

COMMONWEALTH OF KENTUCKY  
FRANKLIN CIRCUIT COURT  
48TH JUDICIAL CIRCUIT  
DIVISION \_\_\_\_\_  
CIVIL ACTION NO. \_\_\_\_\_

JOSEPH M. FISCHER  
126 Dixie Place  
Ft Thomas KY 41075

PLAINTIFFS

JEFF HOOVER  
P.O. Box 985  
Jamestown KY 42629

KIM KING  
50 Bright Leaf Drive  
Harrodsburg KY 40330

FREY TODD  
P.O. Box 69  
Eubank, KY 42567

ANTHONY GAYDOS  
159 Second Street  
Vanceburg, KY 41179

v.

**VERIFIED COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

ALISON LUNDERGAN GRIMES, in her official capacity  
as Kentucky Secretary of State

Serve: Alison Lundergan Grimes  
Office of the Secretary of State  
The Capitol Building  
700 Capital Avenue  
Suite 152  
Frankfort, KY 40601

and

Jack Conway  
Office of the Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, KY 40601

KENTUCKY STATE BOARD OF ELECTIONS,

Serve: Maryellen Allen  
Interim Acting Executive Director  
Kentucky State Board of Elections  
140 Walnut Street  
Frankfort, KY 40601

and

Jack Conway  
Office of the Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, KY 40601

MARYELLEN ALLEN, in her official capacity as Interim Acting  
Executive Director of the Kentucky State Board of Elections

Serve: Maryellen Allen  
Interim Acting Executive Director  
Kentucky State Board of Elections  
140 Walnut Street  
Frankfort, KY40601

and

Jack Conway  
Office of the Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, KY40601

DEFENDANTS

## I. INTRODUCTION

1. This is an action seeking a declaration that House Bill 1 passed by the Kentucky General Assembly in the 2012 regular session and signed into law by Kentucky Governor Steve Beshear on Friday, January 20, 2012 (“HB 1”), and the Kentucky House of Representative

districts created and established by HB 1, violate the Kentucky and United States Constitutions, as well as 42 U.S.C. §1983, and are therefore invalid.

2. There is an actual controversy, and plaintiffs are therefore entitled to a declaratory judgment that the districts created by HB 1 (a) violate Section 33 of the Kentucky Constitution in that they divide more counties than necessary to achieve equality of population and create districts comprised of non-contiguous counties, and do so for partisan purposes and without regard to any rational government interest or state policy; (b) violate Article IV, § 2 of the United States Constitution, the Fourteenth Amendment to United States Constitution, and Sections 2, 3, and 6 of the Kentucky Constitutions in that the partisan composition and population ranges and variations of the districts violate the constitutional principle of “one person, one vote;” (c) deprive the plaintiffs of their freedom of association rights guaranteed by the First Amendment of the United States Constitution and Section 1 of the Kentucky Constitution by penalizing Republican voters and Representatives solely because of their party affiliation and political beliefs and cannot be justified as furthering any legitimate state interest; and (d) deprive the plaintiffs of their constitutional rights under color of a state statute in violation of 42 U.S.C. § 1983, thereby entitling plaintiffs to an award of their costs and attorney fees in this action pursuant to 42 U.S.C. § 1988 or as otherwise authorized by law.

3. Plaintiffs therefore also seek an injunction prohibiting the enforcement or implementation of the current filing deadline of 4:00 p.m. on Tuesday, January 31, 2012, for candidates for the Kentucky House of Representatives, or the conduct of any elections based on, for, or using the House districts created by HB 1.

## **II. JURISDICTION AND VENUE**

4. This Court has jurisdiction over this action pursuant to Section 112(5) of the Kentucky Constitution, KRS 23A.010 and KRS 418.040.

