



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Byron Pittman
Mayor, City of Chickasaw
Post Office Box 11307
Chickasaw, Alabama 36671

Dear Mayor Pittman:

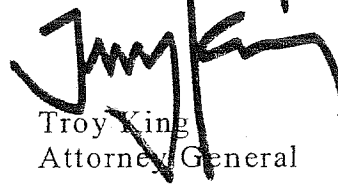
I am writing to clarify an apparent misconception on your part regarding the law as it relates to the operation of bingo in Mobile County, in general, and, in Chickasaw, in particular. In a recent news article published in the *Mobile Press Register*, "State battles towns embracing electronic bingo," you are reported to have said that you are waiting on an Alabama Supreme Court decision on whether electronic bingo machines are legal statewide before allowing electronic bingo in your city. Regardless of any decision by the Alabama Supreme Court on electronic bingo, or any city bingo rules or regulations, the City of Chickasaw will need additional legislation in order to allow electronic bingo machines to be operated within its borders. Simply put and clearly stated, regardless of the decision by the Alabama Supreme Court, the current laws applicable to the City of Chickasaw do not allow electronic bingo.

Section 65 of the Alabama Constitution prohibits all lotteries within the State. Bingo is a form of a lottery. Constitutional Amendment No. 440 amends the Alabama Constitution and provides that bingo, which otherwise is a prohibited lottery, is legal in Mobile County subject to certain provisions found therein. Constitutional Amendment No. 440 also provides specifically that the Legislature has the "right and power" to adopt laws supplemental to the Amendment, which the Legislature did with the passage of Alabama Act Nos. 83-731 and 93-710. The Legislature provided that "[b]ingo' means that game commonly known as bingo where numbers or symbols on a *card or paper sheet* are matched with numbers or symbols selected at random." (Emphasis added.) The law further provides that "all winning *paper bingo sheets* shall be posted or displayed in a prominent position for inspection until the end of each bingo session." Act No. 93-710, Section 10 (h). (Emphasis added.) The State of Alabama has consistently interpreted the language, "card or paper sheet" as limiting bingo to card or paper form. In other words, a decision by the Alabama Supreme Court finding that electronic bingo is permissible in Alabama will not, in and of itself, affect Chickasaw's ability to allow electronic bingo.

Regardless of the decision of the Alabama Supreme Court, the City of Chickasaw will need additional legislation that eliminates the provisions of the current law that restricts bingo to "card or paper sheet" before electronic bingo would be legal in your city.

Thank you for your attention. If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy King', written over the typed name and title.

Troy King
Attorney General

TK:CP:oi