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virginia lottery

DIRECTOR'S ORDER NUMBER ONE HUNDRED THIRTY-FOUR (2019)

VIRGINIA LOTTERY'S "POWERBALL NEW YEAR'S ROCKIN' EVE" PROMOTION FINAL RULES FOR OPERATION.

In accordance with the authority granted by §§ 2.2-4002B(15) and 58.1-4006A of the *Code of Virginia*, I hereby promulgate the Virginia Lottery's "Powerball New Year's Rockin' Eve" Promotion ("Promotion") Rules to increase product trial, increase overall sales, and provide extra value to the multi-state Powerball game. This Promotion opens on August 1, 2019, contains one (1) Entry Period and closes on October 8, 2019, with the completion of the singular Drawing. These rules amplify and conform to the duly adopted Virginia Lottery regulations for the conduct of lottery games.

The rules are 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 may be requested by mail by writing to: Director's Office, Virginia Lottery, 600 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on August 1, 2019, and shall remain in full force and effect through the end Promotion date unless amended or rescinded by further Director's Order.

/s/ Amy Dilworth

July 22, 2019

Amy Dilworth, General Counsel

Date

/s/ Kevin Hall

July 22, 2019

Kevin Hall, Executive Director

Date



**VIRGINIA LOTTERY'S "POWERBALL NEW YEAR'S ROCKIN' EVE" PROMOTION
OFFICIAL RULES**

- A. PURPOSE:** A Promotion will be conducted to increase product trial, increase overall sales and provide extra value to the multi-state Powerball game. With this Promotion, one (1) Prize Drawing will be conducted. The Drawing will be conducted to award one (1) three-night VIP experience in New York City, New York to include an opportunity to win one (1) \$1 million cash Prize.
- B. PROMOTION PERIOD:** This Promotion will begin August 1, 2019, and will end October 8, 2019, ("Promotion Period"), with the singular Prize Drawing.
- C. DEFINITIONS** (for purposes of this Promotion):

"Cash Prize" means either a monetary Prize or a gift card 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 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 a Promotion according to one of the approved Entry methods stated in the Promotion Rules in the hope of winning a Prize.

"Entry" or "Entry Form" or "Entry Code" means a method, whether electronic or paper-based, by which a Player enters a Drawing or Promotion.

"Entry Period(s)" means the time frame(s) during which Entries for this Promotion will be accepted.

"Lottery" means the Virginia Lottery.

"Lottery Board" means the group of five (5) 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 person licensed by the Virginia Lottery to sell and dispense Virginia Lottery Tickets, materials and games.

"Mobile Application" or "Application" refers to a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.

“MobilePlay” refers to a feature of the Lottery’s Mobile Application that, via a Retailer’s Bluetooth® signal, and a Video Control Unit, enables a Player to play and purchase certain Computer-generated Games when using his/her mobile device or tablet computer as a proxy for the Lottery Game Terminal while on the premises of a licensed Retailer.

“Non-cash Prize” means an item awarded as a Prize such as a vehicle, trip, concert, etc.)

“Person” means a natural person and may not extend to or be applied to a corporation, company, partnership, association or other entity.

“Present at the Terminal” means that a Player remains physically present at the Virginia Lottery Terminal from the time the Player’s order for Tickets is accepted by the Virginia Lottery Retailer, through completion of the order processing, while the Ticket(s) is (are) paid for, and through the time that the Ticket(s) and any applicable Entry Form(s) is/are delivered to the Player. Players must be present at the Terminal for any purchase.

“Prize” or “Prizes” means the winnings as defined in **Section J** (“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 or licensed retailers named in the title at the top of Page 1 of these Rules.

“Promotion Rules” or “Rules” means these 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.

“Subscription” means a multi-draw purchase option wherein the same set(s) of numbers may be played for an established number of future consecutive draws.

“System Day” means the time at which a particular day begins in the Lottery’s gaming system (4:30 AM Eastern Time) to the time the same day ends in the Lottery’s gaming system (1:00 AM Eastern Time the following calendar day).

“Terminal” means a device that is authorized by the Virginia Lottery to interact with the Virginia Lottery’s central computer system to issue Virginia Lottery Tickets and/or Entry Forms and to enter, receive and process Virginia Lottery transactions that may include issuing Tickets, validating Tickets and transmitting reports.

“Ticket” means a Ticket produced by the Lottery’s gaming system and sold by the Virginia Lottery.

“Winning Entry” or “Winning Entry Form” means an eligible Promotion Entry, drawn during the established Drawing(s), which 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 an Entry submitted by, for, or gifted to or transferred to anyone under eighteen (18) years of age, or to the transferee of such Person.
3. Although the minimum age of a Prizewinner is 18, **any Prizewinner for this Promotion under the age of 21 must be accompanied on their trip by a responsible adult 21 years of age or older.**

E. PROMOTION ENTRY: To participate, a Player must purchase ten dollars (\$10) or more of Powerball on the **same Ticket** in order to receive one (1) Entry Form to enter the Prize Drawing. To participate via the Subscription program or MobilePlay, a Player must purchase ten dollars (\$10) or more of Powerball on the same transaction in order to receive one (1) Entry Code via automated electronic communication to enter the Prize Drawing.