5. Venue is proper in this Court pursuant to KRS 5.005(1).

## **III. THE PARTIES**

6. Plaintiffs Joseph M. Fischer, Jeff Hoover, Kim King, Frey Todd and Anthony Gaydos are Kentucky citizens, residents, taxpayers, and qualified voters, and are, in the case of Fischer, Hoover, and King, members of the Kentucky House of Representatives, which confers upon them the requisite standing to invoke the jurisdiction of this Court and to declare and enforce their respective constitutional rights to have all districts for the Kentucky House of Representatives be in compliance with all applicable provisions of the United States and Kentucky Constitutions including, but not limited to, the First and Fourteenth Amendments to the United States Constitution and Sections 1, 2, 3, 6, and 33 of the Kentucky Constitution.

7. Defendant Alison Lundergan Grimes is the Kentucky Secretary of State and, in that capacity, Chairperson of the State Board of Elections. Pursuant to KRS 118.169 *et seq.*, the Secretary of State serves as the Chief Election Official of the Commonwealth. The Secretary of State is the filing official for all candidates seeking an office to be voted for by the electors of more than one (1) county, members of Congress, members of the General Assembly and for all candidates seeking an office of the Court of Justice. Pursuant to KRS 5.005(1), the Secretary of State shall be named as a defendant in any action challenging the constitutionality of any legislative district created by this chapter.

8. Defendant State Board of Elections is an independent agency that pursuant to KRS 117.015 administers Kentucky's election laws, promulgates administrative regulations

necessary to properly carry out its duties, supervises the registration and purgation of voters, appoints the political party representatives to the 120 county boards of elections, and certifies the official election results. The State Board of Elections is comprised of seven members: the Secretary of State (Chairperson), three Democratic members, and three Republican members.

9. The State Board of Elections appoints an Executive Director and an Assistant to the Director, which shall be of opposite political party affiliations, to conduct its day-to-day operations. Defendant Maryellen Allen is the Interim Acting Executive Director of the State Board of Elections.

10. Pursuant to 418.075 and CR 24.03, and because the constitutionality of an act of the General Assembly affecting the public interest is drawn into question by this action, a copy of this Complaint is being served upon the Kentucky Attorney General.

#### IV. APPLICABLE LAW

##### Kentucky Law

11. Section 33 of the Kentucky Constitution (“Section 33”) provides:

The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial Districts, and **one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district**, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: Provided, In doing so **the principle requiring every district to be as nearly equal in population as may be shall not be violated**. At the expiration of that time, the General Assembly shall then, and **every ten years thereafter, redistrict the State according to this rule**, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. **No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.** (Emphasis added).

12. Section 1 of the Kentucky Constitution provides, in relevant part:

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

...

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

...

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

13. Section 2 of the Kentucky Constitution provides, “Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

14. Section 3 of the Kentucky Constitution provides, in relevant part, “All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services ... .

15. Section 6 of the Kentucky Constitution provides, “All elections shall be free and equal.”

### **Federal Law**

16. Article IV, Section 2 of the United States Constitution provides, “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

17. The First Amendment to the United States Constitution provides, in relevant part, “Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances,”

and is made applicable to Kentucky by the Fourteenth Amendment to the United States Constitution.

18. Section 1 of the Fourteenth Amendment to the United States Constitution provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

19. 42 U.S.C. § 1983 provides, in relevant part, “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . . .”

20. 42 U.S.C. § 1988 provides, in relevant part, “In any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs . . . .”

## V. RELEVANT JUDICIAL DECISIONS

21. In *Fischer v. State Board of Elections*, 879 S.W.2d 475 (Ky. 1994) (“*Fischer II*”), plaintiff Fischer challenged a redistricting plan for the House of Representatives that divided 48 of Kentucky’s 120 counties. The Supreme Court held that:

There is no fundamental impediment to a full accommodation of the dual mandates of Section 33 of the Constitution of Kentucky. Within reasonable limits, federal law is no barrier and our decisions in *Ragland* and *Stiglitz* do not

command perfect population equality at the total expense of county integrity. Population equality under Section 33 may be satisfied by a variation which does not exceed -5% to +5% from an ideal legislative district. .... Using these parameters, the General Assembly can formulate a plan which reduces to the minimum the number of counties which must be divided between legislative districts. One such plan was placed in evidence and there may be others which are equal or superior to it. **The mandate of Section 33 is to make full use of the maximum constitutional population variation as set forth herein and divide the fewest possible number of counties.**(Emphasis added).

