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Statewide Referendum 1960: Pari-mutuel betting

Background: In 1779 gambling on horses races was prohibited, though enforcement was various. By 1892 trotting for a purse was allowed at agricultural fairs.



Issue: The 1959 General Assembly debated allowing pari-mutuel betting. Supporters argued pari-mutuel races would aid agricultural fairs, bring revenue to the state, and add recreational facilities for tourism. Opponents thought that the state should not promote gambling; worried that gambling would attract organized crime; and argued it would undermine families and morals (churches were among the leading opponents).

Act 259 of 1959 tried to address some of the opponents concerns, establishing pari-mutuel betting "for the protection of the public welfare and good order of the people of the state, the support and encouragement of agricultural fairs and the improvement of the breed of horses in Vermont."

Referendum: Act 259, approved June 11, 1959, included a referendum provision. It broke from precedent and perhaps violated constitutional strictures against delegating legislative authority, by simply asking the voters to "ratify" the act (there was no choice of enactment dates). The vote was to be held in conjunction with the November, 1960 general election.

On November 8, 1960 the voters ratified the act by 9,131 votes, 81,830 to 72,699.

Result: The act went into effect though the monetary benefits were never as great as promised. Succeeding legislatures kept returning to the law for adjustments. This appears to be the one referendum that may have violated the Vermont Constitution; earlier court challenges to referenda had made clear that the

legislature cannot make a law conditional on the approval of voters (Bancroft & Riker v. Dumas (1849)). Lacking the usual mechanism of two effective dates, Act 259 probably became effective upon passage and was not contingent on voter "ratification."