

Stand Up For California!

“Citizens making a difference”

standupca.org

P.O. Box 355
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March 2, 2007

Honorable Audra Strickland
California State Assembly
State Capitol Room 4208
Sacramento, CA. 95814

RE: Letter of Opposition to AB 1314

Dear Assembly Member Strickland:

Stand Up For California submits today a letter of opposition to AB 1314, intended to change existing law to permit the game of ‘Bingo’ to be played electronically, or rather on an electronic card instead of a paper card. In light of the many advancements achieved in evolving technology of gaming machines this legislation appears to be nothing more than the modernization of the game of Bingo. On the contrary, the proposed change is significant!

This bill appears to violate the California Constitution, which prohibits casinos of the type in Nevada and New Jersey, as some Bingo machines¹ with electronic cards clearly are slot machines which the voters intended to prohibit when they adopted that Constitutional provision.

The most recent Attorney General Opinion regarding bingo players using an electronic aid to play traditional bingo was December 1998. This opinion concluded that:

“A bingo player may use an electronic aid in conjunction with traditional bingo cards to notify him when a game has been won.”

“The electronic aid would not interfere or interact with the element of chance in the game, but rather would help determine whether a winning card had been purchased by the player.”²

In other words the electronic aide would be a reader of sorts similar to what has been proposed in voting machines where citizens vote on a ballot and then scan their ballot into a machine that counts and records the votes.

While bingo is authorized under Penal Code Section 326.5 as a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conform to numbers or

¹ Letter to Honorable Loni Hancock from Attorney General Bill Lockyer, November 16, 2005. The letter provides an informal opinion on current Bingo gaming devices stating that they are slot machines.

² Opinion of Daniel E. Lungren Attorney General, Clayton P. Roche Deputy Attorney General, NO. 96-1011, December 31, 1998.

symbols selected at random, Penal Code Section 330c also applies and requires that cards have numbers or symbols which are concealed and preprinted.

Further complicating this legislation, Penal Code Section 330 in the *HERE vs. Davis* California Supreme Court case (1999) was elevated to a constitutional level. Accordingly, the Legislature may not authorize any game that would constitute casino gambling.

Recent tribal state compact negotiations authorizing 22,500 additional slot machines have unintentionally opened California up as an emerging jurisdiction for gaming machine manufactures. Manufactures establish new markets by promoting new games through attacks on state statutes related to Sweepstakes, Bingo or Lotto.

For example in the State of Alabama Multi Media Inc. has been successful in promoting a new lotto game electronically. The State of Alabama was chosen for its weak and vague lottery laws. There the manufacturer sold internet time on computers with a plastic card. The card is ostensibly used as a key to start the computer for a period of time. But instead the computers are being used as a “reader” to see if the purchases of the internet time have won the Sweepstakes. The computers are not being used to “expand computer literacy” as the CEO of Multi Media alludes, but rather to enhance the pari-mutuel racing experience at the Birmingham Race Course. The plastic cards are sold at the rate of \$1.00 for 4 minutes of internet time that provide 100 entries or chances in the Sweepstake.³

This bill would lead to the same problem the National Indian Gaming Commission (NIGC) is having with respect to its regulations on class II and class III Indian gaming. As NIGC wrote in recent proposed regulations, “the line between the two has blurred.” This bill blurs the line between bingo and slot machines, violating the voters’ expectations when they approved charity bingo. Moreover this bill threatens the States ability to negotiate and share revenue through tribal gaming compacts.

Please list Stand Up For California in opposition to AB 1314 for the stated reasons.

Sincerely,

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³ *The Jefferson County Racing Association v. Mike Hale and Innovative Sweepstakes Systems, Inc.* CV200507684