

COMMONWEALTH OF KENTUCKY  
BULLITT CIRCUIT COURT  
DIVISION NO.  
CIVIL ACTION NO.: 22-CI-

Electronically filed.

KY CONSTABLE ASSOCIATION, INC and

LARRY WATKINS, INDIVIDUALLY AND AS  
VICE-PRESIDENT OF THE KY. CONSTABLE ASSOCIATION

And

ERIC W. SULLIVAN; TIM BRANHAM;  
BARRY R. BENNETT; MICHAEL CLARK, JR.; JERRY EDWARDS  
and CHRIS KLEYMEYER

PLAINTIFFS

**V. VERIFIED PETITION FOR A DECLARATION OF RIGHTS AND PERMANENT  
INJUNCTION**

LEGISLATIVE RESEARCH COMMISSION

Serve: Jay Hartz, Director  
Legislative Research Commission  
700 Capitol Avenue, Rm. 300  
Frankfort, Kentucky 40601

ATTORNEY GENERAL DANIEL CAMERON,  
In His Official Capacity as Attorney General

Serve: Daniel J. Cameron  
Office of the Attorney General  
The Capitol Building  
700 Capitol Ave, Suite 118  
Frankfort Kentucky 40601

DEFENDANTS

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The KY Constables Association (“KCA”), a Kentucky nonprofit corporation and  
Constable Larry Watkins, individually and in his official capacity as member and officer of the  
KCA, and the other named Plaintiffs, all members of the Kentucky Constables Association or

candidates running for constable in this Commonwealth, by and through counsel, bring this action for a declaration of rights and a temporary and permanent injunction against Defendants Daniel Cameron, in his official capacity as the Attorney General (“Attorney General”), and the Legislative Research Commission (“LRC”). Plaintiffs request expedited review of this matter under KRS 418.050 and CR 57.

### **STATEMENT OF RELEVANT FACTS**

1. During the 2022 legislative session, the LRC passed a law impacting the Constitutional rights of constables across the Commonwealth of Kentucky, listed as House Bill 239, appended hereto as Exhibit 1.

2. This law stripped the constables of rights granted to them by the Kentucky State Constitution, Section 101.

3. The law prevents the constables from fulfilling their constitutional duties to take care that the laws be faithfully executed.

4. The General Assembly enacted the bill despite clear knowledge that it was unconstitutional.

5. The bill was not signed by the Governor but went into effect despite the lack of signature, as of the date of final passage.

6. Constables were first made constitutional officers under Article VI, Section 5, of the 1850 Constitution. The Kentucky Constitution declares that constables “shall be elected in each county” and “ shall enter upon the duties of their offices on the first Monday in January after their election .” Kentucky Constitution Section 99 (text as ratified on November 3, 1992). The constitution further provides that “Constables shall possess the same qualifications as Sheriffs”

(Kentucky Constitution Section 101) and shall only be removed from office upon indictment, prosecution, and final appeal. Kentucky Constitution, Section 227.

7. Constables and Deputy Constables are peace officers, serving legal papers, escorting funerals, guiding traffic for schools and churches and county/city events, and assisting police, sheriff, marshals and other peace officers across the Commonwealth at crime scenes and otherwise as needed. None of those duties can be performed by an individual who is not a peace officer. If the constables are not peace officers, they are private citizens without any of the service and protection duties detailed above.

8. Police, marshals, sheriffs, jailers and coroners will be unable to use constables to assist them as detailed above, because the constable would be considered a private citizen under law, and the peace officer's liability insurance and department policies and procedures do not permit use of private citizens in a peace officer capacity.

9. Constables do not receive a salary for their services. Constables purchase their own equipment and serve as volunteers. Constables are paid only for the service of legal papers or other peace officer related work they do.

10. Many constables hold regular employment in addition to serving as a constable.

11. The peace officer training required of a constable under HB 239 requires that the constable miss twenty (20) weeks of regular employment to attend the training, which is a significant financial loss. Other peace officers such as police officers are paid by their department/job to take the training and have that department bear the tuition cost for the training.

12. In addition, twenty (20) weeks of absence from employment would cause most employers to terminate the constable from their regular employment.

13. Any peace officer recertification required of a constable means that the constable has to miss eighty hours (two weeks) of regular employment to obtain the re-certification.

14. House Bill (HB) 239 states at Section I that additional qualifications were being placed on the office of constable, many of which were not imposed until after the voters had elected an individual to serve as constable, as further outlined herein.

15. HB 239 states, at Section 1, subpart (1), that for constables taking office after January 1, 2023 “the powers and duties of the office of constable shall not include the general powers of a peace officer or police officer.”

16. HB 239 affirmed, at Section 1, subpart (2) that after January 1, 2023, “no constable who is elected for the first time or a deputy constable appointed pursuant to Section 12 of this Act shall be granted the powers generally applicable to peace officers and police officers unless the individual has been certified and maintains his or her certification pursuant to KRS 15.380.”

17. In the 2022 primary, most of the primary winners for the office of constable, in both parties, are new to the role. A survey across Kentucky indicates that 2 out of 3 candidates who were successful in the primary races for constable will be newly elected and not take office until after January 1, 2023.

18. Upon taking office in early January, 2023, upon taking office most of the newly elected constables across the Commonwealth including Plaintiffs herein other than Plaintiff Watkins will no longer be able to perform the role for which Kentucky’s citizens elected them.

19. Peace officer training is available only for those who are sent to the training by their peace officer department (typically a police department or a sheriff’s department).

20. The training costs approximately \$15,000 and takes twenty (20) weeks.

21. The training is offered three or four times a year.

22. Most seats in the training are promptly filled and there is typically a wait list for training.

23. A person who wishes to take peace officer training must be enrolled by their Police or Sheriff's Department. There is no private enrollment. Constables will struggle to get enrolled as they do not have a "Department" to enroll them.

24. A person who wishes to take peace officer training is usually paid by their Police or Sheriff's Department for the twenty (20) weeks of time off work. Constables do not have that option.

25. A person who wishes to take the peace officer training typically has their Police or Sheriff's Department pay the \$15,000 for the training. Constables will be required to pay that sum out of pocket from their own funds.

26. To date, halfway through the year in 2022, no constable has been provided a seat in the training classes.

27. Under HB 239 several hundred constables and deputies would require the twenty week training in 2023.

28. In 2023 there are only three (3) seats for training provided under HB 239 to constables.

29. Most of the newly elected constables including Plaintiffs herein across the Commonwealth in 2023 will not have a seat in the peace officer training and will therefore be unable to do the job they were elected to perform.

30. Annual re-certification for peace officers takes eighty (80) hours and is only available to constables if space exists after the limited number of seats are filled by all other types of peace officers.

31. Several current constables across the state are certified peace officers.

32. HB 239 does not provide any seats in re-certification training for constables.

33. To date, halfway through the year in 2022, none of the certified constables have been allowed a seat in the recertification classes because the seats have been filled by other peace officers who are always given priority over constables.

34. The 2022 LRC's "Citizen's Guide", provided on the LRC's webpage outlining elected office and what candidates for each office will be expected to do, lists constables as peace officers.

35. Voters did not know at the time they voted in the primary election, that their election of constables as peace officers was ineffective and had been voided by the LRC in HB 239.

36. HB 239 renders the office of constable an empty shell, by ensuring that elected constables are unable to obtain the required training, effectively eliminating this constitutional office with a mere statute.

37. No other elected official peace officers (sheriff, jailer, coroner) are required to take peace officer training.

39. No special deputies hired by sheriff, jailer, coroner are required to take peace officer training.

40. HB 239 improperly and unconstitutionally impacts just the office of constable.

41. A Complaint for Declaration of Rights and Permanent Injunction shall be adjudicated under the Kentucky Declaratory Judgment Act, KRS 418.010, et seq., Kentucky Rules of Civil Procedure ("CR") 57 and 65.

42. The Declaratory Judgment Act, KRS 418.040 provides that "in any action in a court of record in this Commonwealth having general jurisdiction where it is made to appear that an

actual controversy exists, the plaintiff may ask for a declaration of rights, either alone or with other relief....”

43. An actual controversy exists because the Kentucky Constitution provides that constables and sheriffs must meet the same qualifications under Section 101, but HB 239 imposes multiple additional qualifications on a person who wishes to serve as a constable. Those additional qualifications render HB 239 unconstitutional.

44. HB 239 was enacted in derogation of the requirements of the Kentucky State Constitution.

45. HB 239 does not contain a severability clause.

46. The corporate plaintiff has taken all actions required of it to affirm participation in this action in its own name and by and through the actions of Plaintiff Watkins, an officer and agent of the corporation.

47. Citizens, voters and taxpayers across the Commonwealth have been harmed by the unconstitutional language of HB 239.

48. HB 239 should be found unconstitutional and set aside by this Court for that reason.

### **JURISDICTION AND VENUE**

49. An actual, justiciable controversy exists, and this Court has subject matter jurisdiction over this action pursuant to KRS 418.040, CR 57 and CR 65.

50. Venue is appropriate in this Court pursuant to KRS 452.460, KRS 452.480 and KRS 452.005.

51. Pursuant to KRS 419.040, et seq., this Court may properly exercise in personam jurisdiction over the Defendants.

### **PARTIES**

52. Plaintiff KY Constables Association, Inc. is a Kentucky non-profit corporation. Plaintiff's principal place of business is 134 N. Third Street, Lexington, Kentucky, 40508.

53. Plaintiff Larry Watkins is an elected Kentucky Constable in Bullitt County and is a resident of that county and a citizen, voter and taxpayer in the Commonwealth of Kentucky. Mr. Watkins is an incumbent Constable with no opposition. Plaintiff can be contacted via counsel. Plaintiff Eric Sullivan is a citizen and resident of Bullitt County and can be contacted via counsel. Sullivan is a candidate for election will take office after January 3, 2023.

54. Plaintiff Tim Branham is a citizen and resident of Johnson County, Kentucky and is running for election in November, 2022. Branham has no opposition and will take office after January 3, 2023. Branham can be contacted via counsel.

55. Plaintiff Barry Bennett is a citizen and resident of Hardin County, Kentucky and is running for election in November, 2022. Bennett has no opposition and will take office after January 3, 2023. Bennett can be contacted via counsel.

56. Plaintiff Michael Clark is a citizen and resident of Hardin County, Kentucky and is running for election in November, 2022. Clark has no opposition and will take office after January 3, 2023. Clark can be contacted via counsel.

57. Plaintiff Jerry Edwards is a citizen and resident of Clark County, Kentucky, and is an elected constable and Treasurer of the Kentucky Constables Association. Plaintiff Edwards has a canine unit that performs peace officer duties in the Commonwealth. Plaintiff Edwards can be contacted via counsel.

58. Plaintiff Chris Kleymeyer is a citizen and resident of Shelby County, Kentucky and is running for election in November, 2022. Kleymeyer has no opposition and will take office after January 3, 2023. Kleymeyer can be contacted via counsel.

59. Defendant Legislative Research Commission is “an independent agency in the legislative branch of state government that consists of a sixteen member statutory committee made up of the majority and minority party leadership of the Kentucky House of Representatives and Senate.” KRS 7.080. Defendant LRC can be contacted at Legislative Research Commission 700 Capitol Avenue, Rm. 300, Frankfort, Kentucky 40601.

60. Defendant Daniel Cameron is the Kentucky Attorney General and the head of the Commonwealth’s Department of Law. By law that office is permitted or required to defend or refuse to defend the constitutionality of a bill or law. He is sued in his official capacity. Defendant Cameron can be contacted at: Office of the Attorney General, The Capitol Building 700 Capitol Ave, Suite 118, Frankfort Kentucky 40601.

## CLAIMS

### COUNT I

#### VIOLATION OF KENTUCKY CONSTITUTION SECTION 101

61. Section 101 of the Kentucky Constitution requires that the qualification of a sheriff and a constable be the same.

62. Section 101 of the Kentucky Constitution expressly states that:

Constables shall possess the same qualifications as Sheriffs and their jurisdictions shall be coextensive with the counties in which they reside.

63. HB 239 changes the qualifications for a constable, making those different from the qualifications for a sheriff.

64. HB 239 at Section 1 creates a new section of KRS Chapter 70 stating that for a constable who takes office after January 1, 2023, and has not been grandfathered in by serving as

constable in the past four (4) years, the “powers and duties of the office of constable shall not include the general powers of a peace officer or a police officer.”

65. HB 239 at Section 1(1) enumerates various powers and duties of a constable that are different and more limited than those of a constable at the present time.

