



## Ohio Administrative Code Rule 3769-3-37 Pick (n) position (x) pools.

Effective: January 26, 2024

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(A) The pick (n) position (x) pool requires selection of the first (x) finishers, in their exact positions, in each of a designated number of (n) contests. For example, in a four position pool (x equals four), the bettor chooses four finishers in each contest. If the bettor has chosen one, two, three and four, and the actual finishers are four, two, three, and one, the bettor has correctly chosen two positions, (the second and third place finishers).

(B) The association has to obtain written approval from the commission concerning the scheduling of pick (n) position (x) contests, the designation of one of the methods prescribed in paragraphs (D)(3) and (D)(6) of this rule, the percentages of the net pool apportioned between the major share of the position (x) pool and the minor share(s) of the position (x) pool, and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) position (x) format needs prior approval from the commission.

(C) Unless otherwise stated, the major share of the net pick (n) position (x) pool, (hereafter known as "position (x) pool") will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in a minimum specified number of positions in the (n) contests (considered as a whole) that comprise the position (x) pool, based upon the official order of finish. The minimum specified number of positions may be all (x) positions in all (n) contests (for instance, four positions in each of six contests, for a total of twenty-four positions) or a lesser specified number (for instance, twenty-two or more accurate positions within the six contests taken as a whole.)

(D) The pick (n) position (x) pool will be apportioned under one of the following methods:

(1) Method one, position (x) with no minor pool and no carryover:

(a) The net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.



(b) If there are no wagers qualifying for the major share, the net position (x) pool will be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number positions in position (x) contests.

(c) If there are no winning wagers, the entire pool will be refunded on position (x) wagers for those contests.

(2) Method two, position (x) with no minor pool and carryover instead of a refund:

(a) The net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.

(b) If there are no wagers qualifying for the major share, the net position (x) pool and the carryover will be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests.

(c) If there are no winning wagers, the net position (x) pool will be added to the carryover.

(3) Method three, position (x) with no minor pool and carryover:

(a) The net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.

(b) If there are no wagers qualifying for the major share, the net position (x) pool will be added to the carryover.

(4) Method four, position (x) with minor pool and no carryover:

(a) The major share of the net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.

(b) The minor share of the net position (x) pool will be distributed as a single price pool to those who



correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) If there are no wagers qualifying for the major share, the major share of the net position (x) pool will be combined with the minor share for distribution as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests.

(d) If there are no wagers correctly selecting any finishers, in exact position, in position (x) contests, other than winners of the major share of the net position (x) pool, the minor share of the net position (x) pool will be combined with the major share for distribution as a single price pool to those who qualified for the major share.

(e) If there are no winning wagers, the pool will be refunded on position (x) wagers for those contests.

(5) Method five, position (x) with minor pool and carryover:

(a) The major share of the net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.

(b) The minor share of the net position (x) pool will be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) If there are no wagers qualifying for the major share, the minor share of the net position (x) pool will be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests, and the major share will be added to the carryover.

(d) If there are no wagers correctly selecting any finishers, in exact position, other than winners of the major share of the net position (x) pool, the minor share of the net position (x) pool will be combined



with the major share for distribution as a single price pool to those who qualified for the major share, or if there are no such winning wagers, added to the carryover.

(6) Method six, position (x) with minor pool(s) and carryover:

(a) The major share of the net position (x) pool will be distributed in accordance with the method for distributing the major share as described in paragraph (B) of this rule.

(b) A principal minor share of the net position (x) pool may be designated, and distributed as a single price pool, to those who correctly selected finishers, in exact position, in the greatest number of position in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) Additional minor shares of the net position (x) pool may be designated, and distributed as single price pools, to those who correctly selected the designated number, or range, of finishers, in exact position, in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(d) Those qualifying for the principal minor share may also qualify for one of the additional minor shares. When this occurs, the two unbroken prices will be summed before surcharging or rounding the prices for breakage. For example:

(i) Suppose there are five dollars of wagers correctly selecting twelve positions, three dollars of wagers selecting thirteen positions, and two dollars of wagers selecting fourteen positions, and fourteen is the greatest number of positions correctly selected.

