

CHAPTER 219
(SB 216)

AN ACT relating to elections and declaring an emergency.

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

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

- (1) In addition to the other duties and powers of the Attorney General, he *or she* shall enforce all of the state's election laws by civil or criminal processes.
- (2) The Attorney General shall:
 - (a) Devise and administer programs to observe the conduct of elections;
 - (b) Hold public hearings;
 - (c) Establish a toll-free telephone service for the purpose of receiving reports of election law violations. The service shall be operated during regular business hours throughout the year and during the hours which any poll in the state is open on the day of any primary, special election, or regular election;
 - (d) Initiate investigations or investigate alleged violations of election laws at the request of a registered voter or on his *or her* own motion;
 - (e) Issue subpoenas for the production of any books, papers, correspondence, memoranda or other records, and compel the attendance of witnesses that he *or she* deems relevant to the purposes of any investigation;
 - (f) Present evidence of alleged violations to a grand jury; and
 - (g) File appropriate complaints in any court of competent jurisdiction.
- (3)
 - (a) The Attorney General shall be required to begin an independent inquiry for any potential irregularities that may have occurred in each election in not fewer than *twelve (12)* ~~five percent (5%)~~ of Kentucky's counties, to be selected at random in a public process, within twenty (20) days following each primary or regular election. No county shall be subject to inquiry under this subsection in two (2) consecutive elections.
 - (b) The Attorney General shall report his *or her* findings to the grand jury of each county involved and to the chief circuit judge for the circuit in which the county is located.
- (4) When the Registry of Election Finance concludes there is probable cause to believe a violation of election laws has occurred, it shall forward the matter to the Attorney General for prosecution. In the event the Attorney General or local prosecutor fails to prosecute the matter in a timely fashion, the registry's attorney may petition the Circuit Court to be appointed as a special prosecutor. Upon such motion timely filed, for good cause shown, the court shall enter an order to that effect.
- (5) When requested by the Attorney General, all state and local agencies and officials, including the Auditor of Public Accounts, Commonwealth's attorneys, county attorneys, Registry of Election Finance, Department of Kentucky State Police, sheriffs' departments and local police shall give all possible assistance to the Attorney General in the performance of his *or her* duties.

➔Section 2. KRS 117.125 is amended to read as follows:

~~[Except for voting equipment that has been certified and in use on or before June 29, 2021,]~~ No voting system *or voting equipment* shall be approved for use after *January 1, 2024* ~~June 29, 2021~~, by the State Board of Elections, either upon initial examination or reexamination, *and no voting equipment or voting system shall be purchased after the effective date of this Act*, unless the system *and equipment* has been certified under KRS 117.379 and is so constructed that it shall:

- (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;

- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, political organization, or political group candidates;
- (4) Permit a voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and no more;
- (5) Prevent a voter from voting for more persons for any office than the voter is entitled to vote for, and from voting for the same person, or for or against the same question, more than once;
- (6) Permit a voter to vote for or against any question the voter may have the right to vote on, but no other;
- (7) Provide for a nonpartisan ballot;
- (8) Be capable of being adjusted for use in a primary so that a voter may not vote for any person except those seeking nomination as candidates of the voter's party, as candidates for a nonpartisan office, or as candidates for an office of the Court of Justice;
- (9) Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;
- (10) Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;
- (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and accurately count all votes cast for each person, and for or against each public question;
- (12)
 - (a) Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;
 - (b) Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and
 - (c) Provide a voter who spoils his or her ballot another ballot as provided under this chapter;
- (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;
- (14) Preserve the paper ballot as an official record available for use in any audit or recount;
- (15) Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;
- (16) Be capable of determining whether the voting equipment has been unlocked and operated or adjusted in any manner after once being locked;
- (17) Have a public counter with a register which is visible from the outside of the counter or device that will show at all times during an election how many persons have voted;
- (18) Have a protective cumulative counter indicating the number of votes cast for each person, and the votes cast for or against each public question which cannot be seen, reset, or tampered with without unlocking a covering device by a key or other security apparatus that cannot unlock any other part of the equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;
- (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- (20) Provide locks or other security apparatus by which the operation of the voting equipment may be locked before the time for opening the polls and after the time for closing the polls;
- (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;
- (22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;

- (23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;
- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) ***Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the Internet, or communicating with any device external to the voting system;***
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- (27)~~(26)~~ Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

➔Section 3. KRS 117.135 is amended to read as follows:

When voting equipment is acquired by any county, the voting equipment shall:

