

Referendum Measure No. 34

(Chapter 37, Laws of 1963)

*OFFICIAL BALLOT TITLE

MECHANICAL DEVICES, SALESBOARDS, CARDROOMS, BINGO

AN ACT Relating to licensing by cities, towns and counties of (1) machines or mechanical devices, without automatic payoff mechanisms but permitting the registering and manual transfer of free games; (2) salesboards or sales tickets intended for trade stimulation purposes where merchandise only is dispensed; (3) certain public cardrooms wherein persons engage in games of skill; and providing for filing license applications and prohibiting issuance of licenses unless certain citizenship and residence requirements are satisfied; and authorizing bingo and devices commonly used as trade stimulants at county or state fairs where conducted by and for nonprofit organizations unless prohibited by local authorities.

* Ballot Title Issued by John J. O'Connell, Attorney General.

Vote cast by members of 1963 Legislature on final passage:

SENATE: 49 Members — Yeas, 30; Nays, 19; absent or not voting, 0.

HOUSE: 99 Members — Yeas, 62; Nays, 36; Absent or not voting, 1.

STATEMENT **FOR**

Your vote FOR Referendum No. 34, (Chapter 37, Laws of 1963) is a vote to uphold the decision of your Legislature, and to keep professional gamblers out of our state.

By your vote for this measure you also will:

1. Continue to finance your state and county fairs through present amusement activities.

2. Maintain the worthy fund raising programs supported by your veteran, fra-

ternal, civic, athletic and other non-profit organizations.

3. Maintain an estimated \$3,000,000 in state taxes and \$7,000,000 in local taxes for the next biennium.

4. Continue present economic stability for small business and a sizeable segment of our labor force and their families.

REMEMBER:

Referendum 34 will **not** repeal any laws controlling gambling in our state.

A Vote **FOR Referendum 34 Is A Vote To Keep
Professional Gamblers Out Of Our State.**

COMMITTEE APPOINTED TO COMPOSE STATEMENT **FOR** REFERENDUM NO. 34 (Chapter 37, Laws of 1963)

EDWARD P. RILEY, State Senator
#303, 4th & Pike Bldg., Seattle

DAVID LEVINE, President Emeritus
Seattle City Council, Municipal Bldg.
Seattle

ROBERT G. EARLEY, State Representative
4908 Harbor View Dr., Tacoma

EXPLANATORY COMMENT ISSUED BY THE ATTORNEY GENERAL AS REQUIRED BY LAW

The Law As It Now Exists:

Under the state constitution, the legislature is prohibited from authorizing any lottery. The elements necessary to constitute a lottery are: (1) Prize, (2) consideration,* and (3) chance. By statute the legislature has made it a criminal offense for any person to participate in the conduct of a lottery.

Gambling games wherein any substantial degree of skill or judgment, rather than chance, is involved, are not lotteries. While gambling games are not prohibited by the constitution, the legislature has enacted laws making it a crime for any person to conduct or operate any gambling game or device; to bet money or property on a gambling game or device and to possess any gambling equipment or other articles commonly used for gambling.

*(NOTE: The term "consideration" as it is used in this sense generally is understood to mean the money or price paid for the chance of winning a prize.)

Effect of Referendum Measure No. 34 (Chapter 37, Laws of 1963) If Approved Into Law:

The purpose of this act is to authorize counties, cities and towns to license and thereby permit one or more of the following activities: (1) Mechanical games or devices, without an automatic pay-off mechanism, where the operation depends in any part upon the skill or manual dexterity of the player; provided, the users may not receive a pay-off, but may manually transfer free plays from one device to another; (2) sales board or sales tickets intended for trade stimulation purposes where merchandise prizes only are dispensed; (3) public cardrooms not to exceed eight tables where persons may engage in games of skill, turning any elements of chance to their advantage through knowledge, attention or experience. The act prescribes the procedure for obtaining a license and the qualifications of the licensee. Another section of this act is intended to permit the operation of bingo games and county-fair type games by nonprofit-making groups unless the county, city or town has specifically prohibited the activity; or objects thereto after being notified by the group desiring to conduct the games.

