

was that there should not be any lotteries, no matter who put them on, whether they be a private individual, a State or others. You have substituted the words "authorized by the State or its political subdivisions." Does this mean a church or any private club, the Elks or anyone else you want to think of, absent legislation on the subject, could authorize a lottery?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: The answer I have is that "sanction" as we intended to use it was in the same sense as "authorized." Now, you asked if the State could authorize some club —

THE CHAIRMAN: Delegate Sherbow, I think the question that Delegate Case is asking is precisely the one that Delegate Burdette asked you that the Chair reframed. I think Delegate Case is asking whether your answer is different because of the substitution of the word "authorized", in other words, if the recommendation is amended as you have indicated and there is no gambling statute to prohibit lotteries or any other form of gambling, would a private lottery be prohibited under your modified language as you indicated it would be prohibited under your previous language?

DELEGATE SHERBOW: Yes.

THE CHAIRMAN: Is that your question, Delegate Case?

DELEGATE CASE: Mr. Chairman, that answers the question but I respectfully call to your attention that I think it is the wrong answer. This says lotteries shall not be authorized by the State or its local political subdivisions. Assume with me that there is no statute on the subject at all. I just do not see where this prohibits a corporation from being formed for the express purpose of holding a lottery.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: The answer is that the State has in its constitution, that state lotteries shall not be authorized by the State or its political subdivisions and if they are not authorized, they are not lawful.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: But the nonauthorization is by the State or its political subdivisions, it is limited to that. It is not a complete absolute ban on lotteries and this is what I thought the Committee was trying to reach.

THE CHAIRMAN: I wonder if the question could be resolved in this way: What we are talking about is the meaning or definition of the word to be used, although I think from the answers given that the intent is clear. Could we leave to the Committee on Style the choice of the word with the statement that the provision is intended to prohibit lotteries whether they are granted by the State, authorized by the State, sanctioned by the State or permitted by the State, and allow them to choose the proper word. Would that meet the question, Delegate Sherbow?

DELEGATE SHERBOW: Yes, but I still want to make it clear that it was not the intention of the Committee by the definition of lottery to prohibit bingo.

THE CHAIRMAN: I do not think we are talking about the question of bingo in this context. What we are concerned with is the meaning of the whole prohibition and not the definition of "lottery". I think what we must have a clear intent about is whether by the language used it is intended to prohibit by the constitutional provision alone, public and private lotteries.

Delegate Sherbow, does that answer the question?

DELEGATE SHERBOW: Yes, sir.

THE CHAIRMAN: Does that answer the question, Delegate Case?

DELEGATE CASE: Yes.

THE CHAIRMAN: Delegate Penniman, have you made a note about it so there is no question about it?

DELEGATE PENNIMAN: Yes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Could an additional verb be added to the four you just mentioned? Does the breadth of the language include the verb conducted?

THE CHAIRMAN: Chairman Penniman can make a note of that. I think the intent is to prohibit both public and private lotteries.

Delegate Case.

DELEGATE CASE: So it would be fair to say what this says is that all lotteries in this State shall be prohibited?

THE CHAIRMAN: The Chair understands that is the meaning of it. Would you concur, Delegate Sherbow?

DELEGATE SHERBOW: Yes, sir.