

No. 26-

IN THE
Supreme Court of the United States

CITY OF NEW ORLEANS, *et al.*,

Petitioners,

v.

CHELSEY RICHARD NAPOLEON, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
LOUISIANA SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

In 2025, voters in Orleans Parish elected separate Clerks of Court for the Criminal District Court (“Criminal Clerk”) and Civil District Court (“Civil Clerk”). After the Secretary of State certified the results of those elections, the State of Louisiana passed Act 15 of the 2026 Regular Legislative Session, which abolished the office of Criminal Clerk and transferred that office’s authority, functions, duties, and property to the Civil Clerk, thereby appointing the Civil Clerk to the consolidated position and nullifying the election of the Criminal Clerk.

The questions presented are:

1. Whether Act 15 violates the Due Process Clause of the Fourteenth Amendment by depriving Orleans Parish voters of the effect of their votes?
2. Whether Act 15 violates the Equal Protection Clause of the Fourteenth Amendment by depriving Orleans Parish voters, but not the voters in any other parish, of the ability to elect the official that oversees elections and manages the functions associated with criminal proceedings?

PARTIES TO THE PROCEEDINGS

Petitioners are the City of New Orleans;¹ Helena Moreno, in her official capacity as Mayor of the City of New Orleans; Jean Paul “J.P.” Morrell, in his official capacity as President of the New Orleans City Council; and Hon. Calvin Johnson, in his official capacity as the City Council appointed interim Clerk of Court for Orleans Parish. Petitioners were the defendants in one of the two matters consolidated by the Louisiana Supreme Court.

Respondents are Chelsey Richard Napoleon, in her official capacity as the legislatively appointed Clerk of Court for Orleans Parish pursuant to Act 15 of the 2026 Regular Session of the Louisiana Legislature; the State of Louisiana; Jeff Landry, in his official capacity as Governor of the State of Louisiana; Cameron Henry, in his official capacity as President of the Louisiana Senate; Phillip Devillier, in his official capacity as Speaker of the Louisiana House of Representatives; Nancy Landry, in

1. The City of New Orleans was named in the caption of Chelsey Richard Napoleon’s lawsuit, but not in the body of her petition. Regardless, naming Mayor Moreno is tantamount to naming the City. *See Kentucky v. Graham*, 473 U.S. 159, 165–66 (1985) (“Official-capacity suits . . . generally represent only another way of pleading an action against an entity of which an officer is an agent. As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is, in all respects other than name, to be treated as a suit against the entity.”) (internal quotations and citations omitted).

her official capacity as Secretary of State; Gary Crockett; Catherine Bissell; and Darlene Joseph Jones.²

2. Attorney General Elizabeth Murrill moved to intervene in *Napoleon v. City of New Orleans, et al.*, 19th Judicial District Court for the Parish of East Baton Rouge, Docket No. C-778244, but the Louisiana Supreme Court asserted jurisdiction over the matter before the trial court could rule on the motion. Attorney General Murrill did not separately move to intervene in the Louisiana Supreme Court and, therefore, was never made a party to the proceedings below. She is nonetheless named herein via footnote out of an abundance of caution.

CORPORATE DISCLOSURE STATEMENT

Pursuant to U.S. Supreme Court Rule 29(6), Petitioners declare that none of the petitioners are non-governmental corporations that have any parent corporations or publicly held companies which own more than 10% of a corporation.

v

RELATED PROCEEDINGS

This case arises from and is related to the following proceedings in the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana and the Louisiana Supreme Court:

Crockett v. State of Louisiana, et al.,
Case No. C-777840 (La. 19th JDC)

Napoleon v. City of New Orleans, et al.,
Case No. C-778244 (La. 19th JDC)

Crockett v. State,
Case No. 2026-00594 (La. 2026)

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Crockett v. State, 2026-00594 (La. 6/26/26), 434 So.3d 567 (La. 6/26/26) App. C.

JURISDICTION

The Louisiana Supreme Court issued its per curiam decision on June 1, 2026. App. A. The Louisiana Supreme Court denied rehearing on June 26, 2026. App. C. This Court has jurisdiction pursuant to 28 U.S.C. § 1257.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV.

The pertinent legislation, Act 15 of the 2026 Regular Session of the Louisiana Legislature, is reproduced in the appendix to this petition. App. D.

STATEMENT OF THE CASE

In every parish in the State of Louisiana except Orleans, a unified judicial district handles both civil and criminal matters under one administrative umbrella. Orleans Parish, by contrast, has a unique bifurcated trial court system with the Civil District Court operating wholly independent of the Criminal District Court administratively and physically (the courthouses are in different areas of the city). Thus, while voters in every parish other than Orleans elect district court judges to preside over civil and criminal proceedings, district court judges in New Orleans run for and are elected to oversee either criminal or civil proceedings, but not both. Sixty-three of Louisiana's parishes elect a singular clerk of court, who bears responsibility for managing civil and criminal trial court records, acting as parish recorder for property and legal documents, and overseeing elections. Until midnight on May 3, 2026, Louisiana law divided these responsibilities in Orleans Parish between two elected officials, the Clerk of Court for Civil District Court ("Civil Clerk") and the Clerk of Court for Criminal District Court ("Criminal Clerk").

Due to this bifurcated system, the Criminal Clerk and Civil Clerk had significantly different duties, functions, and authority in Orleans Parish. While both were responsible for traditional clerk of court functions such as preparing, maintaining, and certifying their respective trial court records and issuing subpoenas, the Criminal Clerk was elected to serve as chief elections officer for Orleans Parish, and bore responsibility for managing and maintaining paperwork for criminal release, providing notifications to relevant parties regarding arrest warrants, bond

forfeitures, receiving proof of deportations, processing and implementing expungements, administering and impaneling grand juries, and maintaining or compiling numerous other records attendant to criminal proceedings, the preservation of which extends far beyond civil requirements.

On July 9, 2025, the qualifying period began for several elected positions in New Orleans, including the Civil Clerk and Criminal Clerk. At the conclusion of the qualifying period, Chelsey Richard Napoleon (“Napoleon”) was the lone qualifier for the Civil Clerk position. By contrast, three individuals qualified for Criminal Clerk, including Calvin Duncan (“Duncan”). The primary election was held on October 11, 2025. Having drawn no opposition, Napoleon did not appear on the ballot and was reelected as Civil Clerk by default. Duncan received the most votes in the Criminal Clerk election, but not a majority (47%), so the Criminal Clerk race proceeded to a runoff election. On November 15, 2025, after receiving 68% of the votes, Duncan was elected Criminal Clerk.³ The Louisiana Secretary of State then certified the results of the election.

Several months after those elections were final, the Louisiana Legislature changed the outcome to the prejudice of the electorate. State Senator Jay Morris from Monroe, Louisiana advanced Senate Bill 256

3. It bears noting that the distinct duties of the Criminal Clerk factored heavily into the electorate’s informed choice to elect Duncan, whose campaign centered around the personal injustice he suffered having been wrongfully convicted of a crime and imprisoned for twenty-eight years – a period prolonged by his inability to access his own case records from the Criminal Clerk’s office.

(“SB256”), which proposed amending Louisiana law to consolidate the offices of the Criminal Clerk and Civil Clerk, referring instead to a singular “clerk of court for the parish of Orleans” or “Orleans clerk of court.” SB256 passed the State Senate and began to move through the State House.

On April 21, 2026, after receiving his Commission Certificate for Criminal Clerk, Duncan was sworn into office on the steps of the Criminal District Court.⁴ Likewise, Napoleon separately received a Commission Certificate for Civil Clerk and took her oath of office – swearing or affirming *only* to faithfully and impartially discharge and perform all the duties incumbent upon her as Civil Clerk.

On April 23, 2026, SB256 was substantially amended on the House floor. The amendment was noteworthy because the public is not permitted to comment on legislation while it is debated on the House or Senate floor under the rules of the Louisiana Legislature. Significantly, these amendments abolished the office of the Criminal Clerk at the end of the incumbent’s term and before Duncan’s term began. App. 102a-103a. In so doing, the bill transferred the Criminal Clerk’s authority, functions, duties, responsibilities, and property to the Civil Clerk and anointed Napoleon as the singular clerk of court for Orleans Parish. The amended bill passed, and on April 30, 2026, Governor Jeff Landry signed it into law as Act 15 of the 2026 Regular Legislative Session (“Act 15”), all

4. Subject to prescribed limitations, under Louisiana law, “a public officer may take his oath of office at any time after he receives his commission or commission certificate.” La. Rev. Stat. § 42:141.

without affording the public an opportunity to speak on the record regarding the radical revision to the bill or the resultant consequences. App. D.

The implementation of Act 15 effectively erased the votes cast by New Orleanians. It abolished the elected office of Criminal Clerk on the eve of Duncan's term, transferring the authority, functions, and duties of the abolished office to Napoleon. The voters of New Orleans did not elect Napoleon to this office, and she never took an oath of office to perform the duties associated therewith.

On May 1, 2026, Gary Crockett, a registered Orleans Parish voter, filed suit against the State of Louisiana, Governor Landry, Secretary of State Nancy Landry, Senate President Cameron Henry, Speaker of the House Phillip Devillier (collectively, the "State") and Napoleon in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, seeking declaratory and injunctive relief regarding the implementation of Act 15. On May 8, 2026, the trial court issued a preliminary injunction prohibiting any further physical consolidation of the offices of Criminal Clerk and Civil Clerk pending further proceedings. Thereafter, bypassing the intermediate appellate court, the State filed an emergency motion to stay the judgment in *Crockett* and priority consideration of its application for supervisory writs to the Louisiana Supreme Court. On May 10, 2026, the Louisiana Supreme Court granted the State's request for a stay.

In light of existing state and federal law, the New Orleans City Council resolved that Act 15 created a new office, which was *ipso facto* vacant because no single individual had been elected to perform the full scope of

powers and duties encompassed by the office of the clerk of court for Orleans Parish. Accordingly, the New Orleans City Council noticed a special meeting to take place on May 11, 2026, and after public comment and debate, adopted two resolutions. The first called a special election for November 3, 2026, for the novel and vacant position of Orleans clerk of court. The second appointed the Hon. Calvin Johnson, a qualified and well-respected retired judge with no interest in qualifying for the special election, as the interim consolidated clerk. In response, on May 11, 2026, Napoleon filed her own suit in the Nineteenth Judicial District Court for the Parish of East Baton Rouge against the City of New Orleans, Mayor Helena Moreno, City Council President Jean-Paul “J.P.” Morrell, and interim clerk, Hon. Calvin Johnson.

On May 14, 2026, the Louisiana Supreme Court exercised its plenary supervisory jurisdiction to consolidate Napoleon and Crockett’s cases and identified two specific questions for briefing by all parties in the consolidated matter:

“Does Act 15, insofar as it abolishes the clerk of court for the Criminal District Court for the Parish of Orleans, violate any provisions of the United States or Louisiana Constitutions?”

and

“Does the enactment of Act 15 create a vacancy in any office requiring the May 11, 2026 actions by the City of New Orleans?”

App. 51a-52a. In addition, the court ordered that the hearing on Napoleon’s preliminary injunction proceed

in the trial court on May 18, 2026, but that the record be immediately lodged without permitting the trial court to rule. App. 53a. The parties to the *Crockett* and *Napoleon* matters submitted briefs. Two Orleans Parish voters, Catherine Bissell and Darlene Joseph Jones (“Voter-Intervenors”) moved for and were granted leave to intervene and brief the court’s two specific inquiries.

On June 1, 2026, in a 4-3 split decision, the Louisiana Supreme Court found Act 15 to be “a valid exercise of legislative power.” App. 2a. The divided court explicitly found the Act did not violate any provisions of the Louisiana or United States Constitutions. App. 5a-11a. The court further found that Act 15 did not create a vacancy, but rather expanded the duties of the Civil Clerk. App. 11a-12a. The court therefore permanently enjoined the City from calling for a special election to fill the newly consolidated position of clerk of court for the Parish of Orleans. App. 12a-13a. Three justices dissented, each assigning their own reasons. App. 14a-34a (Weimer, C.J., dissenting); App. 37a-41a (Griffin, J., dissenting); App. 42a-50a (Guidry, J., dissenting).

On June 5, 2026, the City timely filed its application for rehearing, focusing predominantly on the court’s analysis of a claim not raised by the parties and the dearth of analysis on the federal constitutional claim. The Voter-Intervenors also applied for rehearing. The State and Napoleon opposed the applications. On June 26, 2026, the Louisiana Supreme Court denied rehearing without opinion. App. 64a-65a. Again, the same three justices dissented, each recognizing that the rights of the electorate were violated. App. 66a-71a (Weimer, C.J., dissenting); App. 72a-74a (Griffin, J., dissenting); App. 75a-81a (Guidry, J., dissenting). This Petition timely follows.

REASONS FOR GRANTING THE PETITION

I. Whether a State May Retroactively Nullify a Certified Election and Install its Preferred Candidate is a Matter of First Impression Implicating this Court's Precedent Establishing the Right to Have Ballots Given Effect.

For decades, courts have heralded the right to vote as the “the wellspring of all rights in a democracy.” *Bonas v. Town of N. Smithfield*, 265 F.3d 69, 74 (1st Cir. 2001) (citing *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)). Here, a narrow majority of the Louisiana Supreme Court paid mere lip service to that right. Despite calling suffrage “undoubtedly sacrosanct,” the court allowed the people’s will to be arbitrarily and haphazardly sacrificed to the whims of the State. App. 9a. As enacted, Act 15 plainly violates the United States Constitution. It denies the voters of Orleans Parish due process and the equal protection of law by nullifying a completed, certified election. Further compounding this unconstitutionality, Act 15 sanctions not just the abolition of an office after the outcome of an election is known, but also the installation of the State’s preferred candidate by appointment to a new office without the required election. This Court has never addressed such a situation, but if the sanctity of the franchise is to survive, it must be addressed now.

Although the decision below arose on an expedited supervisory writ without oral argument, the federal constitutional question was fully briefed, squarely presented, and expressly decided. Notably, the slim 4-3 per curiam devoted a meager two sentences and a footnote of its opinion to whether Act 15 violates the United States

Constitution, but three separate dissents addressed the federal equal protection and due process theories at length.⁵ App. 10a-11a; 14a-34a; 37a-50a. The compressed procedural posture reflects the emergency created by the State’s rushed enactment of Act 15, but not any deficiency in the record. Specifically, the material facts – the election results, the statute’s effective date, and its transfer of authority to a state-selected officeholder – are undisputed and appear on the face of the per curiam itself. Nor is there any adequate, independent state ground insulating the judgment from review: the per curiam rested squarely and explicitly on its conclusion that no provision of the United States Constitution was violated. Accordingly, this case presents a clean vehicle for resolving an important and potentially recurring question of federal constitutional law. For these reasons, the City of New Orleans urges this Court to grant certiorari.

A. Act 15 Violates the Due Process Clause of the Fourteenth Amendment.

Nearly a century and a half ago, this Court confirmed the right to vote is fundamental “because [it is] preservative of all rights.” *Yick Wo*, 118 U.S. at 370. Finding the right to vote to be “individual and personal in nature,” this Court has likewise affirmed that voters have standing to vindicate their own constitutional interest when a state manipulates the machinery of an election to deny that vote of its intended effect. *Reynolds v. Sims*, 377 U.S. 533, 554 (1964). In so holding, this Court has not narrowly

5. The dissenting judges took two opportunities to call out the flaws in the per curiam decision – dissenting both to the per curiam and again to the court’s denial of reconsideration. App. 14a-34a; 37a-50a; 66a-81a.

confined the right to vote to mean only the moment of casting a ballot; it recognized “the right of qualified voters, regardless of where they reside in the State, to cast an *effective vote*.” *Id.* at 566 (emphasis added); *see also U.S. v. Classic*, 313 U.S. 299, 318 (1940) (“The right to participate in the choice of representatives . . . [includes] . . . the right to cast a ballot and to have it counted at the general election, whether for the successful candidate or not.”). That right applies in state and federal elections. *Id.* Under this framework, impediments to the ballot or post-election changes that alter the meaning and effect of votes already cast have been held to work a patent and fundamental unfairness that offends the Due Process Clause.⁶

Here, Act 15 did not merely dilute the votes cast for Duncan or subject them to a recount under new rules; it abolished an elected office on the eve of the people’s chosen candidate starting his term. Critically, Act 15 did not abolish the duties of Duncan’s office; it transferred those powers to someone the voters never elected to hold them. The Louisiana Supreme Court then barred the City of New Orleans from holding a special election for the

6. *See e.g., Ne. Ohio Coal. for Homeless v. Husted*, 696 F.3d 580, 597 (6th Cir. 2012) (requirement that provisional ballots be cast in correct precinct presented probable due process violation); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580 (11th Cir. 1995) (failure to exclude contested absentee ballots constituted a post-election departure from previous state practice that could support Section 1983 claim warranting injunctive relief); *Duncan v. Poythress*, 657 F.2d 691 (5th Cir. 1981) (appointment in lieu of election to fill vacancy violates the Constitution); *Griffin v. Burns*, 570 F.2d 1065, 1072 (1st Cir. 1978) (unconstitutional for Rhode Island to retroactively invalidate absentee and shut-in ballots for a city council primary election).

consolidated clerk position. This retroactive nullification of a completed election combined with the prohibition on holding an election is precisely the patent and fundamental unfairness that federal due process forbids, and it is independent of any interest of the elected official in the office itself. Nevertheless, the Louisiana Supreme Court incorrectly focused on the latter.

