

BOARD POLICY



SECOND-CHANCE AND PROMOTIONAL DRAWING RULES

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Approved: NMLA Board of Directors with revision(s)
approved by the CEO per Board instruction to
maintain and update game/product policies

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**NOTHING CONTAINED IN THESE GUIDELINES IS INTENDED TO
CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED,
OR TO ALTER THE AT-WILL NATURE OF EMPLOYMENT**

SECOND-CHANCE AND PROMOTIONAL DRAWING RULES

Purpose

These rules are the guidelines and regulations for the New Mexico Lottery Authority Second-Chance and Promotional Drawings.

General Use and Applicability

This policy applies to all New Mexico Lottery players and staff.

Definitions

“New Mexico Lottery Act”, “Lottery Act”, or “the Act” means the New Mexico Lottery Act, N.M.S.A., 1978, Sections 6-24-1 through 6-24-34, as the same may be amended from time to time.

“New Mexico Lottery Authority”, “New Mexico Lottery”, “NMLA”, “Lottery”, or “Authority” means the New Mexico Lottery Authority, a public body, politic and corporate, separate and apart from the State of New Mexico, constituting a governmental instrumentality, established and operated pursuant to the New Mexico Act.

Policy

1. Responsibilities of the New Mexico Lottery Authority

The Chief Executive Officer (CEO) of the Lottery or designee is hereby authorized to create or have created, approve, and promulgate specific information, rules, and procedures regarding second-chance drawings or promotions (Game Specific Drawing Rules) as may be deemed necessary, required, or appropriate.

2. State Law

The Lottery shall abide by all statutory requirements contained in the New Mexico Lottery Act, as well as any other Board adopted rules, policies, and procedures regarding drawings.

3. Drawing and Promotional Rules and Guidelines

- a. Game Specific Drawing Rules shall contain the following criteria, as applicable:
 - i. Drawing or Promotion Description
 - ii. Entry Periods, Deadline, and Drawing Dates
 - iii. Eligibility Requirements
 - iv. Prize Details
 - v. Drawing Procedures
 - vi. Selected Entry Notification
 - vii. Miscellaneous
- b. The Lottery will not check any drawing entries for prizes won on the ticket(s) used to submit a drawing entry.
- c. The Lottery reserves and maintains the right to amend, rescind, or otherwise make changes to these rules.
- d. Second-chance or promotional drawings may be ended or canceled at the Lottery's discretion at any time.

- e. All references to time in Game Specific Drawing Rules refer to Mountain Time.
- f. The New Mexico Lottery Act requires that all drawings performed by the Lottery be open to the public.

4. Participants

- a. Participants, by submitting an entry for the drawing or promotion, are bound and agree with all rules, policies, and procedures contained herein or as applicable.
- b. If the Player is deemed unfit, at the sole discretion of the NMLA, a proxy may be assigned.
- c. Participants must be 18 years of age or older to purchase a Lottery ticket, submit an entry, and/or claim a prize. (Refer to the Uniform Transfer to Minors Act.) Lottery tickets may be given as a gift to someone less than eighteen (18) years of age.

5. Drawing Procedures

- a. The NMLA Internal Policy “Second-Chance and Promotional Drawing Procedures” will be followed.
- b. Following the conclusion of a drawing or promotion, the Lottery may retain and utilize the player’s entry information for marketing purposes. The Lottery Security Division and/or a vendor drawing service will retain all entries and relevant documentation for a minimum of ninety (90) days from the date of the drawing for any prize. After ninety (90) days, entries and nonrelevant documentation may be destroyed.
- c. The Lottery may request that a vendor provide drawing services for the Lottery. All such services shall be approved by the CEO or designee.

6. Prizes

- a. At the sole discretion of the Lottery, the prize awarded may vary from promotional materials.
- b. Prizes and the right to a prize are not transferable or assignable, unless specified in the Game Specific Drawing Rules.
- c. The prize will go unclaimed if all the selected winner(s) and/or alternate(s) are disqualified, cannot be contacted, or fail to comply with deadlines, rules, or requirements. Prize checks are void ninety (90) days after issue.
- d. After a prize is awarded, the Lottery bears no further responsibility. The Lottery is not responsible in any way for any problem or dissatisfaction with the prize. No warranties, expressed or implied, are given with respect to any prize, and the Lottery expressly disclaims all warranties.
- e. Prizes will not be awarded if the entry was obtained contrary to any New Mexico State Statute and/or New Mexico Lottery Authority policies, procedures, or rules.

7. Force Majeure

The Lottery shall not be liable for any delay in, or failure of, performance of any term, provision, or obligation contained in these rules and procedures, any Game Specific Drawing Rules, or any promotional information or materials, nor shall any such delay in, or failure of, performance constitute a breach, violation or default on the part of the Lottery, or give rise to any liability or damages if, and to the extent that such delay or failure is caused by “Force Majeure”. As herein used, Force Majeure means illegality, Acts of God (including fire, flood,

earthquake, storm, hurricane, or other natural event or disaster), war, invasion, hostilities, civil war, rebellion, revolution, insurrection, terrorist activities, hacking, labor dispute, strike, lockout, change in law, interruptions or failure of power, electricity, gas, telephone, internet, wireless or computer systems or services, or any other cause that is beyond the control of the Lottery and which, by the exercise of reasonable diligence, the Lottery 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.

8. Miscellaneous Information

- a. All decisions by the Lottery are final.
- b. At the discretion of the CEO, exceptions to these rules may be made in writing.
- c. The NMLA reserves the right to assign a designee(s) to perform the responsibilities of parties specifically assigned duties within these rules.
- d. Winners will receive a W-2G tax form for the "fair market value" of any prize valued over six hundred dollars (\$600).
- e. Federal and state taxes will be withheld on any prizes five thousand and one dollars (\$5,001) and higher.
- f. Prizes in excess of six hundred dollars (\$600) are subject to collection by the New Mexico Human Services Department in accordance with the New Mexico Lottery Act.
- g. Upon submitting an entry, the entrant agrees that the Lottery may use their name, voice, photograph, and/or likeness in any form for the purpose of advertising and/or publicizing Scratcher and Draw Games, Lottery winners in general, or promoting the Lottery or any of its games.
- h. The NMLA at its sole discretion may end or cancel any promotion at any time. The NMLA assumes no liability whatsoever for modifying, ending, or canceling any promotion at any time.
- i. The NMLA may alter the number of winners, place an entry(ies) into a subsequent drawing, or conduct a supplemental drawing, for whatever reason, with or without notice.
- j. The New Mexico Lottery Act, the NMLA Second-Chance Drawings and Promotional Drawing Rules, Game Specific Drawing Rules, the NMLA Promotional Drawing Procedures, and the vendor's second-chance drawing procedures as may be amended shall govern each drawing or promotion, as applicable. In the event of a conflict among these documents, the New Mexico Lottery Act shall prevail.
- k. Internal Audit's involvement in the procedures listed herein will be in accordance with the New Mexico Lottery Act.
- l. An entry may not be submitted by the following:
 - i. Any member of the Lottery Board;
 - ii. Any officer or employee of the Lottery;
 - iii. An owner, officer, or employee of a lottery vendor or, in the case of a corporation, an owner of five percent (5%) or more of the corporate stock of a lottery vendor;
 - iv. Individuals residing in the primary place of residence of a Lottery employee or Lottery Board Member or Lottery vendor as determined by the EVP for Security.