66. HB 239 at Section 1(2) states “no constable who is elected for the first time. . .shall be granted the powers generally applicable to peace officers and police officers unless the individual has been certified and maintains his or her certification pursuant to KRS 15.380.”

67. Certification under KRS 15.380 specifically exempts sheriffs, who are elected officials like constables. KRS 15.380(5)(a). Certain deputy sheriffs, who are not elected officials, are required to be certified under that statute but most deputy sheriffs are exempted from certification pursuant to KRS 70.045 and KRS 70.263(3).

68. HB 239 created a new section of KRS 70.320 to modify the requirements for a deputy constable to make those distinct and different from the requirements for a deputy sheriff, sheriff or constable.

69. HB 239 specifically held, in the modification of KRS 70.320(3)(d) that a deputy sheriff:

Has not, within a period of two (2) years hired himself or herself out, performed any service, or received any compensation from any private source for acting as a privately paid detective, police officer, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private police officers, or private guards, or advertised or solicited such business in connection with any labor dispute.

70. These entirely new requirements conflict with the Kentucky Constitution, as well as improperly limiting the rights of individuals to perform work in their chosen field.

71. HB 239 at Section 13 created a new section of KRS 183.881 at Section 6((b)(1), limiting a constable's authority except where they have completed peace officer basic training and maintain certification. Other peace officers, such as sheriffs, jailers and coroners, retain peace officer authorities, but constables lose that authority, in direct derogation of the mandates of the Kentucky Constitution.

72. HB 239 at Section 20 created a new section of KRS 15.404 at section (4)(a) requiring constables to bear all costs associated with precertification for a basic training course. This precertification includes age, height, weight, physical ability and background checks. Requiring an elected official to pass this type of "precertification", after being elected but before they can assume the duties of the office, nullifies the election of that individual and makes the election of a "constable" essentially fictitious.

73. HB 239 at Section 20 created a new section of KRS 15.404 at section (4)(a) requiring constables to successfully complete a peace officer basic training course. These courses are physically and educationally demanding. Most of the attendees are young police recruits who have been hired, not elected. Most of the attendees qualify educationally for college or post-graduate education. Requiring an elected official to complete that course, regardless of age or education level or physical fitness, after the official is elected but before they can assume the duties of the office, essentially voids and invalidates the will of the voters. No other elected peace officer (coroner, jailer, sheriff) are required to engage in five months of post-election "qualifying" before they can assume the duties of the office.

74. Section (4)(b) in the same statute requires the basic training course to accept the constable only if "it has the training capacity to instruct the constable." This language modifies section (1) of KRS 15.404, which gives peace officers a year after hire to complete such training.

This reflects disparate treatment of constables and sheriffs, contrary to statutory requirements. This also limits the rights of citizens to elect their constables if such elected officials cannot serve them due to limits on space or capacity to train those individuals.

75 Basic peace officer training courses in Kentucky cost in excess of \$15,000. Under HB 239, the elected official must bear those costs themselves. Costs are not borne by the county in which that elected official serves.

76. For most Kentucky training courses, the only way for participants to be admitted is by police department registration, which is unavailable to constables.

77. Under the bill, only one (1) spot per session is required for entry into the training programs. This means that all other constables and deputy constables cannot assume the duties of the office in the year they are elected because they will not be able to get the training required. Realistically, most elected constables will never be able to assume the duties of the office, since at the rate of training four (4) constables a year, the dozens elected every 4 years are greatly in excess of the number of training spots.

78. Precertification for peace officer training also entails significant expense.

79. HB 239 holds that precertification costs are required to be borne by the constable or deputy constable. Requiring an elected official to pay for the privilege of serving the public, after that individual has been elected by the voters, is an unlawful barrier to elected service.

80. The law imposes a requirement on the elected officials to pay for the twenty (20) week training course themselves, before they can assume the duties of a peace officer. The effect of the requirement that a constable or deputy constable bear all costs for training, unless they are the lucky one (1) constable selected for inclusion in a course paid for by the Commonwealth. This section of HB 239 overrides the Kentucky Constitution Section 101 by

adding an income requirement for anyone who wants to be a constable. This statute adds the requirement that a constable have discretionary and liquid income such that they can pay for the precertification and training.

81. No such financial worth requirement exists in the Kentucky Constitution as a qualification for the office of constable. No such financial worth requirement exists in our Constitution or in any statute as a qualification for sheriff, jailor or coroner, the other elected peace officers in this Commonwealth.