Specifically, the majority’s paper-thin analysis of the federal constitutional violation relied only on *Fisk v. Police Jury of Jefferson*, 116 U.S. 131, 133 (1885), which, *in dicta*, dismissed the notion that an officeholder has a claim to definite tenure. App. 10a-11a. But *Fisk* did not address the electorate’s interest in the effect of its votes. Thus, in concluding there was “no violation of the United States Constitution,” the Louisiana Supreme Court seemingly considered only the elected officeholder’s complaint and ignored the real claim – that of the City’s electorate as a whole.⁷ App. 10a. The clear distinction between officeholder-rights and voter-rights undermines the court’s rationale. And, in any event, the court’s decision cannot be squared with *Reynolds* and its progeny, which locate a constitutional injury in the *voter*, independent of any interest the candidate may have.

The Louisiana Supreme Court compounded its error by mistakenly focusing on the Legislature’s authority to restructure, consolidate, or even abolish local offices as a general proposition. However, the actual source of the constitutional violation in this case is the timing and

7. Duncan, the electorate’s chosen candidate, was not a party to this consolidated litigation and therefore, any individual claim he might have was never before the court below. *See generally Duncan v. Landry, et al.*, No. 26-cv-00460 (M.D.La.).

manner in which the Legislature exercised its power. Orleans Parish voters elected Duncan to serve as Criminal Clerk before Act 15 was even proposed. Act 15 was then enacted to nullify that completed election, thereby disenfranchising the voters in Orleans Parish after they had already decisively spoken.

The United States Constitution does not sanction stripping an office of its authority or abolishing it outright to prevent the winning candidate from exercising the authority conferred by the voters. Not one voter was asked or permitted to cast a ballot for “the clerk of court for the parish of Orleans,” which is indisputably an elected office under Louisiana law. *See* La. Const. art. V, § 28(A) (“In each parish a clerk of the district court shall be elected for a term of four years.”); *see also* App. 84a-85a (“There shall be one clerk of . . . court for the parish of Orleans, who shall be elected by the qualified electors of Orleans Parish.”); App. 46a (Guidry, J., dissenting); App. 77a (Guidry, J., dissenting). Should the Louisiana Supreme Court’s decision stand, Orleans Parish voters will not be permitted to select their clerk of court until 2029. Meanwhile, the Criminal Clerk’s powers and authority will be exercised by an individual chosen by the State, not the citizens of New Orleans. Such a result is fundamentally unfair and runs afoul of the Fourteenth Amendment. Accordingly, the Court should grant this Petition.

B. Act 15 Violates the Equal Protection Clause of the Fourteenth Amendment.

In addition to due process, the Fourteenth Amendment guarantees citizens equal protection under the law. U.S. Const. amend. XIV. Critically, in this context, the Equal

Protection Clause prohibits drawing impermissible distinctions between similarly situated citizens or improperly diluting the right to vote. *See City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985); *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 666 (1966). Act 15 does both.

As with substantive due process, federal jurisprudence on this subject is not new. In 1972, this Court invalidated a Tennessee law imposing prolonged durational residency requirements on voters. *See Dunn v. Blumstein*, 405 U.S. 330 (1972) (requiring residence in the state for one year and in the county for three months as prerequisites to registering to vote). Applying strict scrutiny because of the fundamental nature of voting, the Court found the requirement impermissibly interfered with the right to vote by penalizing some residents because of recent interstate movement without furthering any compelling state interest. *Id.* at 342, 360; *see also Kramer v. Union Free Sch. Dist. No. 15*, 395 U.S. 621, 627 (1969) (“Therefore, if a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are necessary to promote a compelling state interest.”) (citing *Carrington v. Rash*, 380 U.S. 89, 96 (1965)). Pretermitted a detailed review of its jurisprudence, the Court simply noted: “In decision after decision, this Court has made clear that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn*, 405 U.S. at 336 (listing cases).

Paradoxically, and notwithstanding Act 15 proponents’ purported goal of aligning New Orleans’ courts with

the rest of Louisiana, Act 15 perpetuates treating New Orleans differently.⁸ Act 15 abolished the office of the Criminal Clerk after 68% of voters selected Duncan to hold the authority and powers vested in that office. Citizens in Louisiana's sixty-three other parishes were permitted to elect the official who oversees their elections and manages the critical functions of their courts. *See* La. Const. art. V, § 28 ("In each parish a clerk of the district court shall be elected for a term of four years."). For Orleans Parish, however, the State rejected the voters' decisive choice and picked someone else, "despite the fact that the plain language of Act 15 states that the position is to be an elected office."⁹ App. 77 (Guidry, J., dissenting). *See also* App. 84a-85a (amending La. Rev. Stat. § 13:1211.1 to read "There shall be one clerk of court for the parish of Orleans, who shall be elected by the qualified electors of Orleans Parish."). Act 15 thus treats the citizens of Orleans Parish differently from the rest of Louisiana. The Equal Protection Clause prohibits this type of disparate treatment, and there is simply no legitimate, let alone

8. Notably, neither Act 15 nor any other legislation consolidated Orleans Parish's civil and criminal courts.

9. The pretextual nature of the State's stated purpose in consolidating and/or eliminating certain elected offices in Orleans Parish, including the Criminal Clerk, has only been made clearer since the Louisiana Supreme Court ruled. In addition to Act 15, the Louisiana Legislature passed a bill eliminating three judgeships in the Orleans Parish Criminal District Court, which is effective at the end of the incumbents' current terms. But despite his support for the bill throughout the legislative process, prior to signing the bill into law, Governor Landry chastised the final version due to the inclusion of one specific judge on the chopping block. That the State offered any opinion on whom it believes should be afforded the advantage of incumbency in future elections further undermines its stated goals of administrative consolidation and efficiency.

compelling, reason to abolish the Criminal Clerk before the end of Duncan's term in that office or, alternatively, bar an election for the novel consolidated clerk position.

Further exacerbating the constitutional deprivation, Act 15 denies Orleans Parish voters the equal protection of law by conveying the Criminal Clerk's powers and authority to Napoleon, who was not elected for that purpose. Specifically, by transferring the Criminal Clerk's entire authority, records, and chief-elections-officer duties to Napoleon instead of holding an election, Act 15 substitutes the Legislature's will in place of the will of the people of New Orleans. As Justice Guidry highlighted in his dissent: Act 15 "bestow[s] upon [Napoleon] a position for which she did not run, for which the voters of New Orleans never vetted her for or elected her to, and for which she has never taken the oath of office." App. 76a (Guidry, J., dissenting). It thus impermissibly disenfranchises only New Orleans voters.

The inequity created by Act 15, depriving *only* Orleans Parish voters of the right to elect their clerk, is not justified by the tenuous interests of operational efficiency and cost cutting, particularly given the dearth of evidence in the legislative record (or elsewhere) to support those claims. In truth, the only cut that occurred was eliminating one elected official in favor of another. Nevertheless, even assuming that consolidation of the distinct Civil and Criminal Clerk offices into a singular elective office with newly expanded jurisdiction and powers could achieve the State's purported goals, holding a special election to fill that office would be significantly less restrictive on citizens' right to vote than the State's unilateral appointment of Napoleon to the office of "clerk

of court for the parish of Orleans.” Indeed, that is precisely why the City Council resolved to hold such an election. Accordingly, the Louisiana Supreme Court’s decision must be reviewed to address these serious equal protection issues.

II. The Decision Below Conflicts with Decisions of United States Courts of Appeals.

Nearly half a century ago, in *Duncan v. Poythress*, the United States Court of Appeals for the Fifth Circuit recognized:

The United States Constitution protects against complete deprivation as well as invidious discrimination. *It is fundamentally unfair and constitutionally impermissible for public officials to disenfranchise voters in violation of state law so that they may fill the seats of government through the power of appointment . . .* such action violates the due process guarantees of the fourteenth amendment.

Duncan v. Poythress, 657 F.2d at 704 (emphasis added). In *Duncan*, voters filed suit against state officials challenging the appointment of a person to fill a vacancy on the Georgia Supreme Court in lieu of calling a special election as violative of the electorate’s right of suffrage under the state and federal constitutions. *Id.* at 693-94. The Fifth Circuit agreed, confirming “that the due process clause of the fourteenth amendment prohibits action by state officials which seriously undermine the fundamental fairness of the electoral process.” *Id.* at 700. Though quick

to acknowledge the state's broad discretion to regulate elections, the court nevertheless emphasized that "federal courts have not hesitated to interfere when state actions have jeopardized the integrity of the electoral process." *Id.* at 702.

Critical to the Fifth Circuit's analysis in *Duncan* was its determination that the state's appointment to the position in lieu of calling an election deprived the entire electorate of the right to determine who should fill the vacant seat. *Id.* at 703-704. Affirming the district court's order compelling a special election, the court concluded it could "imagine no claim more deserving of constitutional protection than the allegation that state officials have purposely abrogated the right to vote." *Id.* at 704.

Duncan's holding has been reinforced in the decades since, even in small communities where federal courts' supervisory eyes seldom reach. For example, in *Bonas v. Town of North Smithfield*, 265 F.3d 69 (1st Cir. 2001), the First Circuit upheld a district court order compelling an election, in a town of roughly 20,000 people, at the request of a handful of registered voters who filed suit challenging the town's decision not to hold an election in the final odd-numbered year before the town's elections were switched to even-numbered years, thereby extending the term of a few select elected officials by one year. *Id.* at 74. Like *Duncan*, the First Circuit proceeded with caution given the local nature of the election, but agreed "a colorable claim lies for a violation of substantive due process" where "organic failures in [the] election process threaten to work patent and fundamental unfairness." *Id.* Ultimately, the *Bonas* court reasoned, if local law required an election, the refusal to hold one "would work a total

and complete disenfranchisement of the electorate, and therefore constitute a violation of due process.” *Id.* at 75.

A total and complete disenfranchisement of the New Orleans electorate is precisely what occurred here. Contravening clear circuit court precedent, Act 15 nullified the Criminal Clerk election after the outcome was known by transferring those powers to a new office and then appointed the State’s preferred candidate to perform those duties. The Louisiana Supreme Court then fast-tracked this case and rushed a judgment that misapplies – indeed, barely acknowledges – the inviolate constitutional principles in this case, barring New Orleans from allowing its citizens to vote on who the singular clerk should be. This Court’s intervention is needed to remedy the Louisiana Supreme Court’s complete disregard of federal law.

III. The Decision Below Conflicts with Another State Court of Last Resort, Which Struck Down a Nearly Identical Law.

This Court should also grant the City’s Petition in light of conflicting determinations between state courts of last resort. As recognized by Justices Griffin and Guidry in their dissents, the Illinois Supreme Court previously struck down a law with an effect nearly identical to Act 15 in *Tully v. Edgar*, 171 Ill.2d 297 (Ill. 1996). App. 38a-40a (Griffin, J., dissenting); App. 47a-48a (Guidry, J., dissenting). Though that court’s decision was ultimately grounded in the Illinois Constitution, the court relied upon and reaffirmed the longstanding principle articulated by this Court “that all qualified citizens have a constitutionally protected right to vote and have their votes counted.”

Tully, 171 Ill.2d at 305–06 (citing *Reynolds*, 377 U.S. at 554) (additional citations omitted). In *Tully*, the Illinois Supreme Court struck down a statute that abolished the elected office of university trustee before the winners of a completed election could take their seats, replacing them with gubernatorial appointees. *Id.* at 302–04. Applying strict scrutiny to the law burdening the fundamental right to vote, the Illinois court held the statute unconstitutional precisely because it did not merely dilute or burden the vote, but “obliterate[d] its effect” by “authoriz[ing] the Governor to select the candidates of his choice” in place of the electorate’s actual choice. *Id.* at 307.

Act 15 did the exact same thing: it abolished the office to which Duncan was overwhelmingly elected and transferred its authority to Napoleon, thereby obliterating the election’s effect. It is irrelevant that Napoleon was duly elected to the office of the Civil Clerk – she was not elected to perform the duties attendant to Criminal Clerk or elected to the newly combined office of the Clerk of Court for the Parish of Orleans. Furthermore, as in *Tully*, the City does not contest the State’s power to eliminate the Criminal Clerk’s office as a general matter. The problem here lies in the specifics. Like *Tully*, the City contends “that in exercising such power, [the State] may not transgress constitutional limitations,” namely, disenfranchise its citizens by reorganizing elected offices. *Id.* at 303–04. As both the Illinois and Louisiana Constitutions incorporate the same due process and equal protection rights offered by the Fourteenth Amendment to the United States Constitution nearly verbatim, the divergent outcomes cannot be reconciled. *Cf.* U.S. Const. amend. XIV with La. Const. art. I, §§ 2, 3 and Ill. Const. art. I, § 2.

Moreover, the Louisiana Supreme Court had *Tully* squarely before it – the three dissenting Justices relied on it at length – yet the court rejected its reasoning without meaningfully distinguishing it, resting instead on the Louisiana Constitution’s grant of plenary authority.¹⁰ App. 28a n.8; 38a-40a; 47a-48a (Weimer, C.J., Griffin, J., Guidry, J., dissenting). But a state’s plenary authority to *abolish an office* cannot, and does not, answer whether the *manner and timing* of that abolition – retroactive to a completed election, targeting one named result – violates the federal Constitution, any more than a state’s plenary authority to draw legislative districts answers whether a particular districting scheme violates one-person, one-vote principles. Two state courts of last resort, presented with materially indistinguishable statutes and analogous constitutional theories, reached opposite results. Certiorari exists precisely to resolve square conflicts such as these. *See* Sup. Ct. R. 10(b).

IV. The Questions Presented are of Exceptional Importance to All Citizens in All States, and Absent Intervention, Likely to Recur.

Finally, it is not hyperbolic to stress that, absent this Court’s intervention, the decision below sanctions a mechanism available to any government unhappy with an election outcome: abolish or restructure by merger an office after the votes are in but before the winner is seated, then reassign its powers to a preferred candidate. Nothing in the *per curiam*’s reasoning confines it to Orleans

10. The City concedes it would have no claim had the State made Act 15 effective after the end of Duncan’s term as originally proposed. However, as amended and ultimately enacted, Act 15 nullified the votes cast for Duncan and unilaterally appointed a replacement.

Parish's unique clerk-of-court structure. The court's dismissive determination that inapplicable precedent forecloses any federal claim would apply equally to any state legislature that disliked the outcome of an election and chose to eliminate the office rather than honor the result.

As Justice Guidry observed, “[t]he whole scheme behind Act 15 is pretextual in nature,” and thus its shaky foundations are absolutely capable of being repeated. App. 44a (Guidry, J., dissenting). Act 15 was enacted only after, and seemingly because of, the specific candidate the voters chose. Left uncorrected, the decision below provides a template for exactly this kind of results-driven legislative override, cloaked in a state’s purportedly unfettered authority to restructure its own offices. This Court’s review is needed to confirm that such authority is not a tool to nullify or change the results of specific, certified elections. If not corrected, the injustice resulting from Act 15 risks discouraging citizen participation in elections altogether. This Court’s precedent clearly recognizes that discouraging participation injures the franchise as much as banning it. *See e.g., Reynolds*, 377 U.S. at 554-560; *Bush v. Gore*, 531 U.S. 98 (2000). Accordingly, the broad consequences of the Louisiana Supreme Court’s decision provide another compelling reason for this Court to grant a writ of certiorari in this case.

CONCLUSION

Under Act 15, the State of Louisiana abolished an office after an individual was overwhelmingly elected to it and substituted in an appointee to perform the duties of the abolished office. As Chief Justice Weimer noted, Act 15

“makes a mockery of the electoral process by completely obliterating the constitutional effectiveness of the people’s vote.” App. 15a (Weimer, C.J., dissenting). Maintaining the status quo disenfranchises tens of thousands of New Orleanians in clear violation of the Constitution. The petition for a writ of certiorari should be granted.

Respectfully submitted,

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APPENDIX

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**APPENDIX A — OPINION OF THE SUPREME
COURT OF LOUISIANA, FILED JUNE 1, 2026**

SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
THE STATE OF LOUISIANA, ET AL.

C/W

CHELSEY RICHARD NAPOLEON,
IN HER OFFICIAL CAPACITY AS CLERK OF
COURT FOR ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE NEW ORLEANS CITY
COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS
CITY APPOINTED INTERIM CLERK OF
COURT FOR ORLEANS PARISH

On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge

Appendix A

PER CURIAM

In these consolidated matters, we are called upon to determine the constitutionality of Act 15 of the 2026 Regular Session (“Act 15”). For the reasons that follow, we conclude Act 15 represents a valid exercise of legislative power.

FACTS AND PROCEDURAL HISTORY

Historically, Orleans Parish has been unique among all parishes in the state insofar as it has separate clerks of court for the Civil District Court and the Criminal District Court. The position of clerk of court for the Civil District Court is currently held by Chelsey Richard Napoleon, who was reelected on November 15, 2025, to a term commencing on May 4, 2026. An election for the position of clerk of Criminal District Court was also held on November 15,

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2025, at which time the voters elected Calvin Duncan for a term which was set to begin on May 4, 2026.

