



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
GAMING DIVISION

OFFICIAL MEMO

TO: City and County Auditors and Local Permitting Authorities
FROM: North Dakota Office of Attorney General, Gaming Division
DATE: January 16, 2026
RE: Statement of General Policy and Interpretation for Local Permitting

PURPOSE

To support clear and consistent communication, and to assist new and existing auditors in staying current, please take time to review and verify the information provided so you are prepared to respond to questions from your local communities.

LEGAL FRAMEWORK AND AUTHORIZED ORGANIZATIONS FOR CHARITABLE GAMING

Under the North Dakota Constitution and state law, gambling is illegal unless expressly authorized by the Legislature or the Constitution. Only organizations that are specifically authorized may conduct games of chance, and such authorization is conditioned upon obtaining the appropriate gaming license or permit. All gaming activities conducted by an authorized organization must occur strictly within the scope of that authorization and in full compliance with applicable state laws and administrative rules.

[Section 25 of the North Dakota Constitution](#) establishes this prohibition and provides limited authority for the Legislature to permit games of chance conducted by qualifying nonprofit organizations, provided the net proceeds are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses.

In addition, [N.D.C.C. § 12.1-28](#) defines gambling and clarifies certain activities that are not considered gambling under North Dakota law. Gambling generally means risking money, credit, deposits, or other things of value for gain upon chance or the outcome of an event over which the participant has no control. The statute excludes certain lawful activities, including but not limited to:

- a. Lawful contests of skill, speed, strength, or endurance in which awards are made only to entrants or owners of entries;
- b. Lawful business transactions or other acts or transactions expressly authorized by law; and
- c. The controlled use of gaming equipment or devices by institutions of higher education for approved scientific research purposes.

Unauthorized Organizations

To assist organizations and local governing bodies in understanding licensing eligibility, the administrative rule below describes conditions that may result in an organization being considered ineligible for a gaming license or permit.

N.D.A.C. § 99-01.3-01-01. Ineligible organizations. An organization or a closely related organization may be ineligible for a license or permit if either organization has failed to resolve an imbalance involving its gaming or trust account according to section 99-01.3-03-05, has deals or games with state gaming stamps that are not accounted for, is delinquent in paying any tax, interest, penalty, or monetary fine due, has failed to comply with the terms and conditions of an administrative order, or was convicted of violating this article or North Dakota Century Code chapter 12.1-28 or 53-06.1. An auxiliary that is not a closely related organization is eligible for a permit. An organization that is licensed shall either have its principal executive office in North Dakota or be a foreign corporation authorized to conduct a raffle under chapter 20.1-04 or 20.1-08. **A county, city, state, political subdivision, or federal entity is not eligible for a license or permit.** A nonprofit social, hobby, trade, business, professional, similar club or association, or organization whose primary purpose mainly provides a direct benefit to its officers or members, is not a public-spirited organization eligible for a license.

APPLICATIONS

All **local permits and restricted event permits** issued by a city or county must be submitted to the Gaming Division. To avoid mail delays and ensure the Division receives the permit **before the event date**, please submit all permits **by email**, which is the preferred method of delivery, to: agogaming@nd.gov

APPLICATION FORMS

Organizations requesting a permit must complete the [*Application for a Local Permit or Restricted Event Permit \(SFN 9338\)*](#). This application requires the organization to list the *specific event date(s), site name, and physical address*.

Please note that the [*Local Permit or Restricted Event Permit \(SFN 17926\)*](#) must be completed **only by the authorized city or county official**. Organizations may not complete or sign SFN 17926 under any circumstances.

All updated forms are available on the Attorney General's website at attorneygeneral.nd.gov.

Local Permit – SFN 17926 Requirements

- The *Local Permit (SFN 17926)* is **never** to be completed by the organization.
- Organizations must instead complete the [*Application for a Local Permit or Restricted Event Permit \(SFN 9338\)*](#).
- Only an **authorized city or county representative**, acting as the local governing body, may complete and issue the *SFN 17926* form.

DATES AUTHORIZED

Please note that the "dates authorized" on a permit should reflect only the first event date through the last event date. This section does not need to include the dates during which an organization is selling raffle tickets.

- If the permit is for a single event, the date authorized, event date, and "exact dates" fields should all match.

