

**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 19<sup>th</sup> Judicial District Court,  
Parish of East Baton Rouge*

**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.<sup>1</sup>

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.<sup>2</sup>

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<sup>1</sup> 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](http://www.lasc.org).

<sup>2</sup> 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:

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 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.

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.”<sup>3</sup>

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

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<sup>3</sup> 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.”

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, 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.<sup>4</sup>

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<sup>4</sup> 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).