22. Thus, Section 33 of the Kentucky Constitution mandates that redistricting for the House of Representatives be accomplished by dividing the fewest number of counties possible while maintaining a maximum population deviation of plus or minus five percent from the ideal population of a state House of Representatives district.

23. In *Ridings v. City of Owensboro*, 383 S.W.2d 510, 512 (Ky. 1964), Kentucky's high court held that, as to legal requirements of contiguity such as that in Section 33, the use of "corridors or fingers" of territory to establish contiguity could constitute "a mere subterfuge" that "cannot supply the necessary contiguity."

24. The United States Supreme Court has held that, as a general matter, "an apportionment plan with a maximum population deviation *under 10%* falls within [a] category of minor deviations" [from population equality] that are insufficient to make out a prima facie case of discrimination in violation of the Fourteenth Amendment. *Brown v. Thomson*, 462 U.S. 835, 842, 103 S.Ct. 2690, 2696, 77 L.Ed.2d 214 (1983) (emphasis added). However, a plan with a higher maximum deviation "creates a prima facie case of discrimination and therefore must be justified by the State." *Id.* at 842-43, 103 S.Ct. at 2696. In considering legitimate justifications, courts must consider "[t]he consistency of application and the neutrality of effect of the nonpopulation criteria" in order to determine whether a state legislative reapportionment plan violates the Fourteenth Amendment. *Id.* at 845-46, 103 S.Ct. at 2697-98.

25. In *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004) *aff'd*, 542 U.S. 947, 124 S. Ct. 2806, 159 L. Ed. 2d 831 (2004), a three-judge panel of the U. S. District Court for the Northern District of Georgia held, and the United States Supreme Court summarily affirmed, that Georgia's state legislative reapportionment plans, which deviated from population equality by a total of 9.98%, violated constitutional one person, one vote principles, concluding, among other things, that:

The population deviations in the Georgia House and Senate Plans are not the result of an effort to further any legitimate, consistently applied state policy. Rather, we have found that the deviations were systematically and intentionally created (1) to allow rural southern Georgia and inner-city Atlanta to maintain their legislative influence even as their rate of population growth lags behind that of the rest of the state; and (2) to protect Democratic incumbents. Neither of these explanations withstands Equal Protection scrutiny. First, forty years of Supreme Court jurisprudence have established that the creation of deviations for the purpose of allowing the people of certain geographic regions of a state to hold legislative power to a degree disproportionate to their population is plainly unconstitutional. Moreover, the protection of incumbents is a permissible cause of population deviations *only* when it is limited to the avoidance of contests between incumbents and is applied in a consistent and nondiscriminatory manner. The incumbency protection in the Georgia state legislative plans meets neither criterion. Therefore, that interest cannot save the plans from constitutional infirmity. Quite simply, the Georgia plans violate the Equal Protection Clause.

*Id.* at 1338.

26. The *Larios* court therefore issued a judgment for violation of equal protection as to and state legislative reapportionment plans as an unconstitutional partisan gerrymander violating the "one person, one vote" principle, and for violation of First Amendment rights of association, and enjoined future elections under the reapportionment plan for the Georgia House of Representatives. *Id.* at 1357.

27. The United States Supreme Court has held that "the ultimate inquiry" in every case in which there is a deviation from population equality "is whether the legislature's plan

‘may reasonably be said to advance [a] rational state policy.’” *Brown v. Thomson*, 462 U.S. 835,843 (1983).

## VI. FACTS

28. The Kentucky General Assembly in its 2012 regular session passed HB 1, which Kentucky Governor Steve Beshear signed into law on Friday, January 20, 2012. HB 1 became immediately effective by virtue of its so-called “emergency clause.” A copy of HB 1 is attached hereto as Exhibit A.

29. For purposes of “one person, one vote” principles of equal protection in connection with legislative redistricting following the 2010 census, the “ideal” population of a Kentucky House of Representatives district is 43,394. Therefore, redistricting in conformity with Section 33 and *Fischer II* requires 22 counties to be divided, or split, because their populations are too large to contain a single House of Representatives district.

