

GENERAL DRAWING RULES AND PROCEDURES



NEW MEXICO LOTTERY AUTHORITY

These rules, policy and procedures entitled "General Drawing Rules and Procedures" approved, amended and adopted by the New Mexico Lottery Authority Board of Directors on the 4th day of May, 2001.

s/Peggy O. Roberts, Board Chair

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New Mexico Lottery Authority General Drawing Rules and Procedures

A. Purpose of Rules and Procedures

The purpose of these rules and procedures as contained herein and adopted by the Board of the New Mexico Lottery Authority (Board) is to promote the security and integrity of second chance, bonus, and/or promotional drawings (drawing) conducted by the New Mexico Lottery Authority (NMLA or Lottery). These rules and procedures shall apply, unless otherwise specified, in addition to specific drawing information required.

B. Responsibilities of Authority

The Chief Executive Officer (CEO) of the NMLA or designee is hereby authorized to create or have created, approve, and promulgate specific information and procedures regarding each individual drawing as may be required herein. The CEO shall require staff of the NMLA to provide, on a form approved by the CEO, information and procedures specific for the drawing. The specific information shall be entitled as the name of the second chance, bonus, or promotional drawing and shall be available to the public.

C. Draw Information

At a minimum, and in addition to other information that may be required as a result of the specific drawing being held, the information regarding drawings shall contain the following:

1. the type and purpose of the drawing,
2. date and time of the drawing,
3. location of the drawing,
4. eligibility for the drawing,
5. collection and method of entries,
6. deadline for submission of entries,
7. specific drawing procedures (if any),
8. prize delivery and notification,
9. and the claiming of prizes.

If the individual draw information is not specified in the individual drawing rules, the rules and procedures as contained herein shall apply and be implemented. Drawing procedures contained in Exhibit One may be referenced and utilized.

D. Authorized Entry Forms

Unless otherwise specified, only NMLA authorized instant tickets, as specified on the individual drawing rules, NMLA on-line game ticket stock, or other NMLA entry forms, including internet implemented options, as specified by the individual drawing rules, may be used to enter drawings.

E. State Law

The NMLA shall abide by all statutory requirements contained in the New Mexico Lottery Act, 6-24-1 through 6-24-34 NMSA1978 annotated, as well as any other Board adopted rules and procedures regarding drawings.

F. Pre-Draws

If deemed necessary due to the amount of entries received, the NMLA may conduct pre-draws as determined by the specific promotion or draw being conducted. The pre-draws may be conducted at the conclusion of receipt of entries for one week or daily, as required or as may be necessary. Pre-drawn entries will not be qualified unless otherwise specified.

G. General Drawing Procedures

The NMLA will designate an individual to select qualified winner(s) and qualified alternates. This individual will not be a New Mexico Lottery Authority Board Member or employee of the New Mexico Lottery Authority. To ensure the entry qualifies, the internal auditor or designee and Lottery security will check the entry drawn, and then the alternate entries drawn. The entries submitted must all be filled out with the players name along with an address or telephone number, legibly written, and a signature when required. Address stamps or labels are acceptable, provided however that if a signature is required as a part of the drawing rules, the entrant must also sign the entry. Lottery security shall document the qualified entries in the order they are drawn for both the winning entry and the alternates.

1. For the drawing to be held, a member of the chief executive's staff, specifically Lottery security and the internal auditor or designee, shall inspect the drawing container and necessary equipment to be used in the drawing.
2. The internal auditor, or designee, shall also be present and observe the drawing as it is conducted.
3. Lottery security shall videotape the drawing.
4. All entries received or those selected pursuant to section F, Pre-Draws, shall be collected and placed in a secured drawing container by Lottery security or collected and secured as specified.
5. Subject to the pre-draw procedures referenced above, security agents shall mix the entries in the container. When the entries have been mixed, the individual designated by the NMLA will draw out the first entry and hand it to Lottery security who will qualify and document it as the winning entry. The internal auditor or designee will verify the entry.
6. If the first entry drawn is deemed ineligible or unqualified, another entry shall then be drawn until a qualified entry has been drawn.
7. The internal auditor or designee will then hand the qualified entry to a Lottery representative who will announce the winner.

