

121.120 Duties and powers of registry -- Appointment of certain employees -- Electronic reporting system -- Mandatory electronic reporting of campaign finance reports.

- (1) The registry may:
 - (a) Require by special or general orders, any person to submit, under oath, any written reports and answers to questions as the registry may prescribe;
 - (b) Administer oaths or affirmations;
 - (c) Require by subpoena, signed by the chair, the attendance and testimony of witnesses and the production of all documentary evidence, excluding individual and business income tax records, relating to the execution of its duties;
 - (d) In any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the registry and has the power to administer oaths and, in those instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (c) of this subsection;
 - (e) Initiate, through civil actions for injunctive, declaratory, or other appropriate relief, defend, or appeal any civil action in the name of the registry to enforce the provisions of this chapter through its legal counsel;
 - (f) Render advisory opinions under KRS 121.135;
 - (g) Promulgate administrative regulations necessary to carry out the provisions of this chapter;
 - (h) Conduct investigations and hearings expeditiously, to encourage voluntary compliance, and report apparent campaign finance law violations to the appropriate law enforcement authorities;
 - (i) Petition any court of competent jurisdiction to issue an order requiring compliance with an order or subpoena issued by the registry. Any failure to obey the order of the court may be punished by the court as contempt; and
 - (j) Conduct random audits of receipts and expenditures of committees which have filed registration papers with the registry pursuant to KRS 121.170.
- (2) No person shall be subject to civil liability to any person other than the registry or the Commonwealth for disclosing information at the request of the registry.
- (3) The registry may appoint a full-time executive director, legal counsel, and an accountant for auditing purposes, all of whom shall serve at the pleasure of the registry. The registry may also appoint such other employees as are necessary to carry out the purposes of this chapter. All requests for personnel appointments shall be forwarded by the registry directly to the secretary of the Personnel Cabinet and shall be subject to the secretary's review and certification only.
- (4) The registry shall adopt official forms and perform other duties necessary to implement the provisions of this chapter. The registry shall not require the listing of a person's Social Security number on any form developed by the registry. Without limiting the generality of the foregoing, the registry shall:

- (a) Develop prescribed forms for the making of the required reports;
- (b) Prepare and publish a manual for all candidates, slates of candidates, contributing organizations, and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting, requirements as to reporting dates, and the length of time that candidates, slates of candidates, contributing organizations, and committees are required to keep any records pursuant to the provisions of this chapter;
- (c) Develop a filing, coding, and cross-indexing system;
- (d) Make each report filed available for public inspection and copying during regular office hours at the expense of any person requesting copies of them;
- (e) Preserve all reports for at least six (6) years from the date of receipt. Duly certified reports shall be admissible as evidence in any court in the Commonwealth;
- (f) Prepare and make available for public inspection a summary of all reports grouped according to candidates, slates of candidates, committees, contributing organizations, and parties containing the total receipts and expenditures; and
 1. For each contribution made by a permanent committee of any amount to a candidate or slate of candidates, the date, name, and business address of the permanent committee, 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 the contributor is doing business, and the amount contributed by each contributor, listed alphabetically; and
 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., the date, name, address, occupation, and employer of each other contributor or, if the contributor is self-employed, the name under which the contributor is doing business, and the amount contributed by each contributor, listed alphabetically;
- (g) Prepare and publish an annual report with cumulative compilations named in paragraph (f) of this subsection;
- (h) Distribute upon request, for a nominal fee, copies of all summaries and reports;
- (i) Determine whether the required reports have been filed and if so, whether they conform with the requirements of this chapter; give notice to delinquents to correct or explain defections; issue an order, if appropriate, as provided in

KRS 121.140; and make public the fact that a violation has occurred and the nature thereof;

- (j) Conduct random audits of receipts and expenditures of candidates running for city, county, urban-county government, charter county government, consolidated local government, unified local government, and district offices. When the registry audits the records of any selected candidate, it shall also audit the records of all other candidates running for the same office in the selected city, county, urban-county government, charter county government, consolidated local government, unified local government, or district office;
 - (k) Conduct audits of receipts and expenditures of all candidates or slates of candidates running for statewide office;
 - (l) Require that candidates and slates of candidates shall maintain their records for a period of six (6) years from the date of the regular election in their respective political races;
 - (m) Initiate investigations and make investigations with respect to reports upon complaint by any person and initiate proceedings on its own motion; and
 - (n) Forward to the Attorney General or the appropriate Commonwealth's or county attorney any violations of this chapter which may become the subject of civil or criminal prosecution.
- (5) All policy and enforcement decisions concerning the regulation of campaign finance shall be the ultimate responsibility of the registry. No appointed or elected state officeholder or any other person shall, directly or indirectly, attempt to secure or create privileges, exemptions, or advantages for himself, herself, or others in derogation of the public interest at large in a manner that seeks to leave any registry member or employee charged with the enforcement of the campaign finance laws no alternative but to comply with the wishes of the officeholder or person. Registry members and employees shall be free of obligation or the appearance of obligation to any interest other than the fair and efficient enforcement of the campaign finance laws and administrative regulations. It shall not be considered a violation of this subsection for an officeholder or other person to seek remedies in a court of law to any policy or enforcement decision he or she considers to be an abridgement of his or her legal rights.
- (6) If adequate and appropriate agency funds are available, the registry shall:
- (a) Develop or acquire a system for electronic reporting for use by individuals and entities required to file campaign finance reports with the registry under this chapter. The registry shall promulgate administrative regulations under KRS Chapter 13A which provide for a nonproprietary standardized format or formats, using industry standards, for the transmission of data required under this chapter;
 - (b) Accept test files from software vendors and persons wishing to file reports electronically for the purpose of determining whether the file format complies with the nonproprietary standardized format developed under paragraph (a) of this subsection and is compatible with the registry's system for receiving the

