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Fund Raising: Raffles, Bingo, Games of Chance

I. CAN A UNIVERSITY ENTITY HOLD A RAFFLE, BINGO GAME OR OTHER GAME OF CHANCE TO RAISE MONEY FOR ITS OWN USE?

University entities cannot hold raffles, bingo games or games of chance to raise money for their own use. The only entities permitted to administer games of chance for fund-raising purposes are charitable organizations that are determined to be exempt from federal income tax, evidenced by a determination letter from the IRS.

Although university entities cannot themselves administer a raffle, they can receive the proceeds from a raffle that is legally conducted by another permitted entity. Charitable organizations that legally administer a game of chance can also donate their net profits from the game of chance to a state entity or department. University entities, therefore, can work with recognized charitable organizations to use games of chance, raffles or bingo as a viable fund-raising tool.

More information is available from the Ohio Attorney General.

I. CAN A UNIVERSITY ENTITY SOLICIT OR ACCEPT DONATIONS TO BE USED AS PRIZES FOR A RAFFLE, BINGO GAME OR OTHER GAME OF CHANCE IN WHICH THEY WILL BE A BENEFICIARY OF NET PROFITS?

Ohio ethics law prevents any public official or employee from soliciting or accepting "...anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."

ORC 102.03(E). However, the state itself may accept by gift, devise, or bequest lands, money or other property (ORC 9.20). Therefore, private companies and people may donate to a public agency, and employees or officials may solicit and/or accept such donations for that agency, so long as the donation is voluntary and no personal benefit is derived by the

public official/employee. Any benefit from the solicitation or donation must accrue to the agency and the official or employee must be acting within their official capacity as a part of that agency. Adv.Op. 89-002 (Ohio Ethics Commission). However, the Ethics Commission has cautioned that an appearance of impropriety could be created if a “party makes donations to a public agency and the agency accepts the donation where a specific case is pending before the agency involving that party, or where it could be reasonably foreseen that an action will come before the agency.” Adv. Op. 92-055 (Ohio Ethics Commission). Private companies cannot use their voluntary donations as a way of influencing public officials at any time in the future, nor can public officials use a donation to the agency as an influence on any future agency actions.

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Source of Information: OSU Office of Legal Affairs

Policy Approval by Extension Administrative Cabinet – March 2010

Reviewed – 2013, 2015
