u>	<u>1 in 43</u>
5X - Prize won times 5	<del>12</del> <u>43</u>
4X - Prize won times 4	<del>13</del> <u>43</u>
3X - Prize won times 3	<del>13</del> <u>43</u>
2X - Prize won times 2	<del>24</del> <u>43</u>

When the 10X multiplier is not available:

<u>Power Play</u>	<u>Probability of Prize Increase</u>
<u>10X - Prize won times 10</u>	<u>0 in 42</u>
<u>5X - Prize won times 5</u>	<u>2 in 42</u>
<u>4X - Prize won times 4</u>	<u>3 in 42</u>
<u>3X - Prize won times 3</u>	<u>13 in 42</u>
<u>2X - Prize won times 2</u>	<u>24 in 42</u>

6. The 10X multiplier for the seven lowest prize levels shall at a minimum be available for all drawings in which the advertised grand prize amount is one-hundred fifty million dollars or less.

Power play does not apply to the grand prize. A power play match of 5+0 prize is set at two million dollars, regardless of the multiplier selected. The game group may elect to run limited promotions that may modify the multiplier features.

**History:** Effective February 1, 2004; amended effective November 8, 2005; April 1, 2008; January 4, 2009; November 1, 2010; January 15, 2012; January 19, 2014; October 4, 2015.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

## **CHAPTER 10-16-01 GENERAL RULES**

**10-16-01-01. Definitions.** As used in this article:

1. "Applicant's agent" means a general manager, sole proprietor, partner of a partnership or, for a corporation, an officer or director who is primarily responsible for financial affairs or a shareholder who owns ten percent or more of the common stock, of a business that is applying for or renewing a license. A general manager is a person who regularly is onsite and primarily responsible and accountable for managing and controlling the day-to-day operations of the business.
2. "Cash Voucher" means a voucher generated by the lottery's player activated terminal that can be validated for cash at the retailer's lottery terminal.
3. "Draw" means the formal process of randomly selecting winning numbers, letters, or symbols that determine the number of winning plays for each prize level of a game.
4. "Game" means an on-line game authorized by the lottery.

5. "Game group" means a group of lotteries that have joined together to offer a game on a multi-state basis according to the terms of the MUSL and/or the game group's rules.
6. "Grand prize" means the top prize that can be won in a game.
7. "Group play" means two or more individuals sharing a purchase made.
8. "Lottery" means the North Dakota lottery.
9. "Multi-state lottery" means a lottery game that spans the individual borders of a state, jurisdiction, province, district, commonwealth, territory, or country.
10. "MUSL" means the multi-state lottery association.
11. "North Dakota Lottery Players Club" means a program that players can join to earn exclusive benefits and rewards.
12. "Online gaming system" means a computer system designed to control, monitor, communicate with a terminal, and record play transactions and accounting data.
13. "Play" means the numbers, letters, or symbols that are on a ticket or properly and validly registered subscription play to be played by a player in a draw, excluding a lottery promotion.
14. "Play area" means the area of a play slip that contains one or more sets of numbered squares to be marked by a player for a game. Each set contains a certain number of numbers, letters, or symbols that correspond to the game.
15. "Play slip" means a card used in marking a player's selections of numbers, letters, or symbols and containing one or more play areas for a game.
16. "Player-Activated terminal" means a device authorized by the lottery and operated by a player to function in an on-line, interactive mode with the lottery's computer system to receive and process lottery transactions including the purchase and issuance of a ticket, the validation of a ticket, and the issuance of a cash voucher.
17. "Points for Drawings™" means a program where players can enter drawings by using points received from the submission of valid tickets.
18. "Points for Prizes®" means a rewards program where players can earn points by becoming registered members and submitting valid tickets.
19. "Quick pick" means a random selection of numbers, letters, or symbols by a computer system that are printed on a ticket or properly and validly registered subscription play and played by a player for a draw in a game.
20. "Retailer fraud" means an owner or employee of a licensed retailer who knowingly

and intentionally:

- a. Fails to properly validate a player's winning ticket;
  - b. Fails to pay the players the proper prize amount on a winning ticket;
  - c. Fails to provide the player the proper exchange ticket on a winning multi-draw ticket;  
or
  - d. Performs any other act that causes financial harm to a player in violation of the lottery law or rules.
21. "Set prize" means all prizes, except the grand prize for a game that are to be paid by a single cash payment and, except as provided by rule, will be equal to the prize amount established by the MUSL and/or the game group for the prize level of the game.
22. "Subscription" means a purchase of a draw game play for drawings up to one year.
23. "Terminal" means a device authorized by the lottery and operated by a retailer or the lottery to function in an on-line, interactive mode with the lottery's computer system to issue a ticket and enter, receive, and issuance of a report.
24. "Ticket holder" means a person who has signed a ticket or possesses an unsigned ticket.
25. "Top prize" means the first prize that can be won in a game.
- ~~25-26.~~ "Validation" means the process of determining whether a ticket presented for a prize is a winning ticket.
- ~~26-27.~~ "Winning Account" means the account to which subscription winnings are deposited and from which player withdrawals are made.
- ~~27-28.~~ "Winning numbers" means the numbers, letters, or symbols randomly selected in a draw to determine a winning play contained on a ticket or properly and validly registered subscription play or randomly selected in a lottery promotion to determine a winning prize stated on a ticket or coupon.

**History:** Effective February 1, 2004; amended effective April 1, 2006; July 1, 2008; July 6, 2014; January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**CHAPTER 10-16-02  
RETAILER**

**10-16-02-07. Sales commission and bonus.**

1. The lottery shall credit a retailer's account for:
  - a. A sales commission of five percent of the retail price of ticket sold or otherwise issued by the retailer;
  - b. A sales commission of five percent of the amount of a subscription sale that is transacted through the North Dakota Lottery Players Club when a player chooses a specific retailer. The retailer must be currently licensed when the subscription is purchased; and
  - c. A sales bonus for selling a ticket with a winning play, for a game as stated below. However, the retailer must be currently licensed when a draw is conducted that results in the winning play of a ticket. If the winning play for POWERBALL® has the Power Play option, or the winning play for MEGA MILLIONS® has the Megaplier® option, or the winning play for HOT LOTTO® has the Triple Sizzler option, the retailer's account must also be credited for an additional bonus as stated below:

<u>Prize</u>	<u>Bonus</u>	<u>Additional Bonus</u>
<b>POWERBALL®</b>		
Grand prize	\$50,000	Additional \$50,000 with Power Play
\$1,000,000	\$5,000	Additional \$5,000 with Power Play
<del>\$10,000</del> <u>\$50,000</u>	<del>\$500</del> <u>\$1,000</u>	Additional <del>\$500</del> <u>\$1,000</u> with Power Play
 <b>MEGA MILLIONS®</b>		
Grand prize	\$50,000	Additional \$50,000 with Megaplier®
\$1,000,000	\$5,000	Additional \$5,000 with Megaplier®
\$5,000	\$250	Additional \$250 with Megaplier®

<b>HOT LOTTO®</b>		
Grand prize	\$5,000	Additional \$5,000 with Triple Sizzler
\$30,000	\$750	Additional \$750 with Triple Sizzler
\$3,000	\$150	Additional \$150 with Triple Sizzler

<b>LUCKY FOR LIFE™</b>	
<u>\$7,000/Week for Life</u>	<u>\$25,000</u>
<u>\$25,000/Year for Life</u>	<u>\$2,500</u>
<u>\$5,000</u>	<u>\$250</u>

<b>WILDCARD 2®</b>	
Grand Prize	\$2,000
\$6,000	\$250

<b>2by2®</b>	
\$22,000	\$500
\$44,000*	\$1,000

\*Tuesday draw double grand prize winning play on a qualifying multi-draw ticket.

2. The lottery may credit a retailer's account for a fixed or graduated sales commission or bonus for a special promotion, including Power Play, Megaplier®, and Triple Sizzler, that the lottery conducts for a certain period of time based on parameters set by the lottery.

**History:** Effective February 1, 2004; amended effective January 1, 2006; January 3, 2008; January 31, 2010; January 15, 2012; October 19, 2013; July 6, 2014; October 4, 2015.

**General Authority:** NDCC, 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-13

## CHAPTER 10-16-03 CONDUCT AND PLAY

**10-16-03-01. Games authorized.** The lottery may conduct online games of POWERBALL®, MEGA MILLIONS®, HOT LOTTO®, WILD CARD 2®, ~~and 2BY2®~~, and LUCKY FOR LIFE™.

