AN ACT to repeal 565.01 (4r) (b); to amend 565.01 (4r) (g); and to create 25.75 (3) (b) 5., 565.32 (3) (b), 565.32 (4) and 565.32 (5) of the statutes; relating to: restrictions on advertising the state lottery.

Analysis by the Legislative Reference Bureau

This bill limits the amount that the state is allowed to spend on advertising for the lottery, and also limits the content of the advertising.

Under current law, the Department of Revenue or any other state agency is prohibited from paying for promotional advertising with lottery proceeds or public funds. Under current law, “promotional advertising” does not include advertising that provides the public with information about the fact that the state has a lottery; the locations that lottery tickets or shares are sold; the price of the tickets or shares; the prize structure; the type of lottery game and explanation of how it works; the time, date, and place of conducting the lottery; the winning numbers, lottery tickets, or lottery shares; the identity of the winners; the amount won; and how the lottery is operated or how the net proceeds of the lottery are used. This bill removes the location where lottery tickets or lottery shares are sold and the identity of the winners as exceptions from “promotional advertising.”

Current law also contains a number of required disclosures for all lottery advertising, tickets, and shares. This bill requires that any broadcast video or audio advertising contain a spoken statement disclosing all of the required information at a normal speaking pace.

Under current law, the state may only spend up to 10 percent of lottery revenues for the administration of the lottery, including the purchase of nonpromotional
advertising. This bill provides that the state is limited to spending no more than $5,000,000 per fiscal year on nonpromotional advertising of the lottery.

Finally, the state currently administers an e-mail subscription service known as the “players club.” This bill makes it illegal for DOR or any other state agency to collect e-mail addresses and distribute nonpromotional advertising to those e-mail addresses.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 25.75 (3) (b) 5. of the statutes is created to read:

25.75 (3) (b) 5. Advertising in an amount not to exceed $5,000,000 per fiscal year shall be included.

SECTION 2. 565.01 (4r) (b) of the statutes is repealed.

SECTION 3. 565.01 (4r) (g) of the statutes is amended to read:

565.01 (4r) (g) The winning numbers, lottery tickets or lottery shares or the identity of winners and the amounts won.

SECTION 4. 565.32 (3) (b) of the statutes is created to read:

565.32 (3) (b) All advertising of the lottery that is in a video or audio format shall include a spoken statement containing all of the information required under par. (a) or any other provision of law, read at a normal speaking pace.

SECTION 5. 565.32 (4) of the statutes is created to read:

565.32 (4) ELECTRONIC MAIL-BASED ADVERTISING PROHIBITED. The department or any other state agency may not collect electronic mail addresses for the purpose of sending information or advertising or send information or advertising regarding the lottery directly to individuals via electronic mail.

SECTION 6. 565.32 (5) of the statutes is created to read:
565.32 (5) Product information and advertising expenditure cap. No funds of the state in excess of $5,000,000 per fiscal year may be expended on product information and advertising for the lottery.

**SECTION 7. Initial applicability.**

(1) Contracts for advertising. If the department of revenue has a valid contract for the purchase of product information or advertising services in effect on the effective date of this act, the product information and advertising expenditure cap under sections 25.75 (3) (b) 5. and 565.32 (5) of the statutes first applies on the day on which the contract is modified, renewed, expired, or terminated.

(END)