



# Virginia Lottery

## **DIRECTOR’S ORDER NUMBER ONE HUNDERED NINETEEN (2021)**

### **VIRGINIA LOTTERY’S PRECIOUS METAL FAMILY 2<sup>ND</sup> CHANCE PROMOTION FINAL RULES FOR OPERATION.**

The Virginia Lottery’s “Precious Metal Family 2nd Chance Promotion” (“Promotion”) Rules are promulgated in accordance with §§ 2.2-4002B(15) and 58.1-4006A of the *Code of Virginia* to: (1) introduce the *Precious Metal* family of Scratcher games; and (2) drive sales of these four (4) new Scratcher games by creating an exciting second-chance promotion that adds extra value to non-winning Tickets. The Promotion opens on September 7, 2021 with thirteen (13) Entry Periods and thirteen (13) Prize Drawings and closes on December 7, 2021. These rules amplify and conform to the duly adopted Virginia Lottery regulations for the conduct of lottery games.

A copy of the Promotion Rules may be requested by sending an email to [PublicRecords@valottery.com](mailto:PublicRecords@valottery.com). The rules are also available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 600 East Main Street, Richmond, Virginia, and at each of the Virginia Lottery offices. A copy of the rules may also be requested by mail by writing to: FOIA Officer, Virginia Lottery, 600 East Main Street, Richmond, Virginia 23219.

This Director’s Order becomes effective on September 7, 2021, and shall remain in full force and effect through the end Promotion date unless amended or rescinded by further Director’s Order.

\_\_\_\_\_/s/Quan Kirk\_\_\_\_\_  
Quan Kirk, Deputy General Counsel

\_\_\_\_\_/08/05/2021\_\_\_\_\_  
Date

\_\_\_\_\_/s/ Kevin Hall\_\_\_\_\_  
Kevin Hall, Executive Director

\_\_\_\_\_/08/05/2021\_\_\_\_\_  
Date



## VIRGINIA LOTTERY'S PRECIOUS METAL FAMILY 2<sup>ND</sup> CHANCE PROMOTION OFFICIAL RULES

- A. PURPOSE:** A Promotion will be conducted to introduce the *Precious Metal* family of Scratchers games and drive sales of these four (4) new Scratchers games by creating an exciting second-chance promotion that adds extra value to non-winning Tickets. With this Promotion, thirteen (13) Prize Drawings will be conducted. Drawings will be conducted to award Cash Prizes.
- B. PROMOTION PERIOD:** This Promotion will begin September 7, 2021 and will end December 7, 2021 ("Promotion Period") with the Final Prize Drawing.
- C. DEFINITIONS** (for purposes of this Promotion):

"Cash Prize" means a monetary Prize.

"Claimant" means a verified Entrant, Participant, or Player who presents an Entry Form that he/she presumes to be a Winning Entry.

"Director" means the Executive Director of the Virginia Lottery as established in Chapter 40 of Title 58.1 (§58.1-4000 *et seq.*) of the *Code of Virginia* or any other employee(s) to whom the Executive Director's authority is lawfully delegated.

"Drawing" means a formal process of randomly selecting winning Entries in accordance with the Promotion Rules.

"Entrant," "Participant," or "Player" means a Person who is at least eighteen (18) years of age, who makes a qualifying purchase or otherwise validly enters this Promotion in accordance with these Promotion Rules in the hope of winning a Prize.

"Entry" means a method by which a Player enters a Prize Drawing for this Promotion.

"Entry Periods" means the time frames during which non-winning Ticket Entries for this Promotion will be accepted.

"Lottery" means the Virginia Lottery.

"Lottery Board" means the group of seven (7) people, appointed by the Governor of Virginia, with the power to adopt regulations governing the establishment and operation of the Virginia Lottery and to perform other functions that are set out in the *Code of Virginia*.

"Lottery Retailer," "Lottery Sales Retailer," or "Retailer" means a business or person licensed by the Virginia Lottery to sell and dispense Virginia Lottery Tickets, materials and products.

"Non-winning" or "Non-winning Scratchers" means a Scratchers, purchased at a licensed Virginia Lottery retailer location or directly from the Virginia Lottery, that does not contain a winning Prize combination.