LAST-MINUTE PERMITS

There has been some misunderstanding regarding when permits may be issued. A permit **must be issued** prior to the first event date. While the issuing body has full discretion on when to approve a permit, the Gaming Division strongly discourages issuing a permit on the same day as the event to ensure the permit is accurate and free of errors.

If a permit is issued on or very close to the first event date, the issuing body is required to email the permit to the Gaming Division the same day at agogaming@nd.gov. If the site already has a licensed organization authorized to conduct games, the email must also include written communication and approval from the gaming manager.

CHANGES AFTER A PERMIT HAS BEEN ISSUED

If an organization needs to make any change to its permit—even if tickets have already been printed or sold—the organization is required to obtain approval from the Gaming Division before making the change.

Required Steps

1. The organization must email the Gaming Division (agogaming@nd.gov) to request approval for the change.
2. After receiving approval, the organization must contact the issuing city or county to amend the original permit.
3. The issuing body must then send the amended permit to the Gaming Division.
4. The organization must:
 - Correct any tickets that have not been sold.
 - Attempt to contact all individuals who have already purchased tickets.
 - Prepare a written statement of the changes and:
 - Post it on the organization's public media profile(s) (website, social media).
 - Provide it to all individuals selling tickets.
 - Post and/or announce it on the day of the drawing.

Regulatory Requirement – [N.D.A.C. § 99-01.3-05-03\(6\)](#)

"A prize winner shall be drawn or determined on the date and at the location indicated on a ticket unless a different date or location is requested in writing and approved by the attorney general before the date of the drawing. If a different drawing date or location is approved, an organization shall notify the purchasers of the tickets of the change by contacting each purchaser or by making a public announcement. The attorney general may, for good cause, change the date or location for a drawing."

RAFFLE BOARDS

Raffle Boards - [N.D.A.C. § 99-01.3-05-01](#)

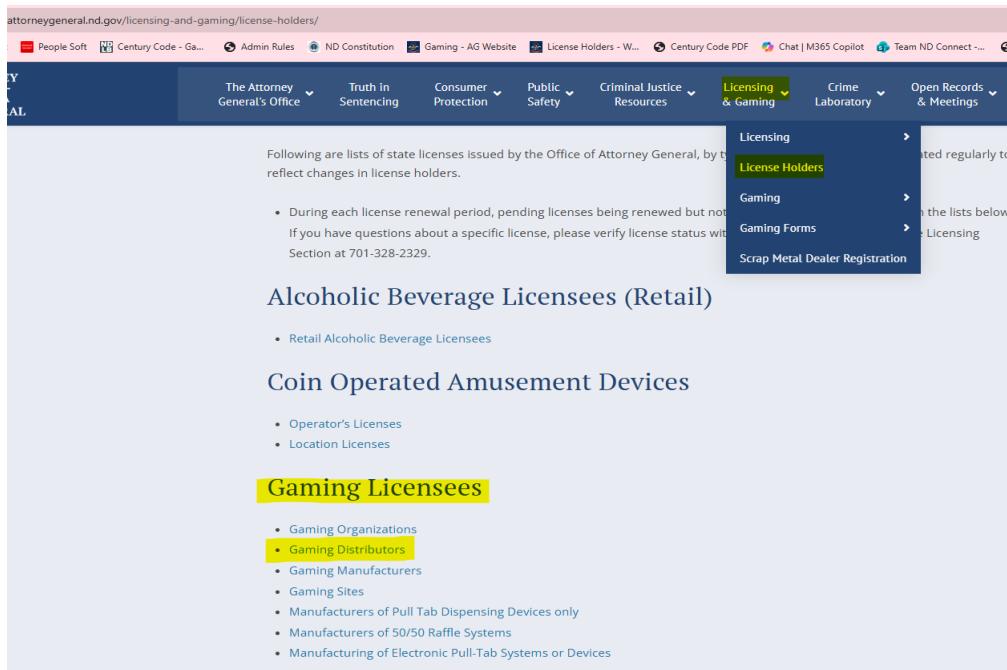
A raffle board may be used to determine a winning square through a drawing from a receptacle or another fair method approved by the Attorney General.

Requirements include:

- All squares must be sold at the same price at the site on the day of the drawing.
- An organization must complete the cost per square, prizes, and date of the raffle directly on the board.
- Licensed organizations must ensure the raffle board includes a state gaming stamp affixed by a distributor.

When an organization with a permit wants to conduct a raffle board, they may be able to sell the squares up to 30 days in advance but are required to obtain the board from a distributor with a gaming stamp affixed to the board. If the board is sold and drawn on the same date, then the board is not required to be obtained from a distributor.

Distributors licensed in North Dakota are listed on the [North Dakota Attorney General's website](#).



The screenshot shows the North Dakota Attorney General's website with a navigation bar at the top. The 'Licensing & Gaming' menu item is highlighted. A dropdown menu for 'License Holders' is open, showing categories like 'Gaming', 'Gaming Forms', and 'Scrap Metal Dealer Registration'. The main content area displays sections for 'Alcoholic Beverage Licensees (Retail)' and 'Coin Operated Amusement Devices', each with a list of sub-categories. Below these is a section titled 'Gaming Licensees' with a list of categories including 'Gaming Organizations', 'Gaming Distributors' (which is highlighted in yellow), 'Gaming Manufacturers', 'Gaming Sites', 'Manufacturers of Pull Tab Dispensing Devices only', 'Manufacturers of 50/50 Raffle Systems', and 'Manufacturing of Electronic Pull-Tab Systems or Devices'.

SPORTS POOLS

Sports Pools - [N.D.A.C. § 99-01.3-07-01](#)

A sports pool must:

- Be a multiple-line or multiple-square board based on a professional sporting event.
- Provide an equal chance of winning for all players.
- Be acquired from a licensed distributor.
- Identify one opponent along the vertical columns and one along the horizontal rows.
- If opponents are not yet known, organizations must list identifiable conferences, divisions, or events.

The sports pools are now under the same consideration as a raffle when being conducted in a site that already has gaming established.

Please note the following rules for a permittable organization conducting activity at your licensed organization:

1. The permitted organization should contact the licensed organization to make them aware of the event being held at their location.
2. If the activity is conducted at the site where there is a licensed organization, the gaming must be suspended **all day**, unless.
 1. For raffles and sports pools, gaming only needs to be suspended during the raffle drawing or for sports pools, the duration of the sporting event.
 2. When the area for the raffle or sports pool is physically separated from the area where games are conducted by the regular organization, then the gaming does not need to be suspended. (Ex. Walled off conference room).

ALTERNATE FAIR METHODS OF SELECTION (RAFFLES ONLY)

Raffles in North Dakota are considered a game of chance and are authorized by the constitution through law to be conducted by law bona fide nonprofit veterans', charitable, educational, religious, or fraternal organizations, civic and service clubs, or such other public-spirited organizations as it may recognize, to conduct games of chance when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses.

Under [N.D.A.C. § 99-01.3-05-01](#), the Office of Attorney General may approve alternate fair methods of selection for **raffles** only. The Office of Attorney General is **not given authority to approve alternate types or forms of other games of chance**. Legal games of chance authorized for play under local/restricted permits or by licensed organizations are defined in century code and administrative rule; play of such games must adhere to the laws and rules in effect for each game type (*i.e. poker, twenty-one, and paddlewheels*). Games of chance requests other than an alternate fair method of selecting a raffle winner will **not be approved**.

For consideration of approval of an alternate fair method of selecting a raffle, the organization conducting the raffle will need to clearly describe their requested method of drawing and how it will ensure that each ticket purchased is *separate and equal chance to win* with all other tickets sold ([N.D.A.C. § 99-01.3-05-02](#)). The method of conducting the drawing must be fair and the person providing consideration for the chance to win has no control over the outcome of the drawing.

Examples of alternate fair methods of selection in the past that **have been approved** for raffles include:

- Cow, chicken, horse drop raffles (must be described as "raffle," and not as "bingo" because bingo is a different type of regulated game).
- Duck races
- Paddle raffles
- Golf ball drop

Requests for the following have not been approved:

- Plinko
- Human Slot Machines
- Deal or No Deal
- Anything using numbered dice or playing cards
- Games which are not a raffle
- Games of skill, speed, strength, or endurance
- Games in which anything other than an individual paying for a separate and equal chance to win is used for selection. For example, chances are multiplied by age, skill, or physical attributes.

Organizations requesting to conduct an alternate form of selection as a type of gaming must follow these steps prior to approval by the Gaming Division.

1. The organization needs to e-mail the Gaming Division (agogaming@nd.gov) seeking approval to conduct an alternate form of selection. This email must identify the organization and then explain the exact details of the game type to be approved, how it will be conducted, how it will be regulated, how the winner will be determined, and what prize(s) will be rewarded.
2. The Office of Attorney General will then contact the organization with questions and clarifications until a decision is reached.
3. If approved, the organization may then request a permit from the city or county to be approved and the permit can be issued. A permit cannot be issued prior to the approval of the Office of Attorney General – Gaming Division.
4. Please note, this **does not guarantee** that the city or county will approve the request to issue a permit.

LOCAL PERMIT SUBMISSION & OTHER MISCELLANEOUS ISSUANCE GUIDANCE

Guidance on Local Policies for Site Authorization Decisions

Due to [North Dakota House Bill \(HB\) 1615](#) - Starting August 1, 2025, if your city wants to have stricter rules than state law about denying applications for charitable gaming site authorizations, your city must create and adopt a written policy for issuing these authorizations. Before your city can officially adopt any such policy, you must allow for public input. This means the policy needs to be an item on a city governing board meeting agenda, open for public comments ([Senate Bill \(SB\) 2180](#)). The North Dakota League of Cities has provided model policies for you to refer to at: <https://ndlcc.org/tools-resources/>.

Submitting Permits to the Gaming Division

To avoid delays, permits must be submitted to the Gaming Division by:

- Email (preferred): agogaming@nd.gov
- Fax: 701-328-3535

Site authorizations should continue to be sent to the Licensing Unit. If sent to the Gaming Division, we will forward to the Licensing Unit. Gaming licensing will be transitioning to the Gaming Division in 2026, we will communicate when that change occurs.

Who Issues the Permit?

Issuance depends on where the event occurs:

- Inside city limits: submit the application to the city auditor.
- Outside city limits: submit the application to the county auditor.

The issuing body must:

- Send the issued permit to the Office of Attorney General within 14 days of issuance.
- Approve and issue the permit before the first event date.
- Never issue a permit on or after the event date.

Dates Authorized on the Permit

- The “dates authorized” must include only the actual event dates, not ticket-selling dates.
- The start date = first event date; end date = last event date.
- If an organization wishes to add new events outside the approved range, a new application is required.
- Amended permits must be clearly marked as amended and emailed to the Gaming Division.

Listing Event Dates

Every game type and its exact event dates must be listed. Examples:

- Raffle drawing: 3/18/2023
- Bingo events: every Friday from 1/1/2023–3/31/2023

Restricted Event Permits (Poker, Twenty-One, Paddlewheels only)

- Restricted Event Permits are limited to one per fiscal year (July 1–June 30).
- Once issued, the organization may not apply for any additional permits that fiscal year.
- A Restricted Event Permit cannot be issued to an organization that has already received a Local Permit in that same fiscal year.
- A [Report on a Restricted Event Permit \(SFN 52880\)](#) must be filed within 30 days of the event.

Poker Runs

A “Poker Run” is considered a form of Poker and therefore requires a Restricted Event Permit.

If the organization claims the event is based only on drawing a number (*not forming a poker hand*), the Attorney General’s Office recommends:

- Do not use playing cards.
- Use double-roll tickets instead.
- Call the event a “Fun Run”.

This converts the activity into a raffle, eligible for a Local Permit, allowing multiple events per year.

Additional Application Requirements for Shared Sites

When an organization applies for a permit at a site already licensed for charitable gaming:

1. The permitted organization must contact the licensed organization.
2. Written consent or email approval from the licensed organization is required and must be submitted with the permit.
3. Gaming at the licensed site must be suspended all day, unless:
 - The game type is a raffle, then gaming is suspended only during the drawing; or
 - The raffle occurs in a physically separate area (e.g., conference room), in which case gaming may continue.

Determining Public-Spirited Organizations

Local permits may only be issued to public-spirited organizations, as defined in:

- [N.D.C.C. § 53-06.1-01](#) and [N.D.A.C. § 99-01.3-01 through 99-01.3-05](#)

Local governments must determine whether the applicant organization is:

- An eligible group of individuals OR a nonprofit corporation; and
- Conducting the event for a charitable or public-spirited purpose.

A single individual cannot receive a permit or license—only a group or organization may qualify.

WHERE TO FIND INFORMATION ON OUR WEBSITE

All referenced statutes, rules, and updated forms are available on the Attorney General's [website](#). Below will highlight frequently used sections by Local Authority.

Gaming Laws & Rules

The screenshot shows the North Dakota Attorney General's website. The top navigation bar includes links for The Attorney General's Office, Truth in Sentencing, Consumer Protection, Public Safety, Criminal Justice Resources, Licensing & Gaming, Crime Laboratory, Open Records & Meetings, and Job Openings. The 'Licensing & Gaming' link is highlighted. The main content area features a section titled 'North Dakota Games Of Chance Century Code' with a link to 'Chapter 53-06.1 of the North Dakota Century Code Effective August 1, 2025'. Below this is a section titled 'North Dakota Games Of Chance Administrative Rules' with a link to 'Article 99-01.3 of the North Dakota Administrative Code Effective January 1, 2023'. At the bottom, there is a section titled 'Review The Laws & Rules' with links to 'Games of Chance Laws (Legislative Council's website)' and 'Gaming Administrative Rules (Legislative Council's website)'. The website has a dark blue header with the text 'DREW H. WRIGLEY' and 'NORTH DAKOTA ATTORNEY GENERAL'.

Gaming News and Publications

The screenshot shows the North Dakota Attorney General's website. The main navigation bar includes links for The Attorney General's Office, Truth in Sentencing, Consumer Protection, Public Safety, Criminal Justice Resources, Licensing & Gaming, Crime Laboratory, Open Records & Meetings, and Job Openings. The 'Licensing & Gaming' section is currently selected. Below the navigation, the title 'DREW H. WRIGLEY NORTH DAKOTA ATTORNEY GENERAL' is displayed. The 'Gaming Publications' section is highlighted with a yellow box. It contains links for 'Presentations' (Gaming Division Presentation - July 23, 2025), 'Memos' (Coming soon), 'Press Releases' (Coming Soon), and 'Gaming Division Newsletter' (February 2024, May 2024). To the right, a sidebar for 'Gaming' includes links for 'License Holders', 'Gaming Forms', 'Scrap Metal Dealer Registration', 'Gaming Laws & Rules', 'Gaming Publications & News', and 'Gaming Training & Resources'.

Local or Restricted Event Permit Forms

The screenshot shows the North Dakota Attorney General's website. The main navigation bar includes links for The Attorney General's Office, Truth in Sentencing, Consumer Protection, Public Safety, Criminal Justice Resources, Licensing & Gaming, Crime Laboratory, Open Records & Meetings, and Job Openings. The 'Licensing & Gaming' section is currently selected. The 'Charitable Gaming' page is displayed. It contains a list of requirements for adding gaming sites during the license year, including Site Authorization (SFN 17996), a Current Gaming Employee List (SFN 54270), an internal control manual, and a license fee of \$175 per jurisdiction. Below this, a section titled 'Adding Gaming Sites During The License Year' provides instructions for adding a gaming site during the year. It states that the organization must complete and submit Site Authorization (SFN 17996) and a Rental Agreement (SFN 9413). It also notes that if the site will be the first site located in the city or (if outside city limits) county location, a license fee of \$175.00 must accompany the forms when submitted to this office. A red handwritten note 'Bottom of page' is visible on the left side of the page. The 'Local Or Restricted Event Permits' section is highlighted with a yellow box. It contains a list of required documents: Application for a Local or Restricted Event Permit (SFN 9338), Local or Restricted Event Permit (SFN 17926), and a Report on a Restricted Event Permit or Political Party Raffle Event (SFN 52880). The sidebar for 'Gaming' includes links for Retail Alcoholic Beverage License, Amusement Games, Charitable Gaming, Fireworks Sales, Manufacturer or Distributor of Gaming Equipment and Supplies, Polygraph, Tobacco, and Transient Merchant.

QUESTIONS OR TRAINING REQUESTS

If you have any questions about permits, tax returns, regulations, or would like to schedule individual training, please contact the Gaming Division. We are always happy to help our local authorities as we work collaboratively for charitable gaming in North Dakota.

We encourage you to use any portion of this MEMO on your website or in other places where you share information with the public. When adding links to the Attorney General's website, please link to the main landing pages rather than directly to individual PDF forms (for example, link to the Licensing page instead of the SFN 9338 form). As forms are updated, direct PDF links may expire, which can result in broken links on your website and outdated information.

If you have any questions about this document or need assistance, please contact the Gaming Division.



NORTH DAKOTA OFFICE OF ATTORNEY GENERAL GAMING DIVISION

600 East Boulevard Avenue, Dept. 125

Bismarck, ND 58505-0040

Phone: 701-328-4848 / 1-800-326-9240

E-Mail: agogaming@nd.gov