

1 AN ACT relating to elections and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 → Section 1. KRS 15.243 is amended to read as follows:

- 4 (1) In addition to the other duties and powers of the Attorney General, he or she shall
5 enforce all of the state's election laws by civil or criminal processes.
- 6 (2) The Attorney General shall:
- 7 (a) Devise and administer programs to observe the conduct of elections;
- 8 (b) Hold public hearings;
- 9 (c) Establish a toll-free telephone service for the purpose of receiving reports of
10 election law violations. The service shall be operated during regular business
11 hours throughout the year and during the hours which any poll in the state is
12 open on the day of any primary, special election, or regular election;
- 13 (d) Initiate investigations or investigate alleged violations of election laws at the
14 request of a registered voter or on his or her own motion;
- 15 (e) Issue subpoenas for the production of any books, papers, correspondence,
16 memoranda or other records, and compel the attendance of witnesses that he
17 or she deems relevant to the purposes of any investigation;
- 18 (f) Present evidence of alleged violations to a grand jury; and
- 19 (g) File appropriate complaints in any court of competent jurisdiction.
- 20 (3) (a) The Attorney General shall be required to begin an independent inquiry for
21 any potential irregularities that may have occurred in each election in not
22 fewer than twelve (12) of Kentucky's counties, to be selected at random in a
23 public process, within twenty (20) days following each primary or regular
24 election. ~~[- No county shall be subject to inquiry under this subsection in two
25 (2) consecutive elections.]~~
- 26 (b) ***The Attorney General shall promulgate administrative regulations in
27 accordance with KRS Chapter 13A to establish a uniform procedure and***

1 *timeline for his or her agents to follow when conducting the independent*
 2 *inquiries. The administrative regulations shall also designate the data and*
 3 *forms that shall be requested from each county that is chosen.*

4 (c) The Attorney General shall report his or her findings to the grand jury of each
 5 county involved, ~~and to~~ the chief circuit judge for the circuit in which the
 6 county is located, *and the appropriate county clerk.*

7 (4) When the Registry of Election Finance concludes there is probable cause to believe
 8 a violation of election laws has occurred, it shall forward the matter to the Attorney
 9 General for prosecution. In the event the Attorney General or local prosecutor fails
 10 to prosecute the matter in a timely fashion, the registry's attorney may petition the
 11 Circuit Court to be appointed as a special prosecutor. Upon such motion timely
 12 filed, for good cause shown, the court shall enter an order to that effect.

13 (5) When requested by the Attorney General, all state and local agencies and officials,
 14 including the Auditor of Public Accounts, Commonwealth's attorneys, county
 15 attorneys, Registry of Election Finance, Department of Kentucky State Police,
 16 sheriffs' departments and local police shall give all possible assistance to the
 17 Attorney General in the performance of his or her duties.

18 ➔ Section 2. KRS 117.066 is amended to read as follows:

19 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of
 20 this section, designate a single voting location for more than one (1) precinct if the
 21 voting location is equipped with voting equipment capable of providing or
 22 accepting separate ballots without endangering the integrity of the ballots or
 23 without violating any other election law.

24 (2) If a single voting location for more than one (1) precinct is approved under
 25 subsection (3) of this section, the primary or election shall be conducted as follows:

26 (a) One (1) voting equipment may be used for more than one (1) precinct if
 27 ballots are tabulated for each separate precinct, and if separate ballots may be

1 placed upon any voting equipment to be used without endangering the
2 integrity of the ballots or without violating any other election law. Otherwise,
3 separate voting equipment shall be used for each precinct. In the instance of a
4 precinct which has a small number of voters such that the use of separate
5 voting equipment would be cost-prohibitive, the county clerk may make
6 application to the State Board of Elections to use supplemental paper ballots
7 under KRS 118.215 to conduct the voting for the small precinct on any
8 primary or election day. If the use of supplemental paper ballots is approved
9 by the State Board of Elections, at the close of voting on any primary or
10 election day, the locked supplemental paper ballot box shall be transported to
11 the county board of elections along with the federal provisional ballot
12 receptacle, and ballots shall be counted by the county board of elections as
13 provided by KRS 117.275(10) to (16);

14 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
15 shall be taken to ensure that voters cast their ballot in their duly authorized
16 precinct; and

17 (c) A separate set of election forms and reports required by this chapter and the
18 State Board of Elections shall be maintained for each precinct.

19 (3) The county board of elections may petition the State Board of Elections to allow the
20 consolidation of precincts and the consolidation of precinct election officers at any
21 voting location where voters of more than one (1) precinct vote. The petition shall
22 be on a form prescribed by the State Board of Elections in administrative
23 regulations promulgated under KRS Chapter 13A and shall include:

24 (a) A list of all precincts designated to vote at the voting location;

25 (b) The address and type of facility of the voting location;

26 (c) The number and type of voting systems or voting equipment to be used at the
27 voting location;

- 1 (d) The number of registered voters in each precinct designated to vote at the
2 voting location;
- 3 (e) An explanation of the reasons why the consolidation is desirable;
- 4 (f) The plan for additional precinct officers at the voting location, the manner in
5 which they will be assigned, and whether the voting location will be fully
6 staffed with election officials;
- 7 (g) The plan for how the county clerk will publicize the location for where the
8 voting shall occur, in addition to how each location shall be noted
9 conspicuously to residents of the county as a "Vote Center";~~and~~
- 10 (h) The plan for how the voting location will serve as a focal point to meet the
11 needs of a diverse community; ***and***
- 12 ***(i) The number of parking spaces available at the location and a determination***
13 ***as to whether the location has sufficient parking spaces.***

14 (4) If the petition submitted under subsection (3) of this section is approved by the
15 State Board of Elections, the precinct election officers designated to serve as
16 election officers for more than one (1) precinct shall meet the eligibility
17 requirements of KRS 117.045.

