

SUPREME COURT OF LOUISIANA

NO. 99-CA-2337

CLAUDE M. PENN, JR., GLADNEY L. MANUEL, JR., FELICIANA VENTURES, INC., AND MANUEL'S I-10 AUTO & TRUCK STOP, INC.

v.

STATE OF LOUISIANA, THROUGH THE HONORABLE MURPHY J. FOSTER, JR., GOVERNOR, THE HONORABLE RICHARD P. IEYOUB, ATTORNEY GENERAL, THE SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, LOUISIANA GAMING CONTROL BOARD

**ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT,
PARISH OF EAST BATON ROUGE,
HONORABLE JEWEL E. WELCH, JUDGE**

PER CURIAM*

In May 1999, plaintiffs, holders of video draw poker licenses, filed suit against the State of Louisiana, challenging certain statutes passed in the 1996 legislative session which restricted their right to contribute to candidates or political committees of candidates. The district court declared unconstitutional “LSA-R.S. 18:1505.2(L)(3)(a)(i), LSA-R.S. 18:1505.2(L)(3)(b)(i) insofar as it is applied to LSA-R.S. 18:1505.2(L)(3)(a)(i), and Rule 107 of Title 42 of the Louisiana Administrative Code, insofar as Rule 107 precludes candidate and political committee contributions by video draw poker licensees.” The district court also permanently enjoined the defendants from enforcing these provisions. The State suspensively appealed that judgment to this Court pursuant to La. Const. Art. V, § 5(D).

* Marcus, J. not on panel. Rule IV, Part II, § 3.

Although the provisions at issue were enacted in 1996, plaintiffs did not file suit until May 1999, and the appeal did not reach this Court until August 1999. The case was heard and submitted for decision on September 7, 1999.

We hereby render judgment on this date, consisting of this decree and the concurring and dissenting opinions by the justices on this panel.

DECREE

The judgment of the district court is **AFFIRMED**. LSA-R.S. 18:1505.2(L)(3)(a)(i), and LSA-R.S. 18:1505.2(L)(3)(b)(i) insofar as it applies to LSA-R.S. 18:1505.2(L)(3)(a)(i), are declared unconstitutional under the First and Fourteenth Amendments to the United States Constitution.² Rule 107 of Title 42 of the Louisiana Administrative Code, in so far as it precludes candidate and political committee contributions by video draw poker licensees, is likewise invalid, and defendants are permanently enjoined from enforcing the Rule.

² We note that other sections of LSA-R.S. 18:1505.2(L) also prohibit certain persons from contributing to candidates and political committees of candidates. Those other sections are not under attack in this lawsuit. Therefore, we do not consider their validity in this opinion.