NOTE: Complete text of Referendum Measure No. 34 starts on Page 26.

STATEMENT AGAINST

Your vote **AGAINST** Referendum No. 34 (Chapter 37, Laws of 1963) is a vote **against** legalized commercial gambling. By your vote you can:

- 1. Effectively prevent cash-payoff gambling on pinball machines.
 - 2. Maintain present controls over commercial gambling.
 - 3. Keep gambling from sprouting throughout the state under "local option" licensing.
 - 4. Prevent a flood of gambling devices, including new gambling-type pinball machines, from pouring into our state.
 - 5. Avoid creating a string of legal loopholes for the benefit and protection of commercial gambling operators.
- Keep the present effective laws controlling gambling in force.

A Vote AGAINST Referendum Measure No. 34 Is A Vote AGAINST Legalized Commercial Gambling

COMMITTEE APPOINTED TO COMPOSE STATEMENT **AGAINST** REFERENDUM NO. 34 (Chapter 37, Laws of 1963)

JOHN A. PETRICH, State Senator
815 N. "G" St., Tacoma

HOMER W. HUMISTON, M.D.
607 No. Stadium Way, Tacoma

MRS. FRANCES G. SWAYZE, State Representative
Gig Harbor, Washington

THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS OF THE

COMMITTEE AGAINST LEGALIZED GAMBLING

WILFRED R. WOODS, Chairman
Publisher, Wenatchee Daily World

HAROLD M. TOLLEFSON
Mayor of Tacoma

JUDGE LYLE H. TRUAX
Municipal Court, Vancouver

JAMES A. BLODGETT
Spokane City Councilman

DR. PAT ATTEBERRY
107 Morey Drive, Bellingham

COMPLETE TEXT OF

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* Ballot Title issued by John J. O'Connell, Attorney General.

LEGISLATIVE TITLE
(Senate Bill No. 360)

**MECHANICAL DEVICES, SALESBOARDS, BINGO
EQUIPMENT AND CARDROOMS**

AN ACT Relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

Notwithstanding any other provision of this chapter, it shall be lawful for any person to have in his possession, or permit to be placed in any building or part thereof owned or leased or occupied by him, or to conduct, carry on or operate, whether as owner, manager, agent, clerk or employee, whether for hire or not, or for any person to participate in the use of any machine or mechanical device which is not manufactured or equipped with an automatic payoff mechanism, registers free plays and permits the playing of additional games, the operation of which depends in any part upon the skill or manual dexterity of the player, if said device is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the same is licensed or taxed*.

NEW SECTION. Sec. 2. It shall be unlawful for the user of any device described in section 1 of this act to receive any piece of money, credit, allowance or thing of

value or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value, or which may be given in trade: *Provided*, That this section shall not prevent the registering of free plays and the playing of additional games: *And Provided Further*, That it shall be lawful to transfer manually free plays or games registered on any device described in section 1 of this act, from one such device to another at the same location.

NEW SECTION. Sec. 3. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

It shall be lawful to sell, operate or use, to permit to be operated or used, or to participate in the use thereof, or to possess, exhibit or display any salesboard or sales ticket intended for trade stimulation purposes where merchandise only is dispensed, if said board or ticket is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the same is licensed or taxed*.

NEW SECTION. Sec. 4. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

It shall be lawful to own, operate or conduct or permit to be operated or conducted, or to participate in the operation of any public cardroom not to exceed eight tables wherein persons engage in games of skill, in which success depends upon knowledge, attention, experience, and the skill of the player whereby elements of chance in any such game are overcome, improved or turned to the advantage of the said player, if said cardroom is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the same is licensed or taxed*.

