



Virginia Lottery

DIRECTOR’S ORDER NUMBER TWELVE (2021)

VIRGINIA LOTTERY’S “COMMONWEALTH 2ND CHANCE 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*, the Virginia Lottery’s “Commonwealth 2nd Chance Promotion” (“Promotion”) Rules are hereby promulgated to support and encourage sales for the Virginia Lottery’s THIRTY DOLLAR (\$30) COMMONWEALTH Scratchers. The Promotion opens on March 2, 2021, contains four (4) Drawings, and closes on June 29, 2021, with the completion of the final Drawing. These rules amplify and conform to the duly adopted Virginia Lottery regulations for the conduct of lottery games.

A copy of these rules may be requested by sending an email to 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 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effective on March 2, 2021, and shall remain in full force and effect through the end Promotion date unless amended or rescinded by further Director’s Order.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

____03/1/2021_____
Date

/s/ Kevin Hall

Kevin Hall, Executive Director

03/02/2021

Date



**VIRGINIA LOTTERY'S COMMONWEALTH 2ND CHANCE PROMOTION
OFFICIAL RULES**

- A. PURPOSE:** A Promotion will be conducted to support and encourage sales for the Virginia Lottery's THIRTY DOLLAR (\$30) *Commonwealth* Scratchers. With this Promotion, four (4) Prize Drawings will be conducted to award cash prizes.
- B. PROMOTION PERIOD:** This Promotion will begin March 2, 2021, and will end June 29, 2021 ("Promotion Period"), with the final Prize Drawing.
- C. DEFINITIONS** (for purposes of this Promotion):

"Cash Prize" means a monetary Prize or a cash debit 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" means a method, whether electronic or paper-based, by which a Player enters a Drawing or Promotion.

"Entry Periods" means the time frames during which 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 person licensed by the Virginia Lottery to sell and dispense Virginia Lottery Tickets, materials and games.

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

"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.

"Person" means a natural person and may not extend to or be applied to a corporation, company,

partnership, association or other entity.

“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 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 an Entry submitted by, for, or gifted to or transferred to anyone referenced in this **Section D**.

E. PROMOTION ENTRY: To participate, a Player must enter one (1) THIRTY DOLLAR (\$30.00) Non-winning Virginia Lottery *Commonwealth* Scratcher (Game #2089) via an established Entry method to enter a Prize Drawing. Entries for this Promotion will be accepted via the Internet and via the Lottery’s Mobile App.

All Entries, submitted according to **Section G** (“Internet Entries”) or **Section H** (“Mobile Application Entries”) and received during an eligible Promotion Entry Period as specified in **Section I** (“Entry Deadlines”) will be included in the appropriate Prize Drawings established for this Promotion.

Entries received for this Promotion will be eligible for **only one** (1) Prize Drawing based upon the established Entry Periods as specified in **Section I** (“Entry Deadlines”). Entries not selected as a winner in one (1) of the first three (3) Prize Drawings will automatically be eligible for the fourth and final Grand Prize Drawing to win *one (1) Grand Prize of ONE MILLION DOLLARS (\$1,000,000)*. The Grand Prize Drawing will take place on or about June 29, 2021.

A Player may enter the Promotion more than once as long as each Entry is based upon a different eligible Non-winning \$30 *Commonwealth* Scratcher.

A Player may submit, to *this* Promotion, a maximum of twenty-five (25) Non-winning \$30 *Commonwealth* Scratchers (Entries) per day over the course of the Entry Deadline periods. This limitation does not bar a Player from entering other Promotions being offered simultaneously.

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. Only non-winning \$30 *Commonwealth* (Game #2089) Scratchers will be accepted as valid Entries for this Promotion.
2. Each applicable Scratcher used for this Promotion must have been issued by the Lottery in an authorized manner during the Entry period referenced in **Section I** ("Entry Deadlines"), must be validly sold, 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 the Drawings as specified in **Section I** ("Entry Deadlines"). Such Entries shall be deemed invalid.
4. Only Entries that are submitted in the manner described in **Section G** ("Internet Entries") or **Section H** ("Mobile Application Entries") of these Promotion Rules during the designated Entry Periods will be eligible for Entry in this Promotion. Hand-delivered or mailed 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. Any Prizewinner whose *Winner Notification Letter* is returned undeliverable due to blocked e-mails, incorrect address information, expired forwarding address notifications and/or delivery delays due to mail forwarding 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. INTERNET ENTRIES:

1. To enter via the Internet, a Player must go to the Lottery's website at www.valottery.com/wealth 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. Once entered via the Internet, 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.
4. 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.

H. MOBILE APPLICATION ENTRIES:

1. To participate using the Virginia Lottery's mobile application, a Player will need to visit their mobile service provider's application store to download the free application. The application can be found by searching "Virginia Lottery".
2. Upon opening the application, a Player must 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.*

3. 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.
4. Players must correctly enter **BOTH** the Promotion Entry Number found on the back of of each eligible Scratcher, and the Web Code found on the front of each eligible Scratcher.

I. ENTRY DEADLINES:

Drawing	Entry Periods
1	March 2, 2021 (midnight, ET), through April 4, 2021 (11:59:59 PM ET)
2	April 5, 2021 (midnight, ET), through May 2, 2021 (11:59:59 PM ET)
3	May 3, 2021 (midnight, ET), through May 30, 2021 (11:59:59 PM ET)
Grand Prize	March 2, 2021 (midnight, ET), through June 27, 2021 (11:59:59 PM ET)

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

Drawing	Prize*	# of Prizewinners
1	\$2,000	52
2	\$5,000	6
3	\$10,000	2
Grand Prize*	\$1,000,000	1

*Each Prizewinner will have the option of receiving the \$1,000,000 prize as an annuity Prize (paid in annual installments for 30 years for the full prize value) **OR** receiving the cash value of the Prize in a single payment in the amount of approximately \$640,205.00 less applicable taxes.

K. PROMOTION DRAWINGS: The following are the four (4) established Drawing dates for this Lottery Promotion:

Drawing #	Date
1	April 6, 2021
2	May 4, 2021
3	June 1, 2021
Grand Prize	June 29, 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 Entries 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 Prizewinners are selected, five (5) 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 a Prizewinner be determined ineligible.
5. After the Drawing is completed, representatives of the Lottery's Audit and 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 Entries have been selected for the particular Drawing.

L. PRIZEWINNER PROCEDURES:

Each Prizewinner selected in association with this Promotion will be notified by the Lottery via the United Postal Service (USPS) or United Parcel Service (UPS), when feasible. All Prizewinners will receive a *Winner Claim Form* and an *Affidavit of Eligibility Form*. Each Prizewinner will be required to complete and return both forms by the deadline stated in their *Winner Notification Letter*. Any Prizewinner who fails to respond to his/her *Winner Notification Letter* by the date noted in their *Winner Notification Letter*, will forfeit his/her Prize.

M. 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.

N. PRIZE AWARD/PAYMENT

1. When paying any 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 shall be deemed invalid.
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 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.

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 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 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 ("ADA"):** The Lottery is not responsible for any third party's compliance with ADA Rules and Regulations where applicable in connection with a Prize.