

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0961/1dn  
MGG:kjf:md

January 24, 2011

Although this bill provides that making a customer referral does not constitute consideration for purposes of the statutory prohibition against lotteries, the constitutional issue remains. A court may find that the constitutional prohibition against gambling prohibits contests in which a participant must make a customer referral in order to win a prize. Article IV, section 24, of the Wisconsin Constitution prohibits gambling except for the state lottery, charitable bingo or raffles, and pari-mutuel wagering. The constitution further specifies three activities that do not constitute consideration for purposes of the prohibition against gambling (listening to the radio or watching television, filling out a coupon or entry blank, and visiting a mercantile establishment without being required to make a purchase or pay an admittance fee.) A court may construe these three items as an exclusive list of items that do not constitute consideration.

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