



ADMINISTRATIVE RULES OF MONTANA



8.22.3605 PICK (N) WAGERING

- (1) The pick (N) is a form of parimutuel wagering. The pick (N) is not a parlay and has no connection with or relation to any other parimutuel pool made and conducted by an association, nor is the pick (N) connected with or related to any win, place, and show pool shown on the totalizator board, nor is it governed by any board rules pertaining to the distribution of any other parimutuel pools. Each person participating in a pick (N) pool selects the entry or field for win in each of a certain number of races designated by the association with the approval of the board. The number of races so designated may be four, five, six, seven, or eight. Once an association has decided the number of races comprising the pick (N), it may not change that number in the middle of a meet without prior approval of the Board of Horse Racing, which may be given if it is in the best interests of the wagering public to do so. The races so designated comprise the pick (N) for that performance. The association issues the pick (N) participant a ticket which reflects the participant's selections in the designated races.
- (2) A validly issued pick (N) ticket timely surrendered to the association by the legal holder thereof shall be the only evidence of a person's participation in a pick (N) parimutuel pool. The acceptance of a pick (N) ticket by taking an issued ticket away from the window or terminal from which it is purchased shall constitute an acknowledgment by the purchaser of the correctness of the ticket, and each purchaser of a pick (N) ticket agrees to be bound by the terms and provisions of this and all other applicable board rules and regulations and by the laws of the state of Montana pertaining to parimutuel wagering. Neither the association, totalizator company nor the state of Montana shall be liable to any person for any ticket which is not a winning ticket in accordance with the provisions of this rule nor shall they, or any of them, be liable to any person for any pick (N) ticket not delivered for any reason, including but not limited to, mechanical malfunction, electrical failure, machine locking, or other causes.
- (3) In all races, those horses constituting an entry of coupled horses or those horses grouped to constitute the field in a race included in the pick (N) shall race as a single wagering interest for the purpose of the pick (N) parimutuel pool calculations and payouts to a winner. However, if any wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the pick (N) calculation and the parimutuel ticket shall not be withdrawn from that pool.
- (4)
 - (a) Pick (N) shall be composed of two separate and distinct parimutuel pools. Seventy five percent of the gross amount of all sums wagered on pick (N) tickets on each performance shall be paid into a parimutuel pool to be known as "the jackpot". The remaining twenty five percent of the gross amount of all sums wagered on pick (N) tickets for that performance shall be paid into a parimutuel pool to be known as "the consolation pool."

- (b) Subject to the provisions of this rule pertaining to refunds and after the deduction of all legal sums therefrom, the net amount in the jackpot pool subject to distribution among winning ticket holders shall be distributed only among the holders of pick (N) tickets which correctly designate all official winners of the races comprising the pick (N) for the performance.
- (c) Subject to the provisions of this rule pertaining to refunds and after deduction of all legal sums therefrom, the net amount in the consolation pool subject to distribution among winning ticket holders shall be distributed among the holders of pick (N) tickets which correctly designate the most official winners of the contests comprising the pick (N) for that performance.
- (d) In the event there is no pick (N) ticket issued which would entitle the ticket holder to the jackpot, then, and in such event, the entire jackpot shall be carried over and included in the jackpot pool for the next day. The jackpot shall be supplemented each day by the amount added thereto from all previous days' jackpot pools that have not been won by a holder of a pick (N) ticket which correctly selects all official winners of the races comprising the pick (N) for any race day.
- (e) In the event the accumulated jackpot has not been distributed prior to the closing day of the meeting in which the jackpot was generated, the accumulated jackpot and the net amount in the consolation pool subject to distribution among winning ticket holders shall be distributed among closing day holders of pick (N) tickets which correctly designate the most official winners of the races comprising the closing day pick (N). Where a split meet is held, all jackpot and consolation pools shall be distributed as stated in this section on the final day of each portion of the split meet.
- (f) In the event a pick (N) ticket designates as a selection to win in any one or more of the races comprising the pick (N), a single wagering interest which is scratched, excused or determined by the stewards/judges to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs; provided further, that in the event that the win pool for two or more favorites is identical, the selection in the lowest program position shall be substituted for the nonstarting selection.
- (g) In the event one or more of the races comprising the pick (N) is cancelled for any reason, the distribution of the net amount subject to distribution in the consolation pool shall be among the holders of parimutuel tickets which correctly designate the most official winners in all of the remaining races comprising the pick (N) during such race days, except that in the event there is officially cancelled or declared as no contest three or more of the races comprising the pick (N), all parimutuel tickets on the pick (N) for that day shall be refunded, and the pick (N) shall be cancelled for that day. No person shall win the jackpot unless that person holds a pick (N) ticket which correctly picks all official winners of the races comprising the pick (N) for that race day. The cancellation of one or more races comprising the pick (N) in any race day shall result in the contribution to the consolation pool of the amount contributed that day to the jackpot pool. The contribution to that day's jackpot pool will then be distributed along with the remainder of the consolation pool to the winners of the consolation pool. Any contributions to the jackpot pool from prior race days will remain in the jackpot pool to be carried over and included in the jackpot pool for the next race day as prescribed in (d).