## COUNT II

### EQUAL PROTECTION VIOLATIONS

82. Plaintiffs incorporate by reference each and every allegation previously set for in this Complaint as if recited in full herein.

83. HB 239 creates a disparity between persons elected as constable and persons elected as sheriff, or other peace officers such as jailers or coroners.

84. This disparity is not found in the Kentucky Constitution and is in violation of the equal protection provisions in Section 101 of the constitution.

85. HB 239 adds multiple “qualifications” to the election of a constable, including income level, educational level, age, physical fitness, and specific background. None of those qualifications are required of sheriffs.

86. The Kentucky Constitution Section 101 requires that the qualifications for coroner and sheriff are the same and courts must maintain compliance with that requirement. This was affirmed in the unpublished case of Coffey v. Lexington-Fayette Urban County Government, 2019-CA-1854 (Kentucky Court of Appeals, 2021).

87. In an attempt to “work around” the Kentucky Constitution, HB 239 adds multiple qualifications that apply to the winning candidate after the election. Candidates who do not meet those criteria cannot perform peace officer duties.

88. This lack of equal protection is not made known to the voters prior to the election. Voters elect the candidate they feel best fits the need for a peace officer without knowing that the elected official may not be able to fill the role if the additional qualifications found in HB 239 are imposed on that elected official.

89. HB 239 creates an unequal treatment of one elected official as compared to all the others. The bill’s sponsors did not have to complete fitness, age, income or education “qualifications” after they were elected. Sheriffs, who are required under the constitution to have the identical qualifications as a constable, are not required to complete fitness, age, income or education “qualifications” after they are elected.

90. This lack of equal protection for identically situated elected officials is improper and unlawful.

81. The law must be set aside.

### COUNT III

#### HB 239 PLACES UNCONSTITUTIONAL LIMITS ON PERSONS CITIZENS CAN ELECT AS CONSTABLE

92. Plaintiffs incorporate by reference each and every allegation previously set for in this Complaint as if recited in full herein.

93. HB 239 provides, at Section 27, the creation of a new section in KRS 15.340, section (5) which holds that the department shall accept one (1) constable per training class if that constable has paid themselves for the precertification requirements. In an election year, when

dozens of constables may be elected across the Commonwealth and those constables need to hire multiple deputy constables, training ONE constable per class will not adequately protect the right of the citizens to elect their constables and to receive services from those elected officials.

94. Basic peace officer training courses are typically overprescribed and run for months between accepting new classes. This creates a situation where the elected official cannot perform the duties of their office until up to a year has passed after the election, or, if the training course chooses not to accept them and claims lack of capacity, the constable may never get to assume the duties of their office.

95. Basic peace officer training courses are expensive, and the law requires that the constable pay those costs themselves.

96. Basic peace officer training is designed for young, fit individuals with no disabilities. An older person or a less fit person or a person with a disability would not be able to qualify for or complete peace officer training.

97. These requirements limit who citizens can elect as constable.

98. These requirements prevent elected officials from performing the duties of their office after election.

99. Adding statutory limits to the constitutional qualifications for elected office is improper and unlawful.

100. Persons qualified for the office under the Kentucky Constitution are now not qualified due to the statute.

101. Persons qualified for the office under the Kentucky Constitution could and will be elected and then be unable to serve because there is no space in a basic training class, or because

basic training is delayed for years due to “capacity” or because they cannot afford to pay for the course out of pocket.

102. These limits render the votes of the electorate null and void, violating the right of citizens to elect public servants of their choice.

103. The bill is unconstitutional as written.

#### COUNT IV

#### CONFLICT WITH OTHER STATUTES

104. Plaintiffs incorporate by reference each and every allegation previously set for in this Complaint as if recited in full herein.

105. KRS 95.019 specifically defines the powers of the chief of police and police force in urban-county governments and cities to be co-extensive with the powers of constables and sheriffs.

106. The statute creating the powers of such police forces defined them as the powers of constables.

107. HB 239 removed all peace officer powers from constables

108. This bill will impact the powers and duties of police chiefs and police forces in urban-county governments and cities across the Commonwealth.

109. The bill unconstitutionally deprives urban-county government and city police chiefs and police departments of the powers and duties given to constables and sheriffs under the Kentucky Constitution.