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“Person” means a natural person and may not extend to or be applied to a corporation, company, partnership, association or other entity or when referring to a Lottery retailer, the term as defined in §58.1-4009 of the Code of Virginia.

“Prize” or “Prizes” means the winnings as defined in **Section I** (“Prize Description”).

“Prizewinner” means a verified Person who is entitled, via Entry verification, to receive a Prize under the rules of a Promotion.

“Promotion” means the “added value” offer to consumers named in the title at the top of Page 1 of these Rules.

“Promotion Rules” or “Rules” means these rules.

“Scratcher” or “Ticket” means a ticket with a coating over the Play Areas that, when scratched off, reveals instant game play results.

“Scratch Game” means a game, played via Scratcher, that contains the appropriate Play Areas, Legend(s), Barcodes and other codes that, when played, reveals or informs a Player immediately whether he/she has won a Prize as specified in the Game Rules.

“Self-Service Vending Machine” or “Vending Machine” means an interactive device by which a Player may select a game, purchase a Ticket, and/or receive a Promotion Entry Form, without the help of a clerk at a Virginia Lottery Retailer or an employee at a Virginia Lottery office or other approved location.

“Winning Entry” means an eligible Promotion Entry, drawn during the established Drawing(s), that has passed all Lottery validation and security requirements and processes.

#### **D. ELIGIBILITY:**

1. This Promotion is open to Players eighteen (18) years of age or older. A Player will be required to provide proof of his/her date of birth.
2. No officer, employee or Board member of the Lottery, or any officer or employee or board member of any vendor to the Lottery of computer-generated or scratch game goods or services working directly on a contract with the Lottery for such goods or services, or any person residing in the same household of any such board member, officer or employee, or any person under the age of eighteen (18) years, shall be eligible to participate in this Promotion. The Lottery will not award a Prize on any Ticket or resulting from any Entry submitted by, for, or gifted to or transferred to anyone referenced in this **Section D**, or to the transferee of such Person.

#### **E. PROMOTION ENTRY:** To participate, a Player must submit a non-winning Scratcher Ticket from any of the four (4) Virginia Lottery *Precious Metal Family* Scratcher games, as listed in **Section F**, via the Internet.

All non-winning Tickets submitted according to **Section G** (“Internet Entries”) **and** received during the designated Promotion Entry Periods as specified in **Section H** (“Entry Deadlines”) will be included in the applicable Prize Drawing(s) for this Promotion.

Non-winning Tickets received for this Promotion will be eligible for **only one (1)** of the first twelve (12) Prize Drawings based upon the established Entry Periods as specified in **Section H** ("Entry Deadlines"). Ticket Entries not selected as a winner in one (1) of the first twelve (12) Prize Drawings will automatically be eligible for entry into the thirteenth (13<sup>th</sup>) and final Prize Drawing.

A Player may enter the Promotion more than once as long as each Entry is based upon a different eligible non-winning *Precious Metal Series* Scratcher Ticket.

All valid Scratcher Tickets will receive a number of Promotion Entries equal to the corresponding price point of their *Metal Series* Scratcher Entry. Example: a \$10 *Metal Series* Scratcher would each generate ten (10) Promotion Entries. When a Player enters the entire *Metal Series* Family consisting of one (1) of each of the four (4) *Metal Series* Scratchers in one (1) session, they will get an additional fifty (50) Bonus Entries.

The Lottery, at its sole discretion, reserves the right to add or remove eligible Scratchers to/from this Promotion. The Lottery also reserves the right to award Players with Entries into this Promotion as Prizes in other authorized Promotions being offered concurrently.