On April 30, 2026, the governor signed Act 15 into law, and it became immediately effective. Section 4 of the Act (emphasis supplied) provides:

Section 4. The provisions of this Act shall not reduce the current term of office of the clerk of criminal district court for the parish of Orleans on the effective date of this Act. ***The office of clerk of criminal district court for the parish of Orleans shall be abolished at the end of May 3, 2026, and before the term of any other criminal clerk of court begins. Immediately thereafter, the authority, functions, duties, and responsibilities of the office*** of clerk of criminal district court for the parish of Orleans, and all of the books, papers, records, monies, actions, and other property of every kind and description, movable and immovable, real and personal, possessed, controlled, or used by the office of the clerk of criminal district court for the parish of Orleans ***shall be transferred and owned, possessed, controlled, and used by the clerk of the civil district court for the parish of Orleans, who shall thereafter be referred to as the clerk of court for the parish of Orleans.***

Following the enactment of Act 15, Gary Crockett, an Orleans Parish registered voter, filed a petition for declaratory judgment and requests for injunctive relief

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against the State of Louisiana (“State”) and others in the 19th Judicial District Court (“*Crockett*”). Mr. Crockett alleged the office of criminal clerk can only be abolished through a constitutional amendment. On May 8, 2026, the district court issued an injunction prohibiting “any further physical consolidation of the Orleans Parish Clerk’s offices into one pending further proceedings in this matter.” Upon emergency application by the State, this Court issued an order on May 10, 2026, that stayed these proceedings pending further orders of this Court.

One day later, on May 11, 2026, the New Orleans City Council (“Council”) declared a vacancy in the office of clerk of court for the parish of Orleans and appointed retired Judge Calvin Johnson as interim clerk of court. The Council also called for a special election pursuant to La. R.S. 18:602 to permanently fill the position that it contends is vacant.

Following the Council’s action, Ms. Napoleon filed suit in the 19th Judicial District Court against the City of New Orleans and various city officials. Her petition alleged the City exceeded its constitutional and statutory authority by appointing an interim clerk of court and by ordering a special election (“*Napoleon*”).

On May 14, 2026, this Court issued a special order assuming jurisdiction over both suits. The order stayed all proceedings, except that we expressly permitted a previously scheduled May 18, 2026 hearing in *Napoleon* to proceed, subject to the condition that the district court, without ruling, immediately transfer the record of the

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hearing to this Court. Additionally, this Court enjoined the ostensible interim clerk from executing any duties and enjoined all officials from interfering with the duties of Ms. Napoleon under Act 15 pending further orders of this Court.

JURISDICTION

Considering the interests of judicial economy and the urgent need to provide a definitive resolution to prevent further confusion, it is necessary to exercise our plenary supervisory authority over both *Crockett* and *Napoleon* under La. Const. Art. V, § 5(a). The “[s]upervisory authority of this court is plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion of the court,” whether or not lower courts have acted. *Marionneaux v. Hines*, 05-1191, p. 4 (La. 5/12/05), 902 So. 2d 373, 376. We have long recognized that the exercise of this authority is warranted when “the issues presented were of an extraordinary nature, time-sensitive, and of such significant public interest that the court’s plenary, supervisory jurisdiction should be exercised.” *State v. All Prop. & Cas. Ins. Carriers Authorized & Licensed To Do Bus. In State*, 2006-2030, p. 4 (La. 8/25/06), 937 So. 2d 313, 318. *See also* Special Order docketing this matter (C.J. Weimer *additionally concurring*, p.1, n. 1). Here, three different people claim the authority to act as clerk.

This case clearly meets that standard. *Id.* Having determined our jurisdiction is properly invoked, we now turn to the merits of this important matter.

*Appendix A***DISCUSSION****I. Does Act 15 of the 2026 Regular Session (“Act 15”), insofar as it abolishes the office of clerk of court for the Criminal District Court for the Parish of Orleans, violate any provision of the Constitutions of the United States or Louisiana?**

The primary arguments of the parties focus on the authority for Act 15 under the provisions of La. Const. Art. V, § 32, which provides:

Except for provisions relating to terms of office as provided elsewhere in this Article, and **notwithstanding any other contrary provision of this constitution,**^[1] ***the following courts and officers in Orleans Parish are continued, subject to change by law;*** the civil and criminal district courts; the city, municipal,

1. This clause makes clear the primacy of § 32 over other constitutional provisions like the published local notice provisions raised by intervenors. There is also an extensive history, through the passage of many hundreds of laws, supporting the longstanding view that all laws concerning the state’s courts and judicial officers such as clerks, even if limited in scope, are matters of statewide importance and general concern. They are not local laws regardless of geographic remit.

Additionally, our jurisprudence has long held that “the publication required by La. Const. art. 3, § 13 (1974) is inapplicable, even though a law is local or special, if the constitution elsewhere grants the power to adopt legislation on a particular subject.” *City of New Orleans v. Treen*, 431 So.2d 390, 395 (La. 1983).

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traffic, and juvenile courts; ***the clerks of the civil and criminal district courts***; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages.

As noted, Orleans Parish has long maintained a different court structure from the rest of the state. In his book The Louisiana State Constitution: A Reference Guide, Professor Lee Hargrave explained that this unusual structure was discussed extensively during the Constitutional Convention of 1974. In particular, Professor Hargrave states, “[o]rganization of the Orleans courts was the single issue that occupied the most time in the Judiciary Committee and that provoked the most controversy.” *Id.* at 91. “To placate Orleans interests, the committee did not urge [immediate] merger” of its unique offices or court structure.

The Convention instead allowed Orleans Parish to retain its anomalous structure with numerous extra offices and judges compared to the rest of the state but affirmatively rejected attempts to protect them into the future. *Id.* at 92 (stating “[t]he convention would not give such strong protection to the status quo,” rejecting attempts to require either a super-majority vote or local referenda before change). The “convention’s action reflected ***dissatisfaction with the nonuniform structure of Orleans courts***” and it voted “finally in favor of permitting change ***simply by law, meaning the normal legislative majority vote***.” *Id.* (emphasis supplied).

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As shown by the discussions at the 1974 Constitutional Convention, myriad Orleans Parish judicial offices were retained in lieu of any immediate merger or reduction. However, La. Const. Art. V, § 32 made it clear that offices such as the “clerks of the civil and criminal district courts” were continued “subject to change by law.” In other words, the continued existence of these offices and courts was placed under the express and unconstrained control of the legislature.²

For those enumerated offices and courts, the remaining provisions of the Louisiana Constitution are expressly subservient to a plenary authority of the legislature to make changes by regular law adopted by a majority vote. In *Davenport v. Hardy*, 349 So. 2d 859 (La. 1977), when interpreting this same Section of the Constitution,

2. Notably, La. Const. Art. V, § 32 sets forth an exception for “provisions relating to terms of office as provided elsewhere in this Article. . . .” This is a reference to La. Const. Art. V, § 21 which provides that the “***term of office, retirement benefits, and compensation of a judge shall not be decreased*** during the term for which he is elected.” (emphasis added). That is the only historically consistent reading. For example, La. Const. Art. V, § 15(C) provides for six-year terms for all trial judges, including city judges, but it is not universally applicable in Orleans Parish where the elected Municipal Judges still serve staggered eight-year terms.

In contrast to the protection expressly provided to judges during their terms of office, there is no comparable constitutional protection for the “term” related to the clerk’s office that is applicable here. La. Const. Art. X, § 23 instead provides only that “[t]he ***compensation*** of an elected public official ***shall not be reduced*** during the term for which he is elected.” (emphasis added).

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this Court has held that “the Constitution generally establishes the Legislature’s power to govern [office(s) under § 32]. ***It imposes no limitations or restrictions on the exercise of that power, and it does not fix the terms of office[.]***” *Id.* at 863 (emphasis supplied). *See also State v. Francois*, 445 So. 2d 416, 418 (La. 1983) (“This section continues the former constitution’s separation between the civil and criminal district courts in Orleans Parish. But it also reserves to the legislature the plenary lawmaking power to change this division by law. Accordingly, ***the legislature may completely abolish, partially erase or otherwise change the separation between these courts by law.***”) (emphasis supplied).

“When a constitutional provision is plain and unambiguous its language must be given effect.” *LeBlanc v. Altobello*, 497 So. 2d 1373, 1374-75 (La. 1986). The clear and plain language of La. Const. Art. V, § 32 provides that the offices of clerk of the civil district court and clerk of the criminal district court are expressly subject to the provisions of that Section rather than the provisions of La. Const. Art. V, § 28 concerning clerks of court generally.

Similarly, the right to vote under La. Const. Art. I, §10 is undoubtedly sacrosanct, but it is a right granted to our voters, not a mechanism to preserve offices for their elected occupants. Our Constitution protects the terms of some elected officials expressly. *See, e.g.*, La. Const. Art. IV, § 20 and La. Const. Art. V, § 21. The Convention delegates considered a draft that added identical language to protect the terms of office for the officials in the Orleans specific section, but it ultimately rejected that proposal. Records of the Louisiana

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Constitutional Convention of 1973, volume I, p. 100. That rejected version also included a “notwithstanding” clause directed only at the constitutional provisions for clerks and sheriffs. Instead, the final version of La. Const. Art. V, § 32 provides the broad grant of legislative authority that is “notwithstanding” any contrary provision of the Constitution.³

Section 32 grants the legislature unfettered authority over those offices or any legislatively designated successor office.⁴ It was free to add to the duties of the clerk of the civil district court or alter its nomenclature. The legislature also had full authority to abolish the office of clerk of the criminal district court.

Finally, we find no violation of the United States Constitution. The Supreme Court long recognized that

3. Elected public officials do not have a federally constitutionally protected right to their offices, which exists only as a public trust. *See, e.g., Snowden v. Hughes*, 321 U.S. 1, 12, 64 S.Ct. 397, 88 L.Ed. 497 (1944) and *Taylor v. Beckham*, 178 U.S. 548, 577, 20 S.Ct. 890, 44 L.Ed. 1187 (1900). ***There is no federal right to elect a clerk of court or prevent the abolition of that office, and our state constitution similarly does not provide that protection for these particular offices.*** The ‘right to vote’ under the Louisiana Constitution is a right given to our citizens, it does not provide a back door mechanism to obviate the Constitution’s clear grant of authority to the legislature to control these specific offices. Anyone elected to these offices is elected subject to the provisions of § 32.

4. The legislature was free to alter the duties or specify the manner of selection for offices under § 32, including creating an entirely new office still subject to the provisions of § 32.

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nothing in the United States Constitution shields a state office from abolition by its own legislature. *See Fisk v. Police Jury of Jefferson*, 116 U.S. 131, 133, 6 S. Ct. 329, 330 (1885) (rejecting the proposition “that a person elected to an office for a definite term has any such contract with the government or with the appointing body as to prevent the legislature or other proper authority from abolishing the office, or diminishing its duration, or removing him from office”).

II. Does the enactment of Act 15 create a vacancy in any office requiring the May 11, 2026, actions by the City of New Orleans?

Respondents assert that even if Act 15 complies with the Constitution, its effect was to create a new office. They allege there is now a vacancy in this new office which requires an interim appointment followed by a special election.

The clear language of Act 15 unequivocally demonstrates it did not create a new office. To the contrary, Section 4 of the Act plainly provides “the authority, functions, duties, and responsibilities of the office of clerk of criminal district court for the parish of Orleans . . . ***shall be transferred***” to the “clerk of the civil district court for the parish of Orleans, who shall thereafter be ***referred to as*** the clerk of court for the parish of Orleans.” (emphasis added).

The legislature was obviously aware the clerk of civil district court was reelected to a term beginning on May 4, 2026, and immediately prior to that date it abolished the

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office of criminal clerk. The effect of Act 15 was merely to expand the civil clerk's duties to include those duties formerly performed by the criminal clerk and to rename the office "clerk of court for the parish of Orleans." As discussed in the preceding section, this change was entirely within the authority of the legislature.

In reaching this conclusion, we acknowledge that the timing of the legislation was perhaps unfortunate. A policy argument can be made that the legislature should have acted prior to the fall election, or twenty years ago (when Act 621 of the 2006 Regular Session initially merged these offices before it was later reversed), or fifty years ago shortly after the convention delegates first raised concern about the Orleans judiciary. Nonetheless, it is not our place under our constitutional tripartite system to question the wisdom of the legislature in adopting this statute, or its timing. The people of Louisiana have vested these decisions in their elected representatives. It is our role only to determine Act 15's applicability, legality, and constitutionality. *Soloco, Inc. v. Dupree*, 97-1256, p. 16-17(La. 1/21/98), 707 So. 2d 12, 16.

CONCLUSION

No provision of the Louisiana or United States Constitution prohibits Act 15 from being immediately effective. By the clear terms of the Act, there is no vacancy in any office. Accordingly, any relief granted by the trial court is vacated and this matter is dismissed.⁵

5. Because we find that Chelsey Napoleon is the Orleans Clerk pursuant to Act 15 and there is no vacant office, Calvin Johnson

*Appendix A***DECREE**

For the reasons assigned, the May 8, 2026 judgment of the district court granting a preliminary injunction against the consolidation of the clerks' offices is reversed and vacated. Judgment is rendered finding that Act 15 of the 2026 Regular Session is constitutional and effective as enacted. The injunction granted in our May 14, 2026 order enjoining the City from appointing an interim clerk or anyone from interfering with the implementation of Act 15 is made permanent. In all other respects, the stay of proceedings issued by this court on May 10, 2026 is hereby lifted. The motion for oral argument is hereby denied as moot.

Any rehearing from this judgment shall be filed no later than June 5, 2026.

**STAY LIFTED. WRIT GRANTED. REVERSED
AND RENDERED. PERMANENT INJUNCTION
IMPOSED.**

is permanently enjoined from attempting to exercise any duties under the appointment of the New Orleans City Council. The City Defendants' call for a proposed special election conflicts with the law and is therefore also permanently enjoined.

Additionally, due to the obvious confusion surrounding the implementation of Act 15, we foreclose any implication that Chapter 3 of Title 42 of the Louisiana Revised Statutes of 1950, as amended, relating to the usurpation of office, should be found to have been violated here. Any actions taken prior to this Court rendering this judgment shall not be considered a violation of that Chapter.

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

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*On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge*

WEIMER, C.J., dissents and assigns reasons.

The action by the Legislature to abolish a public office before the person elected to that office can assume the duties of the office makes a mockery of the electoral process by completely obliterating the constitutional effectiveness of the people's vote. While the Legislature undeniably has the right to abolish the position of Clerk of Orleans Criminal District Court by way of La. Const. art. V, § 32, this must be done *prospectively* to avoid violating one of the most sacred and fundamental rights in our system of government—the people's right to choose who will serve in an elective office.

“The right to vote is the right upon which all other rights depend.” **Thomas Paine**

“Elections belong to the people. It's their decision.”
Abraham Lincoln

“Nobody will ever deprive the American people of the right to vote except the American people themselves, and the only way they could do this is by not voting.”
Franklin D. Roosevelt

“The right to vote is the crown jewel of American liberties, and we will not see its luster diminished.”
Ronald Reagan

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“The right to vote ‘is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.’” **Richardson v. Ramirez**, 418 U.S. 24, 77; 94 S.Ct. 2665, 2682 (1974) (Marshall, J., dissenting), (quoting **Reynolds v. Sims**, 377 U.S. 533, 555, 84 S.Ct. 1362, 1378 (1964) (Warren, C.J.))

“ . . . [G]overnment of the people, by the people, for the people, shall not perish from the earth.” **Abraham Lincoln**, Gettysburg Address, November 19, 1863.

“Someone struggled for your right to vote. Use it.”
Susan B. Anthony

“My vote is my voice . . . and the voice of all who struggled, so that I may have my voice.” **Lydia Obasi**

“Voting is the foundation stone of political action.”
Rev. Martin Luther King, Jr.

“The vote is precious. It is almost sacred. It is the most powerful nonviolent tool we have in democracy.”
Congressman John Lewis

“The most important political office is that of the private citizen.” **Justice Louis Brandeis**

“Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people.”
Harry Emerson Fosdick

I begin my dissent with these quotes from a diverse group of individuals, one who spoke before this nation was

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founded and others as this nation's history unfolded, since the right to vote—and to have one's vote counted—is at stake in this case. If the Legislature can deprive a duly elected office holder of the opportunity to take office, then the Legislature is also depriving citizens of the efficacy of their votes. Such a process effectively eviscerates the electoral process, negates the right to vote, and discourages citizen participation in the electoral process.

The right of qualified citizens of Louisiana to vote and to have their votes counted, inherent in our republican form of government and the democratic process, is a fundamental and constitutionally protected right. **Adkins v. Huckabay**, 99-3605, p. 7 (La. 2/25/00), 755 So.2d 206, 211. To fulfill this right, the Louisiana Constitution instructs the Legislature to “adopt an election code which shall provide for permanent registration of voters and for the conduct of all elections” and to “provide a method for absentee voting.” La. Const. art. XI, §§ 1, 2. The constitutional grant of the right to vote along with a direction to establish a code including the rules, procedures, and methods to exercise that right evidences an intent that the Legislature has broad powers to legislate the conduct, the when, the where, and the how of the election process. **Adkins**, 99-3605 at 7, 755 So.2d at 211.

However, despite those broad powers, if the Legislature is able to enact a statute that bypasses those rules, procedures, and methods after the election of a person to public office, then our constitutional grant of the right to vote is negated. The right to vote not only allows citizens

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to cast their ballots, but also to have their votes counted and have meaning and effect. The right to vote becomes a hollow right if after one exercises the right to vote, the office of the candidate for which the majority voted is suddenly abolished and someone else assumes the duties of the person who was elected.¹ Other than impeachment pursuant to La. Const. art. X, § 24(A), the legislative and executive branches have no power—constitutional, statutory, or otherwise—to circumvent a constitutionally guaranteed right of the people to vote by removing an individual from an office earned through a popular vote, simply on the whims of certain state government officials.