110. The law, as written, is not constitutional and cannot legally take effect.

#### COUNT V

THE LAW RENDERS THE OFFICE OF CONSTABLE AN “EMPTY SHELL”  
OFFICE

111. Plaintiffs incorporate by reference each and every allegation previously set for in this Complaint as if recited in full herein.

112. Constables are peace officers under the Kentucky Constitution and that office has been a peace officer position for more than 100 years.

113. Under HB 239, the election of an individual as constable does not actually grant that elected official the peace officer role for which they are elected.

114. The law denies the elected official the right to serve in the capacity to which they were elected.

115. Months of additional qualifications and requirements are imposed before that peace officer can assume any peace officer duties.

116. Some of the elected officials will not be able to complete the additional qualifications imposed on the office by HB 239, rendering their election moot and making it a sham election.

117. HB 239 renders the office of constable a “shell”, without actual peace officer duties.

118. HB 239 creates a constable role that is not considered a peace officer without the months of additional training, and the ability to meet the income, age, physical fitness, education, and background check “prequalifications” imposed after the election. Constables who do not meet those qualifications are not considered peace officers under HB 239, despite the fact that they have been elected as peace officers by the voters.

119. Most of the duties required of a constable mandate that the duties are performed by a peace officer. These include conducting service of process on individuals for various papers, directing traffic and funeral or event escorts, and assisting other law enforcement agencies.

120. Kentucky law prohibits making an elected office an empty shell. See, e.g., *Johnson v. Commonwealth*, 165 SW2d 820 (Ky. 1942).

121. The statutory changes, as outlined in HB 239, alter the plain language and requirements of not just the law but the state constitution. In construing a statute, it is fundamental that our foremost objective is to determine the legislature's intent in enacting the legislation. "To determine legislative intent, we look first to the language of the statute, giving the words their plain and ordinary meaning." *Richardson v. Louisville/Jefferson County Metro Government*, 260 S.W.3d 777, 779 (Ky. 2008). Further, we construe a "statute only as written, and the intent of the Legislature must be deduced from the language it used, when it is plain and unambiguous . . . ." *Western Kentucky Coal Co. v. Nall & Bailey*, 228 Ky. 76, 14 S.W.2d 400, 401-02 (1929). Changing the plain requirements for an elected office, as outlined in the constitution, is improper and unlawful.

122. By effectively removing the right to be a peace officer from the office of constable, the bill abrogates both the will of the voters and the Kentucky Constitution. Such an unconstitutional bill cannot stand.

## COUNT VI

### DECLARATION OF RIGHTS

124. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if recited in full herein.

125. Plaintiffs request that this Court review the matters of law related herein and enter a judgment in favor of the Plaintiffs and of the voters of the Commonwealth of Kentucky.

126. A declaratory judgment is treated as a request for summary judgment, requiring that the court address the issues of law before it. *Godman v. City of Fort Wright*, 234 S.W.3d 362, 368 (Ky. App. 2007).

127. Plaintiffs are entitled to a judgment in their favor as a matter of law.

## COUNT VII

### INJUNCTIVE RELIEF

128. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if recited in full herein.

129. By reason of the actions and violations described above, Plaintiffs are entitled to relief in the form of a temporary and permanent injunction barring Defendants from enforcing or operating pursuant to HB 239 and any statutes it amends.

130. If HB 239 is permitted to go into effect, Plaintiffs will be immediately and irreparably harmed.

131. If HB 239 is permitted to go into effect, the voters of the Commonwealth will be immediately and irreparably harmed.

132. Plaintiffs have no adequate remedy at law or otherwise to address this injury, save in a court of equity.

133. Plaintiffs and the voters who elect constables across this Commonwealth will suffer irreparable harm if the unconstitutional law is not restrained. "[G]reat and irreparable injury . . . means something of a ruinous nature." *Bender v. Eaton*, 343 S.W.2d 799, 801 (Ky. 1961). In other words, some "incalculable damage to the applicant was involved, either to the liberty of his person, or to his property rights, or other far-reaching and conjectural consequences." *Litteral v. Woods*, 223 Ky. 582, 4 S.W.2d 395, 397 (1928).

134. Plaintiffs have met the standard for injunctive relief as outlined in law and are therefore entitled to a permanent injunction prohibiting the requirement of additional qualifications for office not found in the Constitution.

