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AFFIRMED

The Appellant, David Williams, appeals the judgment of the district court granting the Appellees' exceptions of no cause of action resulting in the dismissal of the Appellant's claim. For the reasons stated herein, we affirm the judgment of the district court.

Mr. Williams was a candidate for Louisiana Senator District 5 in Orleans Parish. A primary election was held on October 20, 2007 in which Mr. Williams received 3,615 votes. The other candidates received the following votes: Cheryl Gray, 4,929; Jalila Jefferson-Bullock, 3,665 and Irma Muse Dixon, 1,840. A run-off between Ms. Gray and Ms. Jefferson-Bullock is scheduled for November 17, 2007.

On October 26, 2007, Mr. Williams filed a *Petition to Contest Election, Petition to Declare Statute Unconstitutional, or in the Alternative, Void and Request for Temporary Restraining Order* against Arthur Morrell, Clerk of Criminal Court for the Parish of Orleans; Jay Dardenne, in his official capacity of Secretary of State; Sandra Wilson, as Registrar of Voters for the Parish of Orleans, and the State of Louisiana. Mr. Williams later amended his petition to add Cheryl Gray and Jalila Jefferson-Bullock as defendants.

In response to Mr. Williams' petition, the Secretary of State filed an exception of no cause of action, exception of improper cumulation, motion to quash plaintiff's discovery and a motion to release the voting machines. Ms. Gray filed an exception of no right of action and no cause of action. Sandra Wilson filed a peremptory exception of no right of action, no cause of action, and improper joinder of parties, and a motion to quash plaintiff's discovery. Arthur Morrell filed a motion to adopt the motions and exceptions filed by the Secretary of State.

The district court rendered judgment on November 5, 2007, denying Ms. Gray's motion for involuntary dismissal and the Secretary of State's exception of improper cumulation. However, the district court granted the exceptions of no cause of action dismissing Mr. Williams' claim with prejudice and at his cost. It is from this judgment that Mr. Williams timely appeals.

Mr. Williams asserts four issues for this Court to review: (1) whether the petition, as amended, states a cause of action for relief; (2) whether a failure to give notice of the withdrawal of a candidate whose name appears on the ballot, in violation of La. R.S. 18:503, can serve as a basis for an election contest; (3) whether the petition, as amended, alleges irregularities in the conduct of the election sufficient, in themselves or in the effect, to serve as a basis for an election contest; and (4) whether the petition, as amended, alleges irregularities in the conduct of the election, and the effect of those irregularities, with sufficient specificity.

In his petition, Mr. Williams asserts that Andrew Gressett lawfully withdrew from the election approximately four weeks prior to the primaries and that his name remained on the ballot causing Mr. Williams to lose out on many votes. Mr. Williams further asserts numerous allegations of irregularities that he maintains are

arguable under La. R.S. 18:503¹, including, but not limited to, failure of the Clerk of Court and Secretary of State to post notices of Gressett's withdrawal, alleged canvassing by the Registrar of Voters and Secretary of State, broken voting machines and the "purging" of voters by the Secretary of State.

We find that the issue before this court is whether the district court properly granted the defendants' exceptions of no cause of action.

LSA-R.S. 18:1406(B) states:

The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a second party primary election or for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

The district court reasoned that while "the plaintiff presented arguments, he presented no authority or evidence of the alleged unconstitutionality of La. R.S. 18:503.²" Further, the district court concluded in open court that "...the Election Code and the law clearly requires and mandates that you (petitioner) state specifically what the allegations, what the irregularities are. I think you've got to show that they're so favored and so flawed that they would reverse the election."

"[T]he jurisprudence on election contests states that a petition challenging an election must allege particularized instances of irregularities, fraud, or wrongdoing, in detail sufficient to permit the contestee to prepare a defense thereto." *Gremillion*

¹ If the election ballot was printed with a withdrawn candidate's name on it, the clerk of court of any parish where such ballot will be used shall, to the extent possible, cause notice to be made of the withdrawal of such candidate at any polling place where the candidate's name appears on the ballot. Failure to provide such notice of withdrawal shall not void the election.

² November 5, 2007 Written Reasons for Judgment.

v. Rinaudo, 240 So.2d 237 (La.App. 1 Cir.1970). However, our jurisprudence indicates that general charges of fraud and irregularities are not sufficient to state a cause of action in an election contest suit. *Wayne v. Green*, 389 So.2d 102 (La.App. 1 Cir.1980); *Garrison v. Connick*, 291 So.2d 778 (La.1974); and *Dowling v. Orleans Parish Democratic Committee*, 235 La. 62, 102 So.2d 755 (1958). *Higginbotham v. Morris* 33,506 (La.App. 2 Cir., 12/9/1999), 749 So.2d 840, 843.

The Plaintiff's petition makes general allegations of irregularities and fails to offer facts sufficient to sustain a remedy in light of the La. R.S. 18:503. On the face of Mr. Williams' petition, he did not provide the district court with a cause of action wherein he can offer evidence that would cause the reversal of the election.

Decree

For the reasons stated herein, we find no error by the district court and affirm its judgment dismissing Mr. Williams' claim.

AFFIRMED