8. The designated representative will then draw the first alternate if required. Lottery security and the internal auditor or designee will again qualify and document the entry.
9. The second and subsequent alternates, if any, will be drawn according to the same procedure.
10. Names and information regarding alternates will not be disseminated without authorization of the CEO.
11. All other entries will be destroyed within five (5) working days by Lottery security.
12. Information regarding disqualified entries will not be disclosed without authority from the CEO.
13. In the event more than one prize will be awarded, the NMLA will determine the order in which the prizes will be awarded prior to the drawing.
14. The total number of winners for the prizes to be awarded will be selected and the required number of alternates will be drawn after each initial winner is drawn.

H. Drawing Procedures Exhibit One

The NMLA reserves the right to utilize the procedures as specified in Section G or any of the procedures as specified in Exhibit One attached hereto. If procedures from Exhibit One are utilized, the individual draw shall reference the draw procedures to be used from Exhibit One. The names referred to in Exhibit One may vary from the actual draw name and the information may be customized as applicable to the specific game.

I. Prize Delivery and Notification

The individual whose name appears on the winning entry drawn shall be notified by telephone, certified mail, or other delivery service (receipts or tracking required) at the telephone number or address provided by the individual, by the NMLA within fourteen (14) days after the drawing in which the prize was won, barring no unforeseen circumstances.

J. Claiming of Prizes

The winner(s) selected must file a claim for their prize in person at Lottery Headquarters. The prize must be claimed within ninety (90) days after notification is documented to have occurred or been attempted. Any winner that fails to claim their prize within the ninety days after notification has been sent is deemed to have forfeited their claim or right to that prize, regardless of the reason the prize was not claimed. The alternates, in the order they were selected, shall then be contacted until the prize is given away. After the prize is awarded, the Lottery bears no further responsibility. The Lottery is not responsible in anyway for any problem or dissatisfaction with the prize, including but not limited to warranty or other issues. Any prize not claimed shall be disposed of as permitted by law.

K. Power of Attorney

If permitted by individual draw procedures, a finalist may assign another individual to be present on their behalf to participate in and/or claim a prize on behalf of the finalist. In such cases, Exhibits 4 & 5 regarding “Power of Attorney” must be completed and received by the NMLA as may be required.

L. Former Employees

Former employees, Board members, or family members residing in their residences may not participate in any drawing if that former employee or Board member may have had direct decision making authority relating to that drawing or promotion. Provided however nothing contained in this section shall apply to drawings or promotions that are initiated after the final date of the former employee’s employment or Board member’s service.

M. Names, Photographs, and Information

Prize entrants, by entering any drawing, acknowledge that the NMLA may utilize their photograph, name(s) and/or information for marketing and promotional purposes.

N. Post Drawing Procedures

Lottery security will retain all relevant documentation for 60 days from the date of the delivery of any prize. Lottery security will dispose of all entries after each drawing is held except as specified herein.

O. Lost, Stolen, and Misdirected Entries

The Lottery is not responsible for lost, stolen or misdirected entries.

P. Drawing Entries Have No Monetary Value

The tickets, ticket stock or entry form submitted as entries in this drawing are solely for the purpose of entering the prize drawing and have no monetary value.

Q. No Assignment of Rights to Prize

The right to a prize may not be sold, transferred or assigned in any manner prior to delivery.

R. No Cash Option

The NMLA will not offer the option of choosing the cash value of any prize for any NMLA games or drawings unless otherwise specified.

S. Taxes and Associated Costs

The NMLA is not responsible for any taxes, travel, or other costs or expenses associated with the winning or claiming of the prize unless clearly specified as part of the promotion.

T. Right to Change Drawing Rules and Procedures

The NMLA reserves the right to change the location, date or time of any drawing conducted or to make any other change or amendment advisable. In the event of inclement weather or other unforeseen circumstances the NMLA reserves the right to change the date, time and location of the drawing. The NMLA reserves and maintains the right to amend, rescind or otherwise make changes to these or any other NMLA policies, rules, or procedures at any time.

