

121.140 Investigation of complaint -- Administrative hearing -- Decision and final order -- Appeal from final order -- Reference for possible prosecution -- Judicial review. (Effective until July 15, 2026)

- (1) Upon the sworn complaint of any person, or on its own initiative, the registry shall investigate alleged violations of campaign finance law. In conducting any investigation, the registry shall have the power of subpoena and may compel production of evidence including the financial records of any person determined by the registry to be vital to the investigation. The records subject to subpoena include, but are not limited to, a person's bank records and other relevant documents, but excluding individual and business income tax records.
- (2) If the registry concludes that there is probable cause to believe that the law has been violated, the registry shall notify the alleged violator of its conclusions and the evidence supporting them, and shall offer the alleged violator a conciliation agreement to resolve the issue. A conciliation agreement may require the alleged violator to comply with one (1) or more of the following:
 - (a) To cease and desist violations of the law;
 - (b) To file required reports or other documents or information;
 - (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is filed; except that there shall be no maximum total fine for candidates for statewide office; or
 - (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter.
- (3) To accept a conciliation agreement, an alleged violator shall deliver the signed agreement to the registry either in person or by mail postmarked not later than ten (10) days after the day he received it. The registry may institute a civil action in Franklin Circuit Court or the Circuit Court for the county of the violator's residence to enforce the provisions of any conciliation agreement accepted by a violator who is not complying with its provisions.
- (4) If the alleged violator declines to accept the conciliation agreement or fails to respond within the time allowed, the registry shall conduct an administrative hearing. The provisions of KRS Chapter 13B shall apply to all registry administrative hearings except for the provisions of KRS 13B.030(2)(b). A party adversely affected by the registry's final order may appeal to Franklin Circuit Court within thirty (30) days after the date of the registry's final order. The violator may be ordered to comply with any one (1) or more of the following requirements:
 - (a) To cease and desist violation of this law;
 - (b) To file any reports or other documents or information required by this law;
 - (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is

filed; except that there shall be no maximum total fine for candidates for statewide office; or

- (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter. An appeal of an order shall be advanced on the docket to permit a timely decision.
- (5) If the registry concludes that there is probable cause to believe that the campaign finance law has been violated knowingly, it shall refer the violation to the Attorney General or the appropriate Commonwealth's or county attorney for prosecution. The Attorney General may request the registry's attorney or the appropriate county or Commonwealth's attorney to prosecute the matter and may request from the registry all evidence collected in its investigation. In the event the Attorney General or the appropriate local prosecutor fails to prosecute in a timely fashion, the registry may petition the Circuit Court to appoint the registry's attorney to prosecute, and upon a motion timely filed, for good cause shown, the court shall enter an order to that effect. Prosecutions involving campaign finance law violations, in which the reports are required to be filed in Frankfort, may be conducted in Franklin Circuit Court or in the Circuit Court for the county in which the contribution or expenditure constituting a campaign finance violation was solicited, made, or accepted. The prosecution of a person who unlawfully solicits, makes, or accepts a contribution or expenditure through the use of the mail may be conducted in the Circuit Court for the county in which the solicitation is mailed, the county in which the contribution is mailed or received, or the county in which the expenditure is mailed.
- (6) If judicial review is sought of any action of the registry relating to a pending election, the matter shall be advanced on the docket of the court. The court may take any steps authorized by law to accelerate its procedures so as to permit a timely decision.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 107, sec. 3, effective July 15, 2024. -- Amended 1998 Ky. Acts ch. 109, sec. 1, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 458, sec. 7, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 288, sec. 46, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 341, sec. 42, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 100, sec. 3, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 292, sec. 5, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 253, sec. 3.

Legislative Research Commission Note. Because of the similarity in the substance of 1988 Acts ch. 341, sec. 19, and the last sentence of (3) of this section, 1988 Acts ch. 341, sec. 19 has been treated as an amendment rather than a newly created section.