



NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

## Permitting the Authorization of Lotteries

Shall Article II, section 24 of the state constitution be amended to repeal the present total prohibition against any lottery and to substitute a qualified prohibition which would allow lotteries of any sort to be conducted after there has been specific authorization by (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon?

Vote cast by members of the 1971 Legislature on final passage:  
SENATE: (49 members) Yeas, 43; Nays, 5; Absent or not voting, 1.  
HOUSE: (99 members) Yeas, 80; Nays, 15; Absent or not voting, 4.

## Statement for

### The Need

In order to legalize bingo and raffles in this state—games which are very popular here and throughout the world—it is necessary to pass Senate Joint Resolution No. 5. Approval of this resolution will also clear the way for the legislature to consider a public benefit state lottery similar to those already in operation in several other states.

### The Background

Bingo and raffles have recently been declared illegal by the state courts under the anti-lottery provision of the 1889 state constitution (Article II, section 24).

These games have been widely enjoyed by senior citizens, religious, veterans and fraternal groups as well as social, community, and country clubs and other nonprofit groups and have been of considerable financial benefit to them. It is safe to say that a great majority of the voters in this state have enjoyed these pastimes at one time or another.

The legislature has always had the constitutional power by majority vote to regulate gambling activities which involve an element of skill such as dominoes, poker, and other card games; but the anti-lottery provision of the state constitution has been construed by our highest court to prevent the legislature from authorizing any activity which does not involve a substantial amount of skill and does possess all three of the following elements: (1) prize, (2) chance, and (3) consideration.

In the social climate of 1972, the 1889 prohibition of lotteries is obsolete.

### Great Protection Against Abuse

SJR 5 provides great protection against abuse by requiring a 60 percent vote of the members of each house of the legislature or, in case of authorization by the referendum or initiative, a 60 percent vote of the electors voting thereon. SJR 5 leaves the people at all times in full control.

### Substantial Revenue

Indeed, with appropriate licensing, substantial revenue will be produced.

VOTE "YES" FOR SJR 5!

*Committee appointed to compose statement FOR Senate Joint Resolution No. 5:*

GORDON L. WALGREN, Sponsor and State Senator, 23rd Legislative District, Bremerton; JAMES P. KUEHNLE, State Representative, 4th Legislative District, Spokane; and ROBERT W. TWIGG, State Senator, 7th Legislative District, Spokane.

*Advisory Committee:* ALFRED J. SCHWEPPE, Attorney, Past President, Washington State Bar Association, Seattle; DR. A. E. GUNDERSON, Past Department Commander, Washington State American Legion, Auburn; JERRY McMANUS, Past State President, Washington State Aerie Fraternal Order of Eagles, Seattle; HAROLD G. WESTBY, State Deputy, Knights of Columbus, Washington State Council, Seattle; and JOE PATRICK, Past President, Washington State Elks Association, Wenatchee.

## The Law as it now exists:

Article II, section 24 of the Washington constitution presently provides as follows:

"The legislature shall never authorize any lottery or grant any divorce."

This provision has been construed by the Washington supreme court as a total prohibition against the authorization of any lotteries in this state by the state legislature or by any municipal legislative body. A lottery has been defined by that court as any scheme or activity which does not involve a substantial amount of skill and does possess all three of the following elements: (1) Prize, (2) chance, and (3) consideration. Among the types of activities which possess each of these three elements are the game of bingo, as commonly played, slot machines, roulette, carnival games of chance, and the typical raffle or drawing for a door prize or award, if the participants are required to pay some form of valuable consideration in exchange for the right to participate.

## Effect of SJR No. 5 if approved into Law:

This proposed constitutional amendment would repeal the present total prohibition against any sorts of lotteries and would substitute a qualified prohibition which would allow any activity which constitutes a lottery (such as those above listed) to be conducted in this state after there has been a specific authorization by either (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon.