30. However, HB 1 splits 28 counties, or six more than the minimum required. A copy of a map showing the districts created by HB 1 and county splits is attached hereto as Exhibit B.

31. HB 1 splits at least three majority Republican counties among multiple House districts. Lewis County is divided among three districts. Laurel and Pulaski Counties are divided among four districts.

32. HB 1 splits 246 precincts in Kentucky.

33. For the House districts created by HB 1, the relative range of deviation from the ideal population of a Kentucky House of Representatives district is -4.61815% to 5.3832327%,

and the relative overall range of deviation is 10.0013827%. A copy of a chart detailing HB 1's deviations from the ideal district population is attached hereto as Exhibit C.

34. In HB 1, deviations above the ideal population and deviations most above the ideal population are concentrated in House districts having Republican majorities or substantial Republican minorities, whereas deviations below the ideal population and deviations most below the ideal population are concentrated in districts having Democratic majorities or substantial Democratic minorities.

35. HB 1's combination of an excessive number of divided counties and partisan-based deviations from the population of the ideal district required in some cases the creation of bizarrely-shaped districts that circumvent Section 33's command that "counties forming a district shall be contiguous."

36. For example, Louisville *Courier-Journal* columnist Al Cross in his Sunday, January 22, 2012 column entitled "Redistricting outrages may face redress," observed as follows: "District 80 ... runs from the Fayette County line through western Madison County to ... Rockcastle County, which is connected to Casey County by a narrow strip of Pulaski County, along the Lincoln County line."

37. The "Pulaski Strip" is a sham incorporated into HB 1 solely for the purpose of creating the illusion of "contiguity" between Casey County and Rockcastle County, or between Casey County and Madison County, even though these counties are not contiguous within the meaning and text of Section 33 of the Kentucky Constitution.

38. The population contained in District 80 exceeds the ideal district population by 5%, the maximum amount permitted by *Fisher II*.

39. As described by Roger Alford of the Associated Press in his January 11 news story, “The shuffling produced some oddly shaped state House districts. The 89th [District] stretches from the Tennessee border in McCreary County, zigzags narrowly through Laurel County, then encompasses all of Jackson County.”

40. The “Laurel County Zigzag” is a sham incorporated into HB 1 for the purpose of creating the illusion of “contiguity” between McCreary County and Laurel County, even though these counties are not contiguous within the meaning and text of Section 33 of the Kentucky Constitution.

41. The population contained in District 89 exceeds the ideal district population by 4.99%, only missing the maximum amount permitted by *Fisher II* by 0.01%.

42. Indeed, many of the House of Representatives districts in HB 1 that are of dubious contiguity also have significant deviations from the population of an ideal district and there is no basis upon which to conclude that the population deviations in the House districts created by HB 1 result from any interest in county contiguity as required by Section 33.

43. As drafted by House Democrats and as based on the composition of the Kentucky House of Representatives at the time, HB 1 put nine incumbents across the state in districts with other incumbent representatives. Of those, eight were Republicans and only one was a Democrat. The one Democrat incumbent.

44. House Majority Leader Rocky Adkins was put in the heavily Democrat 99th District with Republican Jill York, whose home county of Lewis County was split three ways for the purpose of scattering the county’s Republican voters and destroying Lewis County as a political entity. To accomplish this end, HB 1 created District 99 with a deviation from the ideal population of 4.98%.

45. Plaintiff King, a Republican, was put in the 54th District with Republican Mike Harmon, thereby guaranteeing that either the incumbent King or the incumbent Harmon would not return to the House of Representatives, if elections are held using the districts created by HB 1.

46. The population deviations in HB 1 are not below the level of 10%, rather the deviations amount to 10.0013827% and therefore exceed the level at which deviations will ordinarily, without evidence of arbitrariness or discrimination, be considered *de minimis*.

47. The divergences from a strict population standard contained in HB 1 are not based on legitimate considerations incident to the effectuation of a rational state policy as articulated by the United States Supreme Court.

