

19th JUDICIAL DISTRICT COURT FOR EAST BATON ROUGE PARISH
STATE OF LOUISIANA

NO. _____ DIVISION “ ”

HONORABLE LATOYA CANTRELL, MAYOR OF THE CITY OF NEW
ORLEANS AND REVEREND WILLIE CALHOUN

VERSUS

R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED: _____ DEPUTY CLERK

PETITION FOR WRIT OF MANDAMUS

NOW INTO COURT through undersigned counsel, come the petitioners, the

Honorable LaToya Cantrell, Mayor of the City of New Orleans and Reverend Willie Calhoun, who respectfully petition this Court, pursuant to La. C.C. art. 3863, to issue a writ of mandamus to the respondent, R. Kyle Ardoin, requiring him to show under what authority he entered into a Final Consent Judgment on March 1, 2023, (attached hereto as Exhibit “B”) and to follow the voter recall provisions/guidelines/time delays in La. Rev. Stat. 18:1300.2 with conduct which is described herein.

PARTIES

1.

Petitioners, the Honorable LaToya Cantrell, Mayor of the City of New Orleans and Reverend Willie Calhoun, persons of the full age of majority, domiciled in and voters in the Parish of Orleans, State of Louisiana.

2.

Respondent, R. Kyle Ardoin, a person of the age of majority domiciled in East

Baton Rouge Parish, who serves as Secretary of State for the State of Louisiana.

VENUE

3.

Venue is proper in East Baton Rouge Parish because the Secretary of State is domiciled in East Baton Rouge Parish.

CONDUCT WHICH MANDATES WRIT OF MANDAMUS

4.

Petitioners bring this action with facts *in pari materia* with Case 2023-1381, Division “F” Section 14, Eileen Carter et al. v. Sandra Wilson, et al., Civil District Court for the Parish of Orleans, dated February 16, 2023, (Exhibit “A”). The principal cause of action in that case is a voter recall challenge to New Orleans Mayor Latoya Cantrell.

5.

The standards governing a recall election are identified in La. R.S. 18:1300.2.

6.

On August 26, 2022, the recall petition was filed with the Secretary of State.

7.

The timeframe for time delays begins when “[t]he signed and dated petition shall be submitted to the registrar of voters for each parish within the voting area not later than one hundred eighty days after the day on which the copy of the petition was filed with the secretary of state.” La. R.S. 18:1300.2.

8.

As of August 26, 2022, the Secretary of State’s website indicated that Orleans Parish had 249,876 registered voters.

9.

Because the City of New Orleans had 249,876 registered voters on August 26, 2022 on the Secretary of State’s website, the signatures required for a successful recall {in a parish with more one hundred thousand voters} **shall be signed by at least twenty percent of the electors.** La. R.S. 18:1300.2(d).

10.

Petitioners call the Court’s attention to the fact that the Secretary Ardoin acquiesced to improper venue when engaging in the instant litigation in Orleans Parish. According to La. C.C.P. art 42(1), the Secretary of State must be sued in the parish where he is domiciled, East Baton Rouge.

11.

Contrary to the provisions in La. R.S. 18:1300.2(d), Secretary Ardoin entered into a Final Consent Judgment wherein he “negotiated a settlement by which Secretary Ardoin will issue a new communication to Registrar Wilson revising the number of qualified electors to 224,876.” See paragraph 3 of Exhibit “B.”

12.

The Final Consent Judgment does not reflect that Secretary Ardoin provided the grant of authority in either statute or caselaw which allowed him to offer a voter number contrary to the requirements in La. R.S. 18:1300.2(d).

13.

Moreover, Secretary Ardoin’s contract provides that “[c]onsent to this Judgment also expressly shall not be interpreted as a finding that Secretary Ardoin engaged in

violations of federal or state law of that he failed to take the proper steps required by state or federal law.” See paragraph 4 of Exhibit “B.”

14.

Then, Secretary Ardoin’s negotiations provide that “[t]his consent Judgment is solely limited to the Parties in the above-captioned matter and shall not be used as an admission or the creation of a presumption or burden of proof in any other matter.” See paragraph 5 of Exhibit “B.”

15.

Because the percentage provided in the Final Consent Judgment did not even include published statistics on which the calculations were based, Secretary Ardoin agreed to the provision “[u]nder the terms of this consent Judgment, Plaintiffs [parties in Exhibit A] agree to produce to Secretary Ardoin a copy of all evidence and studies supporting their claims in this case.” See paragraph 6 of Exhibit “B.”

16.

In essence and in fact, Secretary Ardoin supplanted the number of electors as currently documented in his office with a number he created. He subsequently chose an arbitrary number which was not based on statistics/calculations supported by the voter registration record.

17.

The Orleans Parish Registrar of Voters could neither confirm nor deny the accuracy of the Secretary’s calculation. Local media reports chronicle thousands of voters identified on the eligible list who are either dead or have moved out of the jurisdiction.

SUMMARY OF PETITIONERS' CLAIMS AGAINST RESPONDENT

18.

As detailed hereinabove, petitioners allege that the Secretary of State ignored the strict timeframes and statistical requirements outlined in La. R.S. 18:1300.2 when he supplanted verifiable voter numbers with numbers he created.

RELIEF SOUGHT

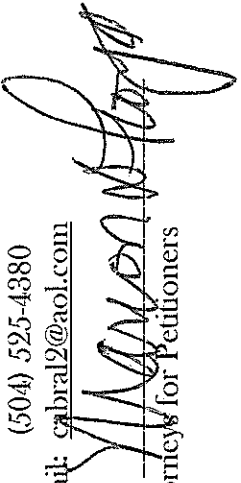
WHEREFORE, petitioners pray that:

1. The respondent be served with a copy of this Petition in accordance with law;
2. A Writ of Mandamus be issued, directing the respondent to show by what authority he entered into the Final Consent Judgment referenced herein;
3. A Writ of Mandamus be issued, directing the respondent to show by what authority he did not comply with the numerical voting requirements pronounced in La. R.S. 18:1300.2;
4. A Writ of Mandamus be issued, directing the respondent to comply with the numerical voting requirements pronounced in La. R.S.18:1300.2;
5. Due to the detrimental impact of the Final Consent Judgment on the potential recall election referenced herein, the hearing on this Petition be held within two to ten days of service of the Petition on respondent;
- 5 After a hearing, there be judgment in favor of petitioners granting all relief sought herein; and
6. All relief available under law and equity.

Respectfully Submitted,

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BY: 

Attorneys for Petitioners

PLEASE SERVE:

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8585 ARCHIVES AVE.
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ATTORNEY GENERAL
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BATON ROUGE, LA 70802

19TH JUDICIAL DISTRICT COURT FOR EAST BATON ROUGE PARISH

STATE OF LOUISIANA

NO. _____ DIVISION “ ”

HONORABLE LATOYA CANTRELL, MAYOR OF THE CITY OF NEW
ORLEANS AND CHARLES AMOS

VERSUS

R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED: _____ DEPUTY CLERK

ORDER

Considering the Petition for Mandamus;

IT IS HEREBY ORDERED that R. KYLE ARDOIN be made to appear and
show cause before this Honorable Court on the ____ day of _____,
2023 at ____:____.m. why Petitioners’ Writ of Mandamus should not be granted.

Baton Rouge, Louisiana this ____ day _____, 2023.

JUDGE

PLEASE SERVE:

R. KYLE ARDOIN
SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA 70809

HON. JEFF LANDRY
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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO. _____ DIVISION “ ”

HONORABLE LATOYA CANTRELL, MAYOR OF THE CITY OF NEW
ORLEANS AND CHARLES AMOS

VERSUS

R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED: _____ DEPUTY CLERK

ORDER

Considering the Petition for Mandamus;

IT IS HEREBY ORDERED that R. KYLE ARDOIN be made to appear and show cause before this Honorable Court on the ____ day of _____, 2023 at ____: ____ .m. why Petitioners’ Writ of Mandamus should not be granted.

Baton Rouge, Louisiana this ____ day _____, 2023.

JUDGE

PLEASE SERVE:

R. KYLE ARDOIN
SECRETARY OF STATE
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HON. JEFF LANDRY
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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

DIVISION:
CIVIL DISTRICT COURT

NO.: 2023-1301
EILEEN CARTER AND BELDEN BATISTE

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS, AND
R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED:

DEPUTY CLERK

SECTION 14

PETITION FOR WRIT OF MANDAMUS

NOW INTO COURT, through undersigned counsel, come Eileen Carter and Belden Batiste, who pursuant to La C.C. art. 3863, request that this Court issue a Writ of Mandamus directing Sandra Wilson, in her official capacity as Orleans Parish Registrar of Voters, and R. Kyle Ardoin, in his official capacity as Secretary of State for the State of Louisiana, to perform the duties required of them pursuant to La. R.S. 18:192 *et seq.* and La. R.S. 18:300-2, *et seq.*

Petitioners request an expedited hearing within ten days of the filing of this Petition, as required by La.C.C.P. Art. 3782.¹

In support of this Petition, Petitioners state the following:

1.

Item	Charged	Paid	Bal
Petition for Mandamus	\$444.50	\$444.50	\$0.00
Judicial College	\$0.50	\$0.50	\$0.00
Statutory Filing Fee	\$25.00	\$25.00	\$0.00
Underlying Case Fee	\$10.00	\$10.00	\$0.00
Use of Show Cause	\$47.00	\$47.00	\$0.00

1.

Petitioners are EILEEN CARTER AND BELDEN BATISTE, both natural persons over the age of eighteen, domiciled in the Parish of Orleans, State of Louisiana. Both Petitioners are qualified electors of the Parish of Orleans and have signed the recall petition to be measured against a correct number of qualified electors.

2.

Made Defendant is SANDRA WILSON, a person of the full age and majority, domiciled in the Parish of Orleans. She is the registrar of voters for the Parish of Orleans.

3.

Made Defendant is R. KYLE ARDOIN, a person of the full age and majority, who is the Secretary of State for the State of Louisiana.

¹A mandamus against a registrar "shall be heard and determined by preference, in term time or in vacation." La.R.S. 18:66(A).

EXHIBIT

A

4.

Venue is proper under La. C.C.P. art. 73, which subjects joint obligors to any venue which is proper as to any one defendant.

5.

On August 26, 2022, a recall petition for Orleans Parish Mayor LaToya Cantrell was filed with the Louisiana Secretary of State. According to La. R.S. 18:1300.2(2), the petition shall be signed by a percentage of the total number of electors of the voting area wherein and for which a recall election is petitioned as provided in Paragraph (3). As it pertains to Orleans Parish, the petition shall be signed by at least twenty percent of the qualified electors.

6.

Once a recall petition is filed, legal requirements for the Secretary of State are triggered. Defendant R. Kyle Ardoin is the Secretary of State for Louisiana. La. R.S. 18:1300.2 sets forth the legal requirements for Mr. Ardoin during the pendency of a petition for a recall election. The statute states in La. R.S. 18:1300.2(C)(1);

Upon receipt of the recall petition, the secretary of state *shall* produce a report of the number of qualified electors in the voting area wherein the recall election is sought effective on the date of receipt of the recall petition and shall notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

The Secretary of State was required to provide the organizers of the recall with the accurate number of qualified electors in Orleans Parish. Despite the clear obligation of the Secretary of State to produce an accurate report, it never occurred. The organizers of the recall were forced to rely on the data produced by the Secretary of State's website.

7.

As of August 1, 2022, the website for the Secretary of State indicated that Orleans Parish had 266,714 registered voters. On September 1, 2022 the same Secretary of State website indicated that Orleans Parish had 267,004 registered voters. This is the data that the organizers of the recall were forced to rely upon since no official report of the number of qualified electors was ever produced by the Secretary of State. The organizers of the recall expected that they could rely upon this data. They were wrong.

8.

After extensive work canvassing and mailing out material for the recall campaign, it became clear that the number of active registered voters in Orleans Parish, as appearing on the

Secretary of State's website, was inaccurate. Given the continuous discrepancies in the numbers, the recall campaign engaged Gulf Coast Resources, LLC, an entity specializing in the analysis of voter data, to determine the accuracy of the voter rolls in Orleans Parish.

9.

It was learned that the data which the Secretary of State relies upon to produce these numbers is input into a centralized database by Mrs. Sandra Wilson, the Registrar of Voters for the Parish of Orleans. To maintain accurate records of qualified electors for the Parish of Orleans, the law sets forth what Mrs. Wilson is required to do. La. R.S. 18:192 sets forth the requirement that a registrar of voters conduct an annual canvass of the names of the registrants in all precincts in the parish. The requirement of La. R.S. 18:192 states in relevant part:

A.(1)(a) No later than June thirtieth in each parish, the registrar of voters *shall* annually canvass the names of the registrants in all precincts in the parish. Failure of the registrar to conduct an annual canvass as provided in this Paragraph *shall* constitute willful misconduct relating to his official duty for the purposes of R.S. 18:53. The Department of State shall use the United States Postal Service or its licensee to verify the names and addresses of the registrants in all precincts in the state. A verification by the United States Postal Service or its licensee shall constitute a valid canvass of the registered voter.

(b) In conducting the verification, if the United States Postal Service or its licensee provides a corrected address, the Department of State shall furnish the corrected address to the appropriate registrar of voters. Upon receiving a corrected address inside the parish, the Department of State may make the change on the statewide registration system and the registrar of voters may make the change on his records. If a change is made, the registrar shall mail a new voter identification card to the voter using the corrected address provided and an address confirmation card as provided in R.S. 18:193. In the event the new voter identification card using the corrected address is returned to the registrar and the voter has failed to return the address confirmation card, the registrar shall consider the address not corrected. His records should be changed to reflect the prior address on file for that voter. If the corrected address is outside the parish, the registrar of voters shall not make the change on his records and shall send an address confirmation card as provided in R.S. 18:193.

(2) For a registrant whose address was not verified or whose corrected address is outside the parish, the registrar shall send an address confirmation card as set forth in R.S. 18:193.

Mrs. Wilson is therefore legally required to use the United States Postal Service (hereafter

"USPS") or its licensee to verify the names and addresses of registrants in all precincts in the parish.

10.

Further, R.S. 18:193 states that if it is believed that a person no longer lives in Orleans Parish, there are specific steps that must be taken to remove that person from the list of active registered voters. The Registrar of Voters is required to document and maintain the evidence to show that these requirements are being met. The law specifically states:

- A. When the registrar has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters. However, a person shall not be placed on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish.
- B. For the purposes of this Section, "address confirmation card" shall mean a postage prepaid and pre-addressed return card, sent by forwardable mail. The Department of State shall be responsible for developing the address confirmation card and for informing the registrant about his voting rights under the address confirmation process and the address confirmation card shall be submitted by the Department of State to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate for review.
- C. If the registrant responds to the address confirmation card and has not moved or has moved within the parish, the registrar shall remove the person's name from the inactive list of voters if it is on the inactive list and correct the voter's address if necessary.
- D. (1) If the voter responds to the address confirmation card and has permanently moved to a different parish, the registrar shall transfer the voter's registration information to the new parish of residence.
(2) If the voter responds to the address confirmation card and has permanently moved outside the state, the registrar shall cancel the voter's registration.
- E. A voter on the inactive list of voters who fails to respond to the address confirmation card shall remain on the inactive list of voters until his address is confirmed in accordance with the procedures set forth in R.S. 18:196 or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the voter's registration.
- F. A list of names and addresses to whom address confirmation notices are sent and whether or not each person responded to the confirmation notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154. Ninety days prior to a regularly scheduled federal primary election, the names and addresses of those persons on the inactive list shall be published for one day in the official journal of the parish governing authority or in a newspaper calculated to provide maximum notice in the parish.
- Therefore, if the Registrar has reason to believe, through the USPS data base or otherwise, that a person has moved outside of Orleans Parish, the registrar must send a confirmation card to the residence and place the person on the list of inactive voters.
- 11.
- The law also requires the registrar of voters to remove voters from the active list when they are deceased. R.S. 18:173 sets forth this law as follows:
- A. Within thirty days after receipt of a certified copy of a death certificate, the registrar of voters shall remove from the voter registration rolls the name of the deceased.
- B. By the tenth day of each month the parish health officer shall send notice to the registrar of voters of the death of each person in the parish during the preceding month and shall include the deceased person's parish of residence.
- C.(1) By the tenth day of each month, the secretary of the Louisiana Department of Health shall send to the Department of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, address, date of birth, sex,

social security number, place of birth, mother's maiden name, and alias name, as such information exists in the database of the Louisiana Department of Health, of any person sixteen years of age or older who died in each parish of the state within the preceding calendar month.

(2) Within thirty days after receipt of the report described in Paragraph (1) of this Subsection, the Department of State shall cancel the registration of any deceased person when the information provided by the Louisiana Department of Health corresponds exactly to the criteria for cancellation of voter registration as established by the secretary of state. The Department of State shall promptly notify the registrar of the parish in which the voter was registered of such cancellation.

(3) The information received from the Louisiana Department of Health regarding deceased persons whose registrations were not canceled pursuant to Paragraph (2) of this Subsection shall be sent monthly to the registrar of voters for each parish by the Department of State. Within thirty days after receipt of the report from the Department of State, the registrar of voters shall review the information received from the Louisiana Department of Health to determine if the matches of information are sufficient to cancel or challenge the registration of deceased persons.

D. **The registrar of voters shall search obituaries for deceased persons** whose registrations were not canceled. The registrar of voters shall use information from an obituary notice to cancel a deceased voter's registration if the notice provides sufficient information to properly identify the voter and the registrar has confirmed the voter's death with the office of vital records.

The registrar receives information from the Louisiana Department of Health to maintain accurate records of voters who are deceased. Further, the registrar is required to search obituaries in the parish to identify deceased voters and remove them from the list of active voters.

12.

The lack of accuracy of voters who are active versus inactive plays a detrimental role to the recall effort. Most importantly, "the names of registrants on the inactive list of voters *shall not be counted* in computing the number of ballots required for an election, the number of voters required to divide or constitute a precinct, *the number of signatures required on any petition . . .*" La. R.S. 18:196. As such, inactive voters should not be considered in the total number of qualified electors. Therefore, compliance with the requirements of Louisiana law by both Defendants to maintain the inactive voter list is critical. These are also indisputably ministerial in nature. See *Ventre v. Ryder*, 176 F. Supp. 90 (W.D. La. 1959); see also *Smith v. Flournoy*, 117 So. 2d 320 (La. Ct. App. 1959).

13.

In order to determine if Ms. Wilson was meeting her legal requirement to maintain the accuracy of active versus inactive voters, Gulf Coast Resources utilized the National Change of Address database (hereinafter "NCOALink"), a product of the United States Postal Service. This database consists of a secure dataset of approximately 160 million permanent change-of-address

(“COA”) records consisting of the names and addresses of individuals, families and businesses who have filed a change-of-address with the USPS. The change of address requests were compared with the roll of Orleans Parish voters issued by the Secretary of State. The comparison revealed that thousands of people who had moved out of Orleans Parish or died were never purged by Ms. Wilson and still remain active voters in Orleans Parish. This is evidence of Ms. Wilson’s failure to perform her duties to canvass under the law and Mr. Ardoin’s failure to supervise her.

14.

Specifically, the data revealed that approximately 546 deceased persons are identified as active voters as of the date of this filing. Those 546 individuals are all members of the pool of individuals from which the recall effort is responsible for gathering signatures. The inclusion of those 546 individuals on the active voter list illegally increases the count of signatures required by the recall effort.

15.

Next it was determined that 21,436 people who are listed as active voters in Orleans Parish have moved out of the state of Louisiana. An additional 9,084 people that are currently listed as active voters in Orleans Parish have moved out of Orleans Parish but into a different parish within the state of Louisiana. The illegal inclusion of these people on the active voter list increases the count of signatures required by the recall effort.

16.

In addition to people who have moved or died, it was then determined that 1,601 people listed as active voters have an address that has been labeled by the USPS as “undeliverable” and no change of address was provided by the resident. An additional 121 people listed as active voters have an address that was labeled by USPS as “undeliverable” but did provide a change of address yet still remain active voters at the original address. Many of these addresses are vacant lots. La. R.S. 18:101(B) provides that “[f]or purposes of the laws governing voter registration and voting, “resident” means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely.” There are no residents of vacant lots, yet many of these vacant lots are considered active voters in Orleans Parish. Again, inclusion of these persons who have moved or of vacant lots on the active voter list illegally increases the count of signatures required by the recall effort.

17.

Ultimately, thousands of inconsistencies were identified. While the time constraints of the recall deadline prevented a review of each one, below are several examples with supporting data of individuals who are listed as active voters in Orleans Parish, but clearly are not.

18.

Dr. Rishi Anand changed his address with the USPS in 2010, approximately 13 years ago, and provided a new address in Florida. He last voted in Orleans Parish in 2008, 15 years ago. Nonetheless, as of the date of this filing, Dr. Anand is identified as an active voter in Orleans Parish by the Secretary of State.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Rishi Gujral Anand Party: No Party Parish: Orleans Ward/Precinct: 01/02 Status: Active

Interestingly, despite being an active Orleans Parish voter, Dr. Anand is also an active voter in the state of Florida and has been for over a decade.

Full Name:	RISHI GUJRAL ANAND
Street Address:	
City:	
Zip Code:	
County Name:	BROWARD
Voter Identification Number:	120280825
Date Of Registration:	9/28/2012
Party:	Republican Party of Florida
Voter Status:	Active*

* An active voter means the person is registered to vote. The deadline to register to be eligible to vote in an upcoming election is 29 days before that election.

This individual, who has not lived in Orleans Parish in 13 years and who has been registered to vote in Florida for over 10 years, is one of the individuals comprising the pool of qualified electors against which the recall effort is being judged. Furthermore, the fact that both his address changed with the postal service and that he failed to vote in two consecutive federal elections in Orleans Parish, should have necessarily been detected, and his Orleans Parish voter registration canceled if Ms. Wilson was performing her duties to canvass under the law.

19.

Another example is the registration of Ms. Kim Kinkella, who is identified by the Secretary of State as an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Kim M Kinkella Party: Democratic Parish: Orleans Ward/Precinct: 17/07 Status: Active

Ms. Kinkella completed a change of address form with the USPS in May of 1997, identifying a move to California. Ms. Kinkella last voted in Orleans Parish in May of 1985, nearly 38 years ago.

As she is an “active voter” according to the Secretary of State, this individual who has not lived or voted in Orleans Parish for decades is a member of the pool of qualified electors which the recall effort must obtain a signature from. These are two mere examples of thousands of individuals who have left the State of Louisiana but whom remain active voters in the parish of Orleans. This is further evidence of Ms. Wilson’s neglect and willful indifference to her duties to canvass under the law, and Mr. Ardoin’s failure to supervise her.

