

Commonwealth of Kentucky
Court of Appeals

NO. 2026-CA-0769-EL

JERRY T. MILLER

APPELLANT

v. ELECTION APPEAL
FROM JEFFERSON CIRCUIT COURT
HONORABLE JESSICA E. GREEN, JUDGE
ACTION NO. 26-CI-000445

MELINA HETTIARATCHI;
JEFFERSON COUNTY BOARD OF
ELECTIONS; AND JEFFERSON
COUNTY CLERK'S OFFICE

APPELLEES

OPINION
AFFIRMING

** ** *

BEFORE: THOMPSON, CHIEF JUDGE; L. JONES AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Jerry Miller appeals from an order of the Jefferson Circuit

Court entered June 3, 2026, that denied his petition to disqualify Melina

Hettiaratchi as a candidate for Louisville Metro District Council District 11

pursuant to Kentucky Revised Statutes (KRS) 118.176. The circuit court also

granted Hettiaratchi's motion to dismiss the petition. After careful review, we affirm the circuit court.

Factual and Procedural Background

The circuit court provided a thorough summation of the background of the instant action as follows:

[Miller] is a registered voter in Louisville Metro Council District 11 and is entitled to vote for the District 11 seat. [Hettiaratchi] is a candidate for Louisville Metro Council District 11 in the 2026 election cycle. She resides in District 11 and filed her nominating petition and associated documents with the Jefferson County Clerk's Office in a timely fashion. Councilman Kevin Kramer is the incumbent Metro Council member for District 11, but he is not a party to this proceeding.

Hettiaratchi's nominating petition bears two signatures in addition to her own: John H. Helmers, Jr. and Mitch Smith. Smith is a registered voter who resides in Metro Council District 11, and his signature is valid and uncontested. Helmers resides at 1421 Baxter Avenue, Louisville, Kentucky 40204, in precinct L174. The parties stipulated at the April 20, 2026 hearing that precinct L174 falls within Metro Council District 8, not District 11. Helmers cannot vote for Hettiaratchi in the District 11 election. He is, however, a registered voter within Louisville Metro Government and is not alleged to have done anything improper.

To file for Metro Council, Hettiaratchi visited the Jefferson County Clerk's website, which directed her to the Secretary of State's website, which in turn directed her to download the Candidate Information Packet for nonpartisan city legislative body candidates. This packet was the official government document provided to candidates for the 2026 election cycle. The Candidate

Information Packet, issued by the Office of the Secretary of State, instructs candidates seeking nonpartisan city legislative body offices in cities that have not waived the primary to obtain, in addition to the candidate's own signature, "two (2) registered voters who reside in the city from which the candidate seeks nomination." The packet does not instruct candidates to obtain signatures from voters of their specific district.

Before filing, Hettiaratchi consulted with an employee of the Jefferson County Clerk's Office to confirm she was following the correct procedure. According to [Hettiaratchi's] uncontested affidavit evidence, a Jefferson County Clerk's employee confirmed that compliance with the Candidate Information Packet would satisfy the filing requirements. No contrary evidence was presented at the hearing. Hettiaratchi filed on the SBE 60A-2 form. That form cites KRS 118.315 by name on both pages. The signature page tracks the language of KRS 118.315, stating that signatories must be "voters of the same district or jurisdiction from which the candidate seeks nomination." The Candidate Information Packet instruction ("city") and the SBE 60A-2 form language ("district or jurisdiction") are not reconciled anywhere in the official government materials provided to candidates for this cycle. . . .

After the January 9, 2026 filing deadline passed, Jefferson County Clerk David Yates determined that Hettiaratchi and Councilman Kramer were the only two candidates to file for Metro Council District 11. Pursuant to KRS 83A.170(6), the Clerk issued Hettiaratchi a Certificate of Nomination. The Clerk's Office confirmed at the hearing that its review of the nominating petitions is ministerial. It checks for missing information such as absent signatures or addresses, but does not conduct a substantial legal review of whether statutory requirements are satisfied. The office had no established process for verifying signatories' district-specific

residency as opposed to city-wide residency. At the hearing, [Miller's] counsel represented that he personally reviewed every Louisville Metro Council nominating petition filed for this election cycle across all districts and confirmed that no other candidacy is currently affected by the legal question presented here. No contrary evidence was presented.

No Louisville Metro Council ordinance was identified or produced at the hearing pursuant to KRS 83A.050(1) prescribing that Metro Council elections be governed by KRS 83A.045, 83A.170, 83A.175, and 83A.047. [Hettiaratchi's] position is that no such ordinance was required. [Miller's] position is that Louisville Metro lacks authority to enact one because Chapter 67C, not Chapter 83A, governs Louisville Metro. Louisville Metro's nonpartisan election mandate did not originate from a local ordinance. It came from the General Assembly's 2024 amendment to KRS 67C.103(5) through House Bill 88, changing "partisan" to "nonpartisan."

Order Denying Petition to Disqualify Candidate and Granting Motion to Dismiss,
Record at 83-85.

Miller filed this appeal on June 15, 2026. Appellees, Hettiaratchi, Jefferson County Board of Elections, and Jefferson County Clerk's office have all filed responses to the appeal. The matter is now ripe for adjudication.

Standard of Review

Our review requires the analysis of multiple statutes. Specifically, we must look at the interaction between KRS Chapters 67C, 83A, and 118.

As such, "when construing multiple statutes, the statutes are read 'in harmony with one another in order to

effectuate all statutes, if possible.” *Kentucky Dep’t of Corr. v. Dixon*, 572 S.W.3d 46, 49 (Ky. 2019) (quoting *Castle v. Commonwealth*, 411 S.W.3d 754, 757-58 (Ky. 2013)). “In construing statutes, we ‘presume that the General Assembly did not intend an absurd statute or an unconstitutional one.’” *Id.* (quoting *Shawnee Telecom Res., Inc. v. Brown*, 354 S.W.3d 542, 551 (Ky. 2011)).

Marshall v. Commonwealth, 719 S.W.3d 53, 57 (Ky. App. 2025).

Further, statutory interpretation “is purely a matter of law subject to de novo review. Thus, the [legal] conclusions reached by the lower courts are entitled to no deference.” *Kulkarni v. Horlander*, 701 S.W.3d 181, 186 (Ky. 2024) (internal quotation marks and citation omitted). *See also Hardin v. Montgomery*, 495 S.W.3d 686, 694 (Ky. 2016) (citing *McClendon v. Hodges*, 272 S.W.3d 188, 190 (Ky. 2008)). Our review proceeds accordingly.

Analysis

The primary issue on appeal before this Court is whether Hettiaratchi’s nominating petition contained the correct signatures. To that end, we must ascertain whether the requirements of the nominating petition are governed by KRS 83A.170(3), which requires, in relevant part only, that the petition be “signed by at least two (2) registered voters in the city.” We must also consider KRS 118.315(2), which provides, in relevant part, that the nominating petition “shall be signed by the candidate and by registered voters from the district or jurisdiction from which the candidate seeks nomination.” Finally, KRS

67C.103(5) is also at play and provides, in relevant part only, that “[t]he members of a consolidated local government council shall be nominated and elected from the district in which they reside in nonpartisan elections.”

We begin by noting that, effective in 2003, Louisville, a city of the first class, merged with Jefferson County pursuant to KRS 67C.101(1) to form a consolidated local government (hereinafter Louisville Metro). “A consolidated local government is neither a city government nor a county government . . . but it is a separate classification of government which possess the greater powers conferred upon, and is subject to the lesser restrictions applicable to, county government and cities of the first class under the Constitution and general laws of the Commonwealth of Kentucky.” KRS 67C.101(2)(d). At first blush, it may seem that, because Louisville Metro is no longer legally a “city” and has not been since 2003, Chapter 83A may not be applicable in *any* regard as it is entitled “Organization of Government in Cities.”¹ However, we turn back to the aforementioned KRS 67C.103(5), which provides, in full:

The members of a consolidated local government council shall be nominated and elected from the district in which they reside in nonpartisan elections. After the initial terms of office of the first elected council members,

¹ KRS Chapter 83A entitled “Organization of Government in Cities,” appears in Title IX of the Kentucky Revised Statutes, entitled, “Counties, Cities, and Other Local Units.” KRS Chapter 118, entitled, “Conduct of Elections” appears in Title X of the Kentucky Revised Statutes, which is entitled “Elections.” KRS Chapter 67C, entitled, “Restructure of Local Government in County Containing City of First Class” also appears in Title IX.

council members shall be elected in the same election years as other local government officials **as regulated by the regular election laws of the Commonwealth** and as provided in subsection (4) of this section.