**History:** Effective February 1, 2004; amended effective November 8, 2005; July 1, 2008; January 31, 2010; January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-13

**10-16-03-08. Claim of a prize.** A prize for a validated winning ticket must be claimed as follows:

1. No prize may be awarded nor is the lottery liable for a ticket not submitted for validation or for an announcement or dissemination by the lottery or any other person of an incorrect number, letter, or symbol drawn.
2. A ticket bought or used to claim a prize in violation of federal or state law, or bought in violation of the lottery law or rules, is void and may not be used to claim a prize.
3. A ticket for a prize must be actually received or, if mailed, postmarked, within one hundred eighty days after the date of a draw for the game for which the ticket was issued. If the final day of the claim period is a Saturday, Sunday, or state holiday, the claim period is extended to the next business day. An unclaimed prize is forfeited and retained by the lottery. However, if the grand prize for the game of POWERBALL®, MEGA MILLIONS®, HOT LOTTO®, or WILD CARD 2® is unclaimed, the MUSL shall administer the grand prize money. If the top prize or second prize for LUCKY FOR LIFE™ is unclaimed, the lottery's liability for that prize expires and no settlement of funds will be scheduled. If a lower tier prize for LUCKY FOR LIFE™ is unclaimed, the lottery's liability for that prize expires and is allocated back to the lottery in relation to the sale's percent for the specific drawing.
4. A person who owns or redeems a winning ticket:
  - a. Agrees to be bound by the lottery law, rules, procedure, policy, validation requirements, dispute resolution, and game group game rules related to the game for which the ticket was issued; and
  - b. Agrees that the state, lottery, the MUSL, game group, and their officers, employees, agents, representatives, and contractor are discharged from any liability upon payment of a prize on a ticket.

5. The owner of a winning ticket may win only one prize per play for the winning numbers, letters, or symbols drawn and is entitled only to the prize won by those numbers in the highest matching prize category.
6. A retailer may redeem a ticket only at the business address listed on the license. The retailer may pay a prize in cash or by business check, certified or cashier's check, money order, or combination of methods.
7. A person may redeem a winning ticket for a prize only during the normal business hours of a retailer provided that the lottery's online computer system is operating and a ticket may be validated. If the retailer is normally open for business before or after the hours when the lottery's on-line computer system operates, the retailer shall post the hours at the site when a person may redeem a ticket.
8. To claim a prize for an apparent winning ticket of less than six hundred dollars, a player may:
  - a. Present the ticket to a retailer, regardless of which retailer sold the ticket; or
  - b. Complete the back side of the ticket by entering the person's full name and address and signing the ticket, and present or mail the ticket to the lottery's office.
9. If a ticket has a prize value of less than six hundred dollars, is owned by one person, and is presented to a retailer, the retailer may redeem the ticket and pay the prize to the person who physically possesses an unsigned ticket or to the person whose signature is shown on the ticket. If a person desires to redeem a winning ticket that is signed, the retailer shall request evidential proof of identity from the player before the retailer may validate or pay the prize. If the player does not provide proof of identity, the retailer may not validate the ticket or pay the player a prize and shall return the ticket to the player. For an unsigned ticket or a signed ticket in which the ticket holder is the identified owner, the retailer shall validate the ticket and, for a winning ticket, pay the prize to the player. If the retailer is unable to validate a ticket, the retailer shall provide the ticket holder with a prize claim form and instruct the ticket holder how to file a claim with the lottery.
10. If an apparent winning ticket has a total prize value of all plays of six hundred dollars or more and one person signed or claims ownership of the ticket, a

retailer may not redeem the ticket and shall provide the ticket holder with a prize claim form and instruct the ticket holder how to file a claim with the lottery. The ticket holder shall complete and sign the form and back side of the ticket and present or mail the form and ticket to the lottery. For a validated winning ticket, the lottery shall present or mail a check to the player for the amount of the prize, less withholding of income tax required by federal or state law and any debt setoff according to section 10-16-01-03, unless the payment is delayed according to section 10-16-03-12. The lottery shall pay the prize to the person whose name is on the ticket, notwithstanding the name on the claim form. For a nonwinning ticket, the lottery shall deny the claim, notify the claimant, and return the ticket.

