

121.256 Civil action to enforce KRS 121.250 and 121.252 -- Refund of contributions -- Joint and several liability -- Penalties on lobbyists -- Damages.

- (1) The registry may bring a civil action to enforce KRS 121.250 and 121.252 and a committee, person, or entity alleged to have violated KRS 121.250 or 121.252 shall be provided full opportunity of notice, discovery, and an opportunity to be heard before being found liable for a violation of KRS 121.250 or 121.252.
- (2) In all actions brought under subsection (1) of this section, the registry bears the burden of proof and the action shall proceed as follows:
 - (a) Prior to discovery, the court shall set a hearing to determine whether there is probable cause that a committee or person has violated KRS 121.250 or 121.252;
 - (b) If, after the hearing in paragraph (a) of this subsection, the court determines that no probable cause exists to believe that a violation of KRS 121.250 or 121.252 has occurred, the court shall enter an order of dismissal with prejudice;
 - (c) If, after the hearing in paragraph (a) of this subsection, the court determines that probable cause does exist to believe that a violation of KRS 121.250 or 121.252 has occurred, the court shall enter an order to that effect and the case shall proceed to trial on an expedited basis. Subject to KRS 121.258, the entity alleged to have violated KRS 121.250 or 121.252 may, prior to the scheduling of trial, present evidence sufficient to rebut the finding of probable cause by making an ex parte presentation of records to the court for in camera review; and
 - (d) The losing party under paragraph (c) of this subsection has the right to:
 1. An interlocutory expedited appeal; and
 2. A stay of proceedings in the trial court.
- (3) Within thirty (30) days of a finding that a committee has violated KRS 121.250 or 121.252, the committee shall refund the contribution to the original contributor. In the event of an appeal, the contribution shall be placed in escrow, after which the funds shall be disbursed in accordance with the final order. If the committee is unable to return the funds, the directors, officers, or executive members of the committee shall be liable in their personal capacity, jointly and severally, for the refund of said funds.
- (4) Within thirty (30) days of a finding that any