Historically and customarily, when other positions have been legislatively abolished pursuant to the authority of La. Const. art. V § 32, the elected official has served out the term of the office to which the individual was elected. In 2006, the two separate offices of the Criminal Sheriff and Civil Sheriff of Orleans Parish were consolidated by Louisiana Senate Bill No. 645 of the Thirty-Second

1. There are other provisions available to remove an elected official from office while doing no harm to the people's right to vote and have their votes counted. Should the Legislature feel strongly enough about removing an official from office, Article X, § 24(A) of the Louisiana Constitution establishes that "[a] state or district official, whether elected or appointed, shall be liable to impeachment . . . during his term of office of a felony or for malfeasance or gross misconduct while in such office." Calvin Duncan was recently elected to the position of Orleans Parish Clerk of Criminal District Court, after receiving 68 percent of the popular vote in a runoff election. Because of the enactment of Act 15, Mr. Duncan has not been afforded the opportunity to assume his office and therefore impeachment is not applicable.

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Regular Session. The statute enacted at the time was La. R.S. 33:1500,² which stated, in pertinent part:

A. There shall be one sheriff for the parish of Orleans, who shall be elected by the qualified electors of the parish of Orleans. He shall be elected at the election for parochial and municipal officers in Orleans Parish, shall serve for a term of four years, and shall take office and begin his term on the first Monday in May following his election.

B. When the sheriff provided for in Subsection A of this Section takes office, the separate offices of the civil sheriff and the criminal sheriff for the parish of Orleans shall be abolished, and the sheriff shall be the successor to and exercise all of the functions, duties, and responsibilities of their respective offices, which shall be merged and consolidated within the office of the sheriff for the parish of Orleans.

Section 23(A) of the bill contained a provision stating, “[f]or purposes of qualifying and election to the office of sheriff at the election of parochial and municipal officers in the parish of Orleans to be held in 2010, the provisions of R. S. 33:1500(A) as enacted by Section 4 of this Act shall become effective upon signature by the Governor.”

2. This statute was redesignated as La. R.S. 33:5581 by 2011 La. Acts 248, § 3. See La. Sess. Law Serv. Act 248 (H.B. 98).

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The above statute and section made clear the legislative intent for the criminal and civil sheriffs serving at the time to serve their full terms. At the end of those terms the offices would be abolished, a new office of Orleans Parish Sheriff would be established, and an election for that office would be held. Thus, the procedure did not run afoul of any constitutional provisions regarding the right to vote.³ While the Legislature's intent to reduce costs to the public and improve the efficiency of the Orleans Parish judicial system is laudable, the method by which the Legislature has chosen to do so is unconstitutional.

When a constitutional challenge is made, the question is whether the constitution limits the Legislature, either expressly or impliedly, from enacting the statute at issue. When a statute conflicts with a constitutional provision, the statute must fall. **Caddo-Shreveport Sales and Use Tax Com'n v. Office of Motor Vehicles, Dept. of Public Safety and Corrections**, 97-2233, p. 6 (La. 4/14/98), 710 So.2d 776, 779. It is not enough to show that the statutes' constitutionality is fairly debatable; it must be shown clearly and convincingly that it was the constitutional aim to deny the Legislature the power to enact the statute.

3. Similarly, in 2016, Louisiana House Bill No. 600 of the Forty-Second Regular Session consolidated the Municipal and Traffic Courts of New Orleans without the need of an election or any removals from office. Made effective on January 1, 2017, the Municipal Court judges transferred on staggered dates to the new Municipal and Traffic Courts of New Orleans, and the judgeships of the Traffic Court were abolished upon those judges completing their terms. La. R. S. 13:2492.

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Hite v. Larpenter, 04-1821, p. 7 (La. App. 1 Cir. 9/23/05), 923 So.2d 140, 145, writ denied, 05-2255 (La. 3/10/06), 925 So.2d 511.

When deciding whether a particular legislative enactment is unconstitutional, this court has stated that it is not the court's duty to determine the wisdom behind the enactment of the legislation. **M.J. Farms, Ltd. v. Exxon Mobil Corp.**, 07-2371, p. 26 (La. 7/1/08), 998 So.2d 16, 34. It is well settled that statutes are presumed constitutional unless fundamental rights, privileges, and immunities are involved. **Caddo-Shreveport Sales**, 97-2233 at 5, 710 So.2d at 779.

Since the foundational and fundamental right to vote is involved in the present case, the constitutionality of Act 15 cannot be presumed. See Caddo-Shreveport Sales, 97-2233 at 5, 710 So.2d at 779. Laws restricting fundamental rights, such as the right to vote, are subject to strict scrutiny because such rights are considered to be essential to the structure of our society, in which citizens enjoy "ordered liberty." **State v. Webb**, 13-1681 (La. 5/7/14), 144 So.3d 971, 978; see also Sudwischer v. Estate of Hoffpauir, 589 So.2d 474, 478 (La. 1991) (Dennis, J., dissenting). Vested rights merit heightened scrutiny under the constitution and, as a result, any interference with vested rights is *per se* arbitrary and unreasonable and, thus, constitutionally prohibited. **Bienvenu v. Defendant 1**, 23-01194, p. 7 (La. 6/12/24), 386 So.3d 280, 288.

"Under strict scrutiny the government bears the burden of proving the constitutionality of the regulation

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by showing (1) that the regulation serves a compelling governmental interest, and (2) that the regulation is narrowly tailored to serve that compelling interest.” **In re Warner**, 05-1303, p. 37 (La. 4/17/09), 21 So.3d 218, 246. The least restrictive means to achieve the compelling state interest must be followed. **State v. Spell**, 21-00876, p. 15 (La. 5/13/22), 339 So.3d 1125, 1137. Act 15 arguably passes the first element of the strict scrutiny test because the reorganization of the Orleans Parish judicial system is a compelling governmental interest that has been ongoing since Hurricane Katrina, after which the population of Orleans Parish dropped drastically and arguably the need for a bifurcated justice system diminished and could no longer be justified. However, the manner by which Act 15 is being *implemented* does not narrowly serve that interest, since it would deprive the voters of the validity of their votes to elect an individual who prevailed in the election.

When a constitutional provision is clear and unambiguous, and its application does not lead to absurd consequences, it must be interpreted as written without further interpretation in search of its intent. See La. C.C. art. 9. The people’s right to vote is not explicitly provided for in the U.S. Constitution or the Bill of Rights, but it is enshrined in the Constitution of the State of Louisiana, which explicitly guarantees the right to vote in Article I, § 10(A):

Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is

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under an order of imprisonment for conviction of a felony.

Article I, § 10(A) was included in the Constitution, adopted by the Louisiana Constitutional Convention on September 8, 1973, ratified by the people of Louisiana in an election held on April 20, 1974, and became effective on January 1, 1975. It changed the voting rights conferred by the 1921 Constitution in many respects, but most importantly it is clear from the constitutional provision that “[e]very citizen of the state, upon reaching eighteen years of age, *shall* have the right to register and vote.” Under well-established rules of interpretation, the word “shall” excludes the possibility of being “optional” or even subject to “discretion,” but instead “shall” means “imperative, of similar effect and import with the word ‘must.’” **Louisiana Federation of Teachers v. State**, 2013-0120, p. 26 (La. 5/7/13), 118 So.3d 1033, 1051.

There was debate at the Constitutional Convention over whether the two Orleans Parish clerk’s offices would be consolidated at that time.⁴ As a compromise, the normal referendum procedure to amend a constitutional provision was set aside, and the Legislature was given the unique authority to change the dual clerk system in Orleans Parish through the ratification of La. Const. art. V, § 32, which states:

Except for provisions relating to terms of office

4. See Records of the Louisiana Constitutional Convention of 1973, Transcript Records, volume VI, pp. 952-58.

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as provided elsewhere in this Article, and notwithstanding any other contrary provision of this constitution, the following courts and officers in Orleans Parish are continued, subject to change by law; the civil and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages.⁵

By the plain language of the above constitutional provision, the Legislature can undeniably eliminate the office of clerk of court for the Criminal District Court of Orleans Parish; however, reading the phrase “notwithstanding any other contrary provision of this constitution” *in pari materia* with Article I, § 10(A) and other constitutional provisions does not lead to the conclusion reached by the majority. The plenary power given to the Legislature by Article V, § 32 cannot be

5. It cannot be ignored that La. Const. art. V, § 32 has existed for over fifty years without any legislative act to abolish, merge, or change the Orleans dual-clerk system in any way, until immediately after Mr. Duncan, who was duly released from prison following a murder conviction after having served twenty-eight and a half years, was elected to the office of clerk of the Orleans Parish Criminal District Court on November 15, 2025 with 68 percent of the votes. He had always proclaimed his innocence, and, after his release, he earned a law degree from Loyola University. The state officer who now defends this Act expressed opposition to Mr. Duncan before he was elected. **New York Times**, May 1, 2026, <https://nytimes.com>.

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implemented if it would nullify an election. As the right to vote is constitutionally established, it is fundamental in our system of self-governance and cannot be legislatively abridged. The enactment of Act 15 does not merely terminate a position; it effectively cancels the right to vote and voids an election in which the citizens participated and justifiably believed their votes were counted and would be given effect.

I agree with the majority that it is “not [the judiciary’s] place under the Louisiana Constitution tripartite system to question the wisdom of the Legislature in adopting [Act 15].” See **Crockett v. State of Louisiana**, 26-00594, slip op. at 8 (La. 2026). However, “it is emphatically the province and duty” of this court “to say what the law is”⁶ by balancing the scales of justice to ensure all provisions of the constitution are applied and the statutes enacted by the Legislature do not violate the constitution.

The provisions of La. Const. art. V, § 32 do not include temporal considerations as to when the position can be abolished. Clearly, the position of clerk of Orleans Parish Criminal District Court can be abolished prospectively. However, in reading the right to vote of La. Const. art. I, § 10(A) *in pari materia* with Article V, § 32 it becomes abundantly clear that these constitutional provisions can be reconciled, an absurd result can be avoided, and both provisions can be given meaning without trampling on the right to vote and elect an officeholder.

6. See **Marbury v. Madison**, 5 U.S. 137, 177 (1803). The constitution is the supreme law of our state and the bedrock of constitutional law is judicial review.

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Louisiana Const. art. V, § 32 indicates that “the clerks of the civil and criminal district courts” “are continued.” Continued means “lasting or extending without interruption” (<https://www.merriam-webster.com/dictionary/continued>); “still happening, existing” (<https://dictionary.cambridge.org> (follow “dictionary,” then follow “continued”)); “ongoing” (<https://www.dictionary.com> (follow “browse,” then follow “continued”)); “something that has staying power” (<https://www.vocabulary.com> (follow “dictionary,” then follow “continued”)); “lasting or enduring without interruption” (<https://www.collinsdictionary.com> (follow “dictionary,” then follow “continued”)). The phrase “subject to change by law” obviously means the Legislature can abolish the position, but only prospectively at the conclusion of the term, not hastily and immediately after voters elected a particular person to the position.

Article V, § 32 of the Louisiana Constitution also contains a phrase referencing “not withstanding any other *contrary provision* of this constitution.” (Emphasis added.) In my view, the only “contrary provision” is the constitutional provision that establishes the “clerks of the civil and criminal district courts.” The drafters of the constitution did not want an argument to be made that constitutionally established positions could not be eliminated by a statutory enactment but intended that such positions could be “subject to change by law,” effectively utilizing a “belt and suspenders” approach to abolishing a position.

The right to vote enshrined in Article I, § 10(A) is not a “*contrary provision*,” but rather a co-extensive

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and complimentary provision to Article V, § 32 of the constitution. The voters chose the clerk of court in a local election,⁷ and that right to choose who serves remains

7. The majority briefly addresses the applicability of La. Const. art III, § 13, which states that “no local or special law shall be enacted unless notice of the intent to introduce a bill to enact such a law has been published on two separate days, without cost to the state, in the official journal of the locality where the matter to be affected is situated.” Intervenors raised the issue of Act 15 being unconstitutional due to a lack of publication in the local newspapers of Orleans Parish. Although I need not address this issue to any great extent because I find Act 15 unconstitutional for another reason, the argument posed may have some efficacy. As support, the majority cites **City of New Orleans v. Treen**, 431 So.2d 390, 395 (La. 1983), to assert when the constitution grants the power to adopt a particular piece of legislation, there is no publication requirement, regardless of whether the legislation is locally or specially targeted. In **Treen**, the law in question, La. Const. art. IX, § 1, was deemed as expressing “a broad public policy,” and this court did not find that the power that the law granted to the Legislature was “sufficiently specific” to require compliance with La. Const. art. III, § 13.

Article V, § 32 specifically addresses the clerks of court for Orleans Parish, as well as other offices located in the Parish of Orleans. The article was included at the 1973 Constitutional Convention for the very narrow purpose of addressing the bifurcated judicial system of one parish, and the article is not written to apply to any other parish in the state. In contrast, Article IX, § 1 encompasses “[t]he natural resources of the state,” and does not explicitly focus on any one parish or municipality. This court was correct in **Treen** to find the publication requirement inapplicable in that case. However, “when the operation of a law is limited to certain parishes, it is suspect as a local or special law.” **State v. Labauve**, 359 So.2d 181, 183 (La. 1978). In the present

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protected in the constitution. It would be illogical and a violation of the right to vote afforded the citizens if the Legislature could pass a law *after* the right to vote was exercised to strip the voters of their choice of office holder and declare someone else the officeholder. The simple solution to avoid absurdity and balance the constitutional rights at issue is to read the constitutional provision as it is written. If a determination is then made that the position can be abolished, it may only be abolished *after* the elected officer completes the term of office to which he or she was elected to give full effect to the vote of citizens.

Thus, in order to avoid the disenfranchisement of the Orleans Parish voting populace, there is only one solution: the office must be eliminated prospectively, at the temporal line of demarcation when the elected official has served out the term of office to which the individual was elected.⁸ To avoid constitutional infirmity, the office can only be abolished effective at the end of the term, not before the term began or during the term.

case, Act 15 impacts the Orleans Parish court system only. I express no opinion on the final outcome of this issue.

8. Justice Griffin points out that this is what was suggested in **Tully v. Edgar**, 171 Ill.2d 297 (Ill. 1996). In that case, the Illinois Supreme Court used a strict scrutiny test in determining whether a legislative act curtailing the term of an existing elected office, effectively removing a sitting trustee of a state university from office, was unconstitutional. The court found the portion of the act that removed the person from office invalid. The court suggested, “[t]he Legislature could certainly provide that, upon the expiration of the terms of office of the currently elected trustees, successor trustees will be appointed rather than elected.” *Id.*, at 312.

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Further, unlike the majority, I find that Act 15 creates the new office of Orleans Parish Clerk of Court.⁹ Act 15, beginning as S.B. No. 256, amended numerous statutes by removing all references to the offices of Orleans Clerk of Criminal District Court and Orleans Clerk of Civil District Court, so that the statutes refer only to the office of Orleans Parish Clerk of Court. In other words, the offices of criminal clerk and civil clerk were terminated. Despite the merger of these two offices into one new office, Orleans Criminal District Court and Orleans Civil District Court remain distinct judicial districts. Whereas each judicial district had been served by its own respective clerk, now one clerk will serve two separate judicial districts.

In addition, Section 4 of Act 15 explicitly states that the former clerk of Criminal District Court would complete his term, and then the office would be abolished on May 3, 2026, “before the term of any other criminal clerk of court begins.” On that date, the duties of the clerk of Orleans Parish Criminal District Court, including all essential documents, records, and other property of the abolished office were transferred to the clerk of the Orleans Civil District Court. Section 5 of Act 15 renames the clerk of

9. The federal district court also reached the same conclusion that a new office was established in **Duncan v. Landry**, 26-CV-00460 (M.D. La. 5/3/26), where the federal district court enjoined the Governor and Secretary of State from issuing a commission to Ms. Napoleon to serve as Orleans Parish Clerk of Court. The U.S. Fifth Circuit Court of Appeals later stayed that injunction but did not reverse the finding of the district court. **In re Landry et al.**, No. 26-30249 (U.S. 5th Cir. 5/4/26).

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Orleans Civil District Court to the “clerk of court for the parish of Orleans.” Thus, the Act consolidated the duties of the clerk of Criminal District Court with the Clerk of Civil District Court, abolishing those two offices to create the new office of Orleans Parish Clerk of Court.¹⁰

10. Sections 4 and 5 of Act 15 state:

Section 4. The provisions of this Act shall not reduce the current term of office of the clerk of criminal district court for the parish of Orleans on the effective date of this Act. The office of clerk of criminal district court for the parish of Orleans shall be abolished at the end of May 3, 2026, and before the term of any other criminal clerk of court begins. Immediately thereafter, the authority, functions, duties, and responsibilities of the office of clerk of criminal district court for the parish of Orleans, and all of the books, papers, records, monies, actions, and other property of every kind and description, movable and immovable, real and personal, possessed, controlled, or used by the office of the clerk of criminal district court for the parish of Orleans shall be transferred and owned, possessed, controlled, and used by the clerk of the civil district court for the parish of Orleans, who shall thereafter be referred to as the clerk of court for the parish of Orleans.

Section 5. Whenever the clerk of the criminal district court for the parish of Orleans is referred to or designated by law, rule, or regulation on and after the date that office is abolished, such reference or designation shall be deemed to apply to the clerk of civil district court for the parish of Orleans or hereafter “clerk of court for the parish of Orleans”.