(ii) Suppose that the principal minor share of the net pool is twenty thousand dollars and sixteen cents. Further, one of the other minor shares is designated for a range of twelve to fifteen positions, and this share of the net pool is ten thousand dollars and eighty cents. (These amounts are chosen only to illustrate the following steps.)

(iii) Then the principal minor share is divided among those selecting fourteen positions, and the other minor share is divided among all the wagers selecting twelve, thirteen, and fourteen positions,



so the fourteen-position winners receives the sum of two winning prices.

(iv) The principal minor share twenty thousand dollars and sixteen cents divided among the two dollars of fourteen position winners yields an unbroken price of ten thousand dollars and eight cents per dollar, and the other minor share ten thousand dollars and eighty cents divided among the ten dollars of twelve, thirteen and fourteen position winners yields an unbroken price of one thousand dollars and eight cents per dollar.

(v) The sum ten thousand dollars and eight cents plus one thousand dollars and eight cents equals eleven thousand dollars and sixteen cents is the combined unbroken price for choosing fourteen finishers.

(vi) If the rounding for breakage is to the next lower ten cents, the final broken prices are eleven thousand dollars for fourteen finishers, and one-thousand for twelve or thirteen finishers.

(e) The commission will approve the number of minor shares, and the designated number, or range, of finishers, in exact position, in position (x) contests qualifying as the winning selection in any such minor share.

(f) If there are no wagers qualifying for the major share, the major share will be added to the carryover. If there are no wagers qualifying for a designated minor share, the minor share of the net position (x) pool will be combined with the major share for distribution as a single price pool to those who qualified for the major share, or if there are no such winning wagers, added to the carryover.

(7) Method seven, position (x) with minor pools(s) based upon any one contest, and no carryover:

(a) The major share of the net position (x) pool will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool will be distributed as single price pools to those (including recipients of the major share of the net position (n) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish, as



follows:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (x) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share of the net position (x) pool will be combined with the highest level minor share for distribution as a single price pool. If there are no wagers qualifying for a designated minor share of the net position (x) pool, that minor share will be combined with the next lower minor share for distribution as a single price pool.

(e) If there are no winning wagers, the pool is refunded.

(8) Method eight, position (x) with minor pool(s) based upon any one contest, and carryover:

(a) The major share of the net position (x) pool and the carryover, if any, will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool will be distributed as single price pools to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish, as follows:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (n) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share will be added to the



carryover.

(e) If there are no wagers selecting all finishers, in exact position, in a number of the position (x) contests that qualify for a designated minor share, that minor share of the net position (n) pool will also be added to the carryover.

(9) Method nine, position (x) with minor pool(s) based upon any one contest, and carryover:

(a) The major share of the net position (x) pool and the carryover, if any, will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool will be distributed as single price pools to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (x) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share will be added to the carryover.

(e) If there are no wagers selecting all finishers, in exact position, in a number of the position (x) contests that qualify for a designated minor share, that minor share of the position (x) pool will be added to the next lower minor share of the position (x) pool. If there is no lower designated minor share of the position (x) pool, the minor share will also be added to the carryover.

(10) Method ten, position (x) with minor pool based upon any one contest, and carryover; one hundred per cent carryover if no winning wagers:



(a) The major share of the net position (x) pool and the carryover, if any, will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor share of the net position (x) pool will be distributed as a single price pool based upon the sum of the dollar value of wagers, for each of the position (x) contests considered separately, in which all (x) finishers, in exact position, were correctly selected, based upon the official order of finish. The minor share of the net position (x) pool will be distributed as a single price pool to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in one or more of the position (x) contests. Each recipient of a minor share will receive an amount equal to the single price times the number of position (x) contests in which the recipient correctly selected the winning combination.

(c) If there are no wagers qualifying for the major share, the major share will be added to the carryover. If there are no winning wagers, the minor share will also be added to the carryover.

