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Gambling in Alabama

Alabama State Legislators are once again considering gambling legalization in 2024. During the upcoming Legislative Session, which begins on February 6, I will be at the statehouse every single day monitoring this issue and advocating against the legalization of gambling in our state. From reports, it appears that lawmakers are set to propose a new comprehensive gaming bill that will encompass Class III casino gaming, a state lottery, sportsbook gaming, online sports betting, and the establishment of an Alabama Gaming Commission.

Presently, Alabama's 1901 constitution officially bans lotteries and games of chance, but 18 constitutional amendments permit specific forms of gaming in certain counties. According to media reports and from what ALCAP has been able to ascertain, the upcoming bill, which will be introduced in the House, aims to repeal all 18 constitutional amendments.

To replace the repealed constitutional amendments, the bill will allow Class III gaming in ten selected areas through a bidding process. These areas include locations already operated by the Poarch Band of Creek Indians, Birmingham, Macon County, Greene County, Lowndes County, Houston County, Mobile County, and an undecided county in Northeast Alabama. Our state currently has no legal Class III gaming (which includes traditional casino games such as slot machines, blackjack, roulette, craps, and other games of chance). This bill would reportedly allow up to these ten locations to carry out full scale casino gambling. It also covers wagering on horse racing and electronic forms of gaming.

Pro-gambling interests are targeting Alabama as an untapped market, seeking profits from potential Alabamian “losers” (of their own money). We support all attempts to enforce Alabama’s current laws concerning gambling, but do not see the now-common battle cry for “regulation” as the answer. Regulation is a code word for state-sponsored legalization. No American jurisdiction has EVER documented a decline in illegal gambling after states began sponsoring gambling, regardless whether it’s lotteries, casinos, or internet gambling. Legalization only removes the deterrence. When legislators and gambling operators call for “regulation,” what they really mean is the government favoring certain counties or cities and granting monopolies and awarding regulatory advantages to favored firms. In Alabama, among these favored firms are likely to be the same ones who have been breaking Alabama’s laws for years. Imagine rewarding the very people who have flaunted our laws and caused us to have a so-called illegal gambling public safety crisis.

To curb illegal gambling operations, enacting and enforcing stricter criminal penalties is a more effective measure than legalization and regulation. The criminalization of for-profit lotteries and casino-style gambling was successfully practiced for a large portion of American history. This



does not mean illegal gambling was completely absent from society, but public institutions did their best to enforce the law thus containing it and not promoting it. They did not incentivize their citizens to lose their money gambling, as does the proposed predatory gambling.

Predatory gambling is when state governments partner with powerful corporate gambling interests to use a commercialized business to exploit and defraud citizens and their communities (as an example of this, did you know that state lotteries are exempt from FTC rules on truth and advertising?). The allure of a permanent revenue source for the state—for education, care for the elderly, Medicaid expansion, etc.—would continually incentivize the state to turn our own citizens into permanent habitual gamblers to keep up the funding for government services. In other words, the state government becomes dependent on its own people losing their money. These same people could be spenders, savers, and/or investors. Instead, they become losers.

How would this happen in Alabama? Certain legislators will try to pass the aforementioned bill that would then have to be approved by a statewide ballot vote to change the state's constitution. November of 2024 is seen as the perfect ballot considering it is the general election for President and all six congressional districts are on the ballot. The idea is that a big turnout would ensure the passage of a constitutional amendment legalizing some forms of gambling. Keep in mind that the Governor nor state legislators are not on the 2024 ballot; by the time we vote on governor, Senators and Representatives in 2026, most Alabamians will have forgotten the role their elected officials played in what happened two years earlier.

It is well-known from other states that—if changes in our gambling laws came down to a statewide vote—the gambling industry would “buy the vote” by investing whatever was needed to misinform the public as to what they are really voting for or against. Mail outs, slick television and radio commercials, and other forms of advertising will only tell one side of the consequences of legalized gambling. We must do what we can to prevent this scenario.

Today, not tomorrow, is the time to voice our opinion to our local legislators to remind them of the addiction and mental health issues, financial ruin, broken families, and the corruption associated with this industry. We must support increased criminal penalties and consistent enforcement of our current laws and oppose any pro-gambling measures that will come our way beginning in February 2024. Please voice your opinion to your local legislators on the dangers of predatory gambling.