#### **F. ENTRY REQUIREMENTS:**

1. Non-winning Tickets from the following four (4) *Precious Metal Family* Scratcher games will be accepted as valid Entries for this Promotion:
  - \$1 - \$5,000 Bronze Jackpot (Game #2103)
  - \$2 - \$40,000 Silver Jackpot (Game #2104)
  - \$5 - \$250,000 Gold Jackpot (Game #2105)
  - \$10 - \$1,000,000 Platinum Jackpot (Game #2106)
2. Each eligible *Precious Metal Family* Scratcher used for Entry into this Promotion must have been issued by the Lottery in an authorized manner during the Entry Periods referenced in **Section H** ("Entry Deadlines").
3. A Player will be eligible to win **one (1) Prize per Prize Drawing**. Refer to **Section E** ("Promotion Entry"). The winning Entry will not be eligible for entry into the Final Prize Drawing.
4. The Lottery will not be responsible for non-winning Tickets submitted incorrectly or received outside of the established Entry Deadlines for the Prize Drawings as specified in **Section H** ("Entry Deadlines"). Such Ticket Entries shall be deemed invalid.
5. Only non-winning Tickets that are submitted in the manner described in **Section G** ("Internet Entries") of these Promotion Rules during the designated Entry Periods will be eligible for Entry in this Promotion. Mailed Tickets and Hand-Delivered Tickets and Tickets submitted via any other methods not specified in these Promotion Rules will not be accepted as an Entry for this Promotion and will be deemed invalid.
6. Each Entry submitted for this Promotion must contain the Entrant's current and valid information in order to be eligible to win a Prize with this Promotion. The Lottery will not change or update information for an Entry that has already been submitted. This includes address and telephone number updates. The Lottery will not be responsible for Ticket numbers that are transposed or for additional Entry information that is entered incorrectly or is missing.
7. A Prizewinner's *Winner Notification Letter* will be mailed to the address registered with the Winner's player account at the time of their Entry submission. Any Prizewinner whose *Winner Notification Letter* is returned undeliverable due to incorrect and/or incomplete address information, expired forwarding address notifications and/or delivery delays due to mail forwarding notifications, and the Prizewinner failed to notify the Lottery before the claim deadline date regarding the incorrect address, will forfeit his/her opportunity to win a Prize. Neither the Lottery nor its designee will be required to attempt delivery of a *Winner*

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Notification Letter more than once unless the Prizewinner notifies the Lottery **before the claim deadline date** regarding the incorrect address. If the Lottery is notified prior to the claim deadline date, the Lottery will email the required form(s) to the Prizewinner.

**G. INTERNET ENTRIES:**

1. To enter into this Promotion, a Player must go to the Lottery's website at [www.valottery.com/preciousmetals](http://www.valottery.com/preciousmetals) and successfully complete registration\* or login.

*\*Registration will require entry of a Player's correct full name [consisting of his/her first name and last name (no initials), date of birth, street address, city, state, ZIP code, last four (4) digits of their Social Security number and telephone number.*

2. As part of the Lottery's registration process for this Promotion, third-party identity authentication will confirm that the Player is eighteen (18) years of age or older. If a Player's identity cannot be confirmed, additional steps for manual confirmation of identity will be provided.
3. Players must correctly enter **BOTH** the Promotion Entry Number found on the back of each eligible Scratcher, and Web Code, found on the front of each eligible Scratcher.
4. Once entered, Players **do not** need to retain their Scratcher(s). Scratchers submitted as Promotion Entries via the Internet **will not** be required in order to claim a Prize in this Promotion.

**H. ENTRY DEADLINES:**

Drawing	Entry Periods
1	September 7, 2021 (midnight, ET), through September 12, 2021 (11:59:59 PM ET)
2	September 13, 2021 (midnight, ET), through September 19, 2021 (11:59:59 PM ET)
3	September 20, 2021 (midnight, ET), through September 26, 2021 (11:59:59 PM ET)
4	September 27, 2021 (midnight, ET), through October 3, 2021 (11:59:59 PM ET)
5	October 4, 2021 (midnight, ET), through October 10, 2021 (11:59:59 PM ET)
6	October 11, 2021 (midnight, ET), through October 17, 2021 (11:59:59 PM ET)
7	October 18, 2021 (midnight, ET), through October 24, 2021 (11:59:59 PM ET)
8	October 25, 2021 (midnight, ET), through October 31, 2021 (11:59:59 PM ET)
9	November 1, 2021 (midnight, ET), through November 7, 2021 (11:59:59 PM ET)
10	November 8, 2021 (midnight, ET), through November 14, 2021 (11:59:59 PM ET)

11	November 15, 2021 (midnight, ET), through November 21, 2021 (11:59:59 PM ET)
12	November 22, 2021 (midnight, ET), through November 28, 2021 (11:59:59 PM ET)
13	September 7, 2021 (midnight, ET), through December 5, 2021 (11:59:59 PM ET)

**I. PRIZE DESCRIPTION:** The following Prizes will be awarded as part of this Promotion:

Drawing	Prize	# of Prizewinners
1	\$500	10
2	\$500	10
3	\$500	10
4	\$500	10
5	\$500	10
6	\$500	10
7	\$500	10
8	\$500	10
9	\$500	10
10	\$500	10
11	\$500	10
12	\$500	10
<b>13 Final Prize Drawing</b>	\$250,500	1

**J. PROMOTION DRAWINGS:** The following are the thirteen (13) established Drawing dates for this Lottery Promotion:

Drawing #	Date
1	September 14, 2021
2	September 21, 2021
3	September 28, 2021
4	October 5, 2021

5	October 12, 2021
6	October 19, 2021
7	October 26, 2021
8	November 2, 2021
9	November 9, 2021
10	November 16, 2021
11	November 23, 2021
12	November 30, 2021
<b>13</b> <b>Final Prize Drawing</b>	December 7, 2021

Drawings will be conducted from all eligible Entries submitted via the established Entry methods and by the established Entry deadline date. The following is an overview of how the Entries will be randomly selected for this Promotion.

1. After the established Entry deadline date, but prior to the Drawing, all eligible Entries submitted for that Drawing will be accounted for and the information loaded into a randomizer program.
2. Representatives from the Lottery's Audit and Security, Information Technology Services, and Marketing Departments will oversee the use of the randomizer program to select the Winning Entry(ies) for this Promotion.
3. Prizewinners will be randomly selected. The order in which the Winning Entries are drawn shall be recorded by Lottery officials. The Lottery's decision shall be final and controlling.
4. Immediately after the Prizewinner(s) are selected, ten (10) alternate Entries will also be selected using the same randomizer program. All alternate Prizewinners will be recorded in the order in which they were selected and will be used at the Lottery's discretion should any Prizewinner be determined ineligible.
5. After the Drawing is completed, representatives of the Lottery's Audit & Security, Information Technology Services, and Marketing departments will confirm that the Entries selected in the Drawing are valid.
6. In the event that a selected Entry is deemed invalid (see **Section F** "Entry Requirements"), the first alternate with a valid Entry will be selected as a Prizewinner. This process shall continue until all valid Winning Entry(ies) have been selected for the particular Drawing.

**K. PRIZEWINNER PROCEDURES:**

Each Prizewinner selected in association with this Promotion will be notified in writing by the Lottery via the United States Postal Service (USPS). The Lottery will also email the Prizewinner notifying him/her regarding the mailed claim package. All Prizewinners will receive a *Winner Claim Form* and an *Affidavit of Eligibility Form* that must be Notarized. The Prizewinners will be required to complete and return both forms by the deadline stated in their *Winner Notification Letter*. Any Prizewinner who fails to fully complete and return both required forms included with his/her *Winner Notification Letter* along with documentation containing their full social security number by the date noted in their *Winner Notification Letter*, will forfeit his/her Prize.

**L. PRIZEWINNER VERIFICATION:**

1. Methods used by the Lottery to establish and confirm a Prizewinner's identity include, but are not limited to:
  - viewing and/or copying the Prizewinner's valid government-issued photo identification;
  - viewing and/or copying proof of taxpayer identification number (e.g. Social Security number);
  - asking identity-verifying questions in the absence of the aforementioned document proof; and/or
  - viewing and/or retaining the information provided on a *Lottery Winner Claim Form*.
2. **In all cases involving a Promotion Cash Prize greater than \$100**, the Lottery must be provided with the Prizewinner's valid government-issued photo identification and taxpayer identification number (e.g. Social Security number). Payment will be delayed until such a number is provided and the Prizewinner shall not be entitled to interest on the Prize funds attributable to such delay.

