

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: _____

SECTION _____

**ADELINE RENÉ SINGLETON, CHRISTOPHER KEES, SR.,
TANIA NYMAN, AND DR. JAMES C. FINNEY**

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL

DATE FILED: _____

DEPUTY CLERK

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

The *Petition for Declaratory and Injunctive Relief* of Adeline René Singleton, Christopher Kees, Sr., Tania Nyman, and Dr. James C. Finney (hereinafter referred to as "Plaintiffs") respectfully represents that:

THE PARTIES

1.

The Plaintiffs are:

- A. Adeline René Singleton, a person of the full age of majority domiciled and residing in the Parish of East Baton Rouge, State of Louisiana;
- B. Christopher Kees, Sr., a person of the full age of majority domiciled and residing in the Parish of East Baton Rouge, State of Louisiana;
- C. Tania Nyman, a person of the full age of majority domiciled and residing in the Parish of East Baton Rouge, State of Louisiana; and
- D. Dr. James C. Finney, a person of the full age of majority domiciled and residing in the Parish of East Baton Rouge, State of Louisiana.

2.

Plaintiffs are all:

- A. citizens of the State of Louisiana;
- B. registered voters in the Parish of East Baton Rouge; and

- C. residents of the geographical portion of the Parish of East Baton Rouge governed by the East Baton Rouge Parish School Board.

3.

In addition, all Plaintiffs pay *ad valorem* taxes and sales taxes for the support of the East Baton Rouge Parish School Board.

4.

Made Defendants herein are:

- A. the East Baton Rouge Parish School Board, a body politic, incorporated and existing pursuant to the constitution and laws of the State of Louisiana, charged with and responsible for public education within those portions of the Parish of East Baton Rouge, State of Louisiana not governed by another local public school board (hereinafter "the School Board");
- B. Doug Welborn in his official capacity as East Baton Rouge Parish Clerk of Court (hereinafter "the Clerk of Court")
- C. R. Kyle Ardoin in his official capacity as Secretary of State of the State of Louisiana (hereinafter the "Secretary of State").

5.

The Clerk of Court and Secretary of State are made parties to this proceeding because in their absence complete relief cannot be accorded among those already parties.

See La. C.C.P. art. 641.

THE SCHOOL BOARD IS REQUIRED TO REAPPORTION ITSELF

6.

La. R.S. 18:1922(A) provides:

Unless a different period of time is specified by the constitution or by statute, the governing authority of each local governing body shall reapportion its voting districts by the end of the year following the year in which the population of this state is reported to the president of the United States

for each decennial census.

7.

The School Board is a “local governing body” for the purposes set forth in La. R.S. 18:1922(A).

8.

On April 26, 2021, the United States Census Bureau delivered the 2020 Census Apportionment Results, which included the population of the State of Louisiana, to the president of the United States. See <https://www.census.gov/newsroom/press-releases/2021/2020-census-apportionment-results.html>. See also <https://www.census.gov/newsroom/press-kits/2021/2020-census-apportionment-counts.html>.

9.

La. R.S. 17:71.1 requires that school boards reapportion themselves (1) “based upon the latest federal decennial census, or a special census as authorized by R.S. 17:71.3(A)”, and (2) “so that each member of said board represents as nearly as possible the same number of persons.”

10.

The School Board did not perform the special census authorized by La. R.S. 17:71.3(A); rather, the School Board reapportioned itself based upon the latest federal decennial census conducted in 2020.

11.

La. R.S. 17:71.1 further provides that the reapportionment of a school board shall “become effective when a school board has complied with the provisions of R.S. 17:71.4.”

12.

La. R.S. 17:71.4 provides that:

After each of said school boards has decided on its make-up, as reapportioned, it shall adopt a resolution, establishing the size of the board, terms of office of its members, date of election of its members and boundary lines of its special election districts, and stating the effective date of

such reapportionment. This resolution shall be published in the official journal of the board and shall become effective and have the status of law as of the date specified in said resolution.

**CONSIDERATION OF VARIOUS PLANS
BY THE SCHOOL BOARD**

13.

During the reapportionment process, the School Board was presented with 19 separate and distinct reapportionment plans for consideration.

14.

Among the reapportionment plans presented to the School Board for consideration were:

- A. A plan known as "Plan 22" that called for nine school board election districts but did not contain whole precincts for all nine school board election districts; and
- B. A plan known as "Ware/Collins Plan 1" that called for 11 school board election districts and contained whole precincts for all 11 school board election districts.

15.

Because the number of proposed reapportionment plans was unwieldy, on March 16, 2022, the Vice President of the School Board, Dawn Chanet Collins, presented a process by which proposed redistricting plans would be considered and voted upon by the School Board.

