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VOTER WHO WANTS TO SWITCH PARTIES FOR PRIMARY JOINS CHALLENGE TO ELECTION LAW

JAMIE LUCKE, HERALD-LEADER POLITICAL WRITER

FRANKFORT -- Kentucky law won't let Darrell Sebastian vote in the Republican primary so he's challenging the law.

Sebastian has joined an American Civil Liberties Union lawsuit filed by GOP gubernatorial candidate Robert Gable challenging many aspects of Kentucky's election laws. Sebastian, of Lexington, is challenging only the provision that says he would have had to have changed from Democrat to Republican 30 days before last November's election to be eligible to vote in the Republican primary May 23.

Kentucky's rule on changing party registration is one of the most restrictive in the nation.

According to the complaint filed in U.S. District Court, Sebastian tried to change registration at the Fayette County clerk's office last Wednesday and was told doing so would disqualify him from voting in May.

Had Sebastian known last fall who the candidates in May would be, he would have changed parties then, says the suit. But no one knew who all the candidates would be until 4 p.m. Jan. 31.

The law therefore unconstitutionally impairs his "right and ability to exercise his vote in his preferred manner," says the suit.

ACLU lawyer **Robert Abell** of Lexington says he will seek an injunction on the question of switching parties as soon as possible. If a judge agrees the law is wrong, Abell said he sees

no practical roadblocks to letting people change parties in time for this year's primary.

"It seems administratively feasible because the books are open for new registrants up until 30 days" before the election, Abell said yesterday.

But the question of which judge should rule on Sebastian's and Gable's complaints may have to come first. They filed their suit in Judge Joseph Hood's Eastern District in Frankfort.

But Western District Judge Robert Simpson of Louisville already has rejected some of Gable's arguments against campaign spending limits in the governor's race in a similar suit filed by former Gov. Wallace Wilkinson.

Lawyers for the state have moved to have Gable's suit sent to Simpson's court. They accuse Gable and the ACLU of "an unabashed attempt to re-litigate rulings made" by Simpson last month and say such "forum-shopping is not only a waste of judicial resources, but also undermines the finality of judicial pronouncements in general, and the public's confidence in Judge Simpson's decision in particular."



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