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The former clerk of Orleans Parish Civil District Court, Chelsey Napoleon, is now serving as the Orleans Parish Clerk of Court—an office to which she was not elected. An election must be for a specific office with a specific term and specific powers. **Calogero v. State ex rel. Treen**, 445 So.2d 736, 738 (La. 1984). The implementation of Act 15 essentially named Ms. Napoleon as the new clerk of court, even though no election has yet been held for that office.¹¹ By handing over the duties of the office of clerk of Orleans Parish Criminal District Court to the former clerk of Orleans Parish Civil District Court, the Legislature effectively chose Ms. Napoleon to be the first Orleans Parish Clerk of Court. The Legislature could have written Act 15 to do the opposite: handing the duties of clerk of Orleans Parish Civil District Court to Mr. Duncan and naming him the New Orleans Parish Clerk of Court. This, of course, would have been just as unconstitutional as the manner in which Act 15 was actually implemented, since choosing either one over the other would potentially create Equal Protection issues.¹²

11. Article V, § 28 of the Louisiana Constitution states: “In each parish a clerk of the district court shall be elected for a term of four years.” (Emphasis added.) At the floor hearing on Act 15, Ms. Napoleon was asked: “No one voted for you to be the clerk of court for Orleans Parish?” Ms. Napoleon responded: “Correct.” May 18, 2026, Hearing Transcript at 38:19-21.

12. At the Senate hearing on Act 15, Sen. Jay Morris, the bill’s sponsor was asked: “Why did you choose [to consolidate under] the Civil District Court Clerk as opposed to the Criminal District Court Clerk?” Sen. Morris replied: “Well, the Criminal District Court Clerk was going out and Ms. Napoleon has been there a long time . . .” 2026 Leg., Reg. Session at 1:26:10 (La. 4/8/26). At

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In response to the legislative action, the Orleans City Council created an interim position of Clerk of court until a special election could be held. Since the City Council did not reinstate Mr. Duncan, they appointed an interim clerk—an individual who had the understanding that he would not serve a full term—who could be replaced once an election was held and the people of Orleans Parish had democratically chosen their own Clerk of Court. The current unfortunate situation should not exist in our democratic society—three individuals claiming the same office—a situation precipitated by the Legislature’s impulsive enactment of Act 15, the Governor’s signing the Act into law, and the Attorney General’s enforcement of the same.¹³

Far too much political posturing has already occurred as a result of the enactment of Act 15. Three individuals laid claim to the same office. The New Orleans City Council, District Attorney, and Mayor then felt compelled

the same hearing, Rep. Terry Landry asked: “Is there a vacancy right now for the criminal clerk?” Rep. Dixon McMakin replied: “The incumbent will not be in the seat, yes, sir.” Sen. Morris, who authored the amendment to Act 15 to include Sections 4 and 5, explained that the purpose of that amendment was to [t]ry to go ahead and get it done before Mr. Duncan takes office.” *Id.* at 1:47:51.

13. There appears to have been very little, if any, planning on the part of the Legislature to make this transition. At the legislative hearing to enact Act 15, Ms. Napoleon herself admitted: “I would say that the process [of consolidating the two offices by the Legislature] did not allow for a planning period.” May 18, 2026, Hearing Transcript at 53:8-14.

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to appoint an interim clerk to fill what they deemed was a vacant position. Those city officials were threatened with prosecution under the Usurper Statutes if they did not cease and desist.¹⁴ Although more political posturing may follow if this unconstitutional implementation of Act 15 is continued, this court must maintain its focus on the law and the facts immediately before it without consideration of partisanship, politics, or personality.

This court reluctantly and temporarily resolved the problem, based on the presumption that a law is constitutional until found unconstitutional by this court, and Ms. Napoleon is currently serving as the Clerk of Court for Orleans Parish. Ensuring that the civil and criminal courts of Orleans Parish could operate effectively and efficiently became this court's priority. I understand and applaud the majority's haste to resolve this matter, but it would have been more appropriate to order this matter to be discussed in open court. The way this court has proceeded diminishes the transparency provided by civil discourse between the Justices, the parties, and their counsel, in a forum where the public can view the proceedings. By foregoing the request for oral argument, the public has been prevented from viewing the dedication and effort the Justices have individually and collectively put into resolving the challenging issues of this case.

14. See La. R.S. 42:71-72.

*Appendix A***CONCLUSION**

A “government of the people, by the people, for the people” does not exist if the Legislature enacts and the Governor signs an Act that deprives citizens of the ability to elect a candidate of their choosing. The right to vote deserves protection. Following the casting of a ballot, allowing the person elected by the people to assume office must be equally protected for the vote of the citizens to be effective. Denying the effect of the vote disenfranchises the person who cast the vote by stripping the vote of any meaning. I find the timing of the implementation of Act 15 is not only unfortunate but also unconstitutional. The implementation of Act 15 before the office holder can serve the term as elected is inimical and deleterious to the federal and state Constitutions, the electoral process, and the right to vote. For these reasons, I respectfully dissent.

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Appendix A

SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
THE STATE OF LOUISIANA, *et al.*

C/W

CHELSEY RICHARD NAPOLEON,
IN HER OFFICIAL CAPACITY AS CLERK OF
COURT FOR ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE NEW ORLEANS CITY
COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS
CITY APPOINTED INTERIM CLERK OF
COURT FOR ORLEANS PARISH

On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge

*Appendix A***Hughes, J. additionally concurring.**

I agree with the entirety of the Per Curiam but write separately to highlight the right referenced at footnote 2. La. Const. Art. X, § 23 provides that “[t]he compensation of an elected public official shall not be reduced during the term for which he is elected.”

We did not reach any question concerning the scope of that provision here. Any claim for monetary compensation by Calvin Duncan related to foregone compensation would therefore be able to be resolved in future litigation.

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SUPREME COURT OF LOUISIANA

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& CALVIN JOHNSON, IN HIS CAPACITY AS
CITY APPOINTED INTERIM CLERK OF
COURT FOR ORLEANS PAIRSH

*On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge*

*Appendix A***GRIFFIN, J., dissents and assigns reasons.**

The majority allows the legislature to nullify the results of any election it disagrees with, splits from another State Supreme Court decision, and effectively invites review by the United States Supreme Court. I find it is incumbent on this Court to reaffirm the right of all voters – be they in Orleans, Union, East Baton Rouge, or St. Tammany Parishes – to have their votes meaningfully counted. Because the majority fails to safeguard this fundamental right, I respectfully dissent.

The United States Constitution recognizes that the fundamental right to vote cannot be diluted or denied and that all qualified voters have the right “to have their votes counted.” *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964). The Louisiana Constitution similarly recognizes “[e]very person who is both a citizen of the state and of the United States, upon reaching eighteen years of age, shall have the right to register and vote . . . ” La. Const. art. I § 10. This right is likewise fundamental, and all citizens have the right “to have their votes counted.” *Adkins v. Huckabay*, 99-3605, 7 (La. 2/25/00), 755 So. 2d 206, 211. Both the federal and state constitutional guarantees must include a prohibition against the legislature abolishing an office after votes have been cast and before the term for which those votes were cast has concluded. Otherwise, the right to vote is not only diluted but is completely nullified. As recognized by the Illinois Supreme Court when it applied strict scrutiny and struck down a nearly identical law under the Illinois Constitution (which is similar in scope to both the United States and Louisiana Constitutions):

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The legislation challenged here basically eviscerates the election process by providing that, even though the trustees received the majority of votes cast and counted on election day, they are prohibited from holding office for the terms to which they were elected . . .

The legislation challenged here does not simply give the votes cast by some citizens less effect than others. Rather, it establishes a mechanism for total disregard of all votes cast by citizens in a particular election. The vote cast by a citizen is not simply diluted, but is totally nullified by the legislative scheme. The Act does not simply “impair” the vote but, rather, obliterates its effect. The Act, in essence, voids the votes cast by citizens in a valid election and authorizes the Governor to select the candidates of his choice. The integrity of the vote is undermined and destroyed by the legislative scheme.

It distorts reality to argue, as the appellants here do, that the right to vote is satisfied whenever a citizen is permitted to cast his vote and have that vote counted. The democratic form of government guaranteed by our constitution requires something more than an adherence to form. It is not merely the casting of the vote or its mechanical counting that is protected by our constitution. It is the effect given to the vote—namely, the office—that is protected.

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We must vigilantly ensure that our constitution protects not just the right to cast a vote, but the right to have a vote fully serve its purpose. If the vote cast by all those who favor a particular candidate exceeds the number cast in favor of a rival, the result is constitutionally protected from nullification except by the voters themselves. When the people have chosen their representatives in a valid election, legislation that nullifies the people's choice by eliminating the right of the elected official to serve implicates the fundamental right to vote.

Tully v. Edgar, 171 Ill. 2d 297, 306-309 (1996). However, the *Tully* court conceded, as I do here, the legislature has constitutional authority to abolish an elected office at the end of the term. *Id.* at 312.¹

The State's reliance on La. Const. art. V § 32 to negate the right to vote is misplaced. The "notwithstanding" language from this provision cannot allow the legislature to ignore all other parts of the Louisiana Constitution. Otherwise, the State could ignore those provisions regulating how legislation is passed. Section 32 simply means that despite other offices created by the Louisiana Constitution, certain offices in Orleans Parish were continued, unless changed by duly enacted legislation. *Cf. State v. Francois*, 445 So. 2d 416, 418 (La. 1983). A law

1. Impeachment of officials and removal by discipline of judges do not violate the Louisiana or federal constitutional right to vote because they are expressly provided for or would likely meet strict scrutiny.

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that violates the state or federal constitutions is not duly enacted.² Further, nothing in the Louisiana Constitution can authorize the State to ignore the rights found in the United States Constitution.

Lastly, I find merit in the federal constitutional issues raised in this matter, especially given that a fundamental right has been burdened, individuals in Orleans Parish had their ballots effectively ignored while others did not, and the potential animus present in this legislation. *See Romer v. Evans*, 517 U.S. 620, 632 (1996) and *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432 (1985).

2. The constitutional convention records also indicate that Section 32 does not abrogate the rest of the Louisiana Constitution. The framers – while recognizing that majority vote of the legislature can combine district courts and that a referendum is not required to combine Orleans’ clerks or other offices – specifically acknowledged that the Orleans Parish civil and criminal courts were separate districts and required a referendum to be altered. Records of the Louisiana Constitutional Convention of 1973, Transcript Records, volume VI, page 958, August 24, 1973, 36th Day of the Proceeding. The framers also rejected a proposal that would have exempted Orleans Parish from the requirements of La. Const. art. V § 15 and immediately rejected an attempt to remove the referendum requirement from the same section. Records of the Louisiana Constitutional Convention of 1973, Transcript Records, volume VI, page 786 – 792.

That Section 32 comes after the Declaration of Rights of Article I does not allow it to negate Article I, as all government power comes after Article I and is often more specifically listed.

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
THE STATE OF LOUISIANA, ET AL.

C/W

CHELSEY RICHARD NAPOLEON,
IN HER OFFICIAL CAPACITY AS CLERK OF
COURT FOR ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE NEW ORLEANS CITY
COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS
CITY APPOINTED INTERIM CLERK OF
COURT FOR ORLEANS PAIRSH

On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge

*Appendix A***GUIDRY, J., dissents and assigns reasons.**

The per curiam in this matter amounts to nothing less than condoning a brazen and unconstitutional political coup that subverted the will of the majority of the electorate of Orleans Parish by unceremoniously ousting Calvin Duncan from his duly elected position as Clerk of the Orleans Criminal District Court. By nullifying the majority vote that elected Mr. Duncan, the legislature in essence disregarded and disparaged the right of the people of New Orleans to vote for the person of their choice to hold an elected office in that city. See La. Const. art. I, § 24 (“The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.”). Act 15 is an unconstitutional and unconscionable action and a thinly veiled and targeted attempt by government actors to usurp and overturn the will of the electorate because they do not agree with the voters’ choice. As we commemorate the 250th anniversary of our nation, dare we forget that we are a government of the people, for the people, and by the people. We have enshrined that principle in our own state constitution. As stated in La. Const. art. I, § 1 of the Louisiana Constitution:

All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people.

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The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

In our democracy, government exists for the benefit of and is subservient to the people and not the other way around. What was done in this instance is not only unconstitutional but undemocratic and downright un-American. The end result is that Act 15 disenfranchises an overwhelming majority of voters in New Orleans and eviscerates the decision they made on election day. Citizens go through increasingly burdensome efforts to register and vote; in many cases, they stand in long lines to cast their votes expecting that the candidate of their choice receiving the requisite votes will actually get to serve. Otherwise, their efforts to fully participate in our democracy through the electoral process is rendered a vain and useless effort.

The whole scheme behind Act 15 is pretextual in nature. The records of the legislative proceedings and the sparse record developed in haste in this case leaves no doubt that the State cannot meet its burden of showing a compelling state interest when, as here, they seek to affect the fundamental right to vote. This was not about operational efficiency, reduced costs, continuity of services, etc., because no one bothered to compile any data, to do any studies, to consult with any justice partners, or the elected representatives of the people of New Orleans who were impacted by this measure, before embarking on this course of action. This makes Act 15 even more repugnant to our system of democracy. Act

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15 offends traditional notions of substantial justice and fair play. This court should have repudiated this frontal assault on our democracy by properly declaring Act 15 unconstitutional.

As for the actions of this court, the per curiam opinion is just plain wrong on the merits in so many ways.

First, Act 15, as a local or special law, is invalid because notice of the intention to introduce the act was not published as required by La. Const. art. III, § 13. This act significantly impacts *only* the citizens of New Orleans. This important safeguard of requiring notice was placed in the constitution to guard against the very abuse of legislative power that took place in the enactment of Act 15. The per curiam, in footnote one, makes a blanket statement about an extensive history supporting the position that Article V, § 32 is not a local law, but fails to cite any jurisprudence from this court or any other court that supports that statement. Therefore, since notice of the intention to introduce the act was not published as required by La. Const. art. III, § 13, Act 15 is unconstitutional. The per curiam errs by not so holding. See City of New Orleans v. Treen, 431 So. 2d 390, 395 (La. 1983).

Act 15 is also unconstitutional based on La. Const. art. I, § 10 and related clauses. The per curiam correctly recognizes that the right to vote is sacrosanct and enshrined in our state constitution. Yet the per curiam fails to vindicate that right. Even if it is conceded that the legislature could by statute abolish the office of the

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clerk of criminal court, surely that would have to be done prospectively when, as here, the electorate has elected the person of their choice to assume a then existing office. The constitution provides the method for filling clerk's offices, which is by election. La. Const. art. V, § 28; see also Fremin v. Boyd Racing, LLC, 24-00995, p. 4 (La. 3/21/25), 403 So. 3d 546, 551 ("where the legislative power is restricted, that power is reserved to the people."). When the legislature created a new consolidated clerk's office, it was not free to appoint a person to that position. Russell v. McKeithen, 257 La. 225, 244, 242 So.2d 229, 236 (1970) ("Where the Constitution has provided the method of filling offices, the Legislature may not provide for filling them in any other manner."). Act 15 itself states that there shall be one clerk for the parish of Orleans, who shall be elected by the qualified electors of Orleans Parish. Yet the per curiam sanctions the appointment/selection of a person to hold the newly created position of Clerk of Orleans Parish without requiring that person to stand for election, despite the statute's own language that requires the clerk to be elected, consistent with the constitution. In fact, the per curiam's decree to enjoin the officials in New Orleans from ensuring an election is held is not supported by the constitution or the language in the statute. The legislature states the position requires an election, then appoints/selects someone to fill the position. This is internally inconsistent, and this court should have exercised its constitutional duty to so declare.

Timing is everything. That is why all prior consolidations of offices in Orleans Parish have occurred prior to elections. That is why even the language of La.

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Const. art V, § 32, on which the per curiam hangs, begins with the words “[e]xcept for provisions related to terms of office as provided elsewhere in this article.” The per curiam just glosses over this limitation by concluding that the timing is perhaps unfortunate. No, the timing here is dispositive. Mr. Duncan was duly elected and took his office during a period in which the federal district court had issued an injunction against the implementation of Act 15. The per curiam itself, in a footnote, cites La Const. art. X, § 23 that provides the compensation of an elected official shall not be reduced during the term for which he is elected. A concurring justice even posits that the question of whether Mr. Duncan is entitled to his salary remains undecided. Is the per curiam suggesting that Mr. Duncan cannot perform the duties of his office but is entitled to be paid his full compensation for the entirety of the term to which he was elected? That would seem to be an absurd result. If the majority believes Mr. Duncan may be entitled to his salary, that means they realize he was duly elected and had commenced his term from which they should have concluded that abolishing his office during his term was unconstitutional.

In Tully v. Edgar, 171 Ill. 2d 297, 306-309, 664 N.E. 2d 43, 48-50 (1996), a similarly egregious and outrageous legislative attempt at voter nullification and disenfranchisement was struck down by the Illinois Supreme Court under their state constitution, which like ours, strongly protects the right to vote. The majority attempts to obfuscate this reality by citing the “notwithstanding any contrary provision” language of La. Const. art. V, § 32. The per curiam broadly interprets

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and expands the “notwithstanding” language to mean that the provision is not limited by any other provisions of the Louisiana Constitution. Notably, by doing so, the *per curiam* seemingly ignores the qualifying term of “contrary.” The provisions of our constitution that render Act 15 unconstitutional are not contrary provisions but are, in fact, complimentary provisions that can and should be read *in pari materia* to give full effect to clearly reconcilable provisions. It is an absurdity to posit that the right to vote on who holds an office is contrary to a provision regarding the existence of that office. The legislature may decide whether the office exists, but the constitution says the people decide by election who holds elected office; namely, here, the right to vote.

Article V, § 32 solely addresses the offices of the clerks (and other positions); it does not address who occupies the offices. While clearly Section 32 of Article V allows the legislature to change the basic structure of the courts and officers listed therein, it does not and should not be interpreted as allowing the legislature unfettered discretion to violate the constitutional rights of citizens to elect persons of their choice to those offices. The authority granted to the legislature in La. Const. art. V, § 32 does not give the legislature license to exercise that authority in a manner that tramples on other constitutional provisions, rights, and protections.

