

Bond Case Briefs

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LOTTERIES - TEXAS

Department of Texas, Veterans of Foreign Wars of U.S. v. Texas Lottery Com'n

United States Court of Appeals, Fifth Circuit - July 28, 2014 - F.3d - 2014 WL 3714874

The Texas Bingo Enabling Act allows charitable organizations to raise money by holding bingo games on the condition that the money is used only for the organizations' charitable purpose. Plaintiffs filed suit challenging these political advocacy restrictions, arguing that they violate their speech rights under the First Amendment.

The Court of Appeals held that the political advocacy restrictions in the Bingo Act do not withstand strict scrutiny. Not only had the Lottery Commission failed to articulate a compelling interest justifying the challenged provisions, but even if we were to accept the interests raised by the Commission as compelling, the restrictions are not narrowly tailored. Consequently, the provisions at issue are facially invalid under the First Amendment.