

NO. 24CI-7851

JEFFERSON CIRCUIT COURT
DIVISION ONE (1)
JUDGE ERIC J. HANER

THE KENTUCKY DEMOCRATIC PARTY

PLAINTIFF

v.

ORDER DENYING INJUNCTIVE RELIEF
AND DISMISSING

BOBBIE HOLSCLOW, et al.

DEFENDANTS

**** * * * * *

This matter came before the Court on November 5, 2024, on the Plaintiff's complaint and motion for declaratory and injunctive relief pursuant to CR 65.01 and 65.03. The undersigned, having been assigned this matter by virtue of the Order of the Chief Circuit Judge to hear any election-related filings which arise while on duty, and the Court having reviewed the complaint and motion, having held a hearing¹, and being otherwise sufficiently advised, finds as follows:

Plaintiff's basis for the complaint and motion is that the Defendants have denied Kentucky voters the right to participate in a "free and equal" election, citing to Sec. 6 of the Kentucky Constitution, and have violated KRS 118.035, due to election equipment problems occurring at "approximately" a dozen precincts, which resulted in delays in the voting process. Plaintiff requestS the Court to enter an injunction requiring all polls in Jefferson County to remain open till 8:00 p.m. Plaintiffs substantiate their claims with two (2) Declarations.

¹ At the hearing, the Court granted the request on the record to allow the The Republican Party of Kentucky and the ACLU to intervene, and they were allowed to participate in the hearing.

At the hearing, the Defendants advised the Court that they did not take a formal stand on the Plaintiff's motion, and advised the Court that none of the polling locations were closed, although there were some delays to equipment issues which were resolved. The ACLU joined in Plaintiff's request, and the The Republican Party of Kentucky objected for reasons stated on the record.

The Court certainly understands and appreciates the concerns raised by the Plaintiff, and applaud their efforts to make sure Jefferson County voters have the ability to participate in this election and cast their vote. However, having reviewed the matter, having considered the arguments at the hearing, and the applicable law, the Court finds that the Plaintiff has failed to sustain their burden and make the requisite showing for the relief requested.

First, the complaint is not verified, and each Declaration, which presumably forms the factual basis for the allegations in the complaint do not contain original signatures, are signed "w. permission", and not notarized. Second, the Plaintiffs have failed to establish that these alleged errors occurred county-wide and/or identify the specific "dozen" of precincts involved, and have failed to establish how many voters have actually been effected by delays caused by the equipment. Third, any delays that did occur were during the mid-morning hours of the election. The Plaintiffs have failed to establish that anyone at those locations were **denied** the right to vote since at no time did any of the polling locations close. At this time, these presumed effected locations remain open till 6:00 p.m. *with anyone in line by that time being entitled to cast their vote per KRS 118.035(1).*

The Court also finds that the requested relief by Plaintiff is entirely disproportionate to anything that occurred. Plaintiffs cite to "approximately" a dozen locations at issue, yet request the *entire* County remain open for two (2) hours. Plaintiffs have not specifically identified the precincts effected, and whether any voters at those precincts were denied the right to vote.

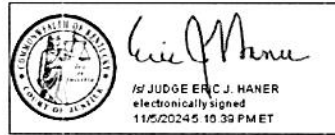
Also, as an aside, the request to stay open to 8:00 p.m. violates the clear language of Sec. 148 of the Kentucky Constitution. That provision grants the General Assembly to ability to set the hours for an election, but also states polls shall not stay open longer than 7:00 p.m. Therefore, any request to extend the hours beyond 7:00 p.m. would be an unconstitutional act by this Court if it were to be granted.

Therefore, based on the foregoing, there is not a sufficient legal basis for this Court to grant the Plaintiff's motion for injunctive relief, and therefore the motion for an injunction is **DENIED**, and the complaint for declaratory relief is **DISMISSED**.

And while the Court is hopeful that all citizens of Jefferson County will not be discouraged by any delays they have had at the polling locations, and that they will indeed choose to participate in this election, and knowing that the media has been following this issue, the Court would urge all media outlets to let the citizens of this County know that as long as they are in line to vote by 6:00 p.m. at their polling location, they will be able to cast their vote and have their voice heard.

This is a final and appealable order, there being no just cause for delay.

SO ORDERED this 5th day of November, 2024.



ERIC J. HANER
Judge, Jefferson Circuit Court

cc: All parties/attorneys