- (1) Be immediately placed in the custody of the county clerk;
- (2) ~~[- and shall -] Remain in ***the county clerk's***~~[-his or her-]~~ custody at all times except when in use ***during in-person absentee voting***,~~[-at]~~ an election, or when in the custody of a court or court officer during contest proceedings;~~
- (3) ~~[- The clerk shall see that the voting equipment is -]~~Be properly protected and preserved ***by the county clerk*** from damage or unnecessary deterioration;
- (4) ***Be protected by the county clerk from***,~~[- and shall not permit -]~~ any unauthorized ***tampering***~~[-person to tamper-]~~ with the voting equipment; ***and***
- (5) ***Be secured and locked by the county clerk.***

➔Section 4. KRS 117.295 is amended to read as follows:

- (1) For a period of~~[- ten (10) days following any primary, and for a period of -]~~ thirty (30) days following any~~[- regular or special -]~~ election, the voting equipment shall remain locked against voting,~~[- and -]~~ the ballot boxes containing all paper ballots shall remain locked, ***and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data.***~~[-except that -]~~ The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;
 - (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
 - (c) By a county board of elections under the direction of the State Board of Elections pursuant to a risk-limiting audit; or
 - (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (2) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 5. KRS 121.180 is amended to read as follows:

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot~~[- unless the candidate, slate of candidates, or political issues committee chair indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry].~~ ***The form shall be submitted by means of electronic filing with the registry.***
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c) 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election. The filing of applicable required reports by a candidate or slate of candidates after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required and no penalty for exceeding the initial exempted amount shall be imposed against the candidate or slate of candidates, except for failure to file applicable reports required after the exempted amount is exceeded.
- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.
- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.

- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 - 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 - 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
 - 1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - 3. The total amount of cash contributions received during the reporting period; and
 - 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.

- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.
- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he or she is doing business, and the amount contributed by each contributor;
 3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2. of this paragraph or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 4. The total amount of cash contributions received during the reporting period; and

5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. *a.* Candidates *seeking statewide office* ~~[as defined in KRS 121.015(8)]~~, slates of candidates, *authorized campaign committees for candidates seeking statewide office and for slates of candidates*, ~~[candidate authorized and]~~ unauthorized campaign committees, political issues committees, and fundraisers which register ~~[in the year]~~ before the year *of* an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become *statewide* candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. ***The provisions of this subparagraph shall be retroactive to January 1, 2021.*** ~~Candidates, slates of candidates, committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place;~~
 - b.* ***All other candidates and candidate campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a statement of spending intent and appointment of campaign treasurer with the registry for a future year election; and***
 - c.* ***Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;***
 2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
 3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and
 5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer and the employer of the spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from

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

- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
 - (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.
- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit~~], or until the year before the candidate or a slate of candidates seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate or a slate of candidates shall file the supplemental annual report by December 1 of that year or at the end of the first calendar quarter of that year after the candidate or slate of candidates files nomination papers for the next year's primary or regular election].~~ All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.
- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
 - (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;

- (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
- (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:
1. Further the candidacy of the person for a different public office;~~[-, to]~~
 2. Support or oppose a different public issue;~~[-]~~ or~~[-to]~~
 3. Further the candidacy of any other person for public office.~~[-, except that]~~
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in ~~a~~~~the~~ campaign account to purchase admission tickets for any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase does not exceed two hundred dollars (\$200) per event or affair.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee:~~[-]~~
1. Escheat to the State Treasury;~~[-]~~
 2. Be returned pro rata to all contributors;~~[-, or,]~~
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee;~~[-]~~ or~~[-to]~~
 - b. The state or county executive committee of the political party of which the candidate is a member;~~[- except that a candidate, committee, or an official may retain the funds]~~
 4. **Be retained** to further the same public issue or to seek election to the same office; or
 5. **Be donated**~~[-, may donate the funds]~~ to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.
- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) ~~[Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.]~~
- ~~(13)~~—]The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- ~~(13)~~~~(14)~~ All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.

- (14)(15) Filers who submit electronic campaign finance reports which are not readable, or cannot be copied, ~~or are not accompanied by any requisite paper copy~~ shall be deemed to not be in compliance with the requirements set forth in this section.
- (15)(16) Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- (16)(17) (a) On each ~~paper and~~ electronic form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
- (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

➔Section 6. KRS 117.015 is amended to read as follows:

- (1) There shall be a State Board of Elections that is an independent agency of state government, which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board:
- (a) May promulgate administrative regulations necessary to properly carry out its duties; and
- (b) Shall promulgate administrative regulations establishing a procedure for elections officials to follow when an election has been suspended or delayed as described in KRS 39A.100.
- (2) The *State Board of Elections* ~~board~~ shall consist of the following:
- (a) The Secretary of State, who shall be:
1. ~~A~~ ~~an ex-officio,~~ nonvoting member, ***except in cases of casting a determinative vote, if a vote taken by the board would otherwise result in a tie;*** ~~and who shall also serve as~~
 2. The chief election official for the Commonwealth; ***and***
 3. ***The chair of the board who shall preside at the meetings of the board;***
- (b) Two (2) ***voting*** members appointed by the Governor as provided in subsection (5)(6) of this section;
- (c) Six (6) voting members appointed by the Governor as provided in subsection (4)(5) of this section; and
- (d) An executive director appointed in accordance with KRS 117.025 ~~;~~ who ***is a nonvoting member*** ~~may vote only to break a tie regarding selection of the chair of the board~~.
- (3) ~~[A chair of the board, who is a then-current voting member of the board, shall be elected as chair of the board by a majority of the voting members who serve on the board. The chair shall preside at the meetings of the board and vote on matters before the board.~~
- (4) ~~—~~ The ***appointed*** members shall serve for a term of four (4) years or until their successors are appointed. Members shall be at least twenty-five (25) years of age and qualified voters of this state. No appointed member shall be a candidate for public office or have been a candidate for public office for two (2) years prior to his or her appointment, except as provided in subsection (2)(b) of this section. No member of the board shall have been convicted of any election law offense.
- (4)(5) Two (2) members shall be appointed by the Governor from a separate list of at least five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. The list shall be submitted to the Governor by February 15 of 1992, and the appointments of the Governor shall be made by April 1 of the same year. Two (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every four (4) years thereafter, and two (2) appointments shall be made from these lists by September 15 of each year in which the lists are received.
- (5)(6) Two (2) members shall be appointed by the Governor from a separate list of at least four (4) names submitted by the Kentucky County Clerk's Association of each of the two (2) political parties that polled the

largest vote in the last preceding regular election for state officials. Each of the two (2) members appointed under this subsection shall be former county clerks ~~and shall be voting members~~. The lists required under this subsection shall be submitted to the Governor by July 15, 2019, and every four (4) years thereafter. The appointments made by the Governor under this subsection shall be made by August 15, 2019, and every four (4) years thereafter.

- ~~(6)~~~~(7)~~ Vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his or her predecessor.
- ~~(7)~~~~(8)~~ The board shall meet as often as necessary to carry out its duties and shall keep a record of its acts, orders, findings, and proceedings. A majority of the board shall constitute a quorum.
- ~~(8)~~~~(9)~~ The members of the board shall be paid a reasonable sum to be fixed by the secretary of the Personnel Cabinet, with the approval of the secretary of the Finance and Administration Cabinet, and in addition, their expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chair of the board and approved by the secretary of the Finance and Administration Cabinet.

➔Section 7. KRS 121.160 is amended to read as follows:

- (1) ~~[As part of the filing papers]~~ Each candidate or slate of candidates shall, on ~~[a duplicate]~~ form prescribed and furnished by the registry, designate a campaign treasurer to act as their agent at the time ~~[and at the office with which]~~ they file as a candidate or slate of candidates, and until this requirement is met, the candidate or slate of candidates shall be listed as their own treasurer and accountable as such. The candidate or slate of candidates may appoint themselves or any registered voter in Kentucky as the campaign treasurer. The office with which the candidate or slate of candidates is required to file shall immediately forward to the registry ~~a [the duplicate]~~ copy of the ~~[completed form designating the candidate's or slate's campaign treasurer and shall attach the original to the]~~ candidate's or slate's filing papers. The office with which the candidate or slate of candidates files shall promptly notify the registry when a candidate withdraws.
- (2) The duties of a campaign treasurer shall be to:
- (a) Designate a depository bank in which the primary campaign account shall be maintained and deposit all contributions in that account;
 - (b) Keep detailed and exact accounts of:
 1. Contributions of any amount made by a permanent committee, by name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. Contributions in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, by the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and
 3. Contributions in excess of one hundred dollars (\$100) made to any candidate other than those specified in subparagraph 2., by name, address, age if under legal voting age, date of the contribution, amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed. The occupation listed for the contributor shall be specific. A general classification, such as "businessman", shall be insufficient;
 - (c) Make or authorize all expenditures on behalf of a candidate or slate of candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by check and the treasurer's records shall disclose the name, address, and occupation of every person or firm to whom made, and shall list the date and amount of the expenditure and the treasurer shall keep a receipted bill for each;
 - (d) Maintain all receipted bills and accounts required by this section for a period of six (6) years from the date he files his last report under KRS 121.180(3)(b)1.; and
 - (e) Make no payment to any person not directly providing goods or services with the intent to conceal payment to another.

