

The contentious Crescent City Connection referendum that extended tolls on the span for 20 years evoked such a passionate debate last fall that more than 308,000 people cast ballots. But hundreds more in Orleans and Jefferson parishes were denied their right to vote on the issue when they were handed provisional ballots limiting their participation to federal elections, according to a Harvey civic activist who seeks to have the election nullified.

Those legally registered voters were disenfranchised and could have changed the outcome of the election, Mike Teachworth, director of Stop the Tolls, argued in his lawsuit filed in December.

On Monday, Teachworth and his attorney, G. Patrick Hand III, will argue that point at trial when they ask Judge William Morvant of the 19th Judicial District in Baton Rouge to nullify the Nov. 6 election.

The defendants in the case are Gov. Bobby Jindal and Secretary of State Tom Schedler, who is Louisiana's chief elections official.

Such challenges are an uphill battle, political pollster Silas Lee said, but the argument that voters were so disenfranchised that it adversely impacted the election is uncharted territory.

"Voting is a sacred and cherished right in our society," Lee said. "If they are successful here, future elections will have a lot of people watching and monitoring those elections extremely closely. They could lay the groundwork for how people will challenge elections in the future."

Teachworth's suit asked Morvant for a recount of votes and nullification of the election. Morvant ordered a partial recount of nearly 4,000 absentee and early ballots in Orleans Parish, but the results were upheld when a review actually increased the margin approving the toll extension by 36 votes.

Now Morvant will be asked to throw out the election, in part because of the provisional ballots given to large numbers of voters, including more than 1,000 who attempted to vote at their correct precincts.

Hand contends it is a compelling argument.

"We need to prove that it's impossible to determine the outcome of the election (due to) the number of people given provisional ballots," Hand said. "We believe those numbers were sufficient enough to call the election into question."

The lawsuit said more than 1,600 voters in Orleans and Jefferson parishes were given provisional ballots. About 1,081 voters were in their rightful precincts and poll workers failed to follow procedures that should have cleared the way for them to cast ballots on local matters, the lawsuit argued.

The suit said that Schedler failed to record changes of address in a timely manner, prompting poll workers to give residents provisional ballots when that information could not be verified.

The filing includes the affidavits of nine residents -- from Kenner, Marrero, Gretna and Westwego -- who said they were legally registered to vote but were given provisional ballots, despite presenting voter registration cards in some cases with identifying and precinct information.

Since December, many more residents given provisional ballots have come forward, and Hand said he wants any provisional voter to contact him.

"Ultimately our goal is to ensure the integrity of the election. A lot of people are skeptical," Hand said. "It's a \$420 million tax over 20 years. They want to make sure their votes are counted."

The lawsuit also alleges electioneering by a poll worker at an eastern New Orleans precinct, who reportedly

told voters that their taxes would increase if they voted against the toll extension.

The **tolls**, paid by east-bank-bound drivers, bring in \$21 million a year. They were set to expire in December, when the debt on the bridge was paid off.

A legislative appointed task force, of which Teachworth was a member, recommended continuing the **tolls**. Teachworth was the only member in opposition.

The Legislature ultimately punted the issue to all voters in Orleans, Jefferson and Plaquemines, with Orleans being the lone parish whose voters approved the measure.

Supporters argued the money provided a revenue stream for one of Louisiana's most iconic structures in a time of shrinking state resources. Opponents cited waste and broken promises of projects to be funded with toll dollars to lessen West Bank traffic congestion that never materialized.

Lee said the referendum challenge is well organized, with attorneys who "seem willing to fight this to the wall.

"You have to have intellectual resources as well as financial resources to effectively challenge it," Lee said. "What it does show is they are not willing to roll over and accept the outcome. They are very aggressive in making their positions known. We don't have any precedent of this happening in the past.

"It's a guessing game as to what the outcome may be," Lee said.

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