- (5) In the event of a dead heat for win between two or more contestants in any pick (N) race, all such contestants in the dead heat for win shall be considered as the winner in the race for the purpose of distributing the jackpot and the consolation pools.
- (6) Once the first race of the races comprising the pick (N) in any race day has begun, and until the last of the races is concluded, the association shall not report to the public, to any of the association's employees or to any other person, the number of tickets sold, total dollars wagered, or the number of tickets with potential to win the pick (N) or any information whatsoever about such tickets. Furthermore, the totalizator system shall be constructed or programmed to suppress the publication or printing of any such information from the beginning of the first race until the conclusion of the last of the races comprising the pick (N) in any one race day, except for the total dollars wagered in the pick (N) pool.
- (7) No parimutuel ticket for pick (N) shall be sold, exchanged or cancelled after the time of the close of mutuel windows for wagering in the first of the races comprising the pick (N), except for such refunds on pick (N) tickets as are required under this rule.
- (8) Any payments in excess of \$100,000 from any pick (N) pool must be paid by a company check or certified check.
- (9) Each jackpot pool shall have a cap which the jackpot pool shall not exceed. The cap for a pick four jackpot pool shall be \$4,000 or 2,000 times the minimum wager, whichever is less. The cap for a pick five jackpot pool shall be \$30,000 or 15,000 times the minimum wager, whichever is less. The cap for a pick six jackpot pool shall be \$250,000 or 125,000 times the minimum wager, whichever is less. The cap for a pick seven jackpot pool shall be \$1,000,000. The cap for pick eight jackpot pool shall also be \$1,000,000. Prior to the opening of a meet the association may declare a cap for the jackpot pool less than the cap imposed above, provided the cap is in increments of \$1,000. Once the association has selected a cap the association may not alter the cap without prior approval of the board. If, at the close of any race day the amount accumulated in the jackpot pool equals or exceeds the cap, then at such time, the jackpot pool shall be frozen until it is won under the other provisions of the applicable pick (N) rule. Thereafter, the jackpot pool is frozen under these provisions and one hundred percent of all subsequent contributions shall go to the consolation pool and be distributed accordingly. Nothing herein shall affect the total distribution of both pools on the closing day of any meet or portion of a split meet.
- (10) Prior to the opening of a meet at which a pick (N) wager will be offered, the association may elect to force an early payout of the jackpot pool, as allowed by this rule and in no other manner. The decision shall be made by informing the board in writing prior to the opening of the meet of the association's intent to force an early payout if the conditions of this rule for an early payout are met. If the decision is made, then an early payout of the jackpot pool shall be made as follows. Within 24 hours after the jackpot pool reaches its cap, the association shall designate the race day at which the early payout will be made by informing the board in writing of the designated race day. The designated race day shall be no sooner than six calendar days after the cap is reached and no later than 134 calendar days after the cap is reached. If at the conclusion of the last contest comprising the pick (N) of the designated race day, no wager has won the jackpot pool, then the funds in the jackpot pool shall be transferred to the consolation pool for the designated race day and distributed in the manner in which the consolation pool is distributed.

Implementing statute(s): 23-4-104, 23-4-202, 23-4-301, MCA

History: NEW, 1987 MAR p. 100, Eff. 1/30/87; AMD, 1992 MAR p. 315, Eff. 2/28/92; TRANS, from Dept. of Commerce, 2002 MAR p. 1500; TRANS, from 32.28.1805, 2015 MAR p. 2252, Eff. 12/25/15.