#### **M. PRIZE AWARD/PAYMENT**

1. When paying any Prize **in excess of \$600**, the Lottery shall report the winnings or withhold taxes pursuant to rules established by the Internal Revenue Service and the Virginia Department of Taxation and shall file the appropriate income reporting form(s) with the Internal Revenue Service and the Virginia Department of Taxation. Additionally, if the Prize is cash prize **greater than \$100** and subject to any set-off for delinquent debts, the Lottery shall withhold any monies due under the Commonwealth's Set-Off Debt Collection Act if the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the Lottery.
2. Lottery Prizes awarded during this Promotion are not transferable or assignable. A Person shall not enter the Promotion on behalf of another Person. Such Entries shall be deemed invalid.
3. Each Prizewinner **greater than \$600** is legally required to include the value of their Prize, as well as any taxes paid by the Lottery on his/her behalf, in his/her taxable income for tax reporting purposes. As a result of accepting a Prize, and taking into account a Prizewinner's total taxable income for the year in which the Prize is accepted, a Prizewinner may fall into a higher tax bracket for his/her federal and state tax liabilities for the year in which the Prize is accepted.
4. A Prizewinner agrees to participate in a press conference and agrees to the use of his/her name and/or photo for publicity at the Lottery's discretion. Examples of publicity include, but are not limited to, news releases, Internet, news media and signs at Lottery Retailer locations. In addition, a Prizewinner agrees to participate in Lottery promotional efforts which may include his/her name, hometown, the amount of the Prize won, and the Promotion won, through "social media," which may include, but will not be limited to, YouTube®, Twitter®, Facebook®, Instagram® or similar efforts, without additional consent from or compensation to the Prizewinner.

#### **N. CANCELLATION POLICY:**

Canceled Drawing(s) or Prize Award(s): The Director may, in the Director's sole discretion, cancel Prize Drawings and/or the awarding of Prizes, on holidays, days of special importance or on days when conditions make conducting the Prize Drawings or awarding Prizes impractical or inappropriate, and may elect to conduct Prize Drawings and/or make-up Drawings and/or the awarding of Prizes at such times and dates, and pursuant to such methods, as the Director may determine, all with the Director's sole discretion. Neither the Lottery, the Director, nor any employee of the Lottery or member of the Lottery Board shall have any liability whatsoever for any such re-schedule/cancellation.



Termination of Promotion: The Director may, at any time, announce a suspension or termination of this Promotion, without advance notice and in the Director's sole discretion, at which point no further Non-winning Tickets will be accepted and no additional Prizes shall be awarded. Neither the Lottery, the Director, nor any employee of the Lottery or member of the Lottery Board shall have any liability whatsoever for any such suspension/termination.

- O. DISPUTES:** The Director may refrain from awarding/paying a Prize pending final determination under any of the following circumstances:
- a. if a dispute related to any Prize occurred or if it appears that a dispute may occur;
  - b. if there is any question regarding the identity of the Claimant; or
  - c. if there is any question regarding the validity of any Entry submitted.

No liability for interest arising because of any such delay, or any delay beyond the Lottery's control, shall accrue to the benefit of the Prizewinner pending award/payment of the Prize. The Lottery is neither liable for, nor has it any responsibility to resolve, disputes between or among competing Claimants.

In the event of a dispute or other instance of doubt, the decision of the Director shall be final and binding.

- P. GOVERNING LAW:** By participating in this Promotion, each person agrees to comply with and abide by the Lottery laws, Lottery regulations, all final decisions of the Director of the Lottery, and these, and any other applicable, Rules established by the Lottery Board and/or Director of the Lottery for the conduct of this Promotion. Any dispute arising that relates to any aspect of this Promotion shall be governed by the laws of the Commonwealth of Virginia and the venue for the determination of any such dispute shall be in the city of Richmond, Virginia.
- Q. WAIVER OF CLAIMS:** By entering this Promotion, each Recipient agrees to indemnify, hold harmless, and waive any claims against the Commonwealth of Virginia, the Lottery and any of their Board Members, affiliates, employees, directors, officers, agents, representatives and assigns of any of said entities, arising, directly or indirectly, out of, or in any way connected with, this Promotion or the Prizes awarded in connection therewith.
- R. AMERICANS WITH DISABILITIES ("ADA"):** The Lottery is not responsible for any third party's compliance with ADA Rules and Regulations where applicable in connection with a Prize.