

### **336.180 Definitions for chapter.**

As used in this chapter, unless the context requires otherwise:

- (1) "Candidate" means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his or her consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination or election to public office, except federal office;
- (2) "Committee" includes the following:
  - (a) "Campaign committee," which means one (1) or more persons who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, but does not include an entity established solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name is generic in nature, such as "Friends of (the candidate)," and does not reflect that other persons have structured themselves as a committee, designated officers of the committee, and assigned responsibilities and duties to each officer with the purpose of managing a campaign to support or oppose a candidate in an election;
  - (b) "Caucus campaign committee," which means members of any caucus groups who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, or a committee in Kentucky or in any other state. Caucus campaign committees include but are not limited to:
    1. The House Democratic caucus campaign committee;
    2. The House Republican caucus campaign committee;
    3. The Senate Democratic caucus campaign committee;
    4. The Senate Republican caucus campaign committee; and
    5. Subdivisions of the state executive committee of a minor political party, which serve the same function as the above-named committees, as determined by administrative regulations promulgated by the Kentucky Registry of Election Finance;
  - (c) "Political issues committee," which means three (3) or more persons joining together to advocate or oppose a constitutional amendment or ballot measure if that committee receives or expends money in excess of one thousand dollars (\$1,000);
  - (d) "Permanent committee," which means a group of individuals, including an association, committee, or organization, other than a campaign committee, political issues committee, inaugural committee, caucus campaign committee, or a party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year;

- (e) An executive committee of a political party; and
  - (f) "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;
- (3) "Contributing organization" means a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself;
- (4) "Contribution" means any:
- (a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his or her agent, a slate of candidates, its authorized agent, a committee, or contributing organization but shall not include a loan of money by any financial institution doing business in Kentucky made in accordance with applicable banking laws and regulations and in the ordinary course of business. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his or her agent, a slate of candidates, its agent, a committee, or a contributing organization, exceeds the contribution limits provided in KRS 121.150;
  - (b) Payment by any person other than the candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or a contributing organization, of compensation for the personal services of another person which are rendered to a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
  - (c) Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a candidate, slate of candidates, committee, or contributing organization or for inauguration activities without charge, or at a rate which is less than the rate normally charged for the goods or services; or
  - (d) Payment by any person other than a candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or contributing organization for any goods or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are utilized by a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
- (5) "Election" means any primary, regular, or special election. Each primary, regular, or special election shall be considered a separate election;
- (6) "Electioneering communications" means:

- (a) Any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or in telephone calls made to personal residences, or otherwise distributed that:
  - 1. Unambiguously refers to any candidate for any state, county, city, or district office, or to any ballot measure;
  - 2. Is broadcast, printed, mailed, delivered, made, or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and
  - 3. Is broadcast to, printed in a newspaper, distributed to, mailed to or delivered by hand to, in telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office or the electorate associated with the ballot containing the ballot measure.
- (b) "Electioneering communications" does not include:
  - 1. Any news articles, editorial endorsements, opinions or commentary, writings, or letters to the editor printed in a newspaper, magazine, or other periodical not owned by or controlled by a candidate, committee, or political party;
  - 2. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, committee, or political party;
  - 3. Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such an organization and their families;
  - 4. Any communication that refers to any candidate only as part of the popular name of a bill or statute; or
  - 5. A communication that constitutes a contribution or independent expenditure as defined in this section;
- (7) "Employer" means all persons, firms, associations, corporations, public employers, public school employers, and public colleges, universities, institutions, and education agencies;
- (8) "Fundraiser" means an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidates for a statewide-elected state office, or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents;
- (9) "Independent expenditure" means the expenditure of money or other things of value for a communication which expressly advocates the election or defeat of a clearly identified candidate or slate of candidates, and which is made without any coordination, consultation, or cooperation with any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them, and which is not made in concert with, or at the request or suggestion of any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them;

- (10) "Labor organization" means any organization of any kind, or any agency or employee representation committee, association or union which exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of employment or conditions of work, or other forms of compensation. Except, for the purposes of this section or KRS 161.158, 164.365, 336.133, 336.134, 336.1341, 336.135, or 336.990, "labor organization" shall not include organizations which primarily represent public employees working in the protective vocations of active law enforcement officer, jail and corrections officer, or active fire suppression or prevention personnel;
- (11) "Political activities" means any contribution or independent expenditure made:
- (a) To any committee;
  - (b) To any contributing organization;
  - (c) To any candidate;
  - (d) To any slate of candidates;
  - (e) To any fundraiser;
  - (f) For any electioneering communications;
  - (g) For any testimonial affair;
  - (h) In any manner intended to influence the outcome of any election;
  - (i) In any manner intended to otherwise promote or support the defeat of any:
    1. Candidate;
    2. Slate of candidates; or
    3. Ballot measure; or
  - (j) In any manner intended to advance any position held by any person or entity other than the public employee regarding any:
    1. Election;
    2. Candidate;
    3. Slate of candidates; or
    4. Ballot measure;
- (12) "Public employee" means an employee of a "public agency" as that term is defined in KRS 61.870;
- (13) "Slate of candidates" means:
- (a) Between the time a certificate or petition of nomination has been filed for a candidate for the office of Governor under KRS 118.365 and the time the candidate designates a running mate for the office of Lieutenant Governor under KRS 118.126, a slate of candidates consists of the candidate for the office of Governor; and
  - (b) After that candidate has designated a running mate under KRS 118.126, that same slate of candidates consists of that same candidate for the office of Governor and the candidate's running mate for the office of Lieutenant Governor. Unless the context requires otherwise, any provision of law that applies to a candidate shall also apply to a slate of candidates; and

- (14) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a state, city, county, or district political office designed to raise funds for the purpose of influencing the outcome of an election, otherwise promoting support for, or the defeat of, any candidate, slate of candidates, or ballot measure.

**Effective:** March 29, 2023

**History:** Amended 2023 Ky. Acts ch. 133, sec. 1, effective March 29, 2023. -- Amended 2017 Ky. Acts ch. 1, sec. 2, effective January 9, 2017; and ch. 6, sec. 2, effective January 9, 2017. -- Created 1962 Ky. Acts ch. 303, sec. 1.