While the State strenuously argues that a new office was not created as a result of the legislature combining the offices of the civil and criminal clerks, it cannot be denied that the office of criminal clerk was eliminated with all

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of the related authority and responsibilities of that office being transferred to and substantially consolidated with those of the civil clerk in a newly named office. Considering the added authority and responsibilities transferred, it should be recognized that the unified position of the clerk of court of the Orleans Parish District Court is a significant expansion of the duties and responsibilities required, as previously, the authority and responsibilities were held and exercised by two separate officeholders. This conclusion is supported by the fact that under analogous principles of Louisiana civil service law, the unified clerk office would be deemed a new position. See Hoppe v. City of Shreveport, 340 So. 2d 1314, 1319 (La.1976) (finding that the positions at issue in that case were “entirely new positions, with broadened responsibility and greater pay, than that which . . . they had been performing by virtue of their permanent appointment to a previously existing classification of the civil service system.”).

The majority not only errs on the merits but procedurally, as well. It allows this matter to be decided behind the closed doors of the conference room rather than in the open *courtroom*. Oral argument, which was denied by the majority, would have provided fuller transparency and ensured full and open access to the courts by the public and the press. The courts ought to always be open to the citizens to whom they belong and for whose protection they exist, and the media should have full access to report on the fullness of our deliberative process. Not allowing for oral argument and a fully authored opinion compounds this court’s error in how it assumed jurisdiction of this matter in the first place. This was done by taking the rare

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and unique approach of assuming jurisdiction without first allowing for a ruling by the trial judge, who was told to hold a hearing but prohibited from performing his duty to rule on what he heard. What a travesty. Then this matter was not allowed to be reviewed and further developed at the intermediate appellate level. The totality of these deviations from our normal customs and practices risk undermining public confidence in the judiciary and did nothing to promote the orderly administration of justice.

In conclusion, the majority's per curiam today accommodated the political sword, which is Act 15, that cuts at the very heart of our democracy in denying the citizens of New Orleans the right to have the duly elected clerk of criminal court to serve for the term for which they elected him. Our constitutional role, unlike that of the political branches of our government, is not to blindly accommodate the sword, but instead is to be a shield to protect the rights of our citizens. The right to vote is among the most fundamental of the rights that we are charged to protect. I will not be complicit in the abdication of that constitutional role that our democratic system assigns to the judiciary. Therefore, I respectfully dissent.

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**APPENDIX B — ORDER OF THE SUPREME
COURT OF LOUISIANA, FILED MAY 14, 2026**

SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF LOUISIANA, ET AL.

c/w

CHELSEY RICHARD NAPOLEON, IN HER
OFFICIAL CAPACITY AS CLERK OF COURT FOR
ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS CAPACITY AS PRESIDENT OF
THE NEW ORLEANS CITY COUNCIL, THE NEW
ORLEANS CITY COUNCIL, HELENA MORENO IN
HER CAPACITY AS THE MAYOR OF THE CITY
OF NEW ORLEANS AND CALVIN JOHNSON, IN
HIS CAPACITY AS CITY APPOINTED INTERIM
CLERK OF COURT FOR ORLEANS PARISH

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

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ORDER

Considering the urgent need to provide a definitive resolution to prevent further confusion, and pursuant to this court's plenary supervisory jurisdiction over all other courts under La. Const. Art. V, §5(A),

IT IS ORDERED that this Court immediately assumes jurisdiction over the proceedings in the above captioned cases. The district courts are ordered to immediately transfer the records of these cases to this Court.

IT IS FURTHER ORDERED that the parties shall brief the following questions of law: "Does Act 15 of the 2026 Regular Session ("Act 15"), insofar as it abolishes the office of clerk of court for the Criminal District Court for the Parish of Orleans, violate any provisions of the Constitution of the United States or the Constitution of Louisiana?" and "Does the enactment of Act 15 create a vacancy in any office requiring the May 11, 2026 actions by the City of New Orleans?"

IT IS FURTHER ORDERED that the brief of the State of Louisiana, as applicant, Chelsey Napoleon, and any party in support of Act 15 or against the City's actions of May 11, 2026, shall be due on May 18, 2026. The brief of Gary Crockett, as respondent, Calvin Johnson, the City of New Orleans defendants, and any other party opposing Act 15 or in favor of the City's actions shall be due on May 22, 2026.

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IT IS FURTHER ORDERED that the trial court in Docket C-778244 shall maintain the currently scheduled hearing for Monday May 18, 2026, which shall not be continued, and immediately thereafter, without ruling, transfer the record of that proceeding to this Court.

IT IS FURTHER ORDERED that except as expressly provided under this Order any and all litigation in any state court in Louisiana related to the application, interpretation, or constitutionality of Act 15 is hereby stayed pending the final disposition of this matter by this Court.

Based on the presumption of constitutionality afforded to all legislative acts, Act 15 should be applied unless and until this Court determines that it is unconstitutional, therefore, IT IS FURTHER ORDERED that a Temporary Restraining Order is hereby issued preventing Calvin Johnson from executing any duties pursuant to his appointment by the New Orleans City Council. Furthermore, no official shall interfere with the legal authority of plaintiff, Chelsey Napoleon, to act pursuant to Act 15 pending the final disposition of this matter by this Court.

IT IS FURTHER ORDERED that the Court will consider any motions for intervention pursuant to La. C.C.P. art. 1091 if filed at least 48 hours prior to the deadline for the filing of briefs for the side that the movant seeks to support.

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NEW ORLEANS, LOUISIANA, this 14th day of
May 2026.

FOR THE COURT:

/s/_____
CHIEF JUSTICE
SUPREME COURT OF LOUISIANA

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF LOUISIANA, ET AL.

c/w

CHELSEY RICHARD NAPOLEON, IN HER
OFFICIAL CAPACITY AS CLERK OF COURT FOR
ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS CAPACITY AS PRESIDENT OF
THE NEW ORLEANS CITY COUNCIL, THE NEW
ORLEANS CITY COUNCIL, HELENA MORENO IN
HER CAPACITY AS THE MAYOR OF THE CITY
OF NEW ORLEANS AND CALVIN JOHNSON, IN
HIS CAPACITY AS CITY APPOINTED INTERIM
CLERK OF COURT FOR ORLEANS PARISH

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

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GRIFFIN, J., concurs and assigns reasons.

I concur in this Court's order exercising its plenary supervisory jurisdiction. This is an important question that must ultimately be answered by this Court with all due expediency.

Notwithstanding that a member of my family is employed by the Orleans Parish Clerk's Office, I have reviewed the laws relevant to disclosure and recusal and determined that neither is mandated. *See* La. C.C.P. arts. 151 and 152. However, in the spirit of full disclosure, I hereby provide my notice of non-recusal in these matters.

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA, ET AL.

*On Supervisory Writ to the 19th Judicial District
Court, Parish of East Baton Rouge*

WEIMER, C.J., additionally concurs and assigns reasons.

I additionally concur in the order.

I have always been reluctant to exercise the plenary authority of the Supreme Court, as evidenced in decisions I have written, decisions I have joined, and decisions from which I dissented.¹

1. “The supervisory authority of this court is plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion of the court.” **Marionneaux v. Hines**, 05-1191, p. 4, (La. 5/12/05) 902 So.2d 373, 376. “This court can intervene under its own plenary supervisory powers, whether or not lower courts have acted on the matter.” *Id.* The court has long recognized that the exercise of this authority is warranted only when “the issues presented were of an extraordinary nature, time-sensitive, and of such significant public interest that the court’s plenary, supervisory jurisdiction should be exercised.” **State v. All Prop. & Cas. Ins. Carriers Authorized & Licensed To Do Bus. In State**, 2006-2030 (La. 8/25/06), 937 So. 2d 313, 318. *See also* **Clark v. State**, 2020-00914 (La. 7/21/20), 347 So. 3d 649, and **Cantrell v. State**, 2020-00915 (La. 7/21/20), 347 So. 3d 644. This case clearly meets that standard.

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This court must resolve complex issues to provide a final resolution for the parties involved. Occasionally, this court must do so promptly. Because of respect for the dedicated judges of the lower courts, and the established judicial process, plenary authority should be exercised on a cautionary and an extremely limited basis.

This matter now calls for such action. There are suits in separate judicial districts and jurisdictions, an election on the horizon, and no less than three individuals claiming the same office²—an office that must process critically important documents impacting both civil and criminal issues and perform a host of other tasks, such as conducting an election.

A final decision is required that cannot be delayed regarding who will be in charge of operating this local office, which impacts many matters critical to a properly functioning civil and criminal justice system, as well as the electoral process. As such, the responsibility of this court is to resolve the legal issues presented expeditiously and effectively.

The decision to resolve this matter now should not be perceived as favoring one side or another; rather, this action has become necessary to promptly perform the tasks the court is constitutionally assigned—not to determine “winners or losers,” but to resolve matters impartially by deciding issues based on the law and

2. A Louisiana version of the ancient proverb is “too many cooks spoil the roux,” as opposed to the broth.

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the facts before the court without regard to politics, partisanship, or personalities. Ultimately, this court's role is to provide finality and closure to the disputes that come before it. There is no question this matter will eventually come before this court. The time to act is now.

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF LOUISIANA, ET AL.

c/w

CHELSEY RICHARD NAPOLEON, IN HER
OFFICIAL CAPACITY AS CLERK OF COURT FOR
ORLEANS PARISH

VERSUS

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS CAPACITY AS PRESIDENT OF
THE NEW ORLEANS CITY COUNCIL, THE NEW
ORLEANS CITY COUNCIL, HELENA MORENO IN
HER CAPACITY AS THE MAYOR OF THE CITY
OF NEW ORLEANS AND CALVIN JOHNSON, IN
HIS CAPACITY AS CITY APPOINTED INTERIM
CLERK OF COURT FOR ORLEANS PARISH

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

*Appendix B***GUIDRY, J., dissents and assigns reasons.**

The most egregious and outrageous aspect of the majority's order is not simply it taking the unique, rare, premature and extraordinarily overreaching step on its own motion in assuming jurisdiction of this matter, but it is the appearance of prejudging the matter by ordering a temporary injunction in the same order. The majority relies on the presumption of constitutionality to issue the injunction but fails to allow the parties an opportunity to make a record in the trial court in order that we can determine whether the presumption has been rebutted. By issuing the injunction before the hearing in the trial court, we put the cart before the horse and call into question whether a majority of this court has made up its mind before we have even seen the evidence. We should never judge a thing before its time. We should be judicious in our exercise of authority. Before this court issues an injunction, a hearing should be held in the trial court to allow the parties in our adversarial system to do their job—to make a record in support of or in opposition to the issuance of such an order. A trial judge and an intermediate appellate court should be allowed to make a decision that is then reviewed by this court before we issue an injunction. Instead, the majority acts in the same order in which it grabs jurisdiction, before any party has even sought to invoke our jurisdiction in this particular case, and before we have reviewed a record, read a brief, or held oral argument.

The majority simply acts because it feels it can. However, just because you think you have the unfettered

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power to do something, does not mean you should. Might does not equal right. I find this to be an audacious and ill-advised activist move that undermines the rule of law. We are supposed to be neutral arbiters akin to an umpire calling balls and strikes, yet before the first pitch has been made, the majority embarks on a jurisdictional power grab and thereby walks one player all the way to home plate. Our state's highest court calls three strikes on the other player by granting injunctive relief against him. Let the players have their time at bat and let us simply call the game. We should not get caught up in the moment and lose our moral authority under the guise of exercising our plenary authority. Unlike the political branches of our government, we do not wield the sword, but we provide the shield to protect the rights of our citizenry. Our only currency is that the citizens maintain confidence in the judicial process and those of us who put on the black robe.

When courts deviate from their normal procedures, particularly in highly politicized cases, it undermines public confidence in the judiciary.¹ Ends can be tainted by the means employed to reach them—process matters. The citizens of New Orleans went through the electoral process to elect the candidate of their choice to be the criminal district court clerk and the legislative and executive branches went through their process to enact the statute in question. We are now called upon to resolve the resulting

1. See *Calhoun v. Landry*, 25-00316 (La. 3/18/25), 403 So.3d 521 (Guidry, J., dissenting); *Scott v. Louisiana State Police*, 24-01591 (La. 1/9/25), 398 So.3d 634 (Weimer, C.J., dissenting); *Crockett v. State of Louisiana*, 26-0594 (La. May 10, 2026) (order granting stay) (Weimer, C.J., dissenting) (Guidry, J., dissenting).

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dispute. To ensure that all sides can have confidence in the results we reach and in our judicial system, we must follow our normal process for exercising our jurisdiction by allowing for full briefing and oral arguments before we reach any conclusions. Further, if this matter is as important as the majority says it is, then we should not rush to judgment. We ought to ensure transparency by allowing oral argument, which is inexplicably not provided for in the current order.

This is the people's courthouse. It should always be open for them to have their matters handled—not in our conference room that is closed to the public, but in an open courtroom that is accessible and provides a forum for public scrutiny of what we do. Justice has to be even handed, transparent, predictable, and accessible to all. Anything less undermines the integrity and independence of the judiciary. For these reasons I cannot remain silent, nor will I be complicit and therefore I dissent from the order issued today by the majority.

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**APPENDIX C — DENIAL OF REHEARING
OF THE SUPREME COURT OF THE STATE
OF LOUISIANA, FILED JUNE 26, 2026**

THE SUPREME COURT OF THE STATE
OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT VS. STATE OF LOUISIANA,
ET AL.

C/W

CHELSEY RICHARD NAPOLEON, IN HER
OFFICIAL CAPACITY AS CLERK OF COURT FOR
ORLEANS PARISH VS. CITY OF NEW ORLEANS,
ET AL.

IN RE: Catherine Bissell - Applicant Intervenor;
Darlene Joseph Jones - Applicant Intervenor; City
of New Orleans, et al. - Applicant Other; Applying
for Rehearing, Parish of East Baton Rouge, 19th
Judicial District Court Number(s) C-777840, C-778244.

June 26, 2026

Application for rehearing denied.

JBM
JDH
CRC
WHB

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Weimer, C.J., would grant rehearing and assigns reasons.

Griffin, J., would grant rehearing and assigns reasons.

Guidry, J., would grant rehearing and assigns reasons.

Supreme Court of Louisiana

June 26, 2026

/s/

Chief Deputy Clerk of Court
For the Court

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Appendix C

SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF LOUISIANA, ET AL.

C/W

CHELSEY RICHARD NAPOLEON, IN HER
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VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE NEW ORLEANS CITY
COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS CITY
APPOINTED INTERIM CLERK OF COURT FOR
ORLEANS PARISH

*On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge*

Appendix C

WEIMER, C.J., would grant rehearing.

In my previous dissent to the *per curiam* opinion in this matter, I mentioned that this court had asserted its jurisdiction to resolve the immediate chaos of three individuals claiming the same public office. The court initially enjoined the City of New Orleans from appointing an interim clerk of court for Orleans Parish, and Chelsey Napoleon assumed the office of Orleans Parish Clerk of Court, because legislative Act 15 was presumed constitutional. The immediate chaos has passed, and now this court is positioned to carefully analyze the issues and reach a reasoned result that does not run afoul of the Louisiana Constitution. This process should begin with the parties' attorneys presenting their cases to the justices in open court.¹

When the people's right to vote hangs in the balance, transparency and open discourse are essential. My colleagues understand this and have recognized the right to vote as one of the most sacred rights of our democracy. They have either written or joined with other colleagues in defending that right.²

1. For public access, the Louisiana Supreme Court live streams the in-court presentations of the attorneys to the Supreme Court Justices. Those presentations are accessible live through the court's website, www.lasc.org.

2. Some well-articulated statements include the following:

In **Calhoun v. Landry**, 25-0316 (La. 3/18/25), 403 So.3d 521, 529 (Cole, J., concurring), a matter which addressed whether ballot language regarding a constitutional amendment was sufficiently clear, Justice Cole wrote:

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This Court serves as the final arbiter of the authority of the Legislature under our Constitution and as the guardian of that Constitution. If the ballot language were inaccurate this Court would act to protect the voters The final decision on Amendment 2 rests solely and squarely with the people of Louisiana who will vote and decide its fate

Justice Cole articulated in **Calhoun** the willingness to protect the people's right to vote and to have their votes counted. In my view, the voters overwhelmingly rejected the constitutional amendment, in part because the ballot language was unclear to the voters.

This court unanimously held in **Fremin v. Boyd Racing, LLC**, 24-0995, p. 4 (La. 3/21/25), 403 So.3d 546, 551, that “where the legislative power is restricted, that power is reserved to the people.” A new law had created a new form of gaming without voter approval, in contravention of La. Const. art. XII, § 6(B), and had denied “each and every voter in the affected parish the fundamental right to vote.” Other sections of the article also require voter approval for licensing or permitting of other forms of gaming and gaming facilities. Nearly all of my present colleagues were justices of this court when the **Fremin** decision was rendered.

In **Bienvenu v. Defendant 1**, 23-1194 (La. 6/12/24), 386 So.3d 280, Justice Hughes joined in Justice Genovese's dissent, which stated, “I am compelled to point out the effect of this court's ruling This ruling ... elevates a legislative act over a constitutional right It is hornbook law that the Louisiana constitution is the supreme law of the state of Louisiana, and not legislative action.” *Id.* at 1, 386 So.3d at 294 (Genovese, J., dissenting). In the present case, the legislative action known as Act 15 was given precedence over Article I, § 10(A), which protects the right to vote. Justice Hughes recognized that a legislative act does not supersede constitutional authority in **Bienvenu**.