NEW SECTION. Sec. 5. There is added to chapter

9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

It shall be lawful to sell, operate or use or permit to be operated or used, or participate in the use thereof, or to possess, exhibit or display any cards, slips, discs, markers, spheres, or cages intended for use in the game of bingo, or any device commonly used as trade stimulants at county or state fairs, unless such cards, slips, discs, markers, spheres or cages or devices are located in any incorporated city or town or all that portion of any county not included within the limits of incorporated cities and towns where the same are specifically enumerated as unlawful by the legislative body of the governmental subdivision: *Provided*, That such use is conducted by and for the benefit of a bona fide nonprofit charitable, religious, veteran, fraternal, civic, athletic or other nonprofit organization duly existing under the laws of the state of Washington and that the proceeds thereof are not to inure to the profit of any individual: *And Provided Further*, That such organization before conducting such game shall give fifteen days written notice of the time and place thereof to the governing body of the governmental subdivision in which it intends to conduct such game and that such governing body does not pass a resolution objecting thereto.

NEW SECTION. Sec. 6. Before granting a license hereafter under sections 1, 3 and 4 of this act the city, town or county shall first cause a verified application to be filed in duplicate with such city, town or county with copy to be filed with the state director of licenses, containing the full name and address of each person, firm or corporation having an interest, either directly or indirectly, in said license, and other material facts, including a full financial disclosure, which may be deemed appropriate by such local authority, together with a written affidavit by three residents of Washington who shall recommend said applicant and the officers thereof, if a cor-

poration, as being of good moral character. No licenses shall be issued in accordance with the provisions of sections 1, 3 and 4 of this act except to citizens of the United States who have been residents of the state of Washington for at least five years prior to application therefor; or to corporations, all of whose officers and stockholders have fulfilled such residential qualifications.

NEW SECTION. Sec. 7. *Any person, firm or corporation which has been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 shall be qualified and eligible to receive a license under section 5 of this act*.*

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

†**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions, and shall take effect immediately.†

Passed the Senate March 7, 1963.

Passed the House March 7, 1963.

Section 7 and certain items in Section 1, 3, and 4 are vetoed.

ALBERT D. ROSELLINI
Governor of Washington
I hereby refuse to attach my signature of approval to the remainder of the bill.
March 11, 1963.

*Words in italics vetoed by the Governor.

†Sec. 9 invalidated by action of the Supreme Court of the State of Washington, No. 36998 filed April 11, 1963.

VICTOR A. MEYERS, *Secretary of State.*

Governor's Statement Explaining Partial Vetoes and Reason For Allowing Bill to Become Law Without His Signature Is As Follows:

"I am filing herewith to be transmitted to the Senate without my approval as to certain items and without my approval as to certain sections Senate Bill No. 360 entitled:

"An Act relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency."

"Senate Bill No. 360 allows counties, cities and towns to permit the operation of certain amusement devices and authorizes them to license certain games without allowing gambling.

"Section 1, page 1, line 19, contains the words 'or taxed.' Section 3, page 2, line 11, contains the words 'or taxed.' Section 4, page 2, line 22, contains the words 'or taxed.' I hereby veto these items in Sections 1, 3 and 4 to make it plain that the non-gambling activities permitted under this statute may be exercised only by such municipal subdivisions of the state as are willing to license the respective activities or devices.

"Section 7 would permit persons, firms, or corporations which had been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 to become automatically eligible to receive a bingo, state fair or similar license.

I believe that each licensee under this act should be carefully scrutinized and only those persons who are citizens of the United States and who have been residents of the State of Washington for at least five years prior to application should be allowed to obtain licenses under this act. In the case of firms or corporations, I believe all officers and stockholders should first fulfill the residence requirements provided in Section 6 of the statute.

"I have full faith and confidence that the local licensing authorities will, by resolution or ordinance, place additional stringent requirements concerning character, morality and good reputation of all persons seeking to be licensed by them. As to whether or not all or any part of the activities permissible under this statute shall be exercised is a matter which this bill places entirely upon the local executive and law enforcement agencies.

"For the reasons indicated, the items previously quoted from Sections 1, 3 and 4 of the act are vetoed. Likewise, Section 7 of Senate Bill No. 360 is vetoed. I will allow the remainder of the bill to become law without my signature, in accordance with the additional explanation appended to the bill and to this message."

Respectfully submitted,

ALBERT D. ROSELLINI,
Governor.