(E) Apportionment of net position (x) pool between major and minor pools: The commission will approve the method of apportioning the net position (x) pool between winners of the major share of the position (x) pool and winners of the minor share(s) of the position (x) pool. Example (utilizing method eight): A four position pool (x equals four) consisting of five contests (n equals five.) The major share goes to those who correctly choose all twenty positions. Assume the commission has approved three minor shares: The highest minor share goes to those who have picked all positions, in exact order, in four of the contests. The next minor share goes to those who have picked all positions, in exact order, in three of the contests. The final minor share goes to those who have picked all positions, in exact order, in one or two of the contests. One apportionment of payouts could be forty percent of the net position (x) pool for the major share, and twenty percent of the net position (x) pool for each of the three minor shares. Another apportionment of payouts could be fifty percent of the net position (x) pool for the major share, twenty-five percent for the highest minor share, fifteen per cent to the next minor share, and ten percent to the final minor share.

(F) Dead heats. In the event of a dead heat in any of the position (x) contests, based upon the official order of finish:





(1) For purposes of determining whether a wager correctly selected the finishers, in exact position, contestants in a dead heat are deemed to jointly occupy both or all positions in the dead heat. For example, if five and six finish in a dead heat for first, then a selection of five for either first or second is correct, and a selection of six for either first or second is also correct.

(2) Each share of the net position (x) pool will be distributed as a single price pool regardless of dead heats.

(G) Scratches.

(1) If, due to a late scratch, the number of betting interests in a contest of the position (x) pool is reduced to fewer than (x), for purposes of the position (x) pool only, such contests will be declared "no contest" and the position (x) pool will be subject to the rules set forth in paragraph (H) of this rule ("cancelled contests").

(2) Should a betting interest in any contest of the position (x) pool be scratched or excused from the contest, no more wagers will be accepted selecting that scratched contestant.

(3) Existing wagers that select a scratched betting interest will be handled under one of the following methods. The commission will make its determination of which of these alternatives will apply at the time of approving the wagering pool, which alternative will remain in effect until and unless changed by the commission.

(a) Method one, substitute a higher contestant number:

(i) The next higher live contestant number that is not already part of the wager will be substituted for the scratched contestant number. If no higher contestant number is eligible, the search will then proceed upward from contestant number one.

(ii) If a wager selects more than one scratched contestant for a contest, the substitutions will begin with the lowest scratched contestant number in the wager and proceed in order to the highest.

(iii) Substitution will be performed on the basis of single wagers, regardless of whether a wager was



placed as part of any type of multiple wager format such as "box" or "wheel."

(iv) The totalizator will produce reports showing each of the wagering combinations with substituted contestants which became winners as a result of the substitution, in addition to the normal winning combination.

(b) Method two, substitute favorite contestant number:

(i) The actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that contest, will be substituted for the scratched contestant for all purposes, including a pool calculations.

(ii) If the win pool total for two or more favorites is identical, the substitute selection will be the contestant with the lowest contestant number not already selected in the wager as part of the contest.

(iii) If such favorite has already been selected in the wager as part of the contest, the next favorite(s) will be used, as evidenced by the total amounts wagered in the win pool, ordered from the highest amount to the lowest.

(iv) If a wager selects more than one scratched contestant for a contest, the substitutions will begin with the lowest scratched contestant number in the wager and proceed in order to the highest.

(v) Substitution will be performed on the basis of single wagers, regardless of whether a wager was placed as part of any type of multiple wager format such as "box" or "wheel."

(vi) The totalizator will produce reports showing each of the wagering combinations with substituted contestants which became winners as a result of the substitution, in addition to the normal winning combination.

(c) Method three, scratched contestant wins.

(i) The scratched contestant is deemed to be a correct selection of a winning finisher, for purposes of the position x pool only.



(ii) The totalizator will produce reports showing each of the wagering combinations which became winners as a result of the scratch contestants, in addition to the normal winning combination.

(d) Method four, scratched contestant loses.

(i) The scratched contestant is deemed to be a loser, for purposes of the position x pool only.

(ii) Other correctly selected finishers in a wager will continue to count toward winning, as usual.

(H) Cancelled contests.

(1) If any of the position (x) contests are cancelled or declared "no contest" prior to the first position (x) contest being declared official, the entire position (x) pool will be refunded on position (x) wagers for those contests.