Justice McCallum dissented in **Deal v. Perkins**, 22-01212 (La. 8/1/22), 347 So.3d 121, 140-41, writing: “The fidelity of the results of

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Although my colleagues have expressed an understanding that our right to vote is sacrosanct, the majority resolved the issues in this case in a truncated fashion. The majority was presumably primarily concerned with expediency and preventing further confusion, but in addressing those concerns, what was neglected is the far more important issue of the people's right to choose their own officials in the electoral process, to have those votes counted, and to have their votes given effect. This court no longer must proceed in haste, and should give this case the full, in-depth analysis that it deserves, after holding what is traditionally referred to as "oral argument."³

Article V, § 32 of the Louisiana Constitution is not unconstitutional as written, and the legislature has full

any process is dependent on the integrity of the inputs or component parts. So it is in science and manufacturing, and so it is with our system of elections... Public confidence in the integrity of elections is critical in an ordered society." Justice McCallum also acknowledged that statutes and provisions of law must be given their plain meaning and read *in pari materia* with one another.

3. In my view from years of service in the judiciary, if someone "argues" with the Justices, their statements are not well received. Perhaps "oral argument" could be changed to "civil discourse," which is defined as "the practice of deliberating about matters of public concern with others in a way that seeks to expand knowledge and promote understanding." Civil discourse consists of the "four Cs," which are "Be Curious, be Charitable, be Conscientious, and be Constructive." The Ohio State University College of Arts and Sciences Center for Ethics and Human Values: What is Civil Discourse?; <https://cehv.osu.edu/civil-discourse-citizenship-0/what-civil-discourse>. (last visited 6/16/26). In practice, this definition of civil discourse is more descriptive of what occurs before the Louisiana Supreme Court as opposed to "oral argument."

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authority to enact legislation that would abolish the civil and criminal district clerk of court offices and create one office of Orleans Parish Clerk of Court. That point is undisputed. The analysis does not end there, however. This court must additionally determine whether Act 15, in the manner it was implemented, interfered with the constitutional right to vote. That interference would have prevented the people's votes from being counted and prevented the votes from being given effect when the duly elected candidate was not allowed to serve in the office to which he was elected. The implementation of Act 15 also resulted in the appointment of Ms. Napoleon as the Orleans Parish Clerk of Court. She was not elected to that position. She was elected to be the clerk of Orleans Parish Civil District Court. No one can deny that an election for Orleans Parish Clerk of Court was never held. This goes far beyond being a mere "unfortunate" effect of Act 15.

The City of New Orleans rightly states in its application for rehearing that this is not a case about merely preserving Calvin Duncan's right to hold office. This case addresses the more fundamental and critical issue of the people of Orleans Parish having their votes ignored and nullified. To simply state that the legislature had the constitutional authority to abolish the bifurcated clerk of court system is not sufficient. There was absolutely no justification for abolishing Mr. Duncan's position after he was elected to that office. There was absolutely no justification for appointing Ms. Napoleon as Orleans Parish Clerk of Court. This court temporarily ensured that the Orleans Parish court system would have one individual acting as the clerk of court, based on a presumption that,

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on close scrutiny, is rebutted because it adversely impacts the constitutional right to vote. This court now has all the time needed to hold oral arguments and invest the time in a case involving among the most fundamental of all rights, the right to vote, as well as insuring that the vote is given effect.

The question of whether Act 15 stripped citizens of the right to vote presents a question that demands more than a brief discussion in a *per curiam* opinion. Although it may not be a court's role to question the legislative wisdom or intent behind the adoption of a statute, it is certainly this court's role to determine whether or not the statute is unconstitutionally applied. Since Act 15 created the absurd result where three people were simultaneously claiming to hold one office, this court owes it to the voters of Orleans Parish and voters statewide to determine whether the legislative act stripped citizens of their right to vote. As elected officials, we have a responsibility to the voters to do our jobs thoroughly, effectively, and with transparency.

For these reasons, I would grant rehearing to protect the sacrosanct right of citizens to vote and to have their votes count.⁴

4. The manipulation of an election is unfortunately not unprecedented in recent history. See **Louisiana State Conference of the National Association for the Advancement of Colored People, et al. v. State of Louisiana, et al.**, 2022 WL 2753069 (Civil action no. 19-479-JWD-SDJ) (M.D. La. 7/13/22).

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF LOUISIANA, ET AL.

C/W

CHELSEY RICHARD NAPOLEON, IN HER
OFFICIAL CAPACITY AS CLERK OF COURT FOR
ORLEANS PARISH

VS.

CITY OF NEW ORLEANS; JEAN PAUL “J.P.”
MORRELL IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE NEW ORLEANS CITY
COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS CITY
APPOINTED INTERIM CLERK OF COURT FOR
ORLEANS PARISH

*On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge*

*Appendix C***GRIFFIN, J., would grant rehearing and assigns reasons.**

The majority disenfranchises thousands of New Orleanians, violates both the state and federal right to vote and the due process clauses;¹ violates the equal protection clauses of the state and federal constitutions; allows the legislature to violate the voting rights in any election it dislikes - whether in Orleans, Union, St. Tammany, or anywhere else - essentially ignores the public notice requirement for local and special laws;² splits from the only two State Supreme Court's on whose constitutions our Framers *explicitly* based our right to vote provision (though, this fact was not known on original hearing);³ and,

1. See e.g., *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964), La. Const. art. I §10, Michael S. Kang, *Electoral Due Process*, 120 NW. U. L. REV. 925, 978 (2026), Jessica Bulman-Pozen, Miriam Seifter, *Countering the New Election Subversion: The Democracy Principle and the Role of State Courts*, 2022 WIS. L. REV. 1337, 1360 (2022), Michael T. Morley, *The Independent State Legislature Doctrine*, 90 FORDHAM L. REV. 501, 548 (2021).

2. La. Const. art. III § 13.

3. Records of the Louisiana Constitutional Convention of 1973, Journal of the Proceedings, volume I, page 87-88 (Journal Page 4-5), July 6, 1973, 11th Day of the Proceeding (noting the provision was based on the Illinois and Montana Constitutions and that the only difference with Illinois was that it did not automatically bar interdicts from voting), and see *Id.* at page 284 (Journal Page 9), July 6, 1973, 28th Day of the Proceeding (citing Ill. Const. art. III § 3, providing for free and fair elections, as partial basis for provisions allows Louisiana legislatures some control over elections). *Tully v. Edgar*, 171 Ill. 2d 297 (1996) (striking down state law that abolished office after votes were cast and before the term ended),

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twists the meaning of “new office” beyond recognition.⁴ According to the majority, the right to vote in La. Const. art. I § 10 cannot protect a term in office from legislative abolition of that office, even after votes were cast and during the respective term.

For the reasons assigned in my dissent on original hearing and for these new reasons, I dissent.

McDonald v. Jacobsen, 2022 MT 160, 409 Mont. 405, 428, 515 P.3d 777, 792 (2022)(finding that “as provided by law” does not give legislature *carte blanche* power to change judicial election because “even when a process, generally, had been delegated to the Legislature, it was “not without constitutional bounds” as determined by the objectives of the Framers.”)

4. La. Const. art. V § 28 establishes the terms for clerks of court and § 30 establishes who shall be the clerk when a vacancy arises and who shall appoint the clerk in the absence of a valid elected official.

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SUPREME COURT OF LOUISIANA

No. 2026-CD-00594

GARY CROCKETT

VS.

STATE OF LOUISIANA; JEFF LANDRY, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE
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VS.

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COUNCIL; HELENA MORENO IN HER CAPACITY
AS THE MAYOR OF THE CITY OF NEW ORLEANS
& CALVIN JOHNSON, IN HIS CAPACITY AS CITY
APPOINTED INTERIM CLERK OF COURT FOR
ORLEANS PAIRSH

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

*Appendix C***GUIDRY, J., would grant rehearing and assigns reasons.**

Wisdom suggests that you are never too far down the wrong road to turn around. By denying rehearing, the majority squandered this court's last opportunity to right the wrong which is this case's grievous tale of a coup and a coronation. A brazen coup removed Mr. Duncan, whom the people of Orleans Parish overwhelmingly elected as their choice for Clerk of Criminal District Court and who had taken his oath of office for that position. And the shameless act of coronation, appointing Ms. Napoleon to the newly created Clerk of Court of Orleans Parish, bestowed upon her a position for which she did not run, for which the voters of New Orleans never vetted her for or elected her to, and for which she has never taken the oath of office.

This whole saga is about how the arrogance of governmental power, left unchecked, can cause incalculable injury to the citizens who instituted the government for their protection. What transpired in this instance is certainly not worthy of a government of the people, for the people, and by the people. The people do not institute governments to trample their rights or to run roughshod over them. The irony is inescapable that all this mischief is occurring in the bright light of our celebrating 250 years of our nation's independence from tyrannical rule that usurped the will of the people. One of the grievances laid bare in the Declaration of Independence was the creation of new offices and appointments to those offices without the people having any say in who would sit in those governing

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positions. Two hundred fifty years later, political actors maneuvered the creation of the office of Clerk of Court of Orleans Parish, and in an act of paternalism, substituted their will for that of the overwhelming majority of voters of Orleans Parish. They usurped the will of the voters by abolishing a seat that was being held by Mr. Duncan, creating a new office, and appointing their person to fill that position. This occurred despite the fact that the plain language of Act 15 states that the position is to be an elected office. This was all done in violation of enshrined principles of our great democracy, such as a meaningful right to vote, due process of law, and equal protection under the law. The citizens of New Orleans must at this point feel like the founding fathers when they penned the following in the Declaration of Independence: “In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury.”

The denial of rehearing inflicts yet another injury on the voters of Orleans Parish and our legal system. This court is charged with being the guardian of the constitutional rights afforded our citizens under both the United States and Louisiana Constitutions. The judiciary is the final line of defense in our system of separation of powers and checks and balances to protect the constitutional rights of the citizenry and in vindicating the rule of law. When there are unconstitutional encroachments upon the rights of voters and unconscionable governmental overreach, the judiciary cannot capitulate in such a travesty of justice and allow the violation of our state and federal constitutions with impunity. We should never sanction

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might prevailing over right. Rehearing would facilitate judicial transparency, enhanced scrutiny, accountability, and procedural rigor. Throughout this case, the majority has deviated from our default procedures and embarked on an accelerated and inexplicable rush to, what I would conclude in this case to be, an injustice. By invoking its plenary (because we can) authority, the majority has: failed to allow the trial judge to render a decision, bypassed the intermediate appellate court, ordered expedited briefing, denied meaningful access to an open court by refusing to hear a mere 40 minutes of oral argument on the merits, and now denies oral argument on rehearing. Due process requires a meaningful opportunity to be heard. This whole process creates the appearance of a shadow docket.

To say the majority's original decision was not a model of clarity would be an understatement. Fundamental fairness requires rehearing. In the three applications for rehearing filed with this court, one theme is consistently pronounced: the original opinion issued by this court fails to fully address all the profoundly important issues raised in this case.¹ The original opinion fails to address many of the parties' arguments regarding whether Act 15 created a new office, whether the immediate application of Act 15 produced an act of partial disenfranchisement, and whether procedurally Act 15 was unconstitutionally enacted. While the opinion provides some minimal, yet at times murky reasoning in support of its decision on the merits, it fails to provide specific legal authority to support

1. As one rehearing applicant noted, the opinion devoted only five sentences to whether Act 15 created a new office, whereas the federal court issued a 45-page opinion addressing the same issue.

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many of its conclusions and blatantly fails to address many of the contrary arguments with supporting legal authority presented by the parties. As the alleged circumstances that warranted this court's rush to judgment without adequate consideration or discussion of the issues raised no longer exist, there appears to be no sound basis for this court not to grant rehearing to allow the parties to be fully heard and to fully address the issues raised in this matter.

Notably, two of the justices in the majority additionally concurred in the original opinion concluding that the question of whether Mr. Duncan is entitled to compensation under La. Const. art. X, §23 (providing that the compensation of an elected public official shall not be reduced during the term for which he is elected) was not considered by the courts and would be subject to future litigation. This statement is incongruent with their conclusion that the citizens were not denied their meaningful right to vote when the person they elected and who had taken his oath of office was effectively removed during his term of office, which would be the only basis for his entitlement to compensation.

Finally, I reiterate the following particular points in support of granting rehearing that I made in my dissent to the original opinion in this matter:

- Act 15 is pretextual in nature, as the records of the legislative proceedings and the sparse record developed in haste leaves no doubt the State cannot meet its burden of showing a compelling state

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interest in infringing on the fundamental right to vote. Absent such a showing, Act 15 is clearly unconstitutional.

- The State has failed to offer any evidence to support any assertion that Act 15 was done for operational efficiency, reduced costs, or continuity of services when it did not compile any data, conduct any studies, nor consulted with any justice partners or elected representatives of the people impacted by this measure in connection with enacting the legislation.
- The State failed to follow the mandate of La. Const. art. III, § 13, which requires that notice be published of the intention to enact any local and special laws such as Act 15, significantly impacting *only* the citizens of New Orleans. The original opinion's blanket assertion that Act 15 is not a local law lacks authority and therefore does not rectify the unconstitutional enactment of Act 15 in violation of La. Const. art. III, § 13.
- Even if the legislature had the authority to abolish the office of the clerk of criminal court, as the voters of New Orleans had already elected a person of their choice to that position, the legislation should have been given a prospective application.
- More importantly, the Louisiana Constitution provides a method for filling the office of clerk of

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court, which is by election. La. Const. art. V, § 23. As such, when the legislature created a new position of the consolidated clerk's office, it was not free to appoint a person to that position as has been done in this case.

Therefore, I respectfully dissent from the majority's refusal to grant rehearing under these extraordinary circumstances and in light of the new arguments raised.

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APPENDIX D — ACT NO. 15

ACT No. 15

2026 Regular Session

ENROLLED

SENATE BILL NO. 256

BY SENATOR MORRIS

AN ACT

To amend and reenact R.S. 13:761(C), 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1, 1213.1, 1213.2, 1216, 1222, 1338, 1371.2, 1373(A)(1), 1373.1, the introductory paragraph of 1381, 1381(21), 1381.3, 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971, R.S. 15:85.1(A)(2)(d) and R.S. 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1), 1511.2(E), and 1511.3(A)(1) and to repeal R.S. 13:1031, 1033, 1371, 1371.1, and 1378, relative to the clerk of court in Orleans Parish; to provide for one clerk of the civil district court and the criminal district court; to provide for payments from the Clerk of Court Expense Fund; to provide for the administration of the court by the clerk of court in Orleans Parish; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:761(C), 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1, 1213.1, 1213.2, 1216, 1222, 1338, 1371.2, 1373(A)(1), 1373.1, the introductory paragraph of 1381, 1381(21), 1381.3, 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971 are hereby amended and reenacted to read as follows:

Appendix D§761. Clerks' Supplemental Compensation Fund;
creation; sources of funds

* * *

C. The clerks of all of the district courts ~~and criminal district courts~~ of this state shall remit to the Clerks' Supplemental Compensation Fund from the funds transferred from the advance deposit account to the salary fund account an amount calculated at the rate of four dollars for every original civil suit filed in their offices. The clerk of ~~the Civil District Court~~ **court** for the parish of Orleans shall remit the fees required in this Subsection from the judicial expense fund of the Civil District Court for the parish of Orleans. ~~The clerk of the Criminal District Court for the parish of Orleans shall remit the fees required in this Subsection from the clerk of the Criminal District Court Expense Fund for the parish of Orleans.~~ The clerks of all of the district courts and criminal district courts of this state shall remit all costs so collected to the board monthly on or before the tenth day of each calendar month. The disbursement of the proceeds from the fund may be authorized only by a majority of the members of the board.

* * *

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§1211. Qualifications; duties; bond; collection of fees; deputies; minute clerks

The qualifications and duties of the **Orleans** clerk of ~~civil district~~ court shall be as now fixed by law. He shall furnish bond in the sum of twenty thousand dollars, which shall be examined by the court, and all testimony given in the examination shall be reduced to writing and filed of record in the court. He shall charge and collect the fees prescribed by the legislature until superseded by those fixed by the court. The clerk is authorized, ~~with the approval of the judges of the civil district court,~~ to appoint deputies and other assistants; and he may remove them at pleasure, ~~or the court may remove them.~~ Each judge of the civil district court **and criminal district court shall appoint be appointed, subject to the rules of the court to which they are assigned,** one minute clerk, who shall be sworn as deputy clerk, and shall receive a salary as the ~~court en banc~~ **executive committee of the Consolidated Judicial Expense Fund for Orleans Parish** may fix. **The salaries currently paid by the City of New Orleans shall be continued at the current amount until the executive committee certifies there are sufficient funds to pay them.** When directed by the court, a minute clerk shall administer the oath required by law of all witnesses and jurors.

§1211.1. Clerk; election; term of office

A. There shall be one clerk of the ~~Civil District Court~~ **court** for the parish of Orleans, who shall be

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elected by the qualified electors of Orleans Parish. He shall be elected at the election for parochial and municipal officers in Orleans Parish, shall serve for a term of four years, and shall take office and begin his term on the first Monday in May following election.

B. To facilitate transition to a consolidated office of the clerk of court, no employee of the clerk of the Criminal District Court on the date this Section becomes effective may be discharged from employment by the clerk before January 15, 2027, except for good cause shown including but not limited to insubordination or violation of any state or federal law, notwithstanding the provisions of R.S. 13:1371.2. The clerk of the office of the consolidated clerk of court may hire temporary employees or hire contractors to assist in the transition using unrestricted funds of the clerk until June 30, 2027.

