32 KAR 2:020. General provisions.

RELATES TO: KRS 121.120, 121.140
STATUTORY AUTHORITY: KRS 121.120(1)(g)
NECESSITY, FUNCTION, AND CONFORMITY: The Registry of Election Finance is charged with the responsibility of enforcing campaign finance laws contained in KRS Chapters 121 and 121A. The function of this administrative regulation is to establish procedures for processing possible violations of campaign finance statutes and administrative regulations promulgated by the Registry of Election Finance. The purpose of this administrative regulation is to establish general provisions which shall apply throughout this chapter governing practice and procedure.

Section 1. Definitions.

(1) "Chairman" means the Chairman of the Registry of Election Finance.

(2) "Complainant" means any person who files a complaint with the Registry of Election Finance alleging a violation of campaign finance laws or administrative regulations.

(3) "Complaint" means an allegation filed with the Registry of Election Finance charging that a violation of campaign finance statutes or administrative regulations has occurred or is about to occur.

(4) "Conciliation agreement" means an agreement offered by the Registry of Election Finance to an alleged violator of campaign finance laws or administrative regulations as provided in KRS 121.140.

(5) "General counsel" means the general counsel of the Registry of Election Finance.

(6) "Registry" means the Registry of Election Finance.

(7) "Respondent" means any person against whom a complaint has been filed with the Registry of Election Finance or against whom action is taken by the registry based upon information ascertained through its normal enforcement activity.

(8) "Three (3) judge panel" means a panel of three (3) active or retired justices or judges of the Court of Justice appointed by the Chief Justice of the Kentucky Supreme Court to conduct a hearing as provided in KRS 121.140.

Section 2. Computation of Time.

(1) General provision. In computing any period of time prescribed or allowed by this administrative regulation, the provisions of KRS 446.030 shall govern, except as provided in subsection (2) of this section.

(2) Special provision for service by mail. When the registry or any person has the right or is required to do some act within a prescribed period of time after the service of any document by or upon the registry or a person, and the document is served by mail, three (3) days shall be added to the prescribed period.

Section 3. Initiation of Enforcement Matters. Enforcement matters may be initiated by a written complaint or on the basis of information ascertained by the registry in the normal course of conducting its enforcement duties.

Section 4. Ex Parte Communications.

(1) In order to avoid the possibility of prejudice, real or apparent, in derogation of the public interest in enforcement actions pending before the registry, except to the extent required during an investigation or conciliation negotiations, interested persons outside the agency shall not make or cause to be made to any registry member or employee any ex parte communication relative to the factual or legal merits of an enforcement action, nor shall a registry member or employee make or entertain ex parte communications.

(2) This prohibition against ex parte communications shall apply from the time a complaint is filed with the registry or from the time that the registry determines on the basis of information ascertained in the normal course of its duties that it has reason to

believe that a violation has occurred or may occur, and shall remain in effect until the registry has concluded all action with respect to the enforcement matter in question.

(3) This section shall not be construed to prohibit contact between a respondent or respondent's attorney and a registry employee in the performance of his duties. Statements made by a registry employee during these communications shall not bind or estop the registry in any way.

Section 5. Representation by Counsel; Notification.

(1) If a respondent wishes to be represented by counsel with regard to any matter pending before the registry, respondent shall so advise the registry by sending a letter of representation signed by the respondent, which shall contain the name, address, and telephone number of the counsel and a statement authorizing the counsel to receive all notifications and other communications from the registry on behalf of the respondent.

(2) Upon receipt of a letter of representation, the registry shall have no contact with respondent except through the designated counsel unless requested in writing by respondent.

(19 Ky.R. 1232; 1524; eff. 1-4-1993; Crt eff. 9-27-2019.)