20.

Citizens who have left the state are not the only issue with the voter rolls in Orleans Parish. Thousands of citizens have left New Orleans for surrounding parishes yet remain registered as “active voters” in Orleans Parish. The law provides a very brief time period in which a citizen who has relocated to another parish can still vote in his or her original parish. “The removal from one parish to another parish does not deprive any registrant of the right to remain a legal registrant in the parish from which he has removed, as to all issues upon which he was entitled to vote prior to his change of residence, *until he registers and has the right to vote in the parish to which he has moved or until three months after he moved, whichever is sooner.*” La. R.S. 18:110(C)(emphasis added). Failure to remove names of individuals who have left Orleans Parish and to allow them to remain as Orleans Parish active voters artificially and illegally inflates the number of qualified electors in Orleans Parish.

21.

Andrea H. Mora completed a change of address in January of 1997 advising the USPS, and thus the Secretary of State and Ms. Wilson who must access the NCOALink as part of their duties, that she had moved to Port Sulphur, LA. Port Sulphur is not located in the parish of Orleans. Ms. Mora last voted in Orleans Parish in 1991, over 30 years ago. Despite that fact, she remains an

“active voter” in Orleans Parish.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
Name: Andrea H Mora Party: Democratic Parish: Orleans Ward/Precinct: 08/06 Status: Active					

Again, this is Ms. Wilson’s failure to perform her duty to canvass under the law and to cancel registrations of non-residents, and Mr. Ardoin’s failure to supervise her.

22.

The chaotic state of the voter rolls does not end there. Ms. Geraldine Perrier is an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
Name: Geraldine Marie Perrier	Party: Republican	Parish: Orleans	Ward/Precinct: 14/10	Status: Active	

Ms. Perrier has not voted in an election since 2001. Ms. Perrier passed away in 2012, over a decade ago, and remains an active voter in Orleans Parish and a member of the pool from which the recall effort is responsible for gathering signatures. She is being counted as a qualified elector in Orleans Parish. This demonstrates Ms. Wilson’s failure to perform her duty to canvass under the law and to cancel registrations of people who are deceased, and Mr. Ardoin’s failure to supervise her.

23.

Mrs. Wilbur Babin is also an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
Name: Mrs Wilbur J Babin	Party: Republican	Parish: Orleans	Ward/Precinct: 04/22	Status: Active	

Mrs. Babin last voted in 2006 according to the Secretary of State. Mrs. Babin passed away in 2012. Mrs. Babin was born in 1916 and would thus be 107 years old if she were alive today. Neither her obituary, apparent age, or the length of time since her last vote, were cause of concern for Ms. Wilson, who never cancelled Ms. Babin’s voter registration. As such, Mrs. Babin is also a member of the pool from which the recall effort is responsible for gathering signatures and is being counted as a qualified elector in Orleans Parish.

24.

Likewise, Mrs. Vita Tortorich is an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
Name: Vita M Tortorich	Party: Democratic	Parish: Orleans	Ward/Precinct: 05/15	Status: Active	

Mrs. Tortorich last voted in 2006. She passed away in 2010. Ms. Tortorich would be 101 years old if alive today. Like Mrs. Babin, neither Ms. Tortorich’s obituary, apparent age, or the length of time since her last vote, were a cause of concern for Ms. Wilson, who never cancelled Ms. Tortorich’s voter registration. This is yet another individual who comprises the pool from which the recall effort is responsible for gathering signatures and is being counted as a qualified elector in Orleans Parish.

25.

This Court has jurisdiction to issue a writ of mandamus ordering the Defendants to perform their ministerial duties under the law. *See* La. R.S. 18:66. *See also* La.C.C.P. Art. 3782. The recall effort has been handicapped by the incompetence of the Orleans Parish registrar of voters and the Secretary of State alike. Petitioners are entitled by law to an accurate count of Orleans Parish active registered voters. Their failure to maintain even remotely accurate voter rolls have made it impossible to determine the number of signatures needed for the recall to be successful. It should not require a legal pleading to force a state official to do the job they are being paid to do, yet apparently it does. The data presented in this pleading should be alarming and embarrassing to the citizens of Orleans Parish and to the State of Louisiana.

26.

This mandamus to compel a registrar to perform her duties should be tried by preference.
See La.R.S. 18:66(A).

27.

Defendant Sandra Wilson has willfully and persistently failed to perform her duty and is thus subject to removal by the State Board of Election Supervisors pursuant to La. R.S. 18:53.

WHEREFORE, Petitioners EILEEN CARTER AND BELDEN BATISTE., pray that the Defendants be duly cited and served with a copy of the foregoing Petition, and that after legal delays have expired, there be judgment in their favor against the Defendants, Sandra Wilson and R. Kyle Ardoin, granting Petitioner's Writ of Mandamus, ordering the Defendants to perform their duties set forth under La. R.S. 18:192, *et seq.* and La. R.S. 18:1300.2, *et seq.* Furthermore, Petitioners prays that Defendants be ordered to pay all attorney's fees, court costs, and any damages proven by the Petitioners for the Defendants' arbitrary and/or capricious failure to perform these duties required of them under the law.

The Petitioners further pray that this case be tried by preference and in a summary manner.

Respectfully submitted,

RODRIGUE & ARCURI, LLP

/s/ Laura C. Rodrigue
LAURA C. RODRIGUE (LSBN 30428)
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PLEASE SERVE:
SANDRA WILSON
CITY HALL, 1300 PERDIDO ST., #1W24
NEW ORLEANS, LA 70112-2127

R. KYLE ARDOIN
SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

HON. JEFF LANDRY
ATTORNEY GENERAL
1885 NORTH THIRD STREET
BATON ROUGE, LA 70802

FILED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA
2023 FEB 16 AM 9:37

NO.:

DIVISION:

EILEEN CARTER AND BELDEN BATISTE

CIVIL
DISTRICT COURT
VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS, AND
R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED:

DEPUTY CLERK

ORDER

Considering the foregoing Petition for Writ of Mandamus:

IT IS ORDERED that SANDRA WILSON and R. KYLE ARDOIN be made to appear

and show cause before this Honorable Court on the ____ day of
____, 2023 at ____ o'clock ____ M. why Petitioners'

Writ of Mandamus should not be granted.

NEW ORLEANS, LOUISIANA, this ____ day of ____, 2023.

JUDGE

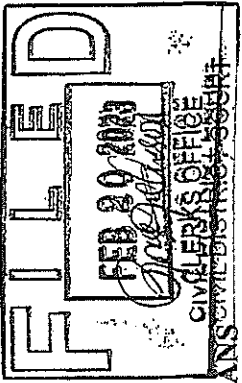
PLEASE SERVE:

SANDRA WILSON
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8585 ARCHIVES AVENUE
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HON. JEFF LANDRY
ATTORNEY GENERAL
1885 NORTH THIRD STREET
BATON ROUGE, LA 70802

VERIFIED



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.: 2023-1381

DIVISION: F (14)

EILEEN CARTER AND BELDEN BATISTE

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS, AND
R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED:

DEPUTY CLERK

FIRST AMENDED PETITION FOR WRIT OF MANDAMUS

NOW INTO COURT, through undersigned counsel, come Eileen Carter and Belden

Batiste, who amend their Petition for Writ of Mandamus pursuant to La C.C.P. art. 1151.

Pursuant to La C.C. art. 3863, Petitioners request that this Court issue a Writ of Mandamus directing Sandra Wilson, in her official capacity as Orleans Parish Registrar of Voters, and R. Kyle Ardoin, in his official capacity as Secretary of State for the State of Louisiana, to perform the duties required of them pursuant to La. R.S. 18:192, et seq. and La. R.S. 18:300.2, et seq. Petitioners request an expedited hearing within ten days of the filing of this Petition, as required by La.C.C.P. Art. 3782.¹

In support of this Amended Petition, Petitioners state the following:
CHELSEY RICHARD NAPOLEON
CLERK CIVIL DISTRICT COURT
1. 402 CIVIL COURTS BUILDING
421 LOYOLA AVENUE - ROOM 402
BELEDEN BATISTE, both natural persons over
504-407-0000
Petitioners are EILEEN CARTER AND BELDEN BATISTE, both Petitioners are the age of eighteen, domiciled in the Parish of Orleans, State of Louisiana. Both Petitioners are qualified electors of the Parish of Orleans and have signed the recall petition to be measured against a correct number of qualified electors.

Case Number	2023-01381
Grand Total	\$ 251.00
Amount Received	\$ 40.00
Balance Due	\$ 0.00
Over Payment	\$ 0.00

Made Defendant is SANDRA WILSON, a person of the full age and majority, domiciled in the Parish of Orleans. She is the registrar of voters for the Parish of Orleans.

3.	Item	Amount	Paid	Balance
	Supplemental and/or	\$141.50	\$141.50	\$0.00
	Amending Petition			
	Made Defendant is R. KYLE ARDOIN, a person of the full age and majority, who is the	\$25.00	\$25.00	\$0.00
	JSC	\$21.50	\$21.50	\$0.00
	Order Information	\$47.00	\$47.00	\$0.00

¹A mandamus against a registrar “shall be heard and determined by preference, in term time or in vacation.” La.R.S. 18:66(A).

4.

Venue is proper under La. C.C.P. art. 73, which subjects joint obligors to any venue which is proper as to any one defendant.

5.

On August 26, 2022, a recall petition for Orleans Parish Mayor LaToya Cantrell was filed with the Louisiana Secretary of State. According to La. R.S. 18:1300.2(2), the petition shall be signed by a percentage of the total number of electors of the voting area wherein and for which a recall election is petitioned as provided in Paragraph (3). As it pertains to Orleans Parish, the petition shall be signed by at least twenty percent of the qualified electors.

6.

Once a recall petition is filed, legal requirements for the Secretary of State are triggered. Defendant R. Kyle Ardoin is the Secretary of State for Louisiana. La. R.S. 18:1300.2 sets forth the legal requirements for Mr. Ardoin during the pendency of a petition for a recall election. The statute states in La. R.S. 18:1300.2(C)(1);

Upon receipt of the recall petition, the secretary of state *shall* produce a report of the number of qualified electors in the voting area wherein the recall election is sought effective on the date of receipt of the recall petition and shall notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

The Secretary of State was required to provide the organizers of the recall with the accurate number of qualified electors in Orleans Parish. Despite the clear obligation of the Secretary of State to produce an accurate report, it never occurred. The organizers of the recall were forced to rely on the data produced by the Secretary of State's website.

7.

As of August 1, 2022, the website for the Secretary of State indicated that Orleans Parish had 266,714 registered voters. On September 1, 2022 the same Secretary of State website indicated that Orleans Parish had 267,004 registered voters. This is the data that the organizers of the recall were forced to rely upon since no official report of the number of qualified electors was ever produced by the Secretary of State. The organizers of the recall expected that they could rely upon this data. They were wrong. Mr. Ardoin failed to carry out his legal duty to provide an accurate number of qualified electors at the time the recall petition was filed.

8.

After extensive work canvassing and mailing out material for the recall campaign, it became clear that the number of active registered voters in Orleans Parish, as appearing on the Secretary of State's website, was inaccurate. Given the continuous discrepancies in the numbers, the recall campaign engaged Gulf Coast Resources, LLC, an entity specializing in canvassing voter data, to determine the accuracy of the voter rolls in Orleans Parish. That canvassing effort indicated numerous errors in the data, which in turn indicated that Ms. Wilson and Mr. Ardoin both failed to carry out their separate legal duties to make sure the Orleans voter data was accurate.

9.

To maintain accurate records of qualified electors for the Parish of Orleans, the law sets forth what Ms. Wilson is required to do. La. R.S. 18:192 sets forth the requirement that a registrar of voters conduct an annual canvass of the names of the registrants in all precincts in the parish. The first sentence of La. R.S. 18:192 A.(1)(a) states:

A.(1)(a) No later than June thirtieth in each parish, the registrar of voters *shall* annually canvass the names of the registrants in all precincts in the parish.

Ms. Wilson is therefore legally required to canvass the registrants. Canvassing can be done in numerous ways, such as cross-referencing computer data in voter rolls with computer data in Social Security Death Records, National Change of Address Records, and other data sources. Upon information and belief, Ms. Wilson either did not canvass the voter data against other data thoroughly and correctly, or if that was done, appropriate corrections were not made to the voter data.

Mr. Ardoin's duties are set forth in the third sentence of La. R.S. 18:192 A.(1)(a) which states, "The Department of State shall use the United States Postal Service or its licensee to verify the names and addresses of the registrants in all precincts in the state." Hence, Mr. Ardoin's duty was to **verify** the data that had been canvassed by Ms. Wilson. Upon information and belief, Mr. Ardoin either did not verify Ms. Wilson's data thoroughly and correctly, or if that was done, he did not ensure that appropriate corrections were made to the voter data.

10.

Ms. Wilson's duty to canvass is not only clearly stated in R.S. 18:192, it is reinforced by R.S. 18:193. That statute lists her duties when she has "reason to believe that a registrant (is) no

longer qualified to be registered” or when a “registrant has changed his residence”. The law specifically states:

A. When the registrar has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters. However, a person shall not be placed on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish.

Ms. Wilson had a duty to canvass to see if there was a “reason to believe” that a registrant was “no longer qualified” or had changed his or her residence. Ms. Wilson was then required to comply with her duties set forth in Sections B – F of R.S. 193. The relevant parts are set forth below.

D. (1) If the voter responds to the address confirmation card and has permanently moved to a different parish, the registrar shall transfer the voter's registration information to the new parish of residence.

(2) If the voter responds to the address confirmation card and has permanently moved outside the state, the registrar shall cancel the voter's registration.

E. A voter on the inactive list of voters who fails to respond to the address confirmation card shall remain on the inactive list of voters until his address is confirmed in accordance with the procedures set forth in R.S. 18:196 or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the voter's registration.

F. A list of names and addresses to whom address confirmation notices are sent and whether or not each person responded to the confirmation notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154.

Therefore, if the Registrar has reason to believe, through the USPS data base or otherwise, that a person has moved outside of Orleans Parish, the registrar must send a confirmation card to the residence and place the person on the list of inactive voters. Upon information and belief, duties listed in this statute were violated by the registrar. Additionally, Mr. Ardoin violated his duty to produce an accurate report of qualified electors to the recall organizers and violated his duty to “verify” Ms. Wilson’s data.

11.

The law also requires Ms. Wilson to remove voters from the active list when they are deceased. R.S. 18:173 sets forth this law as follows:

A. Within thirty days after receipt of a certified copy of a death certificate, the registrar of voters shall remove from the voter registration rolls the name of the deceased.

B. By the tenth day of each month the parish health officer shall send notice to the registrar of voters of the death of each person in the parish during the preceding month and shall include the deceased person's parish of residence.

C.(1) By the tenth day of each month, the secretary of the Louisiana Department of Health shall send to the Department of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, address, date of birth, sex, social security number, place of birth, mother's maiden name, and alias name, as such information exists in the database of the Louisiana Department of Health, of any person sixteen years of age or older who died in each parish of the state within the preceding calendar month.

