

February 5, 2009

H 80. MUNICIPAL DISTRICT ELECTIONS 2011/CENSUS (=S 38). Filed 2/5/09. *TO CONTINUE TO APPLY SPECIAL RULES TO MUNICIPAL REDISTRICTING AFTER THE 2010 CENSUS THAT APPLY TO ELECTIONS SCHEDULED FOR 2011.*

Identical to S 38, filed 2/3/09.

Intro. by Goodwin.

GS 160A

March 19, 2009

H 80. MUNICIPAL DISTRICT ELECTIONS 2011/CENSUS. Filed 2/5/09. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS*. Amends GS 160A-23.1 as new title indicates (first edition applied only to 2010 census). Amends GS 163-291(2)a. and GS 163-294.2(c)(1) to apply to notices of candidacy filed in each year following a federal decennial census (rather than only to notices filed in 2001). Amends GS 163-291(2)b. and GS 163-294.2(c)(2) to apply to notices of candidacy filed in each second year following a federal decennial census (rather than only to notices filed in 2002). Makes conforming and technical changes.

June 17, 2010

H 80. BAN ELECTRONIC SWEEPSTAKES (NEW). Filed 2/5/09. Senate committee substitute deletes all provisions of 2nd edition and replaces it with *AN ACT TO BAN THE USE OF ELECTRONIC MACHINES AND DEVICES FOR SWEEPSTAKES PURPOSES*.

Enacts new GS 14-306.4 to make it unlawful for any person to own, lease, or have possession of and operate an electronic machine or device; or to allow for operation of an electronic machine or device; or to own, lease, or have possession of and place into operation an electronic machine or device to conduct a sweepstakes or to engage in any process or activity associated with a sweepstakes, unless specifically authorized by an exception in the section. Defines *electronic machine or device*, for the purposes of the section, as anything that uses energy and is capable of displaying information on a screen or other mechanism that can be viewed by a person to (i) enter a sweepstakes or (ii) engage in any activity or process associated with the sweepstakes, including viewing information which would notify the person that the person is eligible, will receive, or is entitled to receive a prize. Applies to electronic machines or devices whether or not they fall within a list of detailed criteria. Also defines *sweepstakes*, for purposes of the section, as any game, advertising scheme or plan, or other promotion, which, with or without payment of any amount, a person may enter to win or become eligible to receive any prize, where that determination is based on chance.

Excepts from the prohibition against using electronic machines or devices for sweepstakes activities provided for under GS 14-306(b)(1) (pertaining to games for amusement and skill that do not create a record capable of being redeemed). Also excepts certain sweepstakes-related activities, when the electronic machine or device is used only by the person conducting the sweepstakes for information-gathering, notification, and similar purposes, provided the sweepstakes complies with all specified requirements. Excepts sweepstakes that require entry with a customer reward card at a cash register capable of calculating sales and use tax, in conjunction with the purchase of a good or service, by scanning the card, using the customer's phone number associated with the card, or by otherwise electronically transmitting a person's identifying information, provided the sweepstakes also complies with specified requirements including that the entrant is notified of the prize at a later date.

Provides that it is the intent of the proposed section to prohibit any electronic machine or device or other mechanism that seeks to avoid application of the section through subterfuge or pretense. Further provides that it is the intent to allow a person to enter a sweepstakes by providing that person's identifying information, and to allow a person conducting a sweepstakes to notify an entrant of status or outcome.

Declares that the section does not make illegal any lawful activity conducted on Indian lands under an approved Tribal-State Gaming Compact, any lottery game lawfully conducted in accordance with the NC State Lottery, or any lawfully conducted raffle or bingo game.

Specifies that each violation of the proposed section will be considered a separate offense. Makes any person violating the section guilty of a Class 1 misdemeanor for the first offense, guilty of a Class H felony for the second, and guilty of a Class G felony for the third and any subsequent offenses. Directs any electronic machine, device, or other property used in violation of the section to be seized and disposed of.

Amends GS 14-306(a) (defining slot machines) and GS 14-306.1A(b) (defining prohibited machines) to include additional forms of payment applicable to those definitions.

Includes whereas clauses.

Effective December 1, 2010, and applies to offenses committed on or after that date.

June 21, 2010

H 80. BAN ELECTRONIC SWEEPSTAKES. Filed 2/5/09. House amendment makes the following changes to 3rd edition.

Amends proposed GS 14-306.4 to make it unlawful for any person to operate, or place into operation, an electronic machine or device to either (1) conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize or (2) promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or a prize reveal (was, to make it unlawful for any person to own, lease, or have possession of and operate an electronic machine or device; or to allow for operation of an electronic machine or device; or to own, lease, or have possession of and place into operation an electronic machine or device to conduct a sweepstakes or to engage in any process or activity associated with a sweepstakes, unless specifically authorized by an exception). Amends the definition of *electronic machine or device* to mean a mechanically, electrically, or electronically operated machine or device that is owned, leased, or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. Also adds criteria to the list applied to electronic machines or devices regulated under the section. Adds the definition of *entertaining display* as visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play, and includes a list of non-exclusive examples. Adds that a *prize* under the section can also be a credit.

Deletes the exceptions to the electronic machine or device ban, as provided in the previous version, and removes the intention language, allowing a person to enter or to conduct a sweepstakes. Also removes declarations that the section would not make illegal any lawfully conducted lottery game, raffle, or bingo game.

Removes provision directing that any machine, device, or property used in violation of the section be seized and disposed of. Adds new section amending GS 14-298 (seizure of illegal gaming items) to provide for seizure of any electronic machine or device using an entertaining display in violation of proposed GS 14-306.4.

Adds new section to provide that nothing in the act will make lawful any machine or device that is unlawful under another provision of law. Provides that prosecutions for offenses committed before the act's effective date are not abated or affected, and any statutes that would be applicable but for this act remain applicable to those prosecutions.

Makes other clarifying and conforming changes.

July 28, 2010

SL 2010-103 (H 80). BAN ELECTRONIC SWEEPSTAKES. AN ACT TO BAN THE USE OF ELECTRONIC MACHINES AND DEVICES FOR SWEEPSTAKES PURPOSES. Summarized in *Daily Bulletin* 2/5/09, 3/19/09, 6/17/10, and 6/21/10. Enacted July 20, 2010. Effective December 1, 2010.