WHEREFORE, Plaintiffs demand the following relief:

- A. A Declaration that HB 239 violates Section 101 of the Kentucky Constitution;
- B. Temporary and permanent injunctive relief under CR 56 preventing enforcement of HB 239 and resulting statutory changes;
- C. Expedited review under KRS 418.050 and CR 57;
- D. Their costs herein expended, including a reasonable attorney fee;
- E. Any and all other relief to which Plaintiffs may be entitled.

Respectfully submitted,

*Anna Stewart Whites*

**ANNA STEWART WHITES**  
*Attorney at Law*  
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P.O. Box 4023  
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[Annawhites@aol.com](mailto:Annawhites@aol.com)

VERIFICATION

I, Tim Branham, state and affirm that the matters in this Verified Complaint and Request for Injunctive Relief are true and correct to the best of my knowledge.

Signed and sworn before me by Tim Branham, this the 20<sup>th</sup> day of May, 2022, in the city of Paintsville, county of Johnson, Commonwealth of Kentucky.

[Signature]  
Signature

[Signature]  
Notary Public

Date: 5-20-2022

My Commission Expires: 6-10-2023

VERIFICATION

I, Betsy Bennett state and affirm that the matters in this Verified Complaint and Request for Injunctive Relief are true and correct to the best of my knowledge.

Signature: Betsy Bennett

Date: 7/13/22

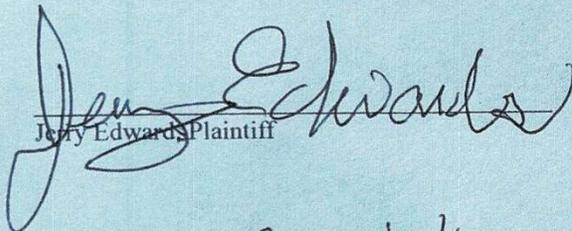
Signed and sworn before me by Betsy Bennett this the 13 day of July, 2022, in the city of Radcliff, county of Hardin, Commonwealth of Kentucky

Alena Springer  
Signature of Notary Public # 621544

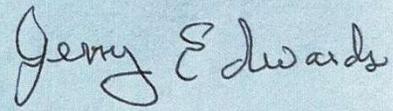
My Commission Expires: 30 April 2023

VERIFICATION

Comes the undersigned and hereby states and affirms that the matters contained herein are true and correct to the best of their knowledge.

  
Jerry Edwards, Plaintiff

Signed on this the 8 day of July, 2022, by Jerry Edwards address:  
Winchester, in the city of  
Clark, county of Clark, Kentucky.



VERIFICATION

I, LARRY WATKINS state and affirm that the matters in this Verified Complaint and Request for Injunctive Relief are true and correct to the best of my knowledge.

Signed and sworn before me by Larry Watkins, this the 28 day of <sup>June</sup>~~May~~, 2022, in the city of Millview, county of Bullitt, Commonwealth of Kentucky.

[Signature]  
Signature

Rebecca Filippi KYNP 42797  
Notary Public



Date: June 28<sup>th</sup>, 2022

My Commission Expires: January 11<sup>th</sup>, 2026

Christopher Tol VERIFICATION

I, Kleymeyer, state and affirm that the matters in this Verified Complaint and Request for Injunctive Relief are true and correct to the best of my knowledge.

Christopher John Kleymeyer  
Signature

Signed and sworn before me by Christopher Kleymeyer this the 7<sup>th</sup> day of July, 2022, in the city of Shelbyville, county of Shelby, Commonwealth of Kentucky.

Danielle Elizabeth Kleymeyer KYNP51113  
Signature of Notary Public

Date: July 7, 2022

My Commission Expires: 06/10/2026



VERIFICATION

I, Eric W. Sullivan, state and affirm that the matters in this Verified Complaint and Request for Injunctive Relief are true and correct to the best of my knowledge.

Signed and sworn before me by Eric W. Sullivan, this the 28 day of ~~May~~<sup>June</sup>, 2022, in the city of Mount Washington, county of Bullitt, Commonwealth of Kentucky.

Eric W. Sullivan

Signature

Rebecca G. Filepi KYNP 42797  
Notary Public

Date: June 28<sup>th</sup>, 2022

My Commission Expires: January 11<sup>th</sup>, 2025