18 ➔ Section 3. KRS 117.235 is amended to read as follows:

- 19 (1) No person, other than the election officers, challengers, person assisting voters in
20 accordance with KRS 117.255(3), and a minor child in the company of a voter,
21 shall be permitted within the voting room while the vote is being polled, except as
22 follows:
- 23 (a) For the purpose of voting;
- 24 (b) By authority of the election officers to keep order and enforce the law;
- 25 (c) With the express approval of the county board of elections to repair or replace
26 voting equipment that is malfunctioning, and to provide additional voting
27 equipment; or

- 1 (d) At the voter's discretion, a minor child in the company of a voter may
 2 accompany the voter into a voting booth or other private area provided for
 3 casting a vote.
- 4 (2) No officer of election shall do any electioneering at any polling place during:
 5 (a) The times the polls are open on election day; or
 6 (b) Any of the days that in-person absentee voting is conducted.
- 7 (3) (a) No person shall electioneer at ~~any~~the polling place that is being used as a
 8 voting location on the day of any election, as established in KRS 118.025, or
 9 on any of the days that in-person absentee voting is conducted at that
 10 location, or within a distance of one hundred (100) feet of the property line
 11 of~~any entrance to~~ a building in which voting is conducted and any parking
 12 areas designated as parking spaces for voters by the county board of
 13 elections ~~if that entrance is unlocked and is~~ used by voters on any primary or
 14 election day, or on any of the days that in-person absentee voting is
 15 conducted.
- 16 (b) No person shall electioneer within the interior of a building or affix any
 17 electioneering materials to the exterior or interior of a building where the
 18 county clerk's office is located, or any building designated by the county
 19 board of elections and approved by the State Board of Elections for in-person
 20 absentee voting, during the hours in-person absentee voting is being
 21 conducted in the building.
- 22 (c) No person shall electioneer within one hundred (100) feet of a mail-in
 23 absentee drop-box or drop-receptacle.
- 24 (d) No person shall electioneer in any building where training for election
 25 officers is being conducted during the time of the training.
- 26 (e) Electioneering shall include the displaying of signs, the distribution of
 27 campaign literature, cards, or handbills, the soliciting of signatures to any

1 petition, or the solicitation of votes for or against any bona fide candidate or
2 ballot question in a manner which expressly advocates the election or defeat
3 of the candidate or expressly advocates the passage or defeat of the ballot
4 question, but shall not include exit polling, bumper stickers affixed to a
5 person's vehicle while parked within or passing through a distance of one
6 hundred (100) feet of any entrance to a building in which voting is conducted,
7 private property as provided in subsection (7) of this section, or other
8 exceptions established by the State Board of Elections through the
9 promulgation of administrative regulations under KRS Chapter 13A.

10 (4) No voter shall be permitted to converse with others while in any room in which
11 voting, including in-person absentee voting, is conducted concerning their support
12 or nonsupport of any candidate, party, or issue to be voted on, except as provided in
13 KRS 117.255.

14 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
15 enforcement official may enforce the election laws and maintain law and order at
16 the polls and within one hundred (100) feet of any entrance to the building in which
17 voting is conducted if that entrance is unlocked and is used by voters. Assistance
18 may be requested of any law enforcement officer.

19 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
20 Elections may establish a program designed to instill in school children a respect
21 for the democratic principles of voting by conducting in any county a mock election
22 for school children in conjunction with any primary, regular, or special election.
23 The State Board of Elections shall promulgate administrative regulations under
24 KRS Chapter 13A regarding the mock elections to ensure that the regular voting
25 process will not be impaired.

26 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this
27 section shall prohibit the displaying of political campaign signs on private property

1 or private establishments by a person having a leased or ownership interest in that
 2 private property or private establishment within the campaign-free zone, regardless
 3 of the distance from the polling place. In the case of a polling location being on
 4 private property that is leased or otherwise under contract for the purpose of serving
 5 as a polling location, the provisions of subsection (3) of this section shall be
 6 applicable to that leased or contracted-for private property.

7 ➔ Section 4. KRS 117.265 is amended to read as follows:

- 8 (1) A voter may, at any regular or special election, cast a write-in vote for any person
 9 qualified as provided in subsection (2) or (3) of this section, whose name does not
 10 appear upon the ballot for any office, by writing the name of his or her choice upon
 11 the appropriate ballot for the office being voted on as required by KRS 117.125.
 12 Any candidate~~[for city, county, urban county, consolidated local government,~~
 13 ~~charter county government, or unified local government office]~~ who is defeated in a
 14 partisan or nonpartisan primary shall be ineligible as a candidate for the same office
 15 in the regular election, **unless there is a vacancy pursuant to KRS 118.105(3)**. Any
 16 voter utilizing a federal provisional ballot, a federal provisional in-person absentee
 17 ballot, or a mail-in absentee ballot for a regular or special election may write in a
 18 vote for any eligible person whose name does not appear upon the ballot, by writing
 19 the name of his or her choice under the office.
- 20 (2) Write-in votes shall be counted only for candidates for election to office who have
 21 filed a declaration of intent to be a write-in candidate with the Secretary of State or
 22 county clerk, depending on the office being sought, on or before the fourth Friday
 23 in October preceding the date of the regular election and not later than the second
 24 Friday before the date of a special election. In the case of a special election
 25 administered under KRS 118.730, a declaration of intent to be a write-in candidate
 26 shall be filed at least twenty-eight (28) days before the day of the election. The
 27 declaration of intent shall be filed no earlier than the first Wednesday after the first

1 Monday in November of the year preceding the year the office will appear on the
2 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
3 date on which papers may be filed. The declaration of intent shall be on a form
4 prescribed and furnished by the Secretary of State.

5 (3) A person shall not be eligible as a write-in candidate:

6 (a) For more than one (1) office in a regular or special election; or

7 (b) If his or her name appears upon the ballot for any office, except that the
8 candidate may file a notice of withdrawal prior to filing an intent to be a
9 write-in candidate for office when a vacancy in a different office occurs
10 because of:

11 1. Death;

12 2. Disqualification to hold the office sought;

13 3. Severe disabling condition which arose after the nomination; or

14 4. The nomination of an unopposed candidate.

