



August 30, 2012

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Whether Fundraising Raffles Are Permissible Under O.C.G.A. § 16-12-22.1

During each election cycle, the question of whether a raffle may be used for the purpose of fundraising is inevitably raised. In Georgia, raffles are only permissible if they are conducted pursuant to the requirements of O.C.G.A. § 16-12-22.1. Under this statute, only “nonprofit, tax exempt organizations” may operate a raffle. “Nonprofit, tax exempt organizations” are defined to include churches, schools, civic organizations, or related support groups; nonprofit organizations qualified under Section 501(c) of the Internal Revenue Code; or bona fide nonprofit organizations approved by the sheriff in the county where the nonprofit organization is located. O.C.G.A. § 16-12-22.1(b)(1), (2).

No raffle may be operated by any nonprofit, tax exempt organization until it has first obtained from the sheriff a license authorizing the raffle. O.C.G.A. § 16-12-22.1(c). Normally, in order to obtain the required annual license, the nonprofit, tax exempt organization must pay an annual fee not to exceed \$100.00 and submit a detailed application on a form prescribed by the sheriff. O.C.G.A. § 16-12-22.1(d)(1), (2). The sheriff must refuse to grant any raffle license to any applicant who fails to provide the required information in the application. O.C.G.A. § 16-12-22.1(d)(3). Also, by making application for a license, every applicant consents that the sheriff, as well as any of his agents, together with any prosecuting attorney, as well as any of his agents, may come upon the premises of any licensee or upon any premises on which any licensee is conducting a raffle for the purpose of examining the accounts and records of the licensee to determine if a violation of this Code section has occurred. O.C.G.A. § 16-12-22.1(e) (2). Additionally, all those who obtain a raffle license must submit a detailed annual report disclosing all receipts and expenditures relating to the operation of the raffles conducted in the previous year. O.C.G.A. § 16-12-22.1(j).

However, the sheriff is authorized to waive the application requirement, license fee, and annual report if the sheriff receives written evidence of the bona fide nonprofit, tax-exempt status of the applicant organization and the organization intends to hold no more than three (3) raffles in a calendar year. O.C.G.A. § 16-12-22.1(g). In such case, the sheriff is authorized to issue a special limited license to the nonprofit, tax-exempt organization. *Id.*

Regardless of which license is issued, the licensee is required to (a) own all the equipment used to conduct a raffle or lease such equipment from an organization that is also licensed to conduct a raffle; (b) display its raffle license conspicuously at the location where the raffle is conducted; (c) conduct raffles only as specified in the licensee’s application; and (d) not conduct more than one raffle during any one calendar day. O.C.G.A. § 16-12-22.1(k)(2). A licensee is also required to maintain detailed records concerning the raffle for at least three years from the date on which the raffle was conducted. O.C.G.A. § 16-12-22.1(k)(1).



State Prosecution Support

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Any licensee must also be aware that the sheriff may promulgate rules and regulations which the sheriff deems necessary for the proper administration and enforcement of O.C.G.A. § 16-12-22.1 as long as they are not in conflict with any provision of the Code section. O.C.G.A. § 16-12-22.1(l).

Finally, any person who operates a raffle without a valid license issued by the sheriff commits the felony offense of commercial gambling. O.C.G.A. § 16-12-22.1(m). Similarly, any person who knowingly aids, abets, or otherwise assists in the operation of a raffle for which a license has not been obtained legally, commits the offense of commercial gambling. *Id.* Any person who violates any other provision of O.C.G.A. § 16-12-22.1 commits a misdemeanor of a high and aggravated nature. *Id.*