



## Ohio Administrative Code

### Rule 3769-15-31 Also eligible list and preference.

Effective: January 8, 2026

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(A) Also eligibles. Not more than two horses may be drawn as also eligibles 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 that 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 a similar handicap. 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 fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list can only be withdrawn for good cause by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the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. All horses on the also eligible list and not moved in to race by the time prescribed by the judges shall be released.

(B) 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 had been 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 horse's first successful qualifying race shall be considered its last race date, and preference applied accordingly. When an overnight race has been re-opened because it did not fill, all eligible horses declared in to that race prior to the re-opening shall receive preference over horses subsequently declared, irrespective of the actual preference dates.

(2) This rule relating to preference is not applicable for any meeting at which an agricultural fair is in progress.