

MEMORANDUM

TO: Pastors, Principals and Agency Heads

FROM: Lawrence R. Jannuzzi
Associate Legal Counsel

DATE: August 23, 2001

RE: Recent Changes in Laws Governing Charitable Raffles

As you may recall, the California law governing raffles recently changed, so that **under certain circumstances** it is no longer necessary under California law that raffle tickets be offered free to those who do not wish to purchase them. I am attaching a copy of our memorandum of February 22, 2001 outlining those changes and circumstances for your review.

This memorandum is to apprise you of a further complication concerning these changes. The United States Attorney General has long enforced federal law that, among other things, outlawed the use of the U.S. mail for gambling that is illegal under state law, including the use of the mail to conduct a raffle unless the tickets were available for free. Accordingly, the Postal Service adopted regulations under which it refused to accept such mailings. Because requiring purchase of raffle tickets (as opposed to offering free tickets) no longer makes the raffle unlawful in California, the U.S. Attorney General has notified Congress that the federal authorities will no longer enforce federal laws prosecuting such raffles. However, the regulations governing the use of the mails have not yet been modified to match the new California Law and the Attorney General's new policy.

The bottom line, therefore, is this: Although raffles in which tickets are not offered for free are now legal (only under the circumstances outlined in the attached), the U.S. Postal Service will not yet accept mailings of such tickets. However, advertisements for such raffles are permissible in the mails.

Representatives of the California Catholic Conference have been in touch with the postal authorities concerning this, but so far without success. Unless and until the Post Office changes its stance, our options are 1) offer raffle tickets for free, in accordance with the prior law; 2) conduct raffles without use of the mail.