11. If more than one person signed or claims ownership of an apparent winning ticket, the retailer shall provide the claimant with a prize claim form and instruct the claimant how to file a claim with the lottery, as follows:
  - a. Each person who claims part ownership of the ticket must complete and sign the prize claim form and designate the person's percentage of ownership and, if subdivision d applies, the one authorized payee;
  - b. At least one of the people who claim ownership must sign the ticket and that signature must be on the prize claim form;
  - c. The prize claim form and ticket must be presented or mailed to the lottery;
  - d. For a validated ticket, if the amount of the prize allocated to each claimant is six hundred dollars or more, the lottery shall present or mail a separate prize check to each claimant. The lottery shall present or mail a check to each claimant for the amount of each player's prize, less withholding of income tax required by federal or state law and any debt setoff according to section 10-16-01-03, unless the payment is delayed according to section 10-16-03-12. If the prize allocated to each claimant is less than six hundred dollars, at the claimant's request, the lottery shall issue a single prize check to the person designated and authorized on the prize claim form to receive payment of the prize on behalf of all the claimants or present or mail a check to each claimant for the amount of each player's prize; and
  - e. Notwithstanding subdivision d, if the claimants desire to designate one person in whose name the entire claim may be made and list the persons to whom the winnings are taxable, the claimants may file, along with a prize claim form, internal revenue service form 5754 (state

by person(s) receiving gambling winnings) with the lottery.

12. The lottery shall pay a prize to a player within a reasonable time after the player's winning ticket is validated by the lottery.
13. Except as provided by rule, if two or more plays win the grand prize, the prize money must be divided equally among the players whose tickets won. Except as provided by rule, for a set prize, each player wins the set amount of a prize regardless of whether two or more players have winning tickets for the prize.
14. The lottery is not liable for a ticket not delivered to the correct address of the lottery or a delay in delivery of a ticket or damage to a ticket while being delivered to the lottery.
15. A player who redeems a winning ticket is solely responsible for any federal or state income tax liability related to the prize.
16. A person's right to a prize is assignable and payment of a prize may be made to a person pursuant to an appropriate judicial order.
17. A prize may not be payable to a trust until after the lottery conducts a debt setoff on the beneficiaries of the trust.
18. If a player redeems an original multi-draw ticket before the ticket's last draw and a retailer returns the original ticket, rather than an issued exchange ticket, to the player, the lottery may not pay another prize on the original ticket until after the exchange ticket expires and has not been redeemed.
19. A winning ticket with a total prize value of all plays of six hundred dollars or more may not be paid to a person who is identified as being in the United States illegally.

**History:** Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; January 31, 2010; January 1, 2011; October 19, 2013; January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-09, 53-12.1-13

#### **10-16-03-08.1. Subscription.**

1. A player shall purchase a subscription only from, and the financial transaction for that subscription must be only with, the lottery through the North Dakota Lottery Players Club<sup>SM</sup> website and payment processor. A player may use automated clearinghouse, debit card, or authorized credit card to pay for a subscription.
2. A person must be at least eighteen years of age.

3. A person must provide the following information when registering as a player, or a member of a group, for the lottery subscription service:
  - a. Name;
  - b. Address;
  - c. Date of Birth;
  - d. Telephone number;
  - e. Valid email address; and,
  - f. Last four digits of their Social Security Number.
4. A person, whether individually or as a member of a group, must have a North Dakota mailing address and must pass all verification processes used by the lottery during the player's registration process.
5. A player may purchase one or more subscriptions for one or more games. Each subscription is limited to one play for a draw for one game. A player may purchase a subscription for up to fifty-two weeks. A subscription is not refundable or cancelable by a player unless the game group makes a matrix change to the game at which time, the subscription would be canceled by the lottery and funds used to purchase the subscription would be refunded to the player's winning account through the lottery's subscription service, based on the number of draws actually held under the former game matrix in relation to the total number of draws purchased.
6. To be valid, a subscription play must be properly and validly registered with the lottery on its subscriber data base at its central computer site which meets the requirements established by the product group and MUSL security and integrity committee. All data on a subscriber is confidential.
7. The owner of a subscription play is the person whose name is validly and properly registered with the lottery. However, the lottery may split a prize among two or more persons who are registered members of a group play.
8. After the lottery properly and validly registers a subscription play, the lottery shall send a confirmation email to the subscriber. The confirmation email is the player's evidence of an actual play in a draw and there is no actual ticket. The confirmation email must include:
  - a. Name of game. For the game of POWERBALL® indication of whether the play has the Power Play option. For the game of MEGA MILLIONS®, indication of whether the play has the Megaplier® option. For the game of HOT LOTTO®, indication whether the play has the Triple Sizzler option;

- b. Number of and starting and ending dates of the draws;
  - c. Numbers, letters or symbols of the play;
  - d. The subscriber is responsible for ensuring that all subscriber information and game play numbers, letters, or symbols are correct; and
  - e. Explanation of how a prize will be awarded.
9. Except as provided by subsection 10, a subscription play is valid for only the date range of draws specified in the confirmation email. The effective date of a new subscription play will be valid for the current draw in the game, if it is purchased at least 30 minutes prior to the current draw cut off.
10. If the value of a prize on a winning POWERBALL®, HOT LOTTO®, WILDCARD 2®, MEGA MILLIONS®, LUCKY FOR LIFE™, or 2BY2® subscription play for a draw is:
- a. Less than six hundred dollars, the lottery shall automatically deposit the funds into the player's winning account;
  - b. Equal to or more than six hundred dollars, the lottery shall contact the player by email and phone to arrange payment of the prize, less withholding of income tax required by federal or state law and any debt setoff according to North Dakota Century Code section 53-12.1-12.
11. If the owner of a subscription changes the owner's name, the owner shall provide the lottery with a notarized letter of the change. If the owner of a subscription dies, the lawful representative of the owner's estate shall provide the lottery with a notarized statement of the death and the lottery shall change the ownership of the subscription to "The Estate of" the owner.

**History:** Effective November 8, 2005; amended effective January 3, 2008; November 1, 2008; July 1, 2010; October 19, 2013, July 6, 2014; January 31, 2016.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-01, 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-13

**CHAPTER 10-16-09  
NORTH DAKOTA LOTTERY  
PLAYERS CLUB<sup>SM</sup>  
POINTS FOR PRIZES<sup>®</sup>**

**10-16-09-01. General.**

1. The North Dakota Lottery and its designated agents Scientific Games International, Inc. and MDI Entertainment, LLC , a subsidiary of Scientific Games International, will operate the Points for Prizes<sup>®</sup> program.
2. Points for Prizes<sup>®</sup> is a rewards program that is part of the North Dakota Lottery's North Dakota Lottery Players Club<sup>SM</sup>. Players can earn points by becoming registered members of the program and submitting valid tickets at club.lottery.nd.gov. Players can redeem their points for items at the Points for Prizes<sup>®</sup> store at store.lottery.nd.gov.
3. The Points for Prizes<sup>®</sup> program is void where prohibited by law.
4. The North Dakota Lottery reserves the right to change Points for Prizes<sup>®</sup> in any way and at any time or to terminate Points for Prizes<sup>®</sup> entirely upon reasonable and appropriate public notice.
5. By submitting a ticket to earn Points for Prizes<sup>®</sup> points, an entrant agrees to and is bound by the Points for Prizes<sup>®</sup> rules, the North Dakota Lottery Players Club<sup>SM</sup> terms of service, all other applicable North Dakota Lottery rules and laws, and the laws of the State of North Dakota.
6. The North Dakota Lottery may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, North Dakota Lottery websites, without compensation or additional release.
7. The North Dakota Lottery reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.
- ~~8. These rules may be amended at the North Dakota Lottery's sole discretion.~~

**History:** Effective July 6, 2014; amended effective October 4, 2015.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

**CHAPTER 10-16-10  
NORTH DAKOTA LOTTERY  
PLAYERS CLUB<sup>SM</sup>  
POINTS FOR DRAWINGS<sup>TM</sup>**

**10-16-10-01. General.**

1. The North Dakota Lottery and its designated agents Scientific Games International, Inc. and MDI Entertainment, LLC, a subsidiary of Scientific Games International, will operate the Points for Drawings<sup>TM</sup> program.
2. Points for Drawings<sup>TM</sup> is part of the Points for Prizes<sup>®</sup> program that is part of the North Dakota Lottery's North Dakota Lottery Players Club<sup>SM</sup>. Players can enter drawings by using some or all points received from submission of eligible tickets or subscription purchases at club.lottery.nd.gov.
3. Drawing entries may be submitted at store.lottery.nd.gov.
4. The Points for Drawings<sup>TM</sup> program is void where prohibited by law.
5. The North Dakota Lottery reserves the right to change Points for Drawings<sup>TM</sup> in any way and at any time or to terminate Points for Drawings<sup>TM</sup> entirely upon reasonable and appropriate public notice.
6. By submitting an entry into Points for Drawings<sup>TM</sup>, an entrant agrees to and is bound by the Points for Drawings<sup>TM</sup> rules, the Points for Prizes<sup>®</sup> rules, the North Dakota Lottery Players Club<sup>SM</sup> terms of use, all other applicable North Dakota Lottery rules and laws, and the laws of the State of North Dakota.
7. The North Dakota Lottery may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, North Dakota Lottery websites, without compensation or additional release.
8. The North Dakota Lottery reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.
9. ~~These rules may be amended at the North Dakota Lottery's sole discretion.~~

**History:** Effective July 6, 2014; amended effective October 4, 2015.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

Commissioner Poolman made a motion to approve the draft administrative rules. Commissioner Delmore seconded the motion. The motion passed 4-0. The recommendation will be presented to Attorney General Stenehjem for approval prior to moving forward with the rule adoption process.

### North Dakota Legendary Script and Logo Change

Mr. Kopy provided the Commission with two versions of the North Dakota Lottery logo. The Department of Commerce has set new guidelines for the use of the legendary script. Anyone using the script must include the word “Legendary” either under or beside the words North Dakota. The Lottery currently uses the North Dakota script in the game logos and the Lottery logo. Mr. Kopy explained that adding “Legendary” would not be an appropriate fit for the products offered by the Lottery. Therefore it is necessary for the Lottery to adopt a new script for the game logos and Lottery logo. The consensus from the Commission was version 2. The recommendation will be presented to Attorney General Stenehjem for approval.

### Consideration to Increase the Subscription Funding Limit for Players

Ms. Reich requested the Commission allow the Lottery to increase the subscription funding limit for players from \$999/week to \$9,999/week. She cited player groups have complained about having to fund their wallet several times over the course of weeks to purchase subscriptions as well as some individual players have to fund their wallet several times to purchase a yearly subscription of each game. The \$999/week funding limit was initially set to avoid requiring players to provide their complete Social Security number. With the requested change, players would have to provide their full Social Security number to fund over \$999/week. The consensus from the Commission was to increase the funding limit to \$9,999/week. The recommendation will be presented to Attorney General Stenehjem for approval.

### Overview of Revenues and Expenses and Sales Activity (Unaudited)

Mr. Anderson presented the overview of revenues and expenses for the quarter ended December 31, 2014. Total ticket sales decreased by \$847,147 or 11.67% compared to the same period last year. The decrease was mainly due to a Mega Millions jackpot run last year that peaked at \$636 million. Total operating expenses decreased \$321,413 or 6.10% compared to the same period last year. Prize expense decreased \$386,230 or 10.33% and retailer commissions/bonuses expense decreased \$45,534 or 12.42%. These decreases were a direct incremental relation to the decrease in ticket sales. Contractual services expense increased \$65,975 or 10.21% due to rate change in the online vendor fee. Marketing expense increased \$54,176 or 29.35% due to timing of payments made to our marketing/advertising vendor.

For the quarter ended March 31, 2015, ticket sales increased by \$1.73 million or 26.73% compared to the same period last year. The increase was mainly due to a Powerball jackpot run this year that peaked at \$564 million. Total operating expenses increased \$1.26 million or 27.71% compared to the same period last year. Prize expense increased \$893,557 or 27.09%, retailer commissions/bonuses expense increased \$99,803 or 31.07%, and contractual services expense increased \$256,938 or 44.54%. These increases were a direct incremental relation to the increase in ticket sales, along with the rate change increase for the online vendor fee. Marketing expense decreased \$28,555 or 25.79% due to a rebranding campaign that ran last year. Other operating expenses increased \$42,840 or 61.51% due to a one-time fee for the implementation of the online subscription service.

