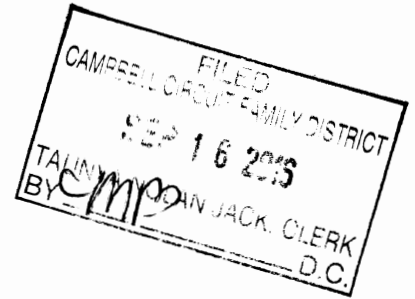


COMMONWEALTH OF KENTUCKY
CAMPBELL CIRCUIT COURT
CIVIL ACTION NO. 16-CI-830
DIVISION No. 1



SAM A. GASSERT

PLAINTIFF

v.

COMPLAINT FOR INJUNCTIVE RELIEF
AND DECLARATION OF RIGHTS UNDER KRS 118.176

MATTHEW TEAFORD

Serve: Matt Teaford
2529 South Main Avenue
Highland Heights, Kentucky 41076

And

CAMPBELL COUNTY BOARD OF ELECTIONS

Serve: Jim Luerson, Campbell County Clerk
Campbell County Administration Bldg.
1098 Monmouth Street
Newport, Kentucky 41071

And

ALISON LUNDERGAN GRIMES, in her official capacity
As Secretary of State
Serve: Hon. Andy Beshear, Attorney General
700 Capitol Avenue, Suite 118
P.O. Box 718
Frankfort Kentucky 40601

And

**STATE BOARD OF ELECTIONS FOR THE
COMMONWEALTH OF KENTUCKY**
Serve: Hon. Andy Beshear, Attorney General,
700 Capitol Avenue, Suite 118
P.O. Box 718
Frankfort Kentucky 40601

DEFENDANTS

Comes the Plaintiff, Sam Gassert, by counsel, and for his Complaint against the Defendants would show as follows:

INTRODUCTORY ALLEGATIONS

1. Intervening Plaintiff, Sam A. Gassert is a citizen and resident of Newport, Campbell County, with his address being 616 East Tenth Street; Newport, Kentucky 41071

2. Plaintiff is a registered voter in the 67th District for House of Representatives for the Commonwealth of Kentucky.

3. Plaintiff is a qualified voter to challenge the candidacy of a candidate, as defined under KRS 118.176 and KRS 116.055.

4. The Defendant Matthew Teaford was certified by the Kentucky Secretary of State as the Republican candidate for State Representative in the 67th Representative District on January 19, 2016. See: Exhibit 1, appended hereto.

5. That upon information and belief, Teaford is not a resident of the House District in which he has filed to run and his address is not 2529 South Main Avenue, Highland Heights, Kentucky 41076. .

6. That upon information and belief, Teaford currently lives in Ohio.

7. Teaford attested in his filing that he was a qualified candidate for the 67th House District.

8. Teaford is not currently a qualified candidate for the 67th House District.

9. For this reason, Defendant Teaford must be disqualified as a *bona fide* candidate.

10. KRS 118.176(2) provides that the bona fides of any candidate seeking nomination or election in a primary or in a special or regular election may be questioned by any qualified voter

entitled to vote for the candidate or by an opposing candidate by summary proceedings consisting of a motion before the Circuit Court of the judicial circuit in which the candidate whose bona fides is questioned resides.

11. KRS 118.176(2) further states that an action regarding the bona fides of any candidate seeking nomination or election in a primary or in a special or regular election may be commenced at any time prior to the regular election. The motion shall be tried summarily and without delay.

12. Defendant County Board of Elections has a duty to strike an unqualified candidate from the rolls and to refuse to count votes cast on behalf of that candidate.

13. Defendant State Board of Elections has a duty to strike an unqualified candidate from the rolls and to refuse to count votes cast on behalf of that candidate.

14. Defendant Secretary of State has a duty to follow the law and support a judicial determination finding that Teaford is not a qualified candidate and to refuse to count votes cast on behalf of that candidate.

15. Defendant Teaford had not taken the required steps necessary to maintain his candidacy, including but not limited to, failure to file reports required by the Kentucky Registry of Election Finance. It is believed that Defendant has ignored requests from the Kentucky Registry of Election Finance to file required reports with that agency. These failures indicate that Defendant has no interest in maintaining his candidacy. Under KRS 121.990(4), Teaford's failure to file the reports with the Kentucky Registry of Election Finance should void his candidacy.

JURISDICTION AND VENUE

1. An actual, justiciable controversy exists and this Court has subject matter jurisdiction over this action pursuant to KRS 418.040, KRS 23A.010, and Rules of Civil Procedure 57 and 65.

