

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(New Administrative Regulation)

32 KAR 2:230. Processing of records requests.

RELATES TO: KRS 121.120

STATUTORY AUTHORITY: KRS 121.120(1)(g), 61.876

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes the Registry of Election Finance to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. Further, KRS 61.876 mandates that each public agency adopt rules and regulations in conformity with Kentucky open records law in KRS 61.870 to 61.884. This administrative regulation provides the process by which the public may access the public records held by the Kentucky Registry of Election Finance that are not available through the agency's website.

Section 1. Records Requests.

(1) The principal office for the registry is 140 Walnut St., Frankfort, Kentucky 40601. Regular office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, prevailing time in Frankfort, Kentucky.

(2) The title of the official custodian of records of the registry is the Records Custodian, whose address is the address of the agency's principal office and whose email address is KREFRequests@ky.gov.

(3) Requested records will be sent via electronic means to the extent possible and that the requestor provides an email address through which to receive them.

(4) Fees, to the extent authorized by KRS 61.874, shall be charged for physical copies of requested materials, with a charge of ten (10) cents a page for each photocopy and reasonable costs for materials provided in any other format, such as on storage media. Requestor shall view the records on the registry's searchable public database to the extent they are available.

(5) Procedure for requesting records.

(a) Requests to inspect records shall be made to the Records Custodian by U.S. postal mail or by email address provided in (2) of this Section.

(b) Requests to inspect public records shall be made in writing, describing in reasonably sufficient detail the records to be inspected, including party and case number, if applicable and known. The registry shall also accept any standardized open records request form provided by the Office of the Attorney General.

Section 2. Public Disclosure of Registry Action.

(1) If the registry makes a finding of no reason to believe or no probable cause or otherwise terminates an enforcement action, it shall make public its determination and the basis for the determination no later than thirty (30) days from the date on which the required notifications are sent to complainant and respondent.

(2) If a conciliation agreement is finalized, the registry shall make the agreement public.

(3) Except as provided in subsections (1) and (2) of this section, a complaint filed with the registry, any notification sent by the registry, any investigation conducted by the registry, or any findings made by the registry shall not be made public by the registry without the written consent of the respondent until a written response has been received or the expiration of the fifteen (15) day response period required by Section 3 of 32 KAR 2:030. Upon receipt of a response or the expiration of the fifteen (15) day period, the complaint, response, and materials related thereto, exclusive of materials exempted by KRS 61.878(1), shall be open for public inspection.

(4) Except as provided in subsections (1) and (2) of this section, an action by the registry or by any person, and information derived in connection with conciliation efforts shall not be made public by the registry until a final action with regard to a conciliation attempt is taken.

JOHN. R. STEFFEN, Executive Director

APPROVED BY AGENCY: July 6, 2023

FILED WITH LRC: July 10, 2023 at 8:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 25, 2023, at 10:00 a.m., at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2023, at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622, email LeslieM.Saunders@ky.gov.