**APPROVAL OF A PROCESS TO ADOPT
AND PUBLISH A SINGLE REDISTRICTING PLAN**

16.

At a Regular Meeting of the School Board held on March 17, 2022, the School Board approved a process to adopt and publish a single redistricting plan for later ratification.

17.

The process adopted by the School Board at its Regular Meeting held on March 17, 2022 permitted any member of the School Board to “nominate for adoption any one of the maps” and allowed such nominations to “come in any order” and “not require a second.”

THE NOMINATION OF PLANS

18.

In accordance with the process adopted by the School Board at its Regular Meeting held on March 17, 2022, at a Special Meeting of the School Board held on April 7, 2022, School Board Member Mark Bellue nominated “Plan 22” and School Board member Tramel Howard nominated “Ware/Collins Plan 1”.

19.

No additional nominations were made.

20.

After the nomination process was closed, a vote was taken on both of the nominated plans.

21.

Plan 22 received five votes and Ware/Collins Plan 1 received four votes.

22.

As a result, Plan 22 was selected by the School Board as the redistricting plan for publication.

**ADOPTION OF PLAN 22
BY THE SCHOOL BOARD**

23.

During a Special Meeting held on May 5, 2022, the School Board adopted a Resolution that ratified the adoption of Plan 22 as its Reapportionment Plan based upon

the 2020 Census and authorized the School Board's demographer to submit Plan 22 to the State of Louisiana for review.

PLAN 22 IS NULL AND VOID
BECAUSE IT VIOLATES LA. R.S 17:71.3(E)(1)

24.

La. R.S. 17:71.3(E)(1) provides:

The boundaries of any election district for a new apportionment plan from which members of a school board are elected **shall contain whole precincts established by the parish governing authority** under R.S. 18:532 or 532.1.

(emphasis added).

25.

The only exception to the requirement that a school board reapportionment plan "contain whole precincts established by the parish governing authority" is contained in La. R.S. 17:71.3(E)(2)(a) which provides:

Notwithstanding the provisions of R.S. 17:71.3(E)(1) or any other law to the contrary, **if a school board is unable to comply with applicable law regarding redistricting and reapportionment**, including adherence to traditional redistricting principles, **in the creation of its redistricting or reapportionment plan through the use of whole precincts**, the school board may, in the creation of its redistricting or reapportionment plan, divide a precinct into portions which are bounded by visible features which are census tabulation boundaries. No such precinct shall be divided into more than two school board districts. No school board district shall contain more than three divided precincts. The division of any precinct as a result of the boundary between different school systems crossing the precinct shall not be counted towards the limitation on the number of divided precincts allowed in each school board district.

(emphasis added).

26.

The exception set forth in La. R.S. 17:71.3(E)(2)(a) is inapplicable because the School Board was able to comply with applicable law regarding redistricting and reapportionment, including the creation of its redistricting or reapportionment plan

through the use of whole precincts.

27.

The School Board's ability to comply with applicable law regarding redistricting and reapportionment, including the creation of its redistricting or reapportionment plan through the use of whole precincts is apparent - "Plan 22" failed to comply with those requirements while Ware/Collins Plan 1 fully and completely complied with those requirements.

28.

Thus, the School Board had the *ability* to select a reapportionment plan that complied with applicable law regarding the use of whole precincts but made the *choice* not to do so.

29.

La. R.S. 17:71.3(E)(2)(b) provides:

Any plan adopted by a school board in contravention of this Subsection shall be null and void, and no election shall be conducted using any ballot based on such a null and void plan. Any declaration of nullity of a plan pursuant to this Subparagraph shall be by a court of competent jurisdiction. In the event a plan is declared null, such declaration shall not affect the validity or legality of any actions taken by, ordinances or regulations adopted by, or contracts entered into by the school board elected pursuant to the null plan.

(emphasis added).

30.

Because "Plan 22" was adopted by the School Board in contravention of the mandatory requirement set forth in La. R.S. 17:71.3(E)(1) and the exception set forth in La. R.S. 17:71.3(E)(2)(a) is inapplicable, "Plan 22" is null, and void as provided in La. R.S. 17:71.3(E)(2)(b).

RELIEF REQUESTED

31.

La. R.S. 17:71.3(E)(2)(b) that “[a]ny declaration of nullity of a plan pursuant to this Subparagraph shall be by a court of competent jurisdiction.”

32.

This Court is a court of competent jurisdiction and Plaintiffs are entitled to judgment, pursuant to La. R.S. 17:71.3(E)(2)(b) and Article 1871, *et seq.* of the Louisiana Code of Civil Procedure, declaring Plan 22 to be null, void and of no legal effect whatsoever.

33.