*NOTE:—Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Senate Joint Resolution No. 5 starts on Page 102.*

## Statement against

**GAMBLING:** SJR 5 creates big problems in an attempt to solve little ones. Here's why:

### **No other State Legislature is Given the Constitutional Power that SJR 5 Proposes**

Most state constitutions prohibit their legislatures from authorizing lotteries. A small number of constitutions give their legislatures regulatory powers over specific types of social gambling and parimutuel betting. SJR 5 does not guarantee that citizens will have an opportunity to vote on gambling issues.

### **Passing SJR 5 in order to Legalize Church Bingo is a Classic Case of Overkill**

Many citizens favor legalizing limited social gambling for non-profit organizations. SJR 5 proposes that the legislature be given limitless power to authorize any or all types of gambling. If gambling is to be legalized, voters should pass judgment on specific proposals, not open-ended legislation.

### **SJR 5 will Open the Door to Professional Gamblers and Organized Crime**

Wherever gambling activity exists, legally or illegally, professional gamblers and organized crime become involved. Legalizing gambling is the equivalent of legalizing organized crime. To authorize the legislature to legalize gambling would be to invite professional gamblers and organized crime to participate openly in the legislative process.

### **Legalized Gambling will not Relieve Tax Burdens**

Gambling as a source of state taxes is highly overrated. Sweepstakes lotteries in eastern states are not producing as much tax revenue as expected. If legalized gambling in Washington became as extensive as in Nevada, and generated the same \$41 million in taxes, it would only equal 1.9% of our state operating budget. Administration and policing of gambling activities would probably cost more than the revenues created.

### **SJR 5 is Not a Proposition to Authorize a State Lottery System**

Despite the use of the term "lottery" SJR 5 does not simply authorize a state sweepstakes. If SJR 5 passes, the legislature will have the power to legalize all types of gambling including Las Vegas-type casinos.

*Committee appointed to compose statement AGAINST Senate Joint Resolution No. 5:*

GEORGE W. SCOTT, State Senator; KENNETH O. EIKENBERRY, State Representative; WILLIAM F. DEVIN, Chairman, Citizens Committee Against Senate Joint Resolution No. 5.

voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate January 14, 1971. Passed the House February 26, 1971.  
JOHN A. CHERBERG, THOMAS A. SWAYZE, JR.,  
President of the Senate. Speaker of the House.

**EXPLANATORY COMMENT**

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment.

COMPLETE TEXT OF

## Senate Joint Resolution

# 5

### Proposed Constitutional Amendment

*Ballot Title as issued by the Attorney General:*

#### Permitting the Authorization of Lotteries

Shall Article II, § 24 of the state constitution be amended to repeal the present total prohibition against any lottery and to substitute a qualified prohibition which would allow lotteries of any sort to be conducted after there has been specific authorization by (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon?

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BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II of the Constitution of the state of Washington by amending section 24 thereof to read as follows:

Article II, section 24. The legislature shall never ~~(authorize any lottery or)~~ grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in very legal newspaper in the state.

Passed the Senate March 3, 1971.  
JOHN A. CHERBERG,  
President of the Senate.

Passed the House February 27, 1971.  
THOMAS A. SWAYZE, JR.,  
Speaker of the House.

**EXPLANATORY COMMENT**

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

## Senate Joint Resolution

# 38

### Proposed Constitutional Amendment

*Ballot Title as issued by the Attorney General:*

#### Setting of County Officers' Salaries

Shall the state constitution be amended to allow the legislature to authorize boards of county commissioners and other county legislative authorities to set their own salaries and those of all other county officers, subject to the existing prohibition against mid-term pay increases for those officers who fix their own compensation?

BE IT RESOLVED, *By the Senate and the House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the State for their approval and ratification, or rejection, an amendment to Article XI of the state Constitution by amending section 5 (Amendment 12) and section 8 thereof to read as follows:

Article XI, section 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: PROVIDED, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify