



August 26, 2024

**Via electronic mail and First-Class Mail**

Attorney General Russell Coleman  
Office of the Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, Kentucky 40601-3449

**Re: Use of Taxpayer Resources to Advocate Against Amendment 2**

Attorney General Coleman:

We write on behalf of concerned Kentucky taxpayers to ask this Office to investigate and remedy widespread violations of Kentucky’s prohibition on the use of taxpayer resources to advocate for or against ballot measures (K.R.S. § 65.013)—most notably by Lieutenant Governor Jacqueline Coleman, the Pulaski County School District, and the Daviess County School District.<sup>1</sup>

BACKGROUND

This November, Kentucky voters will have the opportunity to vote on Amendment 2—a ballot initiative that would expand educational opportunity by allowing the legislature to fund education beyond traditional public schools.

K.R.S. § 65.013 prohibits the use of tax dollars “to advocate, in partial terms, for or against any public question that appears on the ballot.” As noted in your August 13 Advisory, “even the nominal expenditure of resources and time to promote a constitutional amendment improperly used taxpayers’ dollars . . . .” While the Advisory was directed at public school administrators, the underlying statute applies broadly to all tax dollars, regardless of which government official is using them.

Despite this clear guidance, we have seen violations throughout the state, from the Governor’s office to local districts. We cite three examples below.<sup>2</sup>

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<sup>1</sup> Liberty Justice Center is a nonpartisan, nonprofit public-interest law firm dedicated to promoting government accountability and educational freedom. You can learn more about our mission at [libertyjusticecenter.org](https://libertyjusticecenter.org).

<sup>2</sup> The examples below are not exhaustive, and while we do not identify any examples of government officials using tax dollars to advocate in favor of the amendment, we acknowledge that such behavior would also violate the law and should be addressed by your office.

PULASKI COUNTY SCHOOL DISTRICT

Earlier this month, the Pulaski County School District used its websites, social media pages and even a physical sign to urge voters to vote no to Amendment 2. Some examples are below:

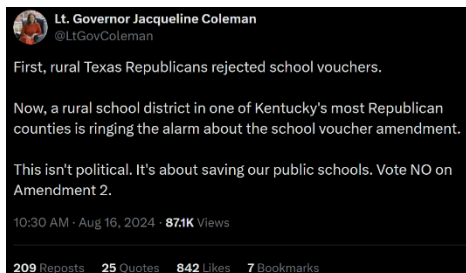


After the August 13<sup>th</sup> Advisory, the District removed the postings, but replaced them with a message from the Superintendent disparaging the Advisory as “partisan politics at its worst” with a not-so-subtle message to “VOTE NO on Amendment 2.” The fact that this post remains up is, itself, a continued violation of the statute.

LIEUTENANT GOVERNOR JACQUELINE COLEMAN

Three days after your office warned that electioneering with taxpayer-funded resources is illegal, Lt. Gov. Jacqueline Coleman’s official social media accounts praised the Pulaski school district for “ringing the alarm about the school voucher

amendment” and instructed Kentuckians to “Vote NO on Amendment 2.” Her accounts were used for a similar post on August 26.<sup>3</sup>



Notably, because the posts were not signed, they were apparently written and posted by a staffer—further indicating the use of public monies in connection with the Lieutenant Governor’s lobbying, and highlighting the Lieutenant Governor’s decision to flout the Advisory’s clear legal guidance.<sup>4</sup>

### DAVIESS COUNTY SCHOOL DISTRICT

The media has reported that Daviess County Superintendent Charles Broughton held a rally with “thousands of teachers and staff members” on August 6, during which he stated that Amendment 2 “will defund public schools,” threatened that there would be “fewer [employees] in this building,” and demeaned school choice as “false and misleading.”<sup>5</sup> Our firm has been contacted by multiple whistleblowers in attendance who confirmed that staff were required to attend the rally and were paid to be there, during which time they were explicitly told to vote no on Amendment 2.

The use of thousands of staff to hold a political rally in opposition to Amendment 2 is an egregious violation of K.R.S. § 65.013, it also appears to violate K.R.S. § 121.310—a criminal statute prohibiting the coercion of an employees’ vote and punishable as a Class D felony (K.R.S. § 121.990(3)).<sup>6</sup> These whistleblowers

<sup>3</sup> The August 26 post on Facebook was deleted and revised to remove the language explicitly telling the public to vote no.

<sup>4</sup> There are multiple posts with similar language that have not been deleted. *See, e.g.*, <https://x.com/LtGovColeman/status/1825940863668858964> (August 20), <https://x.com/LtGovColeman/status/1819063651372044531> (August 1), <https://x.com/LtGovColeman/status/1802754266639282605> (June 17).

<sup>5</sup> James Mayse, *DCPS Teachers Rally Before Opening Day of School Year*, Messenger-Inquirer (Owensboro, Ky.), Aug. 6, 2024, [DCPS teachers rally before opening day of school year \(yahoo.com\)](https://www.yahoo.com/news/dcps-teachers-rally-before-opening-day-of-school-year-1802754266639282605.html)

<sup>6</sup> The Kentucky Supreme Court has ruled that statute unconstitutional to the extent an employee has only “been requested” to vote in a certain way. *See State Registry of Election Fin. v. Blevins*, 57

mentioned above intend to file formal complaints with your office to request an investigation.

### CONCLUSION

As Attorney General, you are the “chief law officer of the Commonwealth of Kentucky”, with “broad powers” to “institute, conduct, and maintain suits and proceedings for the enforcement of the laws of the state, the preservation of order, and the protection of public rights.” *Overstreet v. Mayberry*, 603 S.W.3d 244, 265 (Ky. 2020). Accordingly, on behalf of the Kentucky taxpayers who have contacted us about these matters, we ask that your office take swift action to fully investigate these matters and enjoin the above-referenced parties from taking any further actions in violation of § 65.013 to ensure the integrity of the upcoming vote on Amendment 2.

You or your staff should feel free to reach out to me at the email address below.

Respectfully submitted,



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S.W.3d 289, 290 (Ky. 2001). But our whistleblowers state that the Daviess County Superintendent explicitly “directed” his employees to vote against Amendment 2.