Ticket sales for April and May 2015 increased \$306,439 or 7.53% compared to the same period last year. Mega Millions, Hot Lotto and Wild Card 2 all had increases in sales due to promotions that boosted sales.

#### Overview of Marketing Activity and Short-Term Marketing Plans

Mr. Kopyy presented the overview of marketing activity and short-term marketing plans. The 2by2 7-draw promotion, running from November 2 through November 29, 2014 showed residual sales in the 12 weeks following by an increase of 13%. The goal was a 10 to 15% increase and was met in the weeks that followed.

December 1 to December 21, 2014 the Lottery ran an ad campaign to promote the subscription service. The budget was \$35,000. Goals for this campaign were to increase the number of subscribers and funding of subscriptions by 10% and the goals were both met. As of May 27, 2015 the Lottery has 1,358 subscribers compared to 1,377 subscribers last year at this time. A smaller ad campaign ran from January 30 to March 6, 2015.

KK Bold conducted a telephone survey to follow up on the baseline survey done in January of 2013. The recommendations based on this survey were to make players more aware of the Players Club and all of its benefits. The Lottery will take this information and use it to plan more winner awareness and subscription Players Club promotional campaigns.

A winner awareness video was released on May 21, 2015 on the Lottery Facebook page showing a \$22,000 2by2 subscription winner from Burlington, ND. There is also a tutorial on the page to show how to buy subscriptions.

April and May of 2015 the Lottery ran its first ever multi-game promotion. From April 1 to May 30, 2015 Mega Mondays, Wild Wednesdays and Sizzling Saturdays were days players could benefit from the promotions. Mega Mondays players received three plays of Mega Millions with Megaplier for \$5, a \$1 discount, Wild Wednesdays players purchasing a Wild Card 2 \$5 ticket received a free Hot Lotto ticket with Triple Sizzler a \$2 value; and on Saturdays players could get three plays of Hot Lotto with Triple Sizzler for \$5, again a \$1 discount. Marketing budget was \$60,000. The promotions were a success with participation rates for Mega Mondays at 48.7%, Wild Wednesdays at 81.14% and Sizzling Saturdays 55.87%.

The North Dakota Lottery Players Club has 7,714 registered members. The following prizes were given away to players through the Points for Drawings program: three Kitchen Aid mixers on January 20; three 7,000-watt Honda generators on March 17; Four do it yourself tool kits on March 30; three Nikon DSLR cameras on May 5; and four iPad Air and Power iPad case bundles on May 26. A tailgate package, Michael Kors watch set, exercise bike, and Ora Ninja kitchen system are some future Points for Drawings prizes being considered.

The 2by2 seven draw promotion will run from July 12 through August 8, 2015. A qualifying purchase is a seven draw 2by2 ticket where a player can instantly win a free seven draw ticket or \$500 cash. Winners are chosen at random. This promotion will be part of a multi-state promotion and the prize expense is

covered by the excess reserve in the prize pool. Each state is allotted \$30,000 with a 10% buffer, so MUSL will reimburse all prize expenses up to \$33,000.

#### Security Related Updates

Ms. Thompson provided an update on security related items. The Lottery is in the process of implementing a no-lockdown procedure. This eliminates the need for a lockdown and will not delay the drawing of winning numbers for the game.

Ms. Thompson informed the Commission that one of the part-time draw operators resigned. The interview process has been completed. The position was offered to an applicant and a background check is being conducted.

#### Omnibus Items

Mr. Miller informed the Commission that a draft of the June 30, 2014 and 2013 audit report was provided to the Lottery. There were no formal, informal, or oral recommendations noted during the audit period. Mr. Miller explained that generally a representative from the Office of the State Auditor provides an overview of the final audit report to the Commission. Since there were no recommendations to review, Mr. Miller asked if the Commission would like a presentation by the Office of the State Auditor this year. The consensus from the Commission was not to request an overview by the Office of the State Auditor this year. A copy of the final audit report will be sent to the Commission.

Mr. Miller informed the Commission that he will be attending the North American Association of State and Provincial Lotteries spring director's conference in New Orleans the week of June 22, 2015.

#### Adjournment

Commissioner Hanson made a motion to adjourn. Commissioner Delmore seconded the motion. The motion passed 4-0. The meeting adjourned at 2:55 p.m.