2. Venue is appropriate in this Court pursuant to KRS 452.405, as the primary offices of the Parties Defendant are located in Campbell County, Kentucky, and the subject matter relates to interpretation and enforcement of various provisions of state law as enacted in statute and the Kentucky Constitution. Pursuant to KRS 418.040, *et seq.*, this Court may properly exercise *in personam* jurisdiction over the Defendants.

MOTION

Plaintiff Gassert moves this Court pursuant to KRS 118.176 to determine that Defendant Matthew Teaford, candidate for the office of State House Representative from the 67th District, is not a bone fide candidate for that office as a matter of law.

Further, Plaintiff moves this Court to certify its findings to the Campbell County Board of Elections, Allison Lundergen Grimes in her official capacity as Secretary of State, and the State Board of Elections for the Commonwealth of Kentucky, and order that Matthew Teaford's name be removed from any written designation of candidates, prospective ballot or voter information, as required by KRS 118.176(4). This motion is timely under KRS 118.176, which allows a motion to find a candidate not qualified may be brought at any time prior to the general election.

In support of this Motion, Plaintiff states:

1. Plaintiff resides at 616 East Tenth Street; Newport, Kentucky 41071 and is a citizen and registered qualified voter in the 67th State House District.

2. Plaintiff is a qualified voter in that District, pursuant to KRS 116.055, and is entitled to challenge the bona fides of a candidate pursuant to KRS 118.176(2).

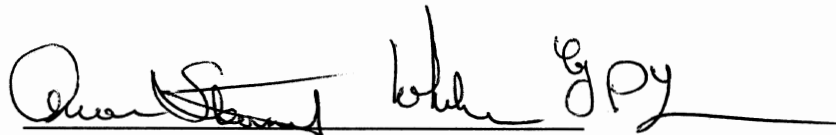
3. Defendant Matthew Teaford is not a qualified voter or candidate as his current address is not 2529 South Main Avenue, Highland Heights, Kentucky 41076.

4. Defendant Teaford must be disqualified for the reasons set forth above.

WHEREFORE, Plaintiff requests the following relief:

1. That the Court hold an immediate hearing on this motion;
2. That the Court find that Defendant is not a bona fide candidate, as a matter of law;
3. That the Court issue an Order disqualifying Defendant as a candidate and directing Defendants Secretary of State and State Board of Elections to strike Defendant from the rolls and documents reflecting candidates in the upcoming General Election;
4. Any and all other relief to which the Plaintiff is entitled.

Respectfully submitted,



ANNA STEWART WHITES (KBA#83389)

Attorney at Law

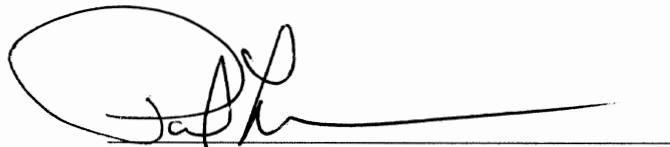
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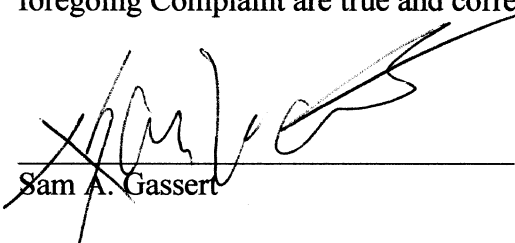
plwhalen@gmail.com

****** NOTICE ******

A motion to set this matter for hearing shall be heard at the Court's regular motion hour, the ~~21st~~ day of ~~September~~, 2016, at the hour of 9:00 a.m., or as soon thereafter as counsel may be heard. October

VERIFICATION

Comes the Plaintiff, having been duly sworn, and certifies that the allegations in the foregoing Complaint are true and correct to the best of his knowledge.



Sam A. Gassert

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF CAMPBELL)

Subscribed and sworn before me by Sam A. Gassert on this the 14th day of September, 2016.



Notary Public, State at Large

My Commission Expires: _____



PAUL L. WHALEN
Notary Public, Kentucky
State At Large
My Commission Expires
November 4, 2017
Notary ID# 500253

EXHIBIT "1"

Matt Teaford	2529 South Main Avenue Highland Heights, KY 41076	State Representative	67th	Republican Party	1/19/2016
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From the Kentucky Secretary of State's Office---

<http://apps.sos.ky.gov/elections/candidatefilings/statewide/default.aspx?id=12>