data;

- (c) Make all reports filed with the registry pertaining to candidates for the General Assembly and statewide office available on the Internet free of charge, in an easily understood format that allows the public to browse, search, and download the data contained in the reports by each of the reporting categories required by this chapter, including but not limited to:
 - 1. The name of each candidate or committee;
 - 2. The office sought by each candidate;
 - 3. The name of each contributor;
 - 4. The address of each contributor;
 - 5. The employer or business occupation of each contributor, or if the contributor is a permanent committee, a description of the major business, social, or political interest represented by the permanent committee;
 - 6. The date of each contribution; and
 - 7. The amount of each contribution;
- (d) Make all data specified in paragraph (c) of this subsection available on the Internet no later than ten (10) business days after its receipt by the registry. If a contribution or expenditure report is filed late with the registry, that data shall be made available on the Internet within twenty-four (24) hours of the registry's receipt of the data;
- (e) Make filer-side software available free of charge to all individuals or entities subject to the reporting requirements of this chapter;
- (f) Establish a training program on the electronic reporting program and make it available free of charge to all individuals and entities subject to the reporting requirements of this chapter;
- (g) Maintain all campaign finance data pertaining to legislative and statewide candidates on-line for twenty (20) years after the date the report containing the data is filed, and then archive the data in a secure format;
- (h) Require candidates and slates of candidates running for statewide office, and campaign committees of candidates and slates of candidates registered to run for statewide office, beginning with elections scheduled in 2015, to electronically report all campaign finance reports that must be submitted to the registry under this chapter. If any statewide candidate, slate of candidates, or campaign committee of a statewide candidate or slate of candidates submits a campaign finance report in a nonelectronic format for an election scheduled in 2015 or later, the registry shall require the statewide candidate, slate of candidates, or campaign committee of the statewide candidate or slate of candidates to resubmit the campaign finance report in an electronic format;
- (i) Require all candidates, slates of candidates, committees, and contributing organizations, beginning with the primary scheduled in 2020, and for each subsequent election scheduled thereafter, to electronically report all campaign

finance reports required to be submitted to the registry under this chapter. If any candidate, slate of candidates, committee, or contributing organization submits a campaign finance report to the registry in a nonelectronic format for an election or calendar period beginning in 2020 or later, the registry shall require the candidate, slate of candidates, committee, or contributing organization to resubmit the campaign finance report in an electronic format. If any candidate, slate of candidates, committee, or contributing organization does not submit the required campaign finance reports electronically by the applicable filing deadline, the registry shall publish the candidate, slate of candidates, committee, or contributing organization's name as a delinquent filer until such time as the campaign finance report is properly filed in an electronic format; and

- (j) Require all independent expenditure reports to be submitted electronically within forty-eight (48) hours of the date that the communication is publicly distributed or otherwise publicly disseminated, beginning with the primary scheduled in 2020, and for each subsequent election scheduled thereafter.
- (7) In conjunction with the program of electronic reporting set out in subsection (6) of this section, the registry shall deem an electronic report to be filed when submitted by either of the following methods:
- (a) Online Internet transmission; or
 - (b) Hand delivery of the electronic report, saved on a current and compatible computer component, and downloaded at the registry.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 2, sec. 2, effective June 27, 2019. -- Amended 2012 Ky. Acts ch. 48, sec. 1, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 105, sec. 4, effective March 16, 2005. -- Amended 2000 Ky. Acts ch. 398, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 75, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 155, sec. 2, effective July 15, 1996; ch. 240, sec. 1, effective July 15, 1996; and ch. 252, sec. 1, effective January 1, 1997. -- Amended 1994 Ky. Acts ch. 458, sec. 6, effective July 15, 1994. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 56, effective November 3, 1993. -- Amended 1992 Ky. Acts ch. 288, sec. 44, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 341, sec. 41, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 100, sec. 2, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 292, sec. 4, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 130, sec. 186.