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NO. 26-CI-006104

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JEFFERSON CIRCUIT COURT
DIVISION SEVEN (7)
HON. MELISSA LOGAN BELLOWS

COURIER JOURNAL

JAMES CRAIG

PETITIONER

v.

GAY PERRY-ADELMANN;
DAVID YATES, Jefferson County Clerk; and
JEFFERSON COUNTY BOARD OF ELECTIONS

RESPONDENTS

OPINION AND ORDER

*** **

This matter is before the Court on Petitioner James Craig's Motion to Disqualify Candidate and Enter Final Judgment under KRS 118.176, and on Respondent Gay Perry-Adelmann's Renewed Motion to Dismiss and/or for Judgment in her favor, with alternative requests for an evidentiary hearing and protective treatment of residential information. The Jefferson County Board of Elections and County Clerk take no position on eligibility and address only remedy. Having considered the petition, exhibits, answers, reply, Respondent's filings, and the record, the Court GRANTS Petitioner's motion and DENIES Respondent Adelmann's renewed motion.

I. THE STATUTORY QUESTION

KRS 118.176 authorizes a qualified voter to challenge, by summary proceeding, whether a candidate is bona fide—that is, seeking election according to law. In Jefferson County, school board members are elected from divisions. “To be eligible to be elected from a division, a candidate shall reside in that division.” KRS 160.210(5)(a). The word “shall” is mandatory. Kulkarni v.

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Horlander, 701 S.W.3d 181, 187–89 (Ky. 2024). Residence for this purpose is domicile: physical presence in the division coupled with intent to remain there as one’s home, not a transitory lodging or a hope of later qualifying. Good faith, proximity to a line, or an intention to move does not substitute for residence in the division.

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II. FINDINGS

Adelmann’s nominating petition lists 9111 Hurstwood Court, Louisville, Kentucky 40222, as her residence. The Louisville Metro/Jefferson County Clerk mapping record and the JCPS locator both place that address in School Board District 2. Adelmann does not dispute that the Hurstwood Court address appears on her candidacy papers or that it lies outside District 3.

She now contends she presently resides in District 3 and tenders redacted hotel and other documents, while asking that the actual address be sealed. She expressly does not represent that the hotel documentation establishes continuous occupancy of that location from the filing of her candidacy through the present. She states that her residential circumstances changed after displacement from a marital residence, and that the hotel papers show present circumstances only.

The Court has considered that showing. Temporary occupancy of a hotel, even if the hotel sits in District 3, is not residence in the division within the meaning of KRS 160.210(5)(a). A hotel is, by nature, transitory. Adelmann’s own filing confirms she does not claim continuous residence at that location from the time she sought a place on the ballot. The address she placed on her nominating petition—the address that defined her candidacy—is in District 2. She has not identified, with competent unredacted proof, a dwelling in District 3 that was her home when she filed or that has been her domicile since. Even unredacted hotel statements and a promise of later evidence do not meet a mandatory statutory residence requirement in a summary bona fides proceeding.

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Petitioner carried his burden under KRS 118.176. Adelman had notice, a hearing, and successive opportunities to identify a District 3 residence and prove domicile. She has not done so. The Court finds she does not reside in School Board District 3 and is not a bona fide candidate for election from that division.

III. REMEDY

KRS 118.176(4) directs that if the Court finds the candidate is not bona fide, it shall so order and certify that fact to the board of elections, and the name shall be stricken, or the Court may refuse recognition or relief in a mandatory or injunctive way. Names for the November 3, 2026 general election were to be certified by August 24, 2026. KRS 118.215(1)(b). The Kentucky Supreme Court recognized that removal of an ineligible candidate's name from the ballot may be impracticable and directed compliance with the applicable statutory procedure if removal could not be accomplished. Barnard v. Stone, 933 S.W.2d 394, 396 (Ky. 1996). Accordingly, in addition to certification under KRS 118.176(4), the Court directs the remedy of KRS 118.212(5): conspicuous notice at the polling place that votes for this candidate shall not be tabulated or recorded, and corresponding programming of the voting equipment to the extent feasible before November 3, 2026.

IV. ORDER

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent Gay Perry-Adelman's Renewed Motion to Dismiss and/or for Judgment in her favor is **DENIED**. The request for a further evidentiary hearing is **DENIED**.

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2. Petitioner's Motion to Disqualify is **GRANTED**. The Court finds and declares that Gay Perry-Adelmann does not reside in Jefferson County Public Schools Board District 3 as required by KRS 160.210(5)(a) and is not a bona fide candidate under KRS 118.176.

3. The Clerk of this Court shall certify this finding to the Jefferson County Board of Elections forthwith.

4. The Jefferson County Clerk and Jefferson County Board of Elections shall, to the extent still practicable, strike her name from the ballot and from official lists of candidates. If ballots have already been certified or printed, they shall provide conspicuous notice at each affected polling place pursuant to KRS 118.212(5) that votes for Gay Perry-Adelmann shall not be tabulated or recorded, and shall program voting equipment accordingly, no later than one day before the November 3, 2026 general election.

6. This is a final and appealable Judgment. There is no just cause for delay. KRS 118.176(4) provides for expedited review.



HON. MELISSA LOGAN BELLOWES
Judge, Jefferson Circuit Court
Division Seven (7)

CC: all parties and counsel of record
Jefferson County Clerk
Jefferson Board of Elections