§1212. Salary

A. The **Orleans** clerk of ~~the civil district~~ court shall receive a salary as established in R.S. 13:782(A) based on the applicable population of the parish according to the latest United States census which shall be payable out of the ~~judicial expense~~ **clerk's salary** fund beginning with Fiscal Year 1997-1998 and each fiscal year thereafter. In addition to this amount, the clerk of ~~the civil district~~ court shall receive a salary of ten thousand dollars which shall be payable by the ~~state~~ **judicial expense fund**.

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B.(1) The Louisiana Clerks of Court Certification program, as established pursuant to R.S. 13:782(I) and (J), shall apply to the clerk of ~~the Civil District Court~~ court for the parish of Orleans.

(2) In addition to those persons eligible pursuant to R.S. 13:782(I)(3) and 1371.1(B)(2), the person holding the office of clerk of ~~the Civil District Court~~ court for the parish of Orleans shall be eligible for participation in the clerks of court certification program.

(3) The requisite education and training will be provided as set forth in R.S. 13:782(I)(4).

(4) The clerks of court certification program committee, as created pursuant to R.S. 13:782(J) to govern the certification program, shall also apply to the clerk of ~~the Civil District Court~~ court for the parish of Orleans.

(5) Documents showing the successful completion of the certification program shall be submitted to and approved by the certification committee. Upon approval of the application for certification, a person holding the office of clerk of ~~the Civil District Court~~ court for the parish of Orleans shall receive the designation of Certified Clerk of Court (CCC) and notice of the approval shall be forwarded to the legislative auditor by the certification committee.

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* * *

§1212.1. Expenses

In addition to his salary, the clerk of ~~the Civil District Court~~ court for the ~~Parish~~ parish of Orleans, shall receive a sum not to exceed ten percent of his annual salary as an expense allowance. This allowance shall be payable out of the ~~judicial expense~~ clerk's salary fund upon the warrant of the clerk of ~~the civil district court~~.

* * *

§1213.1. Payment of costs in lump sum

In lieu of the fees enumerated in R. S. 13:1213 or otherwise set by the judges of the Civil District Court for the Parish of Orleans, the judges of the Civil District Court for the Parish of Orleans may authorize the clerk of ~~the Civil District Court~~ court to demand and receive from plaintiffs and defendants a fee to cover the cost of all pleadings filed respectively by the plaintiff and by the defendant. Such fee shall be in an amount set by the judges of the Civil District Court for the Parish of Orleans, sitting en banc, and may vary according to the type of lawsuit filed. Different fees may be established for the plaintiff and for the defendant. Upon the filing of initial pleadings by the plaintiff, the clerk shall collect the fee from the plaintiff, and no further or additional fees shall be demanded by the clerk from

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the plaintiff upon the filing of subsequent pleadings by the plaintiff. Upon the filing of initial pleadings by the defendant, the clerk shall collect the fee from the defendant, and no further or additional fees shall be demanded by the clerk from the defendant upon the filing of subsequent pleadings by the defendant.

§1213.2. Fees; clerk of ~~the Civil District Court~~ court

The Orleans clerk of ~~the Civil District Court~~ court shall collect the fees and costs set forth in R. S. 13:1213.1, and any other applicable law, and shall deposit no less than ~~fifty~~ forty percent of the amounts collected in the Clerk's Salary Fund. ~~Fifty~~ Sixty percent shall be deposited in the judicial expense fund for the Civil District Court for the ~~Parish~~ parish of Orleans after deduction of statutorily mandated charges and fees. The clerk shall remit to the judicial expense fund of the Civil District Court ~~fifty~~ sixty percent of such fees no later than the twenty-fifth day of the month following the preceding month's collection.

* * *

§1216. Docket and index

The clerk of ~~the civil district~~ court shall keep a docket of each proceeding with a proper index thereto.

* * *

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§1222. Motor vehicles for the office of the clerk of the ~~civil district~~ court

A. The clerk of the ~~civil district~~ court may purchase or lease three motor vehicles to be used for official office use only.

B. The clerk of the ~~civil district~~ court may purchase insurance for the motor vehicles authorized in Subsection A of this Section. The insurance shall be purchased from an insurance company which is licensed to do business under the laws of this state.

C. The clerk of the ~~civil district~~ court may use any funds which are lawfully available to him to purchase or lease the motor vehicles and to pay the insurance on the motor vehicles, as authorized in this Section.

* * *

§1338. Transfer of cases

A. All pending cases filed in the Civil District Court for the ~~Parish~~ **parish** of Orleans over civil commitment proceedings where the Criminal District Court for the ~~Parish~~ **parish** of Orleans has determined a mentally defective defendant is incapable of standing trial, is a danger to himself or others, and is unlikely in the foreseeable future to be capable of standing trial are hereby transferred to the Criminal District Court for the ~~Parish~~ **parish**

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of Orleans for further proceedings in accordance with law. A judge of the civil district court or the criminal district court on his own motion, or upon motion by the district attorney of Orleans Parish or the attorney of the defendant, may have such case transferred upon the signing of the order to transfer by either a judge of the Criminal District Court for the ~~Parish~~ **parish** of Orleans or a judge of the Civil District Court for the ~~Parish~~ **parish** of Orleans. ~~Upon the signing of such an order, the clerk of the Civil District Court for the Parish of Orleans or the clerk of the Criminal District Court for the Parish of Orleans shall effect delivery of the record to the clerk of the Criminal District Court for the Parish of Orleans, who shall receipt the same and properly file it in his office.~~ The Criminal District Court for the ~~Parish~~ **parish** of Orleans shall hear and dispose of the case with the same legal effect as if it had been instituted in that court in the first instance.

B. With respect to cases and jurisdiction transferred according to this Section, the ~~criminal~~ sheriff for the parish of Orleans is vested with the power and authority to serve all notices, subpoenas, papers, writs, and orders and to make proper return thereto to the Criminal District Court for the ~~Parish~~ **paish** of Orleans.

* * *

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§1371.2. Clerk; election; term of office; deputy clerks

~~A. There shall be one clerk of the Criminal District Court for the parish of Orleans, who shall be elected by the qualified electors of the parish of Orleans. He shall be elected at the election for parochial and municipal officers in Orleans Parish, shall serve for a term of four years, and shall take office and begin his term on the first Monday in May following election.~~

B. The clerk of the Criminal District Court court for the parish of Orleans shall appoint, with the approval of the judges of the court, such deputy clerks as are necessary to properly conduct the business of his office and of the court. He may remove them at pleasure, or the court en banc to which they are assigned may remove them.

* * *

§1373. Minute clerks and court reporters

A.(1) The presiding judge of each section of the criminal district court for the parish of Orleans may appoint shall be appointed a minute clerk at an annual salary of forty-eight hundred dollars, and a court reporter at an annual salary of fifty-four hundred dollars; the by the clerk of court in accordance with the provisions of R.S. 13:1211 and subject to the provisions of that Section. The salaries of the minute clerks and of the court reporters shall be paid by the city of New Orleans.

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* * *

§1373.1. Minute clerks, court reporters, and deputy court reporters; salary payable by the state

~~A. The annual salary of each of the court reporters of Sections A through L, both inclusive, and of the magistrate section of the Criminal District Court for the parish of Orleans to be paid by the state of Louisiana out of the General Fund of the state of Louisiana is hereby fixed at twelve thousand four hundred seventy-eight dollars per annum, payable monthly by the state treasurer upon the warrant of said court reporters and minute clerks shall be paid by the city in the same amount as provided for on July 1, 2026, and commencing on July 1, 2027, any amount previously paid by the state general fund shall be charged to the Consolidated Judicial Expense Fund for Orleans Parish.~~

~~B. The annual salary of each of the deputy court reporters in Sections A, B, C, D, E, F, G, H, I, J, K, and L of the Criminal District Court for the parish of Orleans and the deputy court reporter for the magistrate of the said court, to be paid by the state of Louisiana out of the General Fund of the state of Louisiana shall be equal to that of the court reporters as provided in Subsection A of this Section and shall be payable monthly by the state treasurer upon the warrant of the said deputy court reporter.~~

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~~C. The annual salary of each of the several minute clerks of said court, and the clerk who acts as minute clerk for the judges sitting as a court of appeals to be paid by the state of Louisiana out of the General Fund of the state of Louisiana is hereby fixed at fifteen thousand seven hundred ninety-one dollars per annum, payable monthly by the state treasurer upon the warrant of said minute clerks.~~

~~D. The increase in salary provided herein for court reporters, deputy court reporters, and minute clerks, shall not be payable until state funds are made available therefor.~~

* * *

§1381. Fees

The following charges may be made for the services of the clerk of ~~the criminal district court~~ **for the parish of Orleans:**

* * *

(21) For making copies of any paper, document, or other proceeding, the original of which is in the custody of the clerk of ~~the criminal district court~~ **for the parish of Orleans** including certificate and seal thereto, for each one hundred words, sixty cents.

* * *

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§1381.3. Clerk of the ~~Criminal District~~ Court expense fund

There is hereby established the Clerk of ~~the Criminal District~~ Court Expense Fund for the parish of Orleans. All funds collected as clerk's fees, interest accrued on investments of funds by the clerk of the ~~Criminal District Court~~ pursuant to ~~R. S. 39:1271~~ **R.S. 33:2955(A)(1)**, and any funds otherwise generated by the clerk of the ~~Criminal District Court~~ shall be deposited in said fund and may be expended from this fund for purposes of defraying the operating expenses of the clerk's office.

* * *

§1381.5. The Orleans Parish administration of criminal justice fund

A. There is hereby created an Orleans Parish administration of criminal justice fund which shall be maintained and supervised by the ~~criminal~~ sheriff of the parish of Orleans for the purpose of collecting and distributing proceeds received from the annual licensing fee pursuant to R. S. 22:822.

B. * * *

(2) Each quarterly distribution shall be calculated and allocated as follows:

* * *

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(e) Twenty percent of all funds received to the Clerk of the ~~Criminal District~~ Court Expense Fund for the parish of Orleans.

* * *

§1381.7. Clerk of the Orleans Parish Criminal District Court

A. The legislature finds that adequate funding of the office of Clerk of the ~~Criminal District~~ Court for the parish of Orleans is necessary for the efficient performance of the powers and duties required of a judicial officer of the state. Pursuant to the exercise of the police power of the state, actions for obtaining adequate funding are necessary to promote judicial efficiency and to protect and promote the lives, health, morals, comfort, and general welfare of people as a whole. The amounts to be appropriated and paid by the city of New Orleans for expenses, including salaries and maintenance of constitutional officers, their deputies, subordinates, and employees shall not be reduced by the city of New Orleans without the consent of the legislature **expressed by approval of a proposal by the Joint Legislative Committee on the Budget.**

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§2515. Application for supervisory writs; stay orders

All applications for supervisory writs of certiorari, prohibition, or mandamus to the Criminal District Court for the ~~Parish~~ parish of Orleans from the Municipal and Traffic Court of New Orleans shall be filed with the clerk of the ~~Criminal District Court~~ for the ~~Parish~~ parish of Orleans, and shall be by him allotted to the criminal court of appeals panel then sitting to hear appeals within that court under its rules, in connection with cases not appealable to the Supreme Court of Louisiana. No stay order shall be binding on the lower court unless at least two of such judges shall order such stay. The application for writs shall follow the general form and shall contain all documents and exhibits now required by Rule X of Rules of the Supreme Court of Louisiana, or as may be hereafter required under Rule X.

* * *

§5971. Applicability

The judicial administrative districts authorized by this Chapter shall provide an optional and additional method of funding ~~the office of the clerk for the Criminal District Court for the parish of Orleans,~~ the office of the clerk of court ~~for the Civil District Court~~ for the parish of Orleans, and the office of the clerk of district court for each of the other parishes.

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Section 2. R.S. 15:85.1(A)(2)(d) is hereby amended and reenacted to read as follows:

§85.1. Posting of criminal bond; fee assessed

A.(1) * * *

(2) The proceeds from cases in which the criminal prosecution has been concluded shall be distributed on a quarterly basis as follows:

* * *

(d) Two dollars shall be remitted to the office of the clerk of court for the parish, ~~except in the parish of Orleans where two dollars shall be remitted to the office of the clerk of the criminal district court,~~ or to the office of the city or municipal clerk of court in cases where the municipality is responsible for the prosecution.

* * *

Section 3. R.S. 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1), 1511.2(E), and 1511.3(A)(1) are hereby amended and reenacted to read as follows:

§2. Definitions

As used in this Code, the following words and terms shall have the meanings hereinafter ascribed to each, unless the context clearly indicates another meaning:

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* * *

(3) “Clerk of court” or “clerk” means the clerk of the district court, ~~except that in any parish having a civil district court and a criminal district court, these terms mean the clerk of the criminal district court.~~

* * *

§444. Parish executive committees

* * *

E. Powers of the committee. The parish executive committee of a recognized political party may adopt rules and regulations for its government that are not inconsistent with the laws of this state or the rules and regulations of the state central committee, and it may create any committee it deems necessary. The rules and regulations of the parish executive committee of a recognized political party shall be filed with the clerk of court within ten days after their adoption. ~~In parishes which have a civil and a criminal district court, the rules and regulations of a parish executive committee shall be filed with the clerk of the criminal district court.~~

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§602. Vacancies in certain local and municipal offices;
exceptions

* * *

C.(1) When a vacancy occurs in any of the following offices, the duties of the office shall be assumed by the person hereinafter designated: (a) district attorney, by the first assistant; (b) clerk of a district court, by the chief deputy; (c) coroner, by the chief deputy; (d) sheriff, by the chief criminal deputy; ~~except that in a parish that has both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy, and the criminal sheriff, by the chief criminal deputy, respectively;~~ and (e) tax assessor, by the chief deputy assessor.

* * *

E.(1)(a) * * *

(2)(a) * * *

(c) Within twenty-four hours after issuing the proclamation, the authority or authorities ordering the special election shall send a copy of the proclamation, by certified or registered mail, to the clerk of the district court for the parish in which the vacancy occurred. ~~If the vacancy occurred in the parish of Orleans, the copy of the proclamation shall be so mailed to the clerk of the criminal district court.~~ If the vacancy occurs in an office which affects

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more than one parish, a copy of the proclamation shall at the same time be so mailed to the clerk of each of the parishes. A copy of the proclamation also shall be mailed to the secretary of state at the same time and in the same manner.

* * *

§1300.7. Governor to order election; proclamation; publication

* * *

B. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the petition and proclamation, by registered or certified mail, to the clerk of the district court for each parish in which the election is to be held. ~~If the election is to be held in Orleans Parish, the city of New Orleans, the copy of the petition and proclamation shall be mailed to the clerk of the criminal district court.~~ A copy of the petition and proclamation also shall be sent to the secretary of state. Within twenty-four hours after he receives the copies, the secretary of state shall notify all other election officials having any duty to perform in connection with a recall election, including the parish board of election supervisors for the parish or parishes in which the election is held. Immediately after receipt of the proclamation, the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held.

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* * *

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

A.(1) The clerk of the district court is ex officio parish custodian of voting machines in each parish; ~~except that in any parish having a civil and a criminal district court the clerk of the criminal district court is ex officio parish custodian of voting machines.~~ The parish custodian of each parish shall assist the secretary of state in the performance of his functions within the parish.

* * *

§1511.2. Supervisory committee; rulemaking authority; advisory opinions; inquiries

* * *

E. The supervisory committee shall prepare and distribute to the general public through the offices of the clerks of court ~~and in Orleans Parish the office of the clerk of the criminal district court~~ and on its website, booklets of explanation and instruction concerning the provisions of this Chapter in such a manner as to inform the public of the procedures and requirements of this Chapter. The supervisory committee may publish and distribute additional material to assist persons in complying with the provisions of this Chapter.

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§ 1511.3. Filing of reports; forms; notice

A.(1) All reports required by this Chapter shall be filed with the supervisory committee as otherwise provided in this Chapter on forms provided by the supervisory committee. The supervisory committee shall prepare forms for all reports required by this Chapter in conformity with the requirements of this Chapter and shall cause such forms to be printed and sufficient copies thereof furnished to the clerks of court ~~and in Orleans Parish to the clerk of the criminal district court~~, who shall make them available to all persons required to file reports under the provisions of this Chapter. All forms shall contain instructions directing the person filing with whom to file reports. It is the intent of the legislature that the supervisory committee shall provide forms in a simple format in conformity with the requirements of this Chapter.

* * *

Section 4. The provisions of this Act shall not reduce the current term of office of the clerk of criminal district court for the parish of Orleans on the effective date of this Act. The office of clerk of criminal district court for the parish of Orleans shall be abolished at the end of May 3, 2026, and before the term of any other criminal clerk of court begins. Immediately thereafter, the authority, functions, duties, and responsibilities of the office of clerk of criminal district court for the parish of Orleans, and

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all of the books, papers, records, monies, actions, and other property of every kind and description, movable and immovable, real and personal, possessed, controlled, or used by the office of the clerk of criminal district court for the parish of Orleans shall be transferred and owned, possessed, controlled, and used by the clerk of the civil district court for the parish of Orleans, who shall thereafter be referred to as the clerk of court for the parish of Orleans.

Section 5. Whenever the clerk of the criminal district court for the parish of Orleans is referred to or designated by law, rule, or regulation on and after the date that office is abolished, such reference or designation shall be deemed to apply to the clerk of civil district court for the parish of Orleans or hereafter “clerk of court for the parish of Orleans”.

Section 6. R.S. 13:1031, 1033, 1371, 1371.1, and 1378 are hereby repealed in their entirety.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF
REPRESENTATIVES

GOVERNOR OF THE STATE OF
LOUISIANA

APPROVED: _____