(2) Within thirty days after receipt of the report described in Paragraph (1) of this Subsection, the Department of State shall cancel the registration of any deceased person when the information provided by the Louisiana Department of Health corresponds exactly to the criteria for cancellation of voter registration as established by the secretary of state. The Department of State shall promptly notify the registrar of the parish in which the voter was registered of such cancellation.

(3) The information received from the Louisiana Department of Health regarding deceased persons whose registrations were not canceled pursuant to Paragraph (2) of this Subsection shall be sent monthly to the registrar of voters for each parish by the Department of State. Within thirty days after receipt of the report from the Department of State, the registrar of voters shall review the information received from the Louisiana Department of Health to determine if the matches of information are sufficient to cancel or challenge the registration of deceased persons.

D. **The registrar of voters shall search obituaries for deceased persons** whose registrations were not canceled. The registrar of voters shall use information from an obituary notice to cancel a deceased voter's registration if the notice provides sufficient information to properly identify the voter and the registrar has confirmed the voter's death with the office of vital records.

The registrar receives information from the Louisiana Department of Health to maintain accurate records of voters who are deceased. Further, the registrar has a legal duty to search obituaries in the parish to identify deceased voters and remove them from the list of active voters. Ms. Wilson has failed to perform this legal duty.

12.

The lack of accuracy of voters who are active versus inactive plays a detrimental role to the recall effort. Most importantly, "the names of registrants on the inactive list of voters *shall not be counted* in computing the number of ballots required for an election, the number of voters required to divide or constitute a precinct, *the number of signatures required on any petition . . .*" La. R.S. 18:196. As such, inactive voters should not be considered in the total number of qualified electors. Therefore, compliance with the requirements of Louisiana law by both Defendants to maintain the inactive voter list is critical. These are also indisputably ministerial in nature. *See Ventre v. Ryder*, 176 F. Supp. 90 (W.D. La. 1959); *see also Smith v. Flournoy*, 117 So. 2d 320 (La. Ct. App. 1959).

13.

In order to determine if Ms. Wilson was meeting her legal requirement to maintain the accuracy of active versus inactive voters, Gulf Coast Resources utilized the National Change of

Address database (hereinafter “NCOALink”), a product of the United States Postal Service. This database consists of a secure dataset of approximately 160 million permanent change-of-address (“COA”) records consisting of the names and addresses of individuals, families and businesses who have filed a change-of-address with the USPS. The change of address requests were compared with the roll of Orleans Parish voters issued by the Secretary of State. The comparison revealed that thousands of people who had moved out of Orleans Parish or died were never listed as removed or listed as inactive by Ms. Wilson and still remain active voters in Orleans Parish. This is evidence of Ms. Wilson’s failure to perform her duties to canvass under the law and Mr. Ardoin’s failure to ensure that her data is accurate.

14.

Specifically, the data revealed that approximately 546 deceased persons are identified as active voters as of the date of this filing. Those 546 individuals are all members of the pool of individuals from which the recall effort is responsible for gathering signatures. The inclusion of those 546 individuals on the active voter list illegally increases the count of signatures required by the recall effort.

15.

Next it was determined that 21,436 people who are listed as active voters in Orleans Parish have moved out of the state of Louisiana. An additional 9,084 people that are currently listed as active voters in Orleans Parish have moved out of Orleans Parish but into a different parish within the state of Louisiana. The illegal inclusion of these people on the active voter list increases the count of signatures required by the recall effort.

16.

In addition to people who have moved or died, it was then determined that 1,601 people listed as active voters have an address that has been labeled by the USPS as “undeliverable” and no change of address was provided by the resident. An additional 121 people listed as active voters have an address that was labeled by USPS as “undeliverable” but did provide a change of address yet still remain active voters at the original address. Many of these addresses are vacant lots. La. R.S. 18:101(B) provides that “[f]or purposes of the laws governing voter registration and voting, “resident” means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely.” There are no residents of vacant lots, yet many of these vacant lots are considered active voters in

Orleans Parish. Again, inclusion of these persons who have moved or of vacant lots on the active voter list illegally increases the count of signatures required by the recall effort.

17.

Ultimately, thousands of inconsistencies were identified. While the time constraints of the recall deadline prevented a review of each one, below are several examples with supporting data of individuals who are listed as active voters in Orleans Parish, but clearly are not.

18.

Dr. Rishi Anand changed his address with the USPS in 2010, approximately 13 years ago, and provided a new address in Florida. He last voted in Orleans Parish in 2008, 15 years ago. Nonetheless, as of the date of this filing, Dr. Anand is identified as an active voter in Orleans Parish by the Secretary of State.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Rishi Gujral Anand Party: No Party Parish: Orleans Ward/Precinct: 01/02 Status: Active

Interestingly, despite being an active Orleans Parish voter, Dr. Anand is also an active voter in the state of Florida and has been for over a decade.

Full Name:	RISHI GUJRAL ANAND
Street Address:	
City:	
Zip Code:	
County Name:	BROWARD
Voter Identification Number:	120280825
Date Of Registration:	9/28/2012
Party:	Republican Party of Florida
Voter Status:	Active*

* An active voter means the person is registered to vote. The deadline to register to be eligible to vote in an upcoming election is 29 days before that election.

This individual, who has not lived in Orleans Parish in 13 years and who has been registered to vote in Florida for over 10 years, is one of the individuals comprising the pool of qualified electors against which the recall effort is being judged. Furthermore, the fact that both his address changed with the postal service and that he failed to vote in two consecutive federal elections in Orleans Parish, should have necessarily been detected, and his Orleans Parish voter registration canceled if Ms. Wilson was performing her duties to canvass under the law.

19.

Another example is the registration of Ms. Kim Kinkella, who is identified by the Secretary of State as an active voter in Orleans Parish as of the date of this filing.

Name: Kim M Kinkella Party: Democratic Parish: Orleans Ward/Precinct: 17/07 Status: Active

Ms. Kinkella completed a change of address form with the USPS in May of 1997, identifying a move to California. Ms. Kinkella last voted in Orleans Parish in May of 1985, nearly 38 years ago. As she is an “active voter” according to the Secretary of State, this individual who has not lived or voted in Orleans Parish for decades is a member of the pool of qualified electors which the recall effort must obtain a signature from. These are two mere examples of thousands of individuals who have left the State of Louisiana but whom remain active voters in the parish of Orleans. This is further evidence of Ms. Wilson’s neglect and willful indifference to her duties to canvass under the law, and Mr. Ardoin’s failure to supervise her.

20.

Citizens who have left the state are not the only issue with the voter rolls in Orleans Parish. Thousands of citizens have left New Orleans for surrounding parishes yet remain registered as “active voters” in Orleans Parish. The law provides a very brief time period in which a citizen who has relocated to another parish can still vote in his or her original parish. “The removal from one parish to another parish does not deprive any registrant of the right to remain a legal registrant in the parish from which he has removed, as to all issues upon which he was entitled to vote prior to his change of residence, *until he registers and has the right to vote in the parish to which he has moved or until three months after he moved, whichever is sooner.*” La. R.S. 18:110(C)(emphasis added). Failure to remove names of individuals who have left Orleans Parish and to allow them to remain as Orleans Parish active voters artificially and illegally inflates the number of qualified electors in Orleans Parish.

21.

Andrea H. Mora completed a change of address in January of 1997 advising the USPS, and thus the Secretary of State and Ms. Wilson who must access the NCOALink as part of their duties, that she had moved to Port Sulphur, LA. Port Sulphur is not located in the parish of Orleans. Ms. Mora last voted in Orleans Parish in 1991, over 30 years ago. Despite that fact, she remains an

“active voter” in Orleans Parish.

Name: Andrea H Mora Party: Democratic Parish: Orleans Ward/Precinct: 08/06 Status: Active

Again, this is Ms. Wilson's failure to perform her duty to canvass under the law and to cancel registrations of non-residents, and Mr. Ardoin's failure to supervise her.

