

SANDRA CABRINA JENKINS

*

NO. 2004-CA-1726

VERSUS

*

COURT OF APPEAL

**KIMBERLY WILLIAMSON-
BUTLER, CLERK OF COURT,
CRIMINAL DISTRICT COURT
FOR THE PARISH OF
ORLEANS, AND CHIEF
ELECTION OFFICER FOR
THE PARISH OF ORLEANS,
AND FOX MCKEITHEN,
SECRETARY OF STATE AND
CHIEF ELECTION OFFICER
FOR THE STATE OF
LOUISIANA**

*

FOURTH CIRCUIT

*

STATE OF LOUISIANA

*

*

*** * * * ***

CANNIZZARO, J. CONCURS IN PART AND DISSENTS IN PART

Although I concur in the majority’s finding that the irregularities in the election make it impossible to determine the result of the election, I dissent with respect to the remedy prescribed by the majority. Because certain precincts were not open for the hours mandated by law, the election should be continued, not nullified. I would require the Secretary of State to provide a special ballot in the November 2, 2004 election for the affected precincts . This ballot would include the five candidates for the position of Judge, Orleans Parish Juvenile Court, Section “C”. Furthermore, I would permit any registered voter, who was qualified to vote at the time of the September 18 election and who did not, in fact, vote in that election, to cast a

ballot in the judgeship race. At the close of the polls on November 2, 2004, the votes cast for each candidate in the judgeship race on that date would be added to the votes cast for each candidate in the September 18 election to determine whether there is a winner in the judgeship race or whether a runoff must be held between the two candidates receiving the most votes.