(2) If all remaining position (x) contests are cancelled or declared "no contest" after the first position (x) contest is declared official, the entire net position (x) pool, but not the position (x) carryover, will be distributed as a single price pool to wagers selecting the winning combination in the first position (x) contest. However, if there are no wagers selecting the winning combination in the first position (x) contest, the entire position (x) pool will be refunded on position x wagers for those contests.

(3) If any of the remaining position (x) contests are cancelled or declared "no contest" after the first position (x) is declared official, the net position (x) pool will be distributed in accordance with rules governing distribution of the minor shares where there is no winner of the major share. If there is more than one minor share, the entire net position (x) pool, but not the position (x) carryover, will be divided amongst the minor shares, in accordance with paragraph (E) of this rule (apportionment), in proportion to the designated percentages, or by some other method approved by the commission.

(4) If any of the remaining position (x) contests are cancelled or declared "no contest" after the first position (x) is declared officials, and the net position (x) pool has been designated for distribution in accordance with paragraph (J) of this rule (mandatory distribution), the rules governing mandatory distribution will apply.



(I) Carryover cap. The position (x) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the position (x) carryover equals or exceeds the designated cap, the position (x) carryover will be frozen until it is won or distributed under other provisions of this position (x) rule. After the position (x) carryover is frozen, the part of the net pool that ordinarily would be added to the position (x) carryover will be distributed to those whose selection finished in the highest level of the minor shares of the position (x) for that performance.

(J) Mandatory distribution.

(1) A written request for permission to distribute the position (x) carryover on a specific performance may be submitted to the commission. The request will contain justification for the mandatory distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The association has to notify the commission at least ten days prior to implementation. If the position (x) pool cannot be distributed during a designated performance, the mandatory distribution will resume on the next approved mandatory distribution performance.

(2) If the position (x) carryover is designated for distribution on a specified date and performance, and if there are no wagers qualifying for the major share, then the following precedence will be followed in determining winning wagers for the net position (x) pool and the carryover pool:

(a) If the method chosen in paragraph (C) of this rule, is method seven to ten, then:

(b) The major share and the position (x) carryover will be distributed as a single price pool to those who selected all (x) finishers, in exact position, in the most individual position n contests, based upon the official order of finish. Designated minor shares may still be awarded;

(c) If the method chosen in paragraph (C) of this rule is one to six, then:

(d) The major share and the position (x) carryover will be distributed as a single price pool to those who correctly selected the most finishers, in their exact positions, in the position (n) contests, based upon the official order of finish. Designated minor shares may still be awarded.



(e) If there are no wagers which qualified for distribution of the major share, then all position (x) tickets will become winners and share one hundred percent of that performance's net position (x) pool and the position (x) carryover pool as a single price pool.

(3) The position (x) carryover will be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in paragraph (I) of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap or when the position (x) wager is discontinued.

(c) On the closing performance of the meet.

(4) If, for any reason, the position (x) carryover has to be held over to the corresponding position (x) pool of a subsequent meet, the carryover will be deposited in an interest bearing account approved by the commission. The position (x) carryover plus accrued interest will then be added to the net position (x) pool of the following meet on a date and performance so designated by the commission.

(K) Coupled entries and mutuel fields.

(1) Coupled entries and mutuel fields may be permitted in position x contests with the written approval of the commission.

(2) Contestants coupled in wagering as a coupled entry or mutuel field will be considered part of a single betting interest for the purpose of price calculations and distribution of position (x) pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field will remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then the scratches section of paragraph (G) of this rule will apply.

(3) For the purpose of position (x) price calculations only, coupled entries and mutuel fields will be



calculated as a single finishing contestant, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule will apply to all circumstances, including situations involving a dead heat. For example, if the actual order of finish in a contest is 1/2/1a/3/4, then the finishers used for that contest of the position (x) would be 1/2/3/4.

(L) With the written approval of the commission, the association may contribute to the position (x) carryover, or to the major or minor shares of the position (x) pool, a sum of money up to the amount of any designated cap.