U. Time References

All references to time in these rules refer to Mountain Time.

V. Checking Entries for Misplaced or Winning Prize Tickets

The NMLA will not check any ticket entries for tickets that may be winners or that may validate.

W. Actual Prize May Vary

The prize awarded may vary from promotional materials.

X. Rules

In addition to the rules and procedures contained herein, all NMLA policy, procedures, rules, and regulations shall apply, as well as applicable New Mexico State Statutes.

Y. Force Majeure

NMLA shall not be liable for any delay in, or failure of, performance of any covenant contained herein, nor shall any such delay in, or failure of, performance constitute default hereunder, or give rise to any liability or damages if, and only to the extent that, such delay or failure is caused by "Force Majeure". As herein used, Force Majeure means illegality or any other cause that is beyond the control of the party affected and which, by the exercise of reasonable diligence, said party is unable to prevent. The existence of such causes of delay or failure shall extend the period for performance to such extent as may be necessary to enable complete performance in the exercise of reasonable diligence after the causes of delay or failures have been removed.

Z. Drawings are Open to the Public

The New Mexico Lottery Act requires that all drawings be open to the public. The statute does not mandate that the Authority allow broadcasting, videotaping, recording or other means of reproduction of drawings by anyone other than the NMLA. Due to the security and integrity of the drawings and the potential for unqualified entries to be drawn, broadcasting, videotaping, recording or other means of reproduction of the drawings may be prohibited except when authorized by the NMLA. The NMLA may allow media stations to videotape and/or air the drawings if done in conjunction with the NMLA and

as a part of the promotional event and when conducted in accordance with drawing rules and procedures.

AA. Conduct of Participants

No person apparently or visibly intoxicated, whether by drugs or alcohol, or otherwise acting inappropriately or in a manner that may be deemed a hazard or disruptive to the public, other participants or the staff, may be permitted to participate in the event and may be disqualified and removed from the premises. An alternate may be chosen to participate in lieu of the finalist if circumstances warrant and as permitted by individual drawing rules.

BB. Exceptions

Drawings may be exempt from these rules and procedures if permitted by state law or as specified herein. These rules do not necessarily apply to wheel spins or promotional drawings held at retailer locations by NMLA staff or when held in conjunction with a buy x receive y type of promotion. The General Drawing Rules and Procedures are not applicable to individual drawings adopted by the Board.

CC. Compliance

Any entry submitted in violation of law or these rules shall not be eligible for any prizes or consideration if selected as a winner. Failure on the part of any NMLA staff to fulfill all requirements contained herein as well as any draw specific requirements as adopted by the CEO or designee may result in disciplinary action.

DD. Modification of Forms

The Authority as necessary or as required by law may change forms, as contained herein or referenced.

**New Mexico Lottery Authority
Drawing Policy
Exhibit 1:**

General Procedures

Regardless of the drawing procedures utilized as outlined herein, the following procedures shall universally apply:

1. For the drawing to be held, Lottery security and the internal auditor or designee shall inspect the drawing container and necessary equipment to be used in the drawing.
2. The internal auditor, or designee, shall be present and observe the drawing as it is conducted.
3. Lottery security shall videotape the drawing.
4. Names and information regarding alternates will not be disseminated without authorization of the CEO.
5. Information regarding disqualified entries will not be disclosed without authority from the CEO.
6. All other entries will be destroyed within 5 working days.

“Spell It” Drawing Procedures

One qualified winner and three qualified alternates will be selected by an individual, who is not a New Mexico Lottery Authority Board Member, and who will be selected by the NMLA. To ensure they qualify, the internal auditor or designee and Lottery security will check the entry drawn, and then check the alternate entries drawn. In order to qualify, entries must be from the specific SCRATCHER ticket stubs and contain the proper number of individual and correct letters that spell the designated word. Entries must include the player's name along with an address or telephone number, legibly written or printed on a piece of paper or on the form provided by the lottery. Lottery security shall document the qualified entries in the order they are drawn for both the winning entry and the three alternates.