- (3) A candidate or slate of candidates may remove a campaign treasurer at any time.
- (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate or slate of candidates shall within three (3) days after receiving notice thereof by certified mail, appoint a successor and shall file his name and address with the registry. The candidate, or slate shall be accountable as their own campaign treasurer if they fail to meet this filing requirement.
- (5) A person may serve as campaign treasurer for more than one (1) candidate or slate of candidates, but all reports shall be made separately for each individual candidate or slate.
- (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and shall comply with the reporting provisions of KRS 121.180 and administrative regulations promulgated by the registry.

➔Section 8. KRS 118.205 is amended to read as follows:

- (1) The Secretary of State and the county *clerk of each county within this state*~~clerk~~ shall each keep a book ~~titled~~~~entitled~~ "Register of Candidates for Nomination in the Primary.~~[Election,]"~~ *The Secretary of State and each county clerk*~~and~~ shall enter on different pages of the book for the different political parties, the title of office sought, ~~the~~~~and~~ name and residence of each candidate for nomination in the primary~~[election]~~, the name of his *or her* political party, and the date of receiving his *or her* nomination papers. The book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two (2) political parties shall appear on the same page. The books shall be public records.
- (2) *The county clerk of each county, within five (5) business days following the date of receiving a candidate's nomination papers, shall:*
 - (a) *Transmit a candidate's information derived from subsection (1) of this section to the Secretary of State; and*
 - (b) *Prominently display a candidate's information derived from subsection (1) of this section on the clerk's official Web site.*
- (3) *The Secretary of State shall prominently display a candidate's information, derived from subsection (1) of this section, on the Secretary of State's official Web site within five (5) business days following the date of receiving a candidate's nomination papers or within five (5) days following the receipt of a candidate's information supplied by the county clerk, whichever is applicable. The information displayed shall be derived from the Secretary's book and from each book held by the county clerk of each county within this state.*

➔Section 9. KRS 118.327 is amended to read as follows:

- (1) Each county clerk and the Secretary of State shall keep a book in which he *or she* shall enter certain information concerning candidates to be chosen by convention. Such book shall include the name, place of residence, office for which the person is a candidate, party designation, and the date of the receipt of the form required to be filed by KRS 118.325(3). Such book shall be a public record.
- (2) *The county clerk of each county, within five (5) business days following the date of receiving the form required by KRS 118.325(3), shall:*
 - (a) *Transmit a candidate's information derived from subsection (1) of this section to the Secretary of State; and*
 - (b) *Prominently display a candidate's information derived from subsection (1) of this section on the clerk's official Web site.*
- (3) *The Secretary of State shall prominently display a candidate's information, derived from subsection (1) of this section, on the Secretary of State's official Web site within five (5) business days following the date of receiving the form required by KRS 118.325(3) or within five (5) days following the receipt of the candidates information supplied by the county clerk, whichever is applicable. The information displayed shall be derived from the Secretary's book and from each book held by the county clerk of each county within this state.*

➔Section 10. KRS 118A.140 is amended to read as follows:

- (1) The Secretary of State shall keep a book entitled "Register of Candidates for Nomination to Offices of the Court of Justice. ~~and~~" *The Secretary of State* ~~and~~ shall enter in that book the name and place of residence of each candidate for nomination to the office of justice or judge in the primary, ~~election and~~ the date of receipt of his *or her* nomination papers, *and petitions for candidacy filed pursuant to KRS 118A.100*. The book shall be a public record.
- (2) *The Secretary of State shall prominently display a candidate's information derived from subsection (1) of this section on the Secretary of State's official Web site within five (5) business days following the date of receiving a candidate's nomination papers and petitions for candidacy of each candidate* ~~Petitions for candidacy filed pursuant to KRS 118A.100 shall also be entered in this book~~.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

The county clerk of each county and the Secretary of State shall prominently display on his or her official Web site, the candidates, place of residence of each candidate, and the political affiliation of each candidate, who is on the ballot for any regular election. The posting required of this section shall occur at least fifty (50) days before a regularly scheduled election and forty-five (45) days before a special election.

➔Section 12. KRS 121.175 is amended to read as follows:

- (1) No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign. "Allowable campaign expenditures" does not include expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account. A member of the General Assembly may utilize funds in his *or her* campaign account to *contribute up to five thousand dollars (\$5,000) per year to* ~~purchase admission tickets for political party functions and caucus campaign committee functions, to purchase items with a value of not in excess of one hundred dollars (\$100) for donation to a political party or caucus campaign committee for auctions and fundraisers, and to participate in or support other events sponsored by~~ a political party or caucus campaign committee. A member of the General Assembly may make allowable campaign expenditures in both election years and nonelection years.
- (2) By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1).
- (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
 - (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
 - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of

up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

➔Section 13. Whereas, it is critically important to protect the integrity and reliability of campaign finance reporting, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and Section 5 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto Overridden and Signed by Secretary of State April 14, 2022.