

**Sec. 12-574-B34. Declaration to start and drawing horses**

**(a) Declaration.**

(1) Unless otherwise specified in the conditions, approval of which must be granted by the commission, the declaration time for all races shall be 9:00 A.M., prevailing time. The association shall provide a locked box with an aperture through which declarations shall be deposited. At the time specified, the presiding judge who shall be in charge thereof, shall unlock the box, assort the declarations found therein, and immediately draw the positions in the presence of such owners or their representatives as may appear.

(2) Prior to the opening of the declaration box, when futurities, stakes, early closing or late closing events are programmed, the presiding judge shall communicate with the race secretary to ascertain if any declarations by mail, telegraph or otherwise are in the office of the race secretary and not deposited in the box. If there are such declarations, the presiding judge shall see that they are declared and drawn in the proper event. However, in a race of a duration of more than one dash or heat, the judges may draw positions from the stands for succeeding dashes or heats.

(3) Declarations by mail or telegraph or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawing shall be final. When an association requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(4) After a declaration to start has been made, no horses shall be drawn except by permission of the judges.

(5) To avoid conflicts and misunderstandings, when the time of declaration of any race is stated in days or hours prior to the day of the race, it shall be construed to exclude Sunday.

**(b) Entry box and drawing of horses.** No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened for entries to a definite time.

**(c) Error in declaration.** Where a horse properly declared, other than by telephone, is omitted from the race by error of the association, the horse may be added to the race but given the outside post position; provided, however, that the error is discovered prior to the publication of the official program and said program disclosed such position.

**(d) Qualifying races.** Declarations for overnight events shall be governed by the following:

(1) Within two weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the presiding judge or an associate judge. No horse shall be permitted to race who does not have at least one charted line by a licensed charter at the gait chosen. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish camera shall be in use.

(2) A horse that does not show a charted line for the previous year must go a qualifying race as set forth in rule (d) (1) of this section.

(3) Any horse that fails to race or enter into a race within thirty (30) days must go a

qualifying race as set forth in rule (d) (1) of this section. Horses entered and in to go in race or races which are cancelled due to no fault of their own, shall be considered to have raced in that race.

(4) When a horse has raced at a charted meeting during the current year and then goes to meetings where races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines. The consolidated line shall carry date, place, time, driver, finish, track conditions and distance, if race is not at one mile.

(5) The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, he may be required to go a qualifying race.

(6) The judges may permit a horse to qualify by means of a timed workout consistent with the demonstrated form and ability of the horse.

(7) To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

**(e) Entries.**

(1) When the starters in a race include two (2) or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the entry. Provided, however, that when a trainer enters two (2) or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownership, such horses may, at the request of the association and with the approval of the commission, be permitted to race as separate entries. The association must make its request to the commission through the presiding judge. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and their post positions shall be drawn by lot. The above provisions also shall apply to elimination heats.

(2) No driver shall drive a horse in a race in which there shall start another horse which he in any way represents or handles or in which he has an interest unless the horses are coupled as an entry.

(f) **Also eligible.** Not more than two horses may be drawn as also eligible for a race and their positions shall be drawn along with the starters in the race. In the event one or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with similar handicaps. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the feet that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. Horses on the also eligible list shall be considered the

same as those drawn in to go. All horses on the also eligible list and not moved in to race by the designated scratch time shall be released.

(g) **Preference.** Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and then scratched is the date of the race from which he was scratched.

(1) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.

(2) Where the word "preferred" is used in a condition, it shall not supersede date preference.

(h) **Steward's list.** A horse may be placed on the "steward's list" if:

- (1) It is dangerous.
- (2) Unmanageable.
- (3) Sick.
- (4) Lamé.
- (5) Unable to qualify.
- (6) Otherwise unfit.

(i) **Horse on "steward's list".** The horse must be placed on the "steward's list" by the presiding judge and declarations on such horse shall be refused.

(j) **Notification of owners and trainers concerning horse on "steward's list".** Owners and trainers shall be notified in writing of such action and the reason for such action.

(k) **Eligibility certificate posted by clerk of the course concerning horse on "steward's list".** The clerk of the course shall make a note on the eligibility certificate of such horse showing the date the horse was placed on the "steward's list", the reason therefor, and the date of removal if the horse has been removed. If a horse is placed on the "steward's list" due to sickness or lameness, he shall only be removed from the list by the association veterinarian.

(l) **Driver information.** Declarations shall state who will drive the horse and the driver's colors. Drivers may be changed until designated scratch time, but the presiding judge must be notified thereof. No driver shall be changed thereafter except by permission of the judges, and only then for good cause. When a nominator starts two or more horses, the judges shall approve or disapprove the second and third drivers.