22.

The chaotic state of the voter rolls does not end there. Ms. Geraldine Perrier is an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Geraldine Marie Perrier Party: Republican Parish: Orleans Ward/Precinct: 14/10 Status: Active

Ms. Perrier has not voted in an election since 2001. Ms. Perrier passed away in 2012, over a decade ago, and remains an active voter in Orleans Parish and a member of the pool from which the recall effort is responsible for gathering signatures. She is being counted as a qualified elector in Orleans Parish. This demonstrates Ms. Wilson's failure to perform her duty to canvass under the law and to cancel registrations of people who are deceased, and Mr. Ardoin's failure to supervise her.

23.

Mrs. Wilbur Babin is also an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Mrs Wilbur J Babin Party: Republican Parish: Orleans Ward/Precinct: 04/22 Status: Active

Mrs. Babin last voted in 2006 according to the Secretary of State. Mrs. Babin passed away in 2012. Mrs. Babin was born in 1916 and would thus be 107 years old if she were alive today. Neither her obituary, apparent age, or the length of time since her last vote, were cause of concern for Ms. Wilson, who never cancelled Ms. Babin's voter registration. As such, Mrs. Babin is also a member of the pool from which the recall effort is responsible for gathering signatures and is being counted as a qualified elector in Orleans Parish.

24.

Likewise, Mrs. Vita Tortorich is an active voter in Orleans Parish as of the date of this filing.

HOME	VOTER REGISTRATION	ELECTION CALENDAR	BALLOT INFORMATION	VOTING INFORMATION	CHANGE SEARCH
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Name: Vita M Tortorich Party: Democratic Parish: Orleans Ward/Precinct: 05/15 Status: Active

Mrs. Tortorich last voted in 2006. She passed away in 2010. Ms. Tortorich would be 101 years old if alive today. Like Mrs. Babin, neither Ms. Tortorich's obituary, apparent age, or the length of time since her last vote, were a cause of concern for Ms. Wilson, who never cancelled Ms.

Tortorich's voter registration. This is yet another individual who comprises the pool from which the recall effort is responsible for gathering signatures and is being counted as a qualified elector in Orleans Parish.

25.

This Court has jurisdiction to issue a writ of mandamus ordering the Defendants to perform their ministerial duties under the law. *See* La. R.S. 18:66. *See also* La. C.C.P. Art. 3782. The recall effort has been handicapped by the incompetence of the Orleans Parish registrar of voters and the Secretary of State alike. Petitioners are entitled by law to an accurate count of Orleans Parish active-registered voters. Mr. Ardoin failed in his duty to provide an accurate number of qualified electors at the time the recall petition was filed pursuant to La. R.S. 18:1300.2(C)(1). Ms. Wilson has failed to canvass and maintain accurate data or qualified electors. Both defendants' failure to maintain even remotely accurate voter rolls have made it impossible to determine the number of signatures needed for the recall to be successful. It should not require a legal pleading to force a state official to do the job they are being paid to do, yet apparently it does. The data presented in this pleading should be alarming and embarrassing to the citizens of Orleans Parish and to the State of Louisiana.

26.

This mandamus to compel a registrar to perform her duties should be tried by preference. *See* La.R.S. 18:66(A).

27.

Defendant Sandra Wilson has willfully and persistently failed to perform her duty and is thus subject to removal by the State Board of Election Supervisors pursuant to La. R.S. 18:53.

WHEREFORE, Petitioners EILEEN CARTER AND BELDEN BATISTE, pray that the Defendants be duly cited and served with a copy of the foregoing Petition, and that after legal delays have expired, there be judgment in their favor against the Defendants, Sandra Wilson and R. Kyle Ardoin, granting Petitioner's Writ of Mandamus, ordering the Defendants to perform all of their legal duties to provide an accurate number of qualified electors at the time the recall was filed and to maintain accurate and truthful voter rolls, including those set forth under La. R.S. 18:1300.2(C)(1), La. R.S. 18:192, *et. seq.* and La. R.S. 18:1300.2, *et. seq.* Furthermore, Petitioners prays that Defendants be ordered to pay all attorney's fees, court costs, and any damages proven

by the Petitioners for the Defendants' arbitrary and/or capricious failure to perform these duties required of them under the law.

The Petitioners further pray that this case be tried by preference and in a summary manner.

Respectfully submitted,

RODRIGUE & ARCURI, LLP

/s/ Laura C. Rodrigue

LAURA C. RODRIGUE (LSBN 30428)

BLAKE J. ARCURI (LSBN 32322)

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PLEASE SERVE:

SANDRA WILSON

CITY HALL, 1300 PERDIDO ST., #1W24

NEW ORLEANS, LA 70112-2127

R. KYLE ARDOIN

SECRETARY OF STATE

8585 ARCHIVES AVENUE

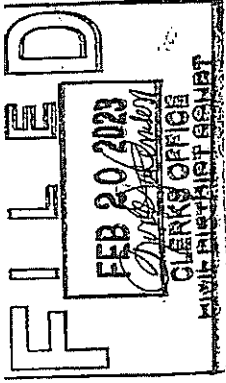
BATON ROUGE, LA 70809

HON. JEFF LANDRY

ATTORNEY GENERAL

1885 NORTH THIRD STREET

BATON ROUGE, LA 70802



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO.: 2023-1381

DIVISION: F (14)

EILEEN CARTER AND BELDEN BATISTE

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS, AND
R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED: _____ DEPUTY CLERK

ORDER

Considering the foregoing Amended Petition for Writ of Mandamus:

IT IS ORDERED that SANDRA WILSON and R. KYLE ARDOIN be made to appear

and show cause before this Honorable Court on the _____ day of _____, 2023 at _____ o'clock _____M. why Petitioner's

Writ of Mandamus should not be granted.

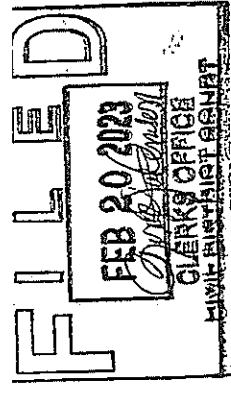
NEW ORLEANS, LOUISIANA, this _____ day of _____, 2023.

JUDGE

PLEASE SERVE:
SANDRA WILSON
CITY HALL, 1300 PERDIDO ST., #1W/24
NEW ORLEANS, LA 70112-2127

R. KYLE ARDOIN
SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

HON. JEFF LANDRY
ATTORNEY GENERAL
1885 NORTH THIRD STREET
BATON ROUGE, LA 70802



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO.: 2023-1381

DIVISION: F (14)

EILEEN CARTER AND BELDEN BATISTE

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS, AND
R. KYLE ARDOIN, IN HIS CAPACITY AS SECRETARY OF STATE

FILED: _____

DEPUTY CLERK

ORDER

Considering the foregoing Amended Petition for Writ of Mandamus:

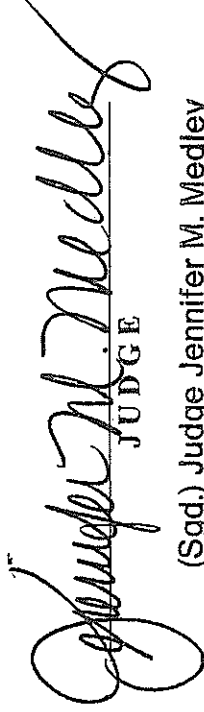
IT IS ORDERED that SANDRA WILSON and R. KYLE ARDOIN be made to appear

and show cause before this Honorable Court on the 27th day of

February, 2023 at 10 o'clock A.M. why Petitioner's

Writ of Mandamus should not be granted.

NEW ORLEANS, LOUISIANA, this 24th day of February, 2023.


JUDGE

(Sgd.) Judge Jennifer M. Medley

PLEASE SERVE:

SANDRA WILSON
CITY HALL, 1300 PERDIDO ST., #1W24
NEW ORLEANS, LA 70112-2127

R. KYLE ARDOIN
SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

HON. JEFF LANDRY
ATTORNEY GENERAL
1885 NORTH THIRD STREET
BATON ROUGE, LA 70802

ENTERED RULE DOCKET/COMPUTER CS
SERVICE COPIES TO SHERIFF CS
CARD WITH RULE DATE MAILED CS
COPY OF DOCUMENT MAILED CS
RULE DATE RECEIVED CS

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 2023-1381

Division F – Section 14

EILEEN CARTER, ET AL.,

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS REGISTRAR OF VOTERS FOR
THE PARISH OF ORLEANS, ET AL.,

FINAL CONSENT JUDGMENT

1.

The instant case involves a dispute concerning the number of qualified voters in Orleans Parish under La. R.S. 18:1300.2 for a petition to recall the Mayor of New Orleans. Eileen Carter and Beldin Batiste (“**Plaintiffs**”) contend that the voter records for Orleans Parish include persons who either should be listed as inactive voters or removed from the list of eligible voters. The Plaintiffs contend in their First Amended Petition for Writ of Mandamus that there are approximately 32,667 voters that fit into this category.

2.

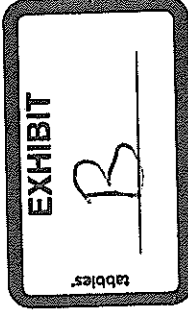
R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana (“**Secretary Ardoin**”) (“**Defendant**”), denies Plaintiffs’ allegations. Defendant maintains that his staff properly implemented all requirements under federal and state law to maintain the active and inactive lists of registered voters in Orleans Parish.

3.

Pursuant to La. R.S. 18:1300.2, on August 26, 2022, Secretary Ardoin produced to Orleans Parish Registrar of Voters, Dr. Sandra Wilson, (hereafter Registrar Wilson), a communication asserting that the number of qualified electors as of that same date in the voting area subject to the recall petition was 249,876 electors. The Plaintiffs and Secretary Ardoin have negotiated a settlement by which Secretary Ardoin will issue a new communication to Registrar Wilson revising the number of qualified electors to 224,876. Secretary Ardoin’s consent to this settlement is expressly conditioned on approval by the court.

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VERIFIED
C. FAVAROTH
3-6-2023



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 2023-1381

Division F – Section 14

EILEEN CARTER, ET AL.,

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS REGISTRAR OF VOTERS FOR
THE PARISH OF ORLEANS, ET AL.

FINAL CONSENT JUDGMENT (Continued)

4.

In making and consenting to this settlement Secretary Ardoin does not admit to any wrongdoing or violation of any state or federal law. Consent to this Judgment shall not be construed as an admission by Secretary Ardoin to any of the allegations set forth in Plaintiffs' Petition for Writ of Mandamus or First Amended Petition for Writ of Mandamus. Consent to this Judgment also expressly shall not be interpreted as a finding that Secretary Ardoin engaged in violations of federal or state law or that he failed to take the proper steps required by state or federal law.

5.

This consent Judgment is solely limited to the Parties in the above-captioned matter and shall not be used as an admission or the creation of a presumption or burden of proof in any other matter.

6.

Under the terms of this consent Judgment, Plaintiffs agree to produce to Secretary Ardoin a copy of all evidence and studies supporting their claims in this case.

7.

The Parties represent that they have exercised good faith during the course of this proceeding and that Secretary Ardoin reasonably believe that all of his actions comply with federal and state law, and that all parties are entering this agreement to avoid further legal expenses and avoid protracted litigation.

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 2023-1381

Division F – Section 14

EILEEN CARTER, ET AL.,

VERSUS

SANDRA WILSON, IN HER OFFICIAL CAPACITY AS REGISTRAR OF VOTERS FOR
THE PARISH OF ORLEANS, ET AL.

FINAL CONSENT JUDGMENT (Continued)

8.

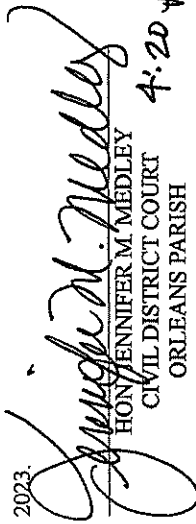
In light of this consent Judgment all claims made by Plaintiffs in their petition as amended, or could have been made, are hereby dismissed with prejudice, with each party to bear their own attorneys fees and costs.

This 1st day of March 2023,

Attorney for Plaintiffs, *Attorneys for Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana*
Eileen Carter and Belden Batiste

<i>/s/ Laura C. Rodrigue</i>	<i>/s/ John C. Walsh</i>	<i>/s/ Phillip J. Strach</i>
Laura C. Rodrigue Blake J. Arcuri RODRIGUE & ARCURI, LLP 1615 Poydras Street, Suite 1250 New Orleans, Louisiana 70112 Phone: 504-592-4600 lcr@rodriguearcuri.com bjac@rodriguearcuri.com	John C. Walsh William Wilson SHOWS, CALL & WALSH, L.L.P Baton Rouge, LA 70821 Ph: (225) 383-1461 Fax: (225) 346-5561 john@scwllp.com williamw@scwllp.com	Phillip J. Strach Thomas A. Farr NELSON MULLINS RILEY & SCARBOROUGH LLP 301 Hillsborough St., Suite 1400 Raleigh, NC 27603 Ph: (919) 329-3800 phillip.strach@nelsonmullins.com tom.farr@nelsonmullins.com

Approved and signed in New Orleans, Louisiana, this 1st day of March, 2023.


HONORABLE JENNIFER M. MEDLEY
CIVIL DISTRICT COURT
ORLEANS PARISH

4:20 pm.

Civil District Court for the Parish of Orleans
STATE OF LOUISIANA

No: 2023 - 01381

Division/Section: F-14

CARTER, EILEEN ET AL

versus

WILSON, SANDRA IN HER OFFICIAL CAPACITY AS REGISTRAR OF VOTERS FOR THE PARISH OF ORLEANS ET AL

Date Case Filed: 2/16/2023

NOTICE OF SIGNING OF JUDGMENT

TO:

Laura A Cannizzaro Esq 30428
619 S White St
New Orleans, LA 70119

James M Garner Esq 19589
909 Poydras Street, 28th Floor
New Orleans, LA 70112-1033

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909 Poydras Street
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New Orleans, LA 70122

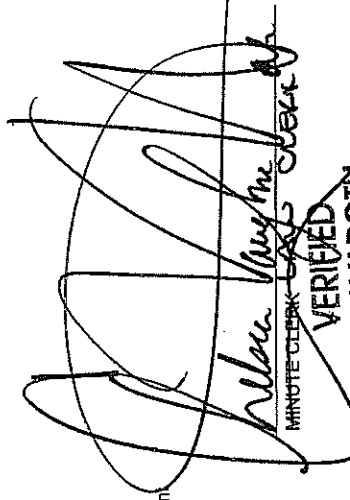
Laura A Cannizzaro Esq 30428
619 S White St
New Orleans, LA 70119

John C Walsh Esq 24903
628 St. Louis Street
Baton Rouge, LA 70802

Emailed to our parties. ~~the~~

In accordance with Article 1913 C.C.P., you are hereby notified that Judgment in the above entitled and numbered cause was signed on March 1, 2023

New Orleans, Louisiana
March 2, 2023


MINUTE CLERK - CIVIL DISTRICT COURT
VERIFIED
C. FAVAROTH
3-6-2023