



# Virginia Lottery

## **DIRECTOR'S ORDER NUMBER NINETY-SEVEN (2021)**

### **VIRGINIA LOTTERY'S "SOCIAL MEDIA PROMOTION" FINAL RULES FOR OPERATION.**

The Virginia Lottery's "Social Media Promotion" Rules are promulgated in accordance with §§ 2.2-4002B(15) and 58.1-4006A of the *Code of Virginia* to encourage and promote engagement on the Virginia Lottery's official Facebook®, Twitter®, Instagram® and YouTube® social media channels in order to generate additional awareness for the Virginia Lottery. This Promotion begins on July 1, 2021 and will continue until amended or rescinded by Director's Order. 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](mailto:PublicRecords@valottery.com). The Promotion 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 Promotion 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This Director's Order becomes effective July 1, 2021 and shall remain in full force and effect unless amended or rescinded by further Director's Order.

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

\_\_\_07/1/2021\_\_\_\_\_  
Date

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

\_\_\_7/1/2021\_\_\_\_\_  
Date



## VIRGINIA LOTTERY'S "SOCIAL MEDIA PROMOTION" OFFICIAL RULES

- A. PURPOSE:** A Promotion will be conducted to generate additional awareness for the Virginia Lottery via certain social media tools, including, but not limited to, Facebook®, Twitter®, Instagram® and YouTube®. With this Promotion, an undetermined number of periodic Prize Drawings will be conducted to award Prizes such as, but not limited to, gift cards, Scratchers, gift packs, tickets to special events, and other experiential Prizes (e.g., festival experience that includes lodging expenses and spending money).
- B. PROMOTION PERIOD:** This Promotion begins July 1, 2021 and will be in effect until amended or rescinded by Director's Order.

**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.

"Computer-generated Game" means a Virginia Lottery Game in direct communication with a Mainframe computer operated by or at the direction of the Virginia Lottery.

"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 numbers 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 in accordance with the Promotion Rules .

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

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

"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 Products.

“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 G** (“Prize Description”).

“Prizewinner” means a verified Claimant who is entitled, as a result of 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 Area 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 the 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 and purchase a Ticket, without the help of a retail clerk or a Lottery employee at a Virginia Lottery office or other approved location.

“Winning Entry” or “Winning Entry Form” 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. Claimants will be required to provide proof of their date of birth. In some instances, if a Prizewinner is under the age of twenty-one (21), he/she may be required to be accompanied by someone who is age twenty-one (21) or older in order to claim the Prize he/she has been awarded.

Certain promotions may be limited to Virginia residents in order to comply with state and/or federal law and/or with the rules of the applicable social media tool.

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.

(Virginia residency may be required for eligibility for certain promotions offered by the Lottery.)

3. 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 obtained by submitted by, for, or gifted to anyone referenced under this **Section D**, or to the transferee of such Person.

**E. PROMOTION ENTRY and ENTRY PERIOD(S):**

To participate, an Entrant must supply the required Entry information specified on the applicable social media platform(s). The Entry Period(s) will be defined on the applicable social media platform(s).

Participants are eligible to win only one (1) Prize per Drawing. The maximum number of Entries to be accepted will be announced publicly at the launch of the Promotion.

No purchase is necessary to receive an Entry Form for this Promotion.

**F. ENTRY REQUIREMENTS:**

1. Depending upon the Promotion, an eligible Entry may be based upon the first qualified action, such as Comment, Share, or Like, as required for that Promotion. Only one (1) Entry may qualify for each Promotion.
2. The Lottery will not be responsible for ineligible any submission that failed to comply with the Promotion requirements and/or received outside of the established Entry Period for each Drawing as specified in Section E ("Promotion Entry and Entry Period(s)"). Such submissions shall be deemed invalid.
3. Only Entries that are submitted in the manner described in Section E ("Promotion Entry and Entry Period(s)") will be eligible for Entry in this Promotion.
4. The Lottery shall verify a Player's identity and eligibility qualification subsequent to the Lottery's announcement/notification regarding the selected Entry winner.
5. The Lottery will not be responsible for submissions that are incorrect, inaccurate or incomplete, or otherwise failed to comply with the Promotion requirements, whether caused by a participant, equipment, or technical malfunction; or for any human error, technical error or malfunctions.
6. Certain Promotions on Twitter® or Instagram® may require Participants to have a public account. If that is the case, this requirement will be announced publicly at the launch of that particular Promotion, and Entries submitted via private accounts will be disqualified.
7. All Entries must also comply with the specific terms of use for the social media platform used to enter the Promotion.

