



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2013-10K

Implementing Rules Setting Forth Requirements for Registration of a Sweepstakes Conducted with Use of a Sweepstakes Terminal Device, Monthly Reporting, Semi-Annual Reporting and for a Certification of Compliance

WHEREAS, on May 22, 2013, the 130th General Assembly passed House Bill 7 to amend Chapter 2915 of the Ohio Revised Code (“the amendments”), pertaining to the conduct of sweepstakes in Ohio. The amendments set forth prohibited activities related to the conduct of, or participation in the conduct of a sweepstakes with the use of a sweepstakes terminal device, including cash prizes and prizes with a value of over \$10 dollars. The amendments authorize, subject to satisfying the conditions in rules to be adopted by the Office of the Ohio Attorney General, the conduct of a sweepstakes with the use of a sweepstakes terminal device.

WHEREAS, the amendments require persons who conduct sweepstakes with the use of a sweepstakes terminal device to obtain a certificate of registration from the Office of the Ohio Attorney General (“OOAG”) and submit the appropriate documentation and filing fees. The amendment requires the OOAG to adopt rules concerning the requirements for an application for registration and for submission of monthly reports by registrants.

WHEREAS, the amendments allow exemptions for persons that apply to the OOAG for a certification of compliance, effective for one year, if the applicant demonstrates, in accordance with criteria established in the amended law and rules to be adopted by the OOAG, that the applicant is not operating a sweepstakes terminal device facility. Those who receive a one-year certification of compliance also must submit semi-annual reports to the OOAG, the contents of which are to be specified by rules adopted by the OOAG.

WHEREAS, the amendments and the rules adopted by the OOAG allow the OOAG to better enforce Ohio Gambling Law. These rules must be enacted immediately, to allow the State, through the OOAG, to apply the rules as contemporaneously as possible with the effective date of the amended statute. Applicants cannot apply to register sweepstakes by use of a sweepstakes terminal device or apply for a certification of compliance until the OOAG enacts rules that set forth the requirements for such registration or certification.

WHEREAS, Ohio courts have determined that the use of sweepstakes terminal devices constitute illegal gambling. Those operating sweepstakes terminal devices contrary to Ohio law are subject to criminal prosecution and conviction. The absence of immediately effective rules

implementing the amended law regarding sweepstakes terminal devices potentially would allow illegal gambling to continue.

WHEREAS, Ohio law, at Section 119.03(F) of the Ohio Revised Code, authorizes the Governor, on the request of an agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment, or rescission of the rule. When such a determination is made, the agency may immediately adopt that rule, but the rule is only valid for 90 days.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio Attorney General, that an emergency exists requiring the immediate adoption of Rules 109:9-1-01, 109:9-1-02, 109:9-1-03, and 109:9-1-04 of the Ohio Administrative Code, so that the OOAG may put those rules into place to implement the House Bill 7 amendments concerning the conduct of sweepstakes in Ohio. Further, I hereby order that the normal rule-making procedures prescribed by Section 119.03 of the Ohio Revised Code shall be suspended with respect to the adoption of Rules 109:9-1-01, 109:9-1-02, 109:9-1-03, and 109:9-1-04 of the Ohio Administrative Code, and the OOAG shall be permitted to immediately amend those rules by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review. Further, I hereby order that this Executive Order shall be filed in electronic form with the Office of the Attorney General, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on October 18, 2013, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State