48. Instead, the deviations from the ideal population are designed to protect incumbent Democrats, to punish incumbent Republicans, to dilute the vote of Republicans in counties and districts that exceed the ideal population, and to deny Republicans effective representation in counties arbitrarily split and their residents scattered to adjoining Democrat counties and districts.

49. In its 2012 regular session, and before the enactment of HB 1, the Kentucky General Assembly had before it both amendments to HB 1 and alternative bills (*e.g.*, HB 284; HB 292) that provided for redistricting of the Kentucky House of Representatives pursuant to Section 33 and in a manner that divided the minimum of 22 counties, provided for a smaller relative range and relative overall range from the ideal population of a district than does HB 1, provided for contiguous and more geographically compact and sensible districts than does HB 1, provided for less egregiously partisan redistricting than does HB 1, and fully complies with the

United States and Kentucky Constitutions for purposes of equal protection of the laws and freedom of association and expression.

50. Pursuant to KRS 118.165(1), the filing deadline for candidates for the Kentucky House of Representatives is 4:00 p.m. on Tuesday, January 31, 2012.

51. Pursuant to KRS 118.025(3) the first election using the unconstitutional districts created by HB 1 is scheduled to be held on Tuesday, May 12, 2012.

## **VII. CAUSES OF ACTION AND CLAIMS**

### **Count I**

#### **Violation of Section 33**

52. Plaintiffs adopt the averments of the preceding paragraphs by reference as if fully restated and set forth herein.

53. HB 1 violates Section 33 of the Kentucky Constitution by its failure to make full use of the maximum constitutional variation of plus or minus five percent ... and divide the fewest possible number of counties, because HB 1 divides six more counties than is necessary or permissible under the mandate of Section 33 as interpreted and applied in *Fischer II*.

54. The House of Representative districts thus created in HB 1 are therefore invalid.

55. Further, with its sham of bizarrely-shaped districts that trample on the important public policy enshrined in Section 33 of the Kentucky Constitution, that of maintaining county integrity in the legislative redistricting process while ensuring that counties that are joined in a district are contiguous, HB 1 makes a mockery of Section 33's command that "counties forming a district shall be contiguous."

56. The House of Representative districts thus created in HB 1 are therefore unconstitutional and invalid.

**Count II**  
**Violation of Federal and State Equal Protection**

57. Plaintiffs adopt the averments of the preceding paragraphs by reference as if fully restated and set forth herein.

58. HB 1 violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Sections 2, 3, and 6 of the Kentucky Constitution because the relative range and relative overall deviation range of the districts created by HB 1 from the ideal population of a Kentucky House of Representatives district are in violation of the “one person, one vote” principle established by and embodied in those constitutional provisions.

59. The House of Representative districts thus created in HB 1 are therefore unconstitutional and invalid.

**Count III**  
**Violation of Federal and State Freedom of Association**

60. Plaintiffs adopt the averments of the preceding paragraphs by reference as if fully restated and set forth herein.

61. HB 1 violates the First and Fourteenth Amendments to the United States Constitution and Section 1 of the Kentucky Constitution because the districts created by HB 1 were not driven by any traditional redistricting criteria such as compactness, contiguity, and preservation of county lines, or by any other rational state policy but were the result of a concerted effort to allow predominately Democratic regions of the state to hold on to or to increase their legislative influence at the expense of predominately Republican regions of the state and were created to protect Democrat incumbents and to punish Republican incumbents in a wholly inconsistent and discriminatory way.

62. The House of Representative districts thus created in HB 1 are therefore unconstitutional and invalid.

**Count IV**  
**Violation of 42 U.S.C. § 1983**

63. Plaintiffs adopt the averments of the preceding paragraphs by reference as if fully restated and set forth herein.

64. Plaintiffs are “persons” and “citizen[s]” of the United States within the scope of 42 U.S.C. § 1983 and HB 1 and the Kentucky House of Representatives districts it creates are actions taken under color of state law.

65. Plaintiffs desire and intend to participate in the electoral and political process of Kentucky, including the elections of members of the Kentucky House of Representatives on the basis of equality with other citizens of Kentucky.