15 (4) Persons who wish to run for President and Vice-President shall file a declaration of
16 intent to be a write-in candidate, along with a list of presidential electors pledged to
17 those candidates, with the Secretary of State on or before the fourth Friday in
18 October preceding the date of the regular election for those offices. The declaration
19 of intent shall be filed no earlier than the first Wednesday after the first Monday in
20 November of the year preceding the year the office will appear on the ballot, and no
21 later than 4 p.m. local time at the place of filing when filed on the last date on
22 which papers may be filed. Write-in votes cast for the candidates whose names
23 appear on the ballot shall apply to the slate of pledged presidential electors, whose
24 names shall not appear on the ballot.

25 (5) The county clerk shall provide to the precinct election officers certified lists of
26 those persons who have filed declarations of intent as provided in subsections (2)
27 and (3) of this section. Only write-in votes cast for qualified candidates shall be

1 counted.

2 (6) Two (2) election officers of opposing parties shall upon the request of any voter
3 instruct the voter on how to cast a write-in vote.

4 → Section 5. KRS 118.105 is amended to read as follows:

5 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
6 every political party shall nominate all of its candidates for elective offices to be
7 voted for at any regular election at a primary held as provided in this chapter, and
8 the governing authority of any political party shall have no power to nominate any
9 candidate for any elective office or to provide any method of nominating candidates
10 for any elective office other than by a primary as provided in this chapter.

11 (2) Any political organization not constituting a political party as defined in KRS
12 118.015 may make its nominations as provided in KRS 118.325.

13 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
14 made by the primary more than ten (10) days before the certification of candidates
15 for the regular election made under KRS 118.215, because of death, withdrawal,
16 disqualification to hold the office sought, or severe disabling condition which arose
17 after the nomination, the governing authority of the party may provide for filling the
18 vacancy, but only following certification to the governing authority, by the
19 Secretary of State, that a vacancy exists for a reason specified in this subsection.
20 When such a nomination has been made, the certificate of nomination shall be
21 signed by the chair and secretary of the governing authority of the party making it,
22 and shall be filed in the same manner as certificates of nomination at a primary.

23 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
24 made by the primary more than ten (10) days before the certification of candidates
25 for the regular election, and if that party's nominee was the only political party
26 candidate for the office sought, the governing authority of each party may nominate
27 a candidate for the regular election, provided that no person has sought that party's

1 nomination by filing a notification and declaration.

2 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
 3 subsection (3) or (4) of this section [~~prior to September 15 preceding the day of the~~
 4 ~~regular election~~], certificates of nomination for replacement candidates shall be
 5 filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m.
 6 on the date of certification [~~ten (10) days after the vacancy occurs, excluding~~
 7 ~~weekends and legal holidays. If a vacancy occurs in the nomination of a candidate~~
 8 ~~under the conditions of subsection (3) or (4) of this section on or after September 15~~
 9 ~~preceding the date of the regular election, certificates of nomination for replacement~~
 10 ~~candidates shall be filed in the same manner as provided in subsections (3) and (4)~~
 11 ~~not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and~~
 12 ~~legal holidays.~~

13 ~~(6) If a vacancy in candidacy described in subsection (5) of this section occurs later~~
 14 ~~than the second Thursday preceding the date of the regular election, no certificates~~
 15 ~~of nomination shall be filed and any candidate whose name does not appear on the~~
 16 ~~ballot may seek election by write-in voting pursuant to KRS 117.265].~~

17 ~~(6)~~ [(7)] This section does not apply to candidates for members of boards of education,
 18 or presidential electors, nor to candidates participating in nonpartisan elections.
 19 However, regardless of the number of days served by a judge acting as a Senior
 20 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge
 21 in accordance with KRS 21.580 shall not become a candidate for any elected office
 22 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

23 → Section 6. KRS 118.315 is amended to read as follows:

24 (1) A candidate for any office to be voted for at any regular election may be nominated
 25 by a petition of electors qualified to vote for him or her, complying with the
 26 provisions of subsection (2) of this section. No person whose registration status is
 27 as a registered member of a political party shall be eligible to election as an

1 independent, or political organization, or political group candidate, nor shall any
 2 person be eligible to election as an independent, or political organization, or
 3 political group candidate whose registration status was as a registered member of a
 4 political party on January 1 immediately preceding the regular election for which
 5 the person seeks to be a candidate. This restriction shall not apply to candidates to
 6 those offices specified in subsection (6) of Section 5 of this Act~~[KRS 118.105(7)]~~,
 7 for supervisor of a soil and water conservation district, for candidates for mayor or
 8 legislative body in cities of the home rule class, or to candidates participating in
 9 nonpartisan elections.

- 10 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
 11 be signed by the candidate and by registered voters from the district or jurisdiction
 12 from which the candidate seeks nomination. The petition shall include a
 13 declaration, sworn to by the candidate, that he or she possesses all the constitutional
 14 and statutory requirements of the office for which the candidate has filed.
 15 Signatures for a petition of nomination for a candidate seeking any office,
 16 excluding President of the United States in accordance with KRS 118.591(1), shall
 17 not be affixed on the document to be filed prior to the first Wednesday after the first
 18 Monday in November of the year preceding the year in which the office will appear
 19 on the ballot. Signatures for nomination papers shall not be affixed on the document
 20 to be filed prior to the first Wednesday after the first Monday in November of the
 21 year preceding the year in which the office will appear on the ballot. A petition of
 22 nomination for a state officer, or any officer for whom all the electors of the state
 23 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
 24 representative in Congress from any congressional district, or for any officer from
 25 any other district except as herein provided, four hundred (400) petitioners; for a
 26 county officer, member of the General Assembly, or Commonwealth's attorney, one
 27 hundred (100) petitioners; for a soil and water conservation district supervisor,

1 twenty-five (25) petitioners; for a city officer or board of education member, two
 2 (2) petitioners; and for an officer of a division less than a county, except as herein
 3 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the
 4 petition be appended to one (1) paper. Each petitioner shall include the date he or
 5 she affixes the signature, address of residence, and date of birth. Failure of a voter
 6 to include the signature affixation date, date of birth, and address of residence shall
 7 result in the signature not being counted. If any person joins in nominating, by
 8 petition, more than one (1) nominee for any office to be filled, he or she shall be
 9 counted as a petitioner for the candidate whose petition is filed first, except a
 10 petitioner for the nomination of candidates for soil and water conservation district
 11 supervisors may be counted for every petition to which his or her signature is
 12 affixed.

13 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
 14 not be printed on the ballots as part of the candidate's name; however, nicknames,
 15 initials, and contractions of given names may be accepted as the candidate's name.

16 (4) The Secretary of State and county clerks shall examine the petitions of all
 17 candidates who file with them to determine whether each petition is regular on its
 18 face. If there is an error, the Secretary of State or the county clerk shall notify the
 19 candidate by certified mail within twenty-four (24) hours of filing.

20 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
 21 KRS 21.580 shall not become a candidate or a nominee for any elected office
 22 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
 23 number of days served by the judge acting as a Senior Status Special Judge.

24 ➡ Section 7. KRS 119.165 is amended to read as follows:

25 (1) Any person who falsely personates a registered voter, and receives and casts a
 26 ballot by means of such personation, shall be guilty of a Class D felony. An attempt
 27 at such personation shall constitute a Class A misdemeanor.

1 (2) Any person who, by means other than falsely personating a registered voter, votes
 2 at an election in this state when he is a resident of another state or country, or votes
 3 more than once at an election, or votes by use of the naturalization papers of
 4 another person, shall be guilty of a Class D felony. Any person who knowingly
 5 votes or attempts to vote in a precinct other than the one in which he resides shall
 6 be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does
 7 not live he is enabled to vote in a race or on a matter in which he could not vote in
 8 his proper precinct in which case he shall be guilty of a Class D felony. Any person
 9 who lends or hires his or another's naturalization papers to be used for the purpose
 10 of voting shall be subject to the same penalty.

11 (3) Any person lawfully registered to vote who is then convicted of a felony offense
 12 and has not previously been restored to their civil rights by executive pardon who
 13 then knowingly votes or attempts to vote shall be guilty of a Class D felony.

14 (4) Any resident of this state who, by means other than falsely personating a registered
 15 voter, votes at a regular or special election before he has resided in this state thirty
 16 (30) days, or in the county and precinct where the election is held the time required
 17 by law, or before he has attained full age, or before he has become a citizen, shall
 18 be guilty of a Class B misdemeanor.

19 ~~(5)~~~~(4)~~ Any person who, by means other than falsely personating a registered voter,
 20 votes in a primary election knowing that he is not qualified as provided in KRS
 21 116.055, shall be guilty of a violation.

22 ~~(6)~~~~(5)~~ Any person who applies for or receives a ballot at any voting place other than
 23 the one at which he is entitled to vote, under circumstances not constituting a
 24 violation of any of the provisions of subsections (1) to ~~(3)~~~~(4)~~ of this section, shall
 25 be guilty of a Class A misdemeanor.

26 → Section 8. KRS 121.175 is amended to read as follows:

27 (1) No candidate, committee, or contributing organization shall permit funds in a

1 campaign account to be expended for any purpose other than for allowable
2 campaign expenditures. "Allowable campaign expenditures" means expenditures
3 including reimbursement for actual expenses, made directly and primarily in
4 support of or opposition to a candidate, constitutional amendment, or public
5 question which will appear on the ballot and includes, but is not limited to,
6 expenditures for staff salaries, gifts and meals for volunteer campaign workers,
7 food and beverages provided at a campaign rally, advertising, office space,
8 necessary travel if reported, campaign paraphernalia, purchases of advertisements
9 in athletic and scholastic publications, communications with constituents or
10 prospective voters, polling and consulting, printing, graphic arts, or advertising
11 services, postage, office supplies, stationery, newsletters, and equipment which is
12 used primarily for the administration of the campaign, or for fees incurred from
13 legal services while defending a matter before the Kentucky Legislative Ethics
14 Commission in which the final adjudication is rendered in favor of the candidate.
15 "Allowable campaign expenditures" does not include necessary travel unless
16 reported, expenditures of funds in a campaign account for any purpose made
17 unlawful by other provisions of the Kentucky Revised Statutes or which would
18 bestow a private pecuniary benefit, except for payment of the reasonable value of
19 goods and services provided upon a candidate, member of the candidate's family,
20 committee, or contributing organization, or any of their employees, paid or unpaid,
21 including: tickets to an event which is unrelated to a political campaign or
22 candidacy; items of personal property for distribution to prospective voters except
23 items bearing the name, likeness, or logo of a candidate or a campaign-related
24 communication; expenditures to promote or oppose a candidacy for a leadership
25 position in a governmental, professional, or political organization, or other entity;
26 and equipment or appliances the primary use of which is for purposes outside of the
27 campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be

1 required to include a disclaimer on campaign stationery purchased with funds from
 2 his campaign account. A member of the General Assembly may utilize funds in his
 3 or her campaign account to contribute up to five thousand dollars (\$5,000) per year
 4 to a political party or caucus campaign committee. A member of the General
 5 Assembly may make allowable campaign expenditures in both election years and
 6 nonelection years.

7 (2) By December 31, 1993, the registry shall promulgate administrative regulations to
 8 implement and enforce the provisions of subsection (1) of this section.

9 (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this
 10 section, the registry may, after hearing:

11 (a) For a violation which was not committed knowingly, order the violator to
 12 repay the amount of campaign funds which were expended for other than
 13 allowable campaign expenditures, and if not repaid within thirty (30) days,
 14 may impose a fine of up to one hundred dollars (\$100) for each day the
 15 amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000);
 16 and

17 (b) For a violation which was committed knowingly, in addition to referring the
 18 matter for criminal prosecution, order the violator to repay the amount of
 19 campaign funds which were expended for other than allowable campaign
 20 expenditures, and if not repaid within thirty (30) days, may impose a fine of
 21 up to one hundred dollars (\$100) for each day the amount is not repaid, up to
 22 a maximum fine of one thousand dollars (\$1,000).

23 → Section 9. KRS 121.180 is amended to read as follows:

24 (1) (a) Any candidate, slate of candidates, or political issues committee shall be
 25 exempt from filing any campaign finance reports required by subsections (3)
 26 and (4) of this section if the candidate, slate of candidates, or political issues
 27 committee chair files a form prescribed and furnished by the registry stating

1 that currently no contributions have been received and that contributions will
2 not be accepted or expended in excess of three thousand dollars (\$3,000) in
3 any one (1) election. A separate form shall be required for each primary,
4 regular, or special election in which the candidate or slate of candidates
5 participates or in which the public question appears on the ballot. The form
6 shall be submitted by means of electronic filing with the registry.

7 (b) For a primary, a candidate or slate of candidates shall file a request for
8 exemption not later than the deadline for filing nomination papers and, except
9 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be
10 bound by its terms unless it is rescinded in writing not later than thirty (30)
11 days preceding the primary. For a regular election, a candidate or slate of
12 candidates shall file or rescind in writing a request for exemption not later
13 than sixty (60) days preceding the regular election, except as provided in
14 subparagraph 2. of paragraph (c) of this subsection. For a special election, a
15 candidate or slate of candidates shall file a request for exemption not later
16 than ten (10) days after the candidate or slate of candidates is nominated for a
17 special election and shall be bound by its terms unless it is rescinded in
18 writing not later than thirty (30) days preceding the special election. A
19 political issues committee chair shall file a request for exemption when the
20 committee registers with the registry and shall be bound by its terms unless it
21 is rescinded in writing not later than thirty (30) days preceding the date the
22 issue appears on the ballot.

23 (c) 1. A candidate or slate of candidates that revokes a request for exemption
24 in a timely manner shall file all reports required of a candidate intending
25 to raise or spend in excess of three thousand dollars (\$3,000) in an
26 election. To revoke the request for an exemption, the candidate or slate
27 of candidates shall file the appropriate form with the registry not later

1 than the deadline for filing a revocation.

2 2. A candidate or slate of candidates that is exempted from campaign
3 finance reporting requirements pursuant to paragraph (a) of this
4 subsection but who accepts contributions or makes expenditures in
5 excess of the exempted amount in an election, shall file all applicable
6 reports required for the remainder of that election, based upon the
7 amount of contributions or expenditures the candidate or slate of
8 candidates accepts or receives in that election.

9 (d) Any candidate or slate of candidates that is subject to a June or August filing
10 deadline and that intends to execute a request for exemption shall file the
11 appropriate request for exemption not later than the filing deadline and, except
12 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be
13 bound by its terms unless it is rescinded in writing not later than sixty (60)
14 days preceding the regular election. A candidate or slate of candidates that is
15 covered by this paragraph shall have the same reversion rights as those
16 provided in subparagraph 1. of paragraph (c) of this subsection.

17 (e) Any candidate or slate of candidates that will appear on the ballot in a regular
18 election that has signed a request for exemption for that election may exercise
19 the reversion rights provided in subparagraph 1. of paragraph (c) of this
20 subsection if a candidate or slate of candidates that is subject to a June or
21 August filing deadline subsequently files in opposition to the candidate or
22 slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of
23 this subsection, a candidate or slate of candidates covered by this paragraph
24 shall comply with the deadline for rescission provided in subparagraph 1. of
25 paragraph (c) of this subsection.

26 (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any
27 candidate or slate of candidates that has filed a request for exemption for a

1 regular election that later is opposed by a person who has filed a declaration
2 of intent to receive write-in votes may rescind the request for exemption and
3 exercise the reversion rights provided in subparagraph 1. of paragraph (c) of
4 this subsection.

5 (g) Any candidate or slate of candidates that has filed a request for exemption
6 may petition the registry to determine whether another person is campaigning
7 as a write-in candidate prior to having filed a declaration of intent to receive
8 write-in votes, and, if the registry determines upon a preponderance of the
9 evidence that a person who may later be a write-in candidate is conducting a
10 campaign, the candidate or slate of candidates, except as provided in
11 subparagraph 2. of paragraph (c) of this subsection, may petition the registry
12 to permit the candidate or slate of candidates to exercise the reversion rights
13 provided in subparagraph 1. of paragraph (c) of this subsection.

14 (h) If the opponent of a candidate or slate of candidates is replaced due to his or
15 her withdrawal because of death, disability, or disqualification, the candidate
16 or slate of candidates, except as provided in subparagraph 2. of paragraph (c)
17 of this subsection, may exercise the reversion rights provided in subparagraph
18 1. of paragraph (c) of this subsection not later than fifteen (15) days after the
19 party executive committee nominates a replacement for the withdrawn
20 candidate or slate of candidates.

21 (i) A person intending to be a write-in candidate for any office in a regular or
22 special election may execute a request for exemption under paragraph (a) of
23 this subsection and shall be bound by its terms unless it is rescinded in writing
24 not later than fifteen (15) days preceding the regular or special election. A
25 person intending to be a write-in candidate who revokes a request for
26 exemption in a timely manner shall file all reports required of a candidate
27 intending to raise or spend in excess of three thousand dollars (\$3,000) in an

1 election. Except as provided in subparagraph 2. of paragraph (c) of this
2 subsection, a person intending to be a write-in candidate who revokes a
3 request for exemption shall file the appropriate form with the registry.

4 (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the
5 campaign committee of any candidate or slate of candidates that has filed a
6 request for exemption or a political issues committee whose chair has filed a
7 request for exemption shall be bound by its terms unless it is rescinded in a
8 timely manner.

9 (k) 1. Except as provided in subparagraph 2. of paragraph (c) of this
10 subsection, any candidate, slate of candidates, or political issues
11 committee that is exempt from filing campaign finance reports pursuant
12 to paragraph (a), (d), or (i) of this subsection that accepts contributions
13 or makes expenditures, or whose campaign treasurer accepts
14 contributions or makes expenditures, in excess of the applicable limit in
15 any one (1) election without rescinding the request for exemption in a
16 timely manner shall comply with all applicable reporting requirements
17 and, in lieu of other penalties prescribed by law, pay a fine of not less
18 than five hundred dollars (\$500).

19 2. Except as provided in subparagraph 2. of paragraph (c) of this
20 subsection, a candidate, slate of candidates, campaign committee, or
21 political issues committee that is exempt from filing campaign finance
22 reports pursuant to paragraph (a), (d), or (i) of this subsection that
23 knowingly accepts contributions or makes expenditures in excess of the
24 applicable spending limit in any one (1) election without rescinding the
25 request for exemption in a timely manner shall comply with all
26 applicable reporting requirements and shall be guilty of a Class D
27 felony.

- 1 (l) 1. Any candidate exempt from filing under this subsection for a primary
2 shall file a report described in subsection (4) of this section.
- 3 2. Any candidate exempt from filing under this subsection for a primary
4 who advances to the regular election shall file for an additional
5 exemption under this section for the regular election or the candidate
6 shall no longer be exempt from the filing requirements.
- 7 3. In the event a candidate exempt from filing under this subsection is no
8 longer eligible for the exemption, he or she shall immediately file for a
9 revocation of the exemption under paragraph (c) of this subsection.
- 10 (2) (a) State and county executive committees, and caucus campaign committees
11 shall make a full report, upon a prescribed form, to the registry, of all money,
12 loans, or other things of value, received from any source, and expenditures
13 authorized, incurred, or made, since the date of the last report, including:
- 14 1. For each contribution of any amount made by a permanent committee,
15 the name and business address of the permanent committee, the date of
16 the contribution, the amount contributed, and a description of the major
17 business, social, or political interest represented by the permanent
18 committee;
- 19 2. For other contributions in excess of one hundred dollars (\$100), the full
20 name, address, age if less than the legal voting age, the date of the
21 contribution, the amount of the contribution, and the employer and
22 occupation of each contributor. If the contributor is self-employed, the
23 name under which he or she is doing business shall be listed;
- 24 3. The total amount of cash contributions received during the reporting
25 period; and
- 26 4. A complete statement of expenditures authorized, incurred, or made.
27 The complete statement of expenditures shall include the name and

1 address of each person to whom an expenditure is made in excess of
 2 twenty-five dollars (\$25), and the amount, date, and purpose of each
 3 expenditure.

4 (b) In addition to the reporting requirements in paragraph (a) of this subsection,
 5 the state executive committee of a political party that has established a
 6 building fund account under KRS 121.172 shall make a full report, upon a
 7 prescribed form, to the registry, of all contributions received from any source,
 8 and expenditures authorized, incurred, or made, since the date of the last
 9 report for the separate building fund account, including:

- 10 1. For each contribution of any amount made by a corporation, the name
 11 and business address of the corporation, the date of the contribution, the
 12 amount contributed, and a description of the major business conducted
 13 by the corporation;
- 14 2. For other contributions in excess of one hundred dollars (\$100), the full
 15 name and address of the contributor, the date of the contribution, the
 16 amount of the contribution, and the employer and occupation of each
 17 contributor. If the contributor is self-employed, the name under which
 18 he or she is doing business shall be listed;
- 19 3. The total amount of cash contributions received during the reporting
 20 period; and
- 21 4. A complete statement of expenditures authorized, incurred, or made.
 22 The complete statement of expenditures shall include the name and
 23 address of each person to whom an expenditure is made in excess of
 24 twenty-five dollars (\$25), and the amount, date, and purpose of each
 25 expenditure.

26 (c) The report required by paragraph (a) of this subsection shall be made on a
 27 semiannual basis *if the committee has more than ten thousand dollars*

1 (\$10,000) in its campaign fund account, and shall be received by the registry
 2 by January 31 and by July 31. The January report shall cover the period from
 3 July 1 to December 31. The July report shall cover the period from January 1
 4 to June 30. If the committee has less than ten thousand dollars (\$10,000) in
 5 its campaign fund account the report required by paragraph (a) of this
 6 subsection shall be made on an annual basis, and shall be received by the
 7 registry by January 31. If an individual gives a reportable contribution to a
 8 caucus campaign committee or to a state or county executive committee with
 9 the intention that the contribution or a portion of the contribution go to a
 10 candidate or slate of candidates, the name of the contributor and the sum shall
 11 be indicated on the committee report. The report required by paragraph (b) of
 12 this subsection relating to a state executive committee's building fund account
 13 shall be received by the registry within two (2) business days after the close of
 14 each calendar quarter. The receipts and expenditures of funds remitted to each
 15 political party under KRS 141.071 to 141.073 shall be separately accounted
 16 for and reported to the registry in the manner required by KRS 121.230. The
 17 separate report may be made a separate section within the report required by
 18 this subsection to be received by the registry by January 31.

- 19 (3) (a) Except for candidates or slates of candidates, campaign committees, or
 20 political issues committees exempted from reporting requirements pursuant to
 21 subsection (1) of this section, each campaign treasurer of a candidate, slate of
 22 candidates, campaign committee, or political issues committee who accepts
 23 contributions or expends, expects to accept contributions or expend, or
 24 contracts to expend more than three thousand dollars (\$3,000) in any one (1)
 25 election, and each fundraiser who secures contributions in excess of three
 26 thousand dollars (\$3,000) in any one (1) election, shall make a full report to
 27 the registry, on a form provided or using a format approved by the registry, of

1 all money, loans, or other things of value, received from any source, and
2 expenditures authorized, incurred, and made, since the date of the last report,
3 including:

- 4 1. For each contribution of any amount made by a permanent committee,
5 the name and business address of the permanent committee, the date of
6 the contribution, the amount contributed, and a description of the major
7 business, social, or political interest represented by the permanent
8 committee;
- 9 2. For each contribution in excess of one hundred dollars (\$100) made to
10 any candidate or campaign committee or a political issues committee,
11 the full name, address, age if less than the legal voting age, the date of
12 the contribution, the amount of the contribution, and the employer and
13 occupation of each other contributor. If the contributor is self-employed,
14 the name under which he or she is doing business shall be listed;
- 15 3. The total amount of cash contributions received during the reporting
16 period; and
- 17 4. A complete statement of all expenditures authorized, incurred, or made.
18 The complete statement of expenditures shall include the name, address,
19 and occupation of each person to whom an expenditure is made in
20 excess of twenty-five dollars (\$25), and the amount, date, and purpose
21 of each expenditure.

22 (b) Reports of all candidates, slates of candidates, campaign committees, political
23 issues committees, and registered fundraisers shall be made as follows:

- 24 1. a. Candidates seeking statewide office, slates of candidates,
25 authorized campaign committees for candidates seeking statewide
26 office and for slates of candidates, unauthorized campaign
27 committees, political issues committees, and fundraisers which

1 register before the year of an election in which the candidate, a
2 slate of candidates, or public question shall appear on the ballot,
3 shall file financial reports with the registry at the end of the first
4 calendar quarter after persons become statewide candidates or
5 slates of candidates, or following registration of the committee or
6 fundraiser, and each calendar quarter thereafter, ending with the
7 last calendar quarter of that year. The provisions of this
8 subparagraph shall be retroactive to January 1, 2021;

9 b. All other candidates and candidate campaign committees shall file
10 annual financial reports to be received by the registry on or before
11 December 1 for each year that a candidate is not yet on the ballot
12 but has filed a Statement of Spending Intent and Appointment of
13 Campaign Treasurer with the registry for a future-year election;
14 and

15 c. Candidates, slate of candidates, or committees shall make all
16 reports required by subparagraphs 2. to 5. of this paragraph during
17 the year in which the election takes place;

18 2. All candidates, slates of candidates, candidate-authorized and
19 unauthorized campaign committees, political issues committees, and
20 registered fundraisers shall make reports on the sixtieth day preceding a
21 regular election, including all previous contributions and expenditures;

22 3. All candidates, slates of candidates, candidate-authorized and
23 unauthorized campaign committees, political issues committees, and
24 registered fundraisers shall make reports on the thirtieth day preceding
25 an election, including all previous contributions and expenditures;

26 4. All candidates, slates of candidates, candidate-authorized and
27 unauthorized campaign committees, political issues committees, and

1 registered fundraisers shall make reports on the fifteenth day preceding
2 the date of the election; and

3 5. All reports to the registry shall cover campaign activity during the entire
4 reporting period and must be received by the registry within two (2)
5 business days after the date the reporting period ends to be deemed
6 timely filed.

7 (4) Except for candidates, slates of candidates, and political issues committees,
8 exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of
9 funds received or expended, candidate-authorized and unauthorized campaign
10 committees, political issues committees, and registered fundraisers shall make post-
11 election reports within thirty (30) days after the election. All post-election reports to
12 the registry shall cover campaign activity during the entire reporting period and
13 must be received by the registry within two (2) business days after the date the
14 reporting period ends to be deemed timely filed.

15 (5) In making the preceding reports, the total gross receipts from each of the following
16 categories shall be listed: proceeds from the sale of tickets for events such as
17 testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass
18 collections made at the events, and sales of items such as campaign pins, buttons,
19 hats, ties, literature, and similar materials. When any individual purchase or the
20 aggregate purchases of any item enumerated above from a candidate or slate of
21 candidates for a statewide-elected state office or a campaign committee for a
22 candidate or slate of candidates for a statewide-elected state office exceeds one
23 hundred dollars (\$100), the purchaser shall be identified by name, address, age, if
24 less than the legal voting age, occupation, and employer or, if the purchaser is self-
25 employed, the name under which he or she is doing business, and the amount of the
26 purchase. When any individual purchase or the aggregate purchases of any item
27 enumerated above from any candidate or campaign committee other than a

1 candidate or slate of candidates for a statewide-elected state office or campaign
2 committee for a candidate or slate of candidates for a statewide-elected state office
3 exceeds one hundred dollars (\$100), the purchaser shall be identified by name,
4 address, age if less than the legal voting age, occupation, and employer or, if the
5 purchaser is self-employed, the name under which he or she is doing business, and
6 the amount of the purchase. The lists shall be maintained by the campaign treasurer,
7 political issues committee treasurer, registered fundraiser, or other sponsor for
8 inspection by the registry for six (6) years following the date of the election.

9 (6) Each permanent committee, except a federally registered permanent committee,
10 inaugural committee, or contributing organization shall make a full report to the
11 registry, on a form provided or using a format approved by the registry, of all
12 money, loans, or other things of value, received by it from any source, and all
13 expenditures authorized, incurred, or made, since the date of the last report,
14 including:

15 (a) For each contribution of any amount made by a permanent committee, the
16 name and business address of the permanent committee, the date of the
17 contribution, the amount contributed, and a description of the major business,
18 social, or political interest represented by the permanent committee;

19 (b) For other contributions in excess of one hundred dollars (\$100), the full name,
20 address, age if under the legal voting age, the date of the contribution, the
21 amount of the contribution, and the employer and occupation of each
22 contributor. If the contributor is self-employed, the name under which he or
23 she is doing business shall be listed;

24 (c) An aggregate amount of cash contributions, the amount contributed by each
25 contributor, and the date of each contribution; and

26 (d) A complete statement of all expenditures authorized, incurred, or made,
27 including independent expenditures. This report shall be made by a permanent

1 committee, inaugural committee, or contributing organization to the registry
2 on the last day of the first calendar quarter following the registration of the
3 committee with the registry and on the last day of each succeeding calendar
4 quarter until such time as the committee terminates. A contributing
5 organization shall file a report of contributions received and expenditures on a
6 form provided or using a format approved by the registry not later than the
7 last day of each calendar quarter in which contributions are received or
8 expenditures are made. All reports to the registry shall be received on or
9 before each filing deadline, and any report received by the registry within two
10 (2) business days after each filing deadline shall be deemed timely filed.