1. All entries received or those selected pursuant to section G, Pre-Draws, shall be collected and placed in the drawing container by Lottery security agent(s).
2. Subject to the pre-draw procedures referenced above, security agents shall mix the entries in the container. When the entries have been mixed, the individual designated by the NMLA will draw out the first entry and hand it to security agents who will qualify and document it as the winning entry. The internal auditor (or designee) will verify the entry.
3. The internal auditor or designee will then hand the entry to a Lottery representative who will announce the winner.
4. The individual designated by the NMLA will then draw the first alternate. Lottery security and the internal auditor or designee will again qualify and document the entry.

5. The second and third alternates will be drawn according to the same procedure.

Specific Game(s) Drawing Procedures

The NMLA will designate an individual to select one qualified winner and three qualified alternates. This individual will not be a New Mexico Lottery Authority Board Member or employee of the New Mexico Lottery Authority. To ensure they qualify, the internal auditor or designee and Lottery security will check the entry drawn, and then check the alternate entries drawn. In order to qualify, a specified number of non-winning tickets from the specified game(s) must be in an envelope not to exceed a regular business envelope (4.125" x 9.5"). An entry can be made up of the specified number of non-winning tickets from each game or a combination of games specified. The backs of all tickets must be filled out with the player's name along with an address or telephone number, legibly written. Address stamps or labels are acceptable. Lottery security shall document the qualified entries in the order they are drawn for both the winning entry and the three alternates.

1. All entries received or those selected pursuant to section G, Pre-Draws, shall be collected and placed in the drawing container by Lottery security agent(s).
2. Subject to the pre-draw procedures referenced above, security agents shall mix the entries in the container. When the entries have been mixed, the individual designated by the NMLA will draw out the first entry and hand it to Lottery security who will qualify and document it as the winning entry. The internal auditor or designee will verify the entry.
3. The internal auditor or designee will hand the entry to a Lottery representative who will announce the winner and the prize.
4. The designated representative will then draw the first alternate. The security agent and the internal auditor or designee will again qualify and document the entry.
5. The second and third alternates will be drawn according to the same procedure.
6. If there are multiple prizes requiring multiple winners, steps 2 through 5 will be followed for each prize level.

Multiple Promotional Drawing Procedures

1. All of the entries received during a specified date and time period will be combined and placed into the drawing drum for the first drawing to be held on the date and at the time specified. Entries received thereafter may be added to the drawing drum for any subsequent weekly drawings, if applicable.
2. Beginning on a date specified and continuing weekly, if applicable, for the duration of this promotion, one qualified winner and one qualified alternate will be selected from the drawing container. To ensure they qualify, the

internal auditor or designee and Lottery security will check the entry drawn, and then check the alternate entry drawn. In order to qualify, the player's name along with an address or telephone number must be legibly written or printed on the back of the specified entry form. Lottery security shall document the qualified entries in the order they are drawn for both the winning and the alternate entries.

3. If the first entry drawn is deemed ineligible, another entry shall then be drawn until a qualified entry and a qualified alternate has been drawn. The NMLA will notify the winner of their prize.
4. On the date of the final drawing, the entries will be thoroughly mixed in the drawing container and a qualified winner and qualified alternate entries will be drawn as specified in step 2.

Large Event Drawing Procedures

One qualified winner and three qualified alternates will be selected by an individual, who is not a New Mexico Lottery Authority board member, and who will be selected by the NMLA. To ensure they qualify, the internal auditor or designee and Lottery security will check the entry drawn, and then check the alternate entries drawn. In order to qualify, the player's name along with an address or telephone number must be legibly written or printed on the back of the appropriate entry form. Lottery security shall document the qualified entries in the order they are drawn for both the winning entry and the three alternates.

1. All entries received or those selected pursuant to section G, Pre Draws, shall be collected and placed in the drawing container by Lottery security.
2. Subject to the pre-draw procedures referenced above, security agents shall mix the entries in the container. When the entries have been mixed, the individual designated by the NMLA will draw out the first entry and hand it to security agents who will qualify and document it as the winning entry. The internal auditor or designee will verify the entry.
3. The internal auditor or designee will then hand the entry to a Lottery representative designated by the NMLA who will announce the winner.
4. The individual designated by the NMLA will then draw the first alternate. Lottery security and the internal auditor or designee will again qualify and document the entry.
5. The second and third alternates will be drawn according to the same procedure.