KRS 67C.103(5) (emphasis added).

As stated *supra*, we must analyze the requirement that the nominee “shall be nominated and elected from the district in which they reside . . .” while also considering that election of council members is also “as regulated by the regular election laws of the Commonwealth” This begs the question, **which** “regular election laws” did the legislature mean to invoke? Notably, KRS 67C.103(12)(a)3. directs the reader to KRS 118.315 for the nominating petition; however, this applies only when a council vacancy occurs due to death, resignation, or removal. A specific cross-reference is completely missing from subsection (5) of the same statute and instead refers only broadly to “the regular election laws of the Commonwealth.”

We next turn to the forms and information packet provided by the Secretary of State for a candidate to petition to be on the ballot in a nonpartisan city election that has not waived the primary.² It is uncontested that the first page

² Because Kevin Kramer and Melina Hettiaratchi were the only candidates to file to run for Council for District 11, no primary was held and both candidates moved forward to the November election ballot.

of the nominating petition (form SBE 60A) provides, in relevant part only, the following:

We, the undersigned petitioners, **being voters of the same district or jurisdiction from which the candidate seeks nomination**, and being at least _____ in number, hereby petition you to cause to be printed on the official ballot of said county/counties _____ of the Commonwealth of Kentucky at the primary/regular election

Form SBE 60A (emphasis added).

This language mirrors KRS 118.315(2). Further, the bottom of the page cites directly to KRS 118.315. The second page of the nominating petition (form SBE 60A-2) also cites KRS 118.315 at the bottom of the page. However, the directions to the candidate contained in the same packet state that the forms require the candidate's signature and "two (2) registered voters who reside in the city from which the candidate seeks nomination." This language mirrors KRS 83A.170(3). We also note that each page of the Secretary of State's website contains the following disclaimer: "This updated election document system is for those Kentucky citizens contemplating seeking an elected office. This election document system is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply." In other words, the Secretary of State's website, where Hettiaratchi

obtained the forms, repeatedly warns potential candidates to always double-check the law and not rely solely upon the documents provided.

The circuit court focused primarily on two published cases to support its reasoning. The first is *Marshall v. Commonwealth*, 719 S.W.3d 53 (Ky. App. 2025). This case concerned enforcement of local ordinances of Louisville Metro that allowed for incarceration. Marshall argued that only the legislature could define criminal offenses that result in incarceration. This Court held that KRS 67C.101 extended KRS Chapter 83A powers to consolidated local governments and that KRS Chapters 67C and 83A are to be read in harmony, rather than as mutually exclusive. *Id.* at 59. In other words, the fact that KRS Chapter 67C is applicable to local consolidated governments did not mean KRS Chapter 83A (dealing with city governments) is wholly inapplicable to Louisville Metro.

The second case is *Kulkarni*, 701 S.W.3d 181. In that case, Kulkarni's candidacy for the Kentucky House of Representatives was challenged based upon the fact that one of the two nominators was not from the same political party as Kulkarni at the time of the nomination. The Kentucky Supreme Court said the applicable statute (KRS 118.125(2)) was clear and unambiguous in its requirement that at least two nominators must be registered voters from the same political party and district as Kulkarni and disqualified her. In the case at bar, we agree with the circuit court that the statutes at issue are anything but unambiguous and clear. The

legislature failed to reconcile KRS Chapters 67C, 83A, and 118 when it comes to nonpartisan council elections in a local consolidated government.

We also agree with the circuit court that KRS 83A.050(1) is inapplicable and only fuels confusion in this case. The statute provides:

Election of city officers shall be governed by general election laws as provided in KRS Chapters 116 through 121 unless the city legislative body prescribes by ordinance that election of city officers shall be under nonpartisan city election laws as provided in KRS 83A.045, 83A.170, 83A.175 and 83A.047. The ordinance shall become effective not later than twenty-three (23) days prior to the date prescribed by the election law generally for filing notification and declaration forms with the county clerk in a year in which a regular election is to be held in which any city office is to be filled. Immediately subsequent to publication of any ordinance prescribing that election of city officers be under nonpartisan city election laws, a copy of that ordinance shall be filed with the county clerk of the county in which the city is located.

KRS 83A.050(1) (emphasis added).

While it is undisputed that Louisville Metro did not enact an ordinance stating that local elections shall be governed by the stated provisions of KRS Chapter 83A, we recognize, as the circuit court pointed out, that the decision of whether to do so was taken away from Louisville Metro when KRS 67C.103(5) was amended to mandate nonpartisan elections by statute. So, we are left to circle back to KRS 67C.103(5), which, again provides both that “[t]he members of a consolidated local government council shall be nominated and elected from the

district in which they reside in nonpartisan elections”; **and** that those same elections are to be “regulated by the regular election laws of the Commonwealth[.]”

We also agree with the circuit court that KRS 83A.170 provides “a complete set of mechanics for a nonpartisan city primary election, including filing deadlines, petition form, [and] certification” that simply are not found in KRS Chapter 118 for local nonpartisan elections. *See* Order Denying Petition to Disqualify Candidate and Granting Motion to Dismiss, Record at 87. Miller has failed to articulate why KRS Chapter 83A should be applicable to some local election issues, yet inapplicable to others, particularly when the legislature provided the elections shall be “regulated by the regular election laws of the Commonwealth” without specification to **which** laws.

In Kentucky, longstanding election law provides that if statutory construction is uncertain, any doubt must be resolved in favor of allowing a candidacy to continue. *Heleringer v. Brown*, 104 S.W.3d 397, 403 (Ky. 2003); *Napier v. Roberts*, 189 S.W. 206, 209 (Ky. 1916). Here, the statutes are conflicting. Because Louisville Metro is no longer legally a “city,” it seems that KRS Chapter 83A could be wholly inapplicable. However, *Marshall* instructs that this is not the case. *Kulkarni* provides that strict statutory compliance is mandatory, but only if the statute is clear and unambiguous. KRS 67C.103(5) is

neither clear nor unambiguous, particularly when a later subsection within the same statute specifically points to KRS 118.315 in the event that a council vacancy occurs due to death, resignation, or removal. The legislature could have included the same language in subsection (5), but did not. It is therefore not surprising that the forms available from the Secretary of State reflect this lack of certainty and cohesion.

Given the ambiguity with the statutes applicable to this case, former Justice Stumbo's concurring opinion in *Heleringer* properly suggests that our primary focus should be on the voters affected thereby:

To, at this point in the process, eliminate a choice from consideration in the Republican primary, would clearly have more than a theoretical effect on the voters. Their contributions, physical labor, even their absentee ballot, if already cast, would be rendered a nullity. To lose a vote because your candidate is defeated is one thing; to lose a vote because a candidacy is voided due to technical reasons is another entirely. The effect would be real and must be acknowledged, just as our predecessor court acknowledged the rights of the voters in cases in which a candidacy has been challenged. In *Queenan v. Mimms*, Ky., 283 S.W.2d 380, 382 (1955), it was noted that: "It is a fundamental principal that the courts will construe election statutes liberally in favor of the citizens whose right to choose their public officers is challenged. *Greene v. Slusher*, 300 Ky., 715, 190 S.W.2d 29 (1945)." The right of the qualified voter to cast an effective vote is among our most precious freedoms.

Heleringer, 104 S.W.3d at 404-05.

Conclusion

Due to ambiguity and lack of clarity in the statutes surrounding elections of nonpartisan council members in Louisville Metro, we must allow Hettiaratchi's candidacy to continue. We agree with the circuit court that Hettiaratchi's nominating petition was valid pursuant to KRS 83A.170(3) in that it contained the signatures of at least two registered voters within Louisville Metro. Accordingly, the June 3, 2026, order of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

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