



STATE OF KANSAS

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July 16, 1986

ATTORNEY GENERAL OPINION NO. 86- 102

Ms. Linda Trigg
Seward County Attorney
415 N. Washington
Liberal, Kansas 67901

Re: Crimes and Punishments -- Code; Crimes Against
the Public Morals -- Legality of a Contest Which
Requires the Purchase of a Newspaper to
Participate

Synopsis: A contest which requires a person to purchase a
newspaper to obtain entry forms to participate
constitutes a lottery and is illegal in Kansas.
Cited herein: K.S.A. 21-4302.

* * *

Dear Ms. Trigg:

As Seward County Attorney, you have requested our opinion
as to the legality of a contest which was conducted in
Liberal. Rule number 1 specified that persons could enter
the contest only upon coupons contained in advertisements
by sponsoring merchants which were printed in the Southwest
Daily Times newspaper. We understand that the Times is not
a free distribution newspaper, but must be purchased to
obtain a copy.

As you are aware, K.S.A. 21-4302 defines a lottery as "an
enterprise wherein for a consideration the participants
are given an opportunity to win a prize, the award of
which is determined by chance." (Emphasis added.)
"Consideration" is defined in part as "anything which is a

commercial or financial advantage to the promoter or a disadvantage to any participant." Id. at (3).

The contest in question offers a prize which will be awarded by the chance drawing of a ticket. The only issue to be resolved is whether the element of consideration exists, thereby constituting an illegal lottery. It is our opinion that it does.

A person may only enter the contest on the entry forms printed in the newspaper. The newspaper must be purchased to obtain the forms. There is no provision in the rules for facsimile entries, nor for obtaining free copies of the newspaper. Because the purchase of the newspaper constitutes a detriment to the participant, consideration is present.

All of the elements of a lottery are present; therefore, the contest would be illegal under Kansas law.

Very truly yours,



Robert T. Stephan
Attorney General



Brenda L. Braden
Deputy Attorney General

RTS:BLB:may