2nd Chance Grand Prize Elimination Drawing Procedures

Drawing Procedures For the Finalist Drawing:

The NMLA will secure the cooperation of a "citizen" to do the actual drawing. The citizen shall draw one (1) entry at a time to a maximum of ten (10) qualified entries total. Once the citizen witness has drawn ten (10) qualified entries, the

citizen witness shall draw three additional qualified entries for alternates. To ensure they qualify, the internal auditor or designee and security will check the entries drawn for the finalists, and then check alternates. Lottery security shall document the qualified entries in the order they are drawn for both the ten finalists and three alternates. The drawing shall be videotaped.

Pre-Draws:

If deemed necessary due to the amount of entries received, pre-draws may be conducted. The pre-draws may be conducted at the conclusion of receiving entries. The process shall be consistent with the drawing procedures for the finalist drawing except, security shall not keep track of the entries chosen or the order they were drawn. A maximum of 50 entries may be drawn but no less than 25. Any pre-draw conducted will be done in the New Mexico Lottery facility and videotaped. Entries for pre-draws shall be placed into a sealed container by security and the internal auditor or designee and kept secured until the finalist drawing is held.

Grand Prize Drawing Briefing:

Each finalist and alternate that has chosen to continue participation in the drawing must meet Lottery officials at the New Mexico Lottery Authority complex, 4511 Osuna Rd., NE Albuquerque, New Mexico, on the date and at the time specified. Finalists that appear after the specified time, Mountain Time, will be considered late and no longer eligible to participate. Time will be determined by lottery officials and their decision is final. An alternate will be activated to participate in lieu of the late or no-show finalist. Finalists and alternates must bring identification.

Lottery officials will verify the finalists and alternates that are present. Lottery staff will brief the participants regarding how the drawing will be conducted. At the conclusion of the briefing, lottery staff may escort the participants to the drawing site. Lottery staff may also escort participants back to the Lottery. (General insurance coverage protects up to \$5,000 in medical in the event of an accident. Other liability claims would fall under other liability insurance coverage.)

Drawing Procedures for the Grand Prize Drawing:

1. For the "Grand Prize" drawing to be held on the date specified, the security agent and the auditor or designee shall prepare the drawing container and necessary equipment to be used in the drawing.
2. Each of the participating finalists shall print their name on a form provided by the Lottery. The participants must place their form in a hollow container that will be sealed by Lottery security. The container will then be placed into a non-transparent bag. The bag, containing the hollow container with the participant's name, will be placed into the transparent drawing drum by security. The internal auditor or designee shall witness the process.

3. A representative as designated by the NMLA will mix the drum. Upon the drum being thoroughly mixed, each participant shall select one bag from the drum. The participants will, in the order first selected during the finalist draw, choose and hang their chosen bag onto a board created by the sales and marketing division. The board will have ten hooks or holding devices, nine of which will be identified by a monetary prize and a tenth device for the grand prize. The participant will place their bag onto the monetary or grand prize hook on the board based upon the participant's belief that they have chosen the bag with their name inside the container. The participant is choosing not only the bag, but also which prize they believe they will win if the bag contains their name.
4. Only one (1) bag may be placed onto a hook or holding device and no bag may be moved once it is placed onto the hook or holding device.
5. Once the participants have placed all bags onto the board, a designee chosen by the NMLA shall open each bag, beginning with the lowest monetary amount and proceed to the higher monetary amounts to be awarded. As each bag is opened, the name contained inside shall be announced and that participant asked to step onto the staging area. The announced winner shall receive a large "promotional check" (no monetary value) during the public drawing. The winners will receive their actual checks upon returning to the lottery complex after the drawing events have concluded.
6. After the first eight prizes have been announced, the designee may then ask the remaining two participants to step onto the staging area. The designee shall then open the bag for the highest monetary prize to be awarded and announce the winner. The designee shall then open the bag for the grand prize winner and announce the grand prize winner.
7. The designee must hand each form with the participant's name to a security agent after announcing the winner for that prize. Lottery security and the internal auditor or designee shall verify and document the name and prize amount for that participant.