66. The constitutional violations alleged in Counts I, II, and III above constitute deprivations of plaintiffs’ constitutional rights in violation of 42 U.S.C. § 1983.

67. Pursuant to 42 U.S.C. § 1988, plaintiffs are entitled to a reasonable attorney’s fee as part of the costs of this action.

**Count VI**  
**Declaratory and Injunctive Relief**

68. Plaintiffs adopt the averments of the preceding paragraphs by reference as if fully restated and set forth herein.

69. There is an actual controversy and dispute regarding the enactment of constitutionally valid districts for the Kentucky House of Representatives, as set forth in the preceding paragraphs of this Complaint.

70. Plaintiffs are entitled to declaratory relief consistent with the preceding averments and as demanded below.

71. The plaintiffs' rights are being violated as alleged in this Complaint, and they will suffer immediate and irreparable harm through continued implementation and use of HB 1, including in connection with the current candidate filing deadline for the Kentucky House of Representatives of 4:00 p.m. on Tuesday, January 31, 2012 for candidates for the Kentucky House of Representatives, or the conduct of any elections based on, for, or using the House districts created by HB 1.

72. Plaintiffs are therefore entitled to a declaratory judgment declaring that the House districts created by HB 1 are unconstitutional in violation of Section 33 of the Kentucky Constitution, in violation of Article IV, Section 2 and the First and Fourteenth Amendments to the United States Constitution, and in violation of 42 U.S.C. § 1983, together with an injunction prohibiting the enforcement or implementation of the current filing deadline of 4:00 p.m. on Tuesday, January 31, 2012, for candidates for the Kentucky House of Representatives, and prohibiting the conduct of any elections based on, for, or using the House districts created by HB 1.

73. In the event constitutional districts are not timely enacted, the Court should formulate and implement a redistricting plan for Kentucky's House of Representatives districts that comports with constitutional and statutory requirements.

## VIII. DEMAND FOR RELIEF

WHEREFORE, Plaintiffs demand the following relief:

1. A temporary injunction restraining Defendants from implementing any electionsto the House of Representatives of the Kentucky General Assembly under the provisions of HB 1 until the merits of this Complaint are finally adjudicated by this Court;
2. A temporary and permanent injunction extending the statutory deadline for filing nomination papers for the Kentucky House of Representatives pursuant to KRS 118.165(1) until the merits of this Complaint are finally adjudicated by this Court and, if necessary, to extend such deadline to a date not sooner than seven days after the effective date of a new Kentucky House of Representatives redistricting plan that complies with all applicable state and federal laws;
3. An expedited hearing on the merits of this declaratory judgment action;
4. A declaratory judgment that HB 1 is unconstitutional, is invalidated in its entirety, and is of no force and effect;
5. An injunction permanently enjoining the implementation and enforcement of HB 1;
6. An injunction directing Defendants to implement, enforce and conduct legislative elections under the provisions of HB 284 or under the provisions of any other new Kentucky House of Representatives redistricting plan that complies with all applicable state and federal laws and which the General Assembly chooses to duly enact that is in full compliance with the provisions of Section 33 as construed by the Kentucky Supreme Court and all other state and federal laws, or alternatively, and;

7. All other relief to which Plaintiffs may appear entitled, including their costs and expenses incurred herein.

FULTZ MADDOX HOVIOUS & DICKENS PLC  
Victor B. Maddox  
John David Dyche  
Jennifer Metzger Stinnett  
Jason M. Nemes

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101 S. Fifth Street, 27<sup>th</sup> Floor  
Louisville, Kentucky 40202-3116  
(502) 588-2000  
*Attorneys for Plaintiffs*

VERIFICATION

I, Joseph M. Fischer, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

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Joseph M. Fischer

Commonwealth of Kentucky )  
County of Franklin )

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2012.

My Commission Expires:\_\_\_\_\_.

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NOTARY PUBLIC

I, Jeff Hoover, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Jeff Hoover

Commonwealth of Kentucky )  
County of Franklin )

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2012.

My Commission Expires: \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

I, Kim King, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Kim King

Commonwealth of Kentucky )  
County of Franklin )

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2012.

My Commission Expires: \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC