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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

TROY KING  
ATTORNEY GENERAL

September 19, 2008

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, AL 36130  
(334) 242-7300  
WWW.AGO.STATE.AL.US

Honorable Craig Ford  
Member, House of Representatives  
Post Office Box 8208  
Gadsden, Alabama 35902

Bingo - Electronic Bingo - Constitutional  
Amendments - Legislation - Etowah County

Absent the passage of a new constitutional  
amendment or new legislation, the Etowah  
County Bingo Act limits bingo in Etowah  
County to paper bingo, not electronic bingo.

Dear Representative Ford:

This opinion of the Attorney General is issued in response to your  
request.

QUESTIONS

(1) Does Amendment 506 of the Constitution of  
Alabama and its enabling legislation (Act 89-463 as  
amended by Act 94-135), which authorizes the opera-  
tion of bingo games by nonprofit organizations in  
Etowah County, permit the use of electronic bingo  
games and equipment, or is another constitutional  
amendment required to authorize the use of such elec-  
tronic bingo games?

(2) Does the existing constitutional amendment  
and enabling legislation currently present operational  
restrictions to the conduct of bingo games in Etowah  
County that would effectively prohibit the use of elec-  
tronic bingo games?

### FACTS AND ANALYSIS

Section 2 of the Local Amendments for Etowah County of the Recompiled Constitution of Alabama authorizes bingo in Etowah County. ALA. CONST. LOCAL AMENDS., Etowah County § 2 (amend. 506). The concluding paragraph of section 2 provides that “the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.” *Id.* The Legislature did so when it enacted the Etowah County Bingo Act in Act 89-463 and amended it with Act 94-135. 1989 Ala. Acts No. 89-463, 942; 1994 Ala. Acts No. 94-135, 176. Section 2(1) defines “bingo” as the “game commonly known as bingo where numbers or symbols on a *card or paper* sheet are matched with numbers or symbols selected at random.” 1989 Ala. Acts No. 89-463, 942, 942 (emphasis added).

Section 8 imposes “a \$0.10 per *card or paper* sheet fee to be remitted quarterly by the permit holder to the county revenue department.” 1989 Ala. Acts No. 89-463, 942, 945 (emphasis added). Section 7(b) provides that “[a]ll bingo *cards or paper* sheets shall be clearly marked with the name of the organization using said cards or paper sheets and it shall be unlawful for one qualified organization to use cards or paper sheets owned by another.” *Id.* (emphasis added).

“Card” is defined as “a flat stiff piece of paper or thin paperboard suitable for writing or printing. . . .” WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 337 (2002). Therefore, absent the passage of a new constitutional amendment or new legislation, the Etowah County Bingo Act limits bingo in Etowah County to paper bingo, not electronic bingo. In light of the answer to your first question, the answer to your second question is moot.

### CONCLUSION

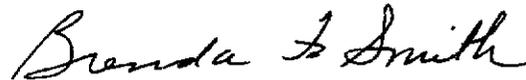
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I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING  
Attorney General  
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH  
Chief, Opinions Division

TK/GWB

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