Alternates:

In order to be eligible to participate in the grand prize drawing, the finalist must be present at the site of the drawing. In the event any finalist chooses not to appear or fails to appear at the place, date and time as designated for this drawing, then the first alternate drawn shall be eligible to participate. If two or more finalists refuse or fail to participate, then the second and subsequent alternate may participate.

Merchandise Drawing Procedures For the Drawings

The NMLA staff, in the presence of both the internal auditor or designee and Lottery security, shall open all properly addressed envelopes and deposit the entries into the designated drawing container for the actual draws.

The NMLA may elect to not open envelopes to deposit entries. In that event, entries must be in an envelope not to exceed a standard business size envelope (4.125" x 9.5") and the envelopes will be placed into the draw containers.

The NMLA shall secure the cooperation of a "citizen" to do the actual drawing. The citizen shall draw one (1) entry at a time. The internal auditor or designee and Lottery security will verify that the entry drawn qualifies. The citizen witness shall draw a specified number of winners. Lottery security shall document the entries in the order they are drawn. The drawing shall be videotaped.

After all qualified winner names have been drawn; the citizen witness shall draw three qualified alternate names. In the event any one or more of the three winners is not qualified or fails to participate, the alternates, in the order drawn, shall be moved into the vacant winner position.

Pre-Draws:

If deemed necessary due to the amount of entries received, the NMLA may conduct pre-draws. Any pre-draw conducted will be done at a location designed by the NMLA and videotaped. Entries from pre-draws shall be placed into a sealed container by Lottery security and the internal auditor or designee and kept in a secured location until the drawing is held.

**New Mexico Lottery Authority
Exhibit 3 - Drawing Procedures**

Name of Draw: _____

Type of Draw: _____

Purpose of Draw: _____

Location of Draw: _____

Date of Draw: _____ **Time of Draw:** _____

Other Dates and/or Times for Other Drawings or Requirements: _____

Eligibility for Drawing: _____

Collection/Method of Entries: _____

Deadline to Submit Entries: _____

Drawing Procedures Per Exhibit One: _____

Specific Draw Procedures: _____

Prize Notification/Claiming of Prizes: _____

Prize Delivery: _____

Miscellaneous Information: _____

Manager or Designee

Executive VP of Security or Designee

Ceo or Designee

Exhibit 4 - LIMITED POWER OF ATTORNEY

I, _____ (Name)
reside at _____,
(Address).

I appoint _____ (Name),
who resides at _____, (Address),
to serve as my attorney-in-fact, with the authority to exercise only those powers described herein.

My attorney-in-fact shall have the power to act in my name, place and stead in any way which I myself could do with respect to qualifying for, receiving or collecting any prize awarded to me by the New Mexico Lottery Authority, and to do any of the following, but only as it specifically relates to an award:

- (1) demand or receive money or other thing of value to which the principal is, may become, or claims to be entitled;
- (2) contract in any manner with the New Mexico Lottery Authority, on terms agreeable to the agent, to accomplish a purpose of a transaction, and perform, rescind, reform, release or modify the contract or another contract made by or on behalf of the principal;
- (3) execute, acknowledge and deliver a notice, check, release or other instrument the agent considers desirable to accomplish a purpose of a transaction;
- (4) prosecute, defend, submit to arbitration, settle and propose or accept a compromise with respect to a claim existing in favor of or against the principal;
- (5) perform any duty or discharge any liability and exercise any right, power, privilege or option that the principal has, may have or claims to have concerning a prize or prize option, to the extent permitted by law.

This limited power of attorney becomes effective immediately and shall remain effective only until the distribution to my agent of the prize awarded pursuant to this drawing. This limited power of attorney shall not be effective as to any subsequent drawings or awards.

Dated: _____, 2001 _____
(Signature)

(Optional, but preferred: Your social security number)

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me on _____, 2001, by _____.

(seal) _____
Notary Public

My Commission Expires:
_____.

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