**G. PRIZE DESCRIPTION:** Prize(s) for these Promotions include, but are not limited to, gift cards, Scratchers, gift packs, tickets to special events, and other experiential Prizes (e.g., festival experience that includes lodging expenses and spending money).

Should for reasons out of the Lottery's control, one or more of the originally proposed Prizes become(s) unavailable, a Prizewinner will be given an alternate Prize of equal or greater value.

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## H. PROMOTION DRAWINGS:

1. Lottery officials will conduct the Prize Drawing(s) for this Promotion. Entries will be randomly selected and the order in which the Winning Entry/ies is/are drawn shall be recorded by Lottery officials. The Lottery's decision shall be final and controlling.
2. Each Drawing will be conducted from all eligible Entries submitted via the established Entry method(s) and by the established Entry deadline date(s).
3. After the Drawing is completed, representatives of the Lottery will confirm that the Entries selected in the Drawing are valid as outlined in **Section D** ("Eligibility").
4. After an Entrant is selected, he/she is given an amount of time within which to respond to the Lottery representative. If the selected Entrant does not respond within the allotted time frame, he/she forfeits the Prize.
5. In the event that a selected Entry is deemed invalid [see **Section D** ("Eligibility")], an additional Prizewinner will be selected from the remaining pool of Entries. This process shall continue until all valid Winning Entries have been selected for the Drawing.

## I. PRIZEWINNER PROCEDURES:

1. Prizewinners may be notified via phone, personal email address, or a "tag/mention/message" on social media.
2. Each Promotion Prizewinner will be required to complete various forms\* in order to officially claim the Prize awarded to him/her in conjunction with this Promotion. Failure to complete all required forms may result in the winner being deemed ineligible to receive his/her Prize. At that point, an alternate winner may be selected to receive the awarded Prize.
3. Prizewinners will be required to complete and return all required forms by the deadline stated in the Winner Notification Letter. Any Prizewinner who fails to respond to his/her Winner Notification Letter within 10 calendar days from the date listed in the Winner Notification Letter, will forfeit his/her Prize.
4. Any Prizewinner whose Winner Notification Letter is returned undeliverable due to blocked emails, incorrect address information, or expired forwarding address notifications, and the Prizewinner failed to notify the Lottery before the claim deadline date, 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. If the Lottery is notified prior the claim deadline date, the Lottery will email the required form(s) to the Prizewinner.
5. Upon receipt of all required properly completed and signed forms, the Lottery or its designee will forward the Prizewinner his/her Prize.
6. Prizewinner names may be posted on valottery.com.

\*A Prizewinner Claim Form will be required for Scratcher Prizes totaling \$100 in value or more and/or a total Prize value greater than \$300.

## **J. CLAIMANT VERIFICATION:**

1. Methods used by the Lottery to establish and confirm a Claimant's identity include, but are not limited to:
  - viewing and/or copying the Claimant'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 Prizewinner Claim Form.
2. In order to verify a Claimant's age, in all cases involving a Promotion cash Prize greater than \$100, the Lottery must be provided with the Claimant's valid government-issued photo identification and taxpayer identification number (e.g. Social Security number). The awarding of a Prize will be delayed until such information is provided.

## **K. PRIZE AWARD/PAYMENT:**

1. When paying 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 Promotion Prize is 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®, Instagram®, or similar efforts, without additional consent from or compensation to the Prizewinner.

## **L. 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 in 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.

**M. 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 any dispute or other instance of doubt, the decision of the Director shall be final and binding.

**N. 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 Virginia Lottery, and these and any other applicable Rules established by the Lottery Board and/or Director of the Virginia 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.

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

**P. 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.