11 (7) If the final statement of a candidate, campaign committee, or political issues
12 committee shows an unexpended balance of contributions, continuing debts and
13 obligations, or an expenditure deficit, the campaign treasurer shall file with the
14 registry a supplemental statement of contributions and expenditures not more than
15 thirty (30) days after the deadline for filing the final statement. Subsequent
16 supplemental statements shall be filed annually, to be received by the registry by
17 December 1 of each year, until the account shows no unexpended balance,
18 continuing debts and obligations, expenditures, or deficit. All post-election reports
19 to the registry shall cover campaign activity during the entire reporting period and
20 must be received by the registry within two (2) business days after the date the
21 reporting period ends to be deemed timely filed. All contributions shall be subject
22 to KRS 121.150 as of the date of the election in which the candidate appeared on
23 the ballot.

24 (8) All reports filed under the provisions of this chapter shall be a matter of public
25 record open to inspection by any member of the public immediately upon receipt of
26 the report by the registry.

27 (9) A candidate or slate of candidates is relieved of the duty personally to file reports

1 and keep records of receipts and expenditures if the candidate or slate states in
2 writing or on forms provided by the registry that:

3 (a) Within five (5) business days after personally receiving any contributions, the
4 candidate or slate of candidates shall surrender possession of the contributions
5 to the treasurer of their principal campaign committee without expending any
6 of the proceeds thereof. No contributions shall be commingled with the
7 candidate's or slated candidates' personal funds or accounts. Contributions
8 received by check, money order, or other written instrument shall be endorsed
9 directly to the campaign committee and shall not be cashed or redeemed by
10 the candidate;

11 (b) The candidate or slate of candidates shall not make any unreimbursed
12 expenditure for the campaign, except that this paragraph does not preclude a
13 candidate or slate from making an expenditure from personal funds to the
14 designated principal campaign committee, which shall be reported by the
15 committee as a contribution received; and

16 (c) The waiver shall continue in effect as long as the candidate or slate of
17 candidates complies with the conditions under which it was granted.

18 (10) (a) No candidate, slate of candidates, campaign committee, political issues
19 committee, or contributing organization shall use or permit the use of
20 contributions or funds solicited or received for the person or in support of or
21 opposition to a public issue which will appear on the ballot to:

- 22 1. Further the candidacy of the person for a different public office;
- 23 2. Support or oppose a different public issue; or
- 24 3. Further the candidacy of any other person for public office.

25 (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of
26 candidates from using funds in a campaign account to purchase admission
27 tickets for, or contribute to, any fundraising event or testimonial affair for

1 another candidate or slate of candidates if the amount of the purchase or
 2 contribution does not exceed two hundred dollars (\$200) per event or affair.

3 (c) Any funds or contributions solicited or received by or on behalf of a
 4 candidate, slate of candidates, or any committee, which has been organized in
 5 whole or in part to further any candidacy for the same person or to support or
 6 oppose the same public issue, shall be deemed to have been solicited or
 7 received for the current candidacy or for the election on the public issue if the
 8 funds or contributions are solicited or received at any time prior to the regular
 9 election for which the candidate, slate of candidates, or public issue is on the
 10 ballot.

11 (d) Any unexpended balance of funds not otherwise obligated for the payment of
 12 expenses incurred to further a political issue or the candidacy of a person
 13 shall, in whole or in part, at the election of the candidate or committee:

- 14 1. Escheat to the State Treasury;
- 15 2. Be returned pro rata to all contributors;
- 16 3. In the case of a partisan candidate, be transferred to:
 - 17 a. A caucus campaign committee; or
 - 18 b. The state or county executive committee of the political party of
 19 which the candidate is a member;
- 20 4. Be retained to further the same public issue or to seek election to the
 21 same office; or
- 22 5. Be donated to any charitable, nonprofit, or educational institution
 23 recognized under Section 501(c)(3) of the United States Internal
 24 Revenue Code of 1986, as amended, and any successor thereto, from
 25 which the candidate or committee receives no financial benefit.

26 (11) If adequate and appropriate agency funds are available to implement this
 27 subsection, electronic reporting shall be made available by the registry to all

1 candidates, slates of candidates, committees, contributing organizations, registered
2 fundraisers, and persons making independent expenditures. The electronic report
3 submitted to the registry shall be the official campaign finance report for audit and
4 other legal purposes, whether mandated or filed by choice.

5 (12) The date that an electronic or on-line report shall be deemed to have been filed with
6 the registry shall be the date on which it is received by the registry.

7 (13) All electronic or online filers shall affirm, under penalty of perjury, that the report
8 filed with the registry is complete and accurate.

9 (14) Filers who submit electronic campaign finance reports which are not readable, or
10 cannot be copied shall be deemed to not be in compliance with the requirements set
11 forth in this section.

12 (15) Beginning with the primary scheduled in calendar year 2020, and for each
13 subsequent election scheduled thereafter, reports required to be submitted to the
14 registry involving candidates, slates of candidates, committees, contributing
15 organizations, and independent expenditures shall be reported electronically.

16 (16) (a) On each form that the registry supplies for the reports required under
17 subsections (2), (3), and (6) of this section, the registry shall include an entry
18 reading, "No change since last report."

19 (b) If a person or entity that is required to report under subsection (2), (3), or (6)
20 of this section has received no money, loans, or other things of value from any
21 source since the date of its last report and has not authorized, incurred, or
22 made any expenditures since that date, the person or entity may check or
23 otherwise designate the entry that reads, "No change since last report." A
24 person or entity designating this entry in a report shall state the balance
25 carried forward from the last report but need not specify receipts or
26 expenditures in further detail.