



Rhode Island General Assembly

Office of the House Minority Caucus

NEWS

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FOR IMMEDIATE RELEASE

House Republicans Seek Supreme Court Advisory Opinion on Online Sports Betting

Today, the House Republican Caucus calls on the House of Representatives, the Senate and the Governor to seek a R.I. Constitution, Art. X, Sec. 3, Supreme Court advisory opinion concerning the legality of H.B. 5241 and S.B. 37, which purport to authorize online sports betting – without first obtaining voter approval. The bills purportedly allow mobile wagers to be placed statewide so long as the customer first registers on-site at Twin River’s Lincoln or Tiverton facilities.

Art. VI, Sec. 22 of the Rhode Island Constitution requires local and statewide approval for any act that expands the types or location of gambling in the state.

In 2012, voters approved of casino gaming at Twin River’s Lincoln facility. In 2016, voters likewise approved of casino gaming at Twin River’s Tiverton facility.

“An open question remains whether these prior voter approvals authorize online gaming anywhere in the state, or, confine it wagers placed while physically located at Twin River’s Lincoln or Tiverton facilities,” said Rep. Lyle (District 46 - Lincoln, Pawtucket).

“House Republicans are not opposed to online gaming. However, the responsible path forward is to first determine whether these proposals are constitutional, before money is expended on gaming infrastructure and the state budgets for anticipated gaming revenues,” explained Rep. Nardone (District 28 – Coventry).

“If the Supreme Court approves of the measures, we can quickly move this legislative session to then authorize mobile gaming. If the Court disapproves, we can amend the bills to include the required voter-approval or seek to amend our state constitution to authorize statewide online sports betting and avoid the required local approval from each municipality where an online bet may be placed from,” stated Rep. Nardone (District 28 – Coventry).

There is historical precedent for our Supreme Court to offer advisory opinions on gaming proposals. In 2005, the Court advised that the 2004 Casino Act was likely unlawful in response to an advisory opinion request from then-Governor Carcieri.

“Art. X, Sec. 3 was designed for scenario we now face; to provide us with the ability to first determine whether this proposal is constitutional – before it is passed and relied upon by the

state and private citizens. If the state instead authorizes online sports betting without an advisory opinion, we will be exposed to the risk that this program will subsequently be found unconstitutional, and the state will have wasted much time, money and effort. An advisory opinion is the responsible path forward,” Rep. Place (District 47 – Burrillville, Gloucester) concluded.

Art. X, Sec. 3 authorizes either the House of Representatives, the Senate or the Governor to request an advisory opinion from our Supreme Court. On March 12, 2019, the House Republican Caucus will file amendments to H.B. 5241 and S.B. 37 during floor debate that ask for an advisory opinion. In the absence of House action, House Republicans urge the Senate and Governor Raimondo to seek guidance from our Supreme Court.

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