Qualifying Entry Forms and Entry Codes will be produced beginning start of System Day August 1, 2019, through the end of System Day on September 30, 2019. Players shall submit Entry Form(s) and Entry Codes via an established Entry method for this Promotion. Entries for this Promotion will be accepted via U.S. mail and the Internet.

Each Entry Form and each Entry Code will contain a unique number that will be necessary to enter via the Internet. Each Entry Form is valid for one (1) Promotion Entry.

A Player may enter the Promotion more than once as long as each Entry is based upon a different eligible Entry Form. However, a Player is eligible to win only one (1) Prize with this Promotion.

F. ENTRY REQUIREMENTS:

1. Only an Entry Form issued in conjunction with a purchase of ten dollars (\$10) or more of Powerball on a single ticket at a Virginia Lottery retail location or an Entry Code issued via automated electronic communication in conjunction with a purchase of ten dollars (\$10) or more of Powerball on a single transaction via the Subscription program or MobilePlay will be accepted as a valid Entry for this Promotion.
2. Each Entry Form used for this Promotion must have been issued by the Lottery in an authorized manner during the Entry Period referenced in **Section I** ("Entry Period"). If the Entry Form was produced at a retail location, it must be intact and must not be mutilated, altered, reconstituted or tampered with in any manner.
3. The Lottery will not be responsible for Entries submitted incorrectly or received outside of the established Entry deadlines for each Drawing as specified in **Section I** ("Entry Period"). Such Entries shall be deemed invalid.
4. Only Entries that are submitted in the manner described in **Section G** ("Mailed Entries") and **Section H** ("Internet Entries") during the designated Entry Period(s) will be eligible for Entry in this Promotion. Hand-delivered Entries will not be accepted for this Promotion and will be deemed invalid.

5. Each Entry must contain current and valid information in order to be eligible. The Lottery will not change or update Entry information for an Entry that has already been submitted. The Lottery will not be responsible for numbers that are transposed or for information that is entered incorrectly.
6. Only one (1) name may be recorded on an eligible Entry Form. In the event that more than one (1) name is recorded on an eligible Entry Form, the name appearing first on the Entry Form shall be deemed to be, and for all purposes regarded as, the Entrant.
4. Any Prizewinner whose *Winner Notification Letter* is returned undeliverable due to blocked e-mails, incorrect address information, or expired forwarding address notifications will forfeit his/her opportunity to win a Prize. Neither the Lottery nor its designee will be required to attempt delivery of a *Winner Notification Letter* more than once.

G. MAILED ENTRIES:

1. To enter by mail, a Player must **clearly** and **legibly print** his/her full name [consisting of his/her first name and last name (no initials)], **date of birth**, street address, city, state, ZIP code and daytime telephone number on their eligible Entry Form or printed copy of the automated electronic communication containing the Entry Code. An address stamp or pre-addressed label may be used on Entry Forms being submitted as Entries into the Promotion. When using an address stamp or pre-addressed label, a Player must include his/her **date of birth** to provide proof of age and a daytime telephone number. The eligible Entry Form must be mailed in an envelope no larger than 4½" x 9½" during the established Entry Period, to the Promotion address:

**Powerball NYRE Promotion
Post Office Box 1357
Richmond, Virginia 23218**

2. Entries that are mailed to or delivered to any other Lottery address will not be accepted.
3. Entries that are mailed to the wrong Promotion Post Office Box will be deemed invalid.
4. Only one (1) name may be recorded on an eligible Entry Form. In the event that more than one (1) name is recorded on an eligible Entry Form, the name appearing first on the Entry Form shall be deemed to be, and for all purposes regarded as, the Entrant.
5. Entries mailed to the Lottery with insufficient postage will be deemed invalid.
6. Mailed Entries will not be opened unless the Entry is selected as a winner of a Prize.
7. Multiple Entries enclosed in one (1) envelope will be disqualified.

H. INTERNET ENTRIES:

1. To enter via the Internet, a Player must go to the Lottery's web site at www.valottery.com/nyrockineve and successfully complete registration or login.
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. Once entered via the Internet, Players **are required** to retain their printed Entry Form(s) and or their electronic Entry Code communication. Printed Entry Forms and electronic Entry Codes submitted as Promotion Entries via the Internet **will** be required in order to claim a Prize in this Promotion.

I. ENTRY PERIOD:

August 1, 2019 (4:30 AM ET), through October 6, 2019 (11:59:59 PM ET)

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

PRIZES	# OF PRIZEWINNERS
One (1) three-night VIP Experience in New York City, New York Approximate Value: \$20,488.00	Twenty (20)

VIP Experience includes:**

- Round trip airfare for two (2).
- Hotel accommodations for winner and one (1) guest for four (4) days and three (3) nights in New York City beginning on December 29, 2019. Refer to **Section D** ("Eligibility") for specific Prizewinner and guest age requirements).
- Ground transportation to and from airport, hotel, and included activities while in New York City, New York.
- Two (2) tickets to a welcome reception.
- Two (2) tickets to an iconic Broadway show.
- Two (2) tickets for a holiday dinner cruise on the Hudson River.
- Two (2) tickets for an exclusive New Year's Eve dinner and party (including view of the ball drop).
- Two (2) gift bags.
- \$250 in spending money.
- Estimated federal and state taxes paid on the Prizewinner's behalf.
- An opportunity to participate in a special drawing conducted by the Multi-State Lottery Association (MUSL) for a chance to win \$1 million..

**The twenty (20) Prizes awarded with this Promotion are separate from the \$1 Million multi-jurisdictional drawing which is being offered and managed by the Multi-State Lottery Association (MUSL).

J. PROMOTION DRAWINGS: The following is the one (1) established Drawing date for this Promotion:

Tuesday, October 8, 2019

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, Administration, Information Technology Services, and Marketing departments will oversee the use of the randomizer program to select the Winning Entries for this Promotion.
3. Entry Forms 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 Prizewinners are selected, twenty-five (25) 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 should any Prizewinner be determined ineligible.
5. After the Drawing is completed, representatives of the Lottery's Audit and Security, Administration, Information Technology Services, and Marketing departments will confirm that the Entries selected in the Drawing are valid. For mailed Entries, this means the opening of the Entry envelope to verify the Entry meets all requirements stated herein.
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 Entries have been selected for the particular Drawing.

K. PRIZEWINNER PROCEDURES:

Each Promotion Prizewinner selected in association with this Promotion will be notified by the Lottery via U. S. Mail or United Parcel Service (UPS). All Prizewinners will receive a *Winner Claim Form*, an *Affidavit of Eligibility Form* and a *Companion Waiver and Release Form*. The Prizewinners will be required to complete and return both forms by the deadline stated in the *Winner Notification Letter*. He/she will be required to complete and return all forms by **October 18, 2019**. Should the Virginia Lottery not **receive** all of the Prizewinner's required paperwork by the established **October 18, 2019, deadline date** he/she will forfeit their Prize. At that time, an Alternate Winner will be selected and notified.

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
 - 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. PRIZEWINNER RESPONSIBILITIES: Each Prizewinner understands that failure to adhere to the following will result in the forfeiture of his/her Prize:

1. All Prizewinners will be provided with instructions in their Winner Notification Letter for **submitting their Winning Entry Form or electronic Entry Code communication as proof of eligibility**. These Prizewinners will also be required to submit the other two aforementioned required forms in addition to the Winning Entry Form or copy of their electronic Entry Code communication. Prizewinners who do not submit their Winning Entry Form or copy of their electronic Entry Code communication, or who do not submit the **correct** Winning Entry Form or copy of their electronic Entry Code communication, forfeit their Prize.
2. Airlines retain the right to charge for additional baggage. If applicable, the Prizewinner and his/her guest will be responsible for these charges.
3. If a Prizewinner fails to be present at the designated location at the designated time of departure for their trip, the Prizewinner shall forfeit their Prize.
4. The hotel provider may require a credit card or cash deposit at check-in to cover incidentals. If required, this will be the responsibility of the Prizewinner.
5. Travel, health, accident and/or life insurance are the responsibility of the Prizewinner and his/her guest.
6. Airline, hotel and/or contest providers in addition to Lottery personnel or their designee reserve the right to revoke full or partial components of this Prize from a Prizewinner and/or his/her guests if any are deemed intoxicated, a safety risk, or has violated any policy or law.

N. PRIZE AWARD/PAYMENT:

1. When paying a Cash or Non-cash Prize **in excess of \$600**, the Lottery shall report the winnings or withhold taxes pursuant to rules established by the Internal Revenue Service and 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 a 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 will be deemed invalid. The VIP New York trip not redeemable for cash.
3. Each Prizewinner is legally required to include the value of the 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 the 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®, or similar efforts, without additional consent from or compensation to the Prizewinner.

O. CANCELLATION POLICY:

Canceled Drawing(s) or Prize award(s): The Director may, in the Director's sole discretion, cancel Drawings and/or the awarding of Prizes, on holidays, days of special importance or on days when conditions make conducting the Drawings or awarding Prizes impractical or inappropriate, and may elect to conduct 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, 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 Entries 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.

P. 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.

Q. GOVERNING LAW: By participating in this Promotion, each person agrees to comply with and abide by the Lottery statutes, 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.

R. WAIVER OF CLAIMS: By entering this Promotion, each Prizewinner agrees to indemnify, hold harmless, and waive any claims against the Lottery and any of the 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.

s. AMERICANS WITH DISABILITIES ACT (“ADA”):

The Lottery is not responsible for any third party’s compliance with ADA Rules and Regulations where applicable in connection with a Prize.