La. R.S. 17:71.3(E)(2)(b) provides that “no election shall be conducted using any ballot based on such a null and void plan.”

34.

Plaintiffs are entitled to judgment, in the form of a preliminary injunction, and in due course a permanent injunction, restraining, enjoining and prohibiting Defendants, their members, officers, agents, employees, and counsel, and those persons in active concert or participation with them from permitting any person to qualify for election pursuant to “Plan 22,” preparing any ballot based upon “Plan 22,” and conducting any election based upon “Plan 22.”

35.

School Boards are “authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education, as it may deem proper.” La. R.S. 17:81(C).

36.

At a Regular Meeting of the School Board held on March 17, 2022, the School Board adopted a rule for its own governance, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education when it approved the process

for adopting and publishing a single redistricting plan.

37.

In light of the fact that the only other reapportionment plan that was nominated for consideration by the School Board, and that complied with all applicable statutory requirements, was Ware/Collins Plan 1, Plaintiffs are entitled to judgment pursuant to Article 1871, et seq. of the Louisiana Code of Civil Procedure declaring Ware/Collins Plan 1 to be the sole redistricting plan that may be considered by the School Board for adoption.

WHEREFORE, Plaintiffs, Adeline René Singleton, Christopher Kees, Sr., Tania Nyman, and Dr. James C. Finney pray that after due proceedings are had herein that there be judgment in their favor and against the defendant, East Baton Rouge Parish School Board as follows:

- A. declaring "Plan 22" adopted by the East Baton Rouge Parish School as its reapportionment plan based upon the 2020 Census null, void and of no legal effect whatsoever; and
- B. declaring "Ware/Collins Plan 1" to be the sole reapportionment plan based upon the 2020 Census that may be considered by the School Board for adoption.

Plaintiffs, Adeline René Singleton, Christopher Kees, Sr., Tania Nyman, and Dr. James C. Finney further pray that after due proceedings are had herein that there be judgment in their favor and against the defendants, East Baton Rouge Parish School Board, Doug Welborn in his official capacity as East Baton Rouge Parish Clerk of Court, and R. Kyle Ardoin in his official capacity as Louisiana Secretary of State as follows:

- A. issuing a preliminary injunction, restraining, enjoining and prohibiting these Defendants and their members, officers, agents, employees, and counsel, and those persons in active concert or participation with them from permitting any person to qualify for

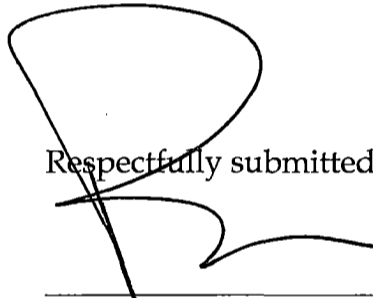
election, prepare any ballot, and/or conduct any election based upon "Plan 22" adopted by the East Baton Rouge Parish School as its reapportionment plan based upon the 2020 Census; and

- B. in due course, issuing a permanent injunction in the form and substance of the preliminary injunctions prayed for herein.

Plaintiffs, Adeline René Singleton, Christopher Kees, Sr., Tania Nyman, and Dr. James C. Finney further pray that after due proceedings are had herein that there be judgment in their favor and against the defendant, East Baton Rouge Parish School Board, casting the defendant, East Baton Rouge Parish School Board with all costs of these proceedings.

Plaintiffs, Adeline René Singleton, Christopher Kees, Sr., Tania Nyman, and Dr. James C. Finney further pray for all other general and equitable relief that may be appropriate under the circumstances.

Respectfully submitted:



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DEPUTY CLERK

ORDER

Considering the *Petition for Declaratory and Injunctive Relief*:

IT IS ORDERED that a date for hearing Plaintiffs' request for a preliminary injunction will be scheduled at a status conference to be held on the date and at the time set forth in the *Order* entered on *Plaintiffs' Motion for Expedited Status Conference and Supporting Memorandum* filed herein.

Baton Rouge, Louisiana this 17 day of May, 2022.

JUDGE, 19TH JUDICIAL DISTRICT COURT

PLEASE SERVE:

East Baton Rouge Parish School Board
Through its President:
David Tatman
East Baton Rouge Parish School Board
1050 S. Foster Drive
Baton Rouge, LA 70806

SERVICE INFORMATION CONTINUED ON NEXT PAGE

OR IN HIS ABSENCE

Through its Vice President:
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AND

Doug Welborn
in his official capacity as East Baton Rouge Parish Clerk of Court
9050 Airline Highway, Suite 100
Baton Rouge, LA 70815

AND

R. Kyle Ardoin
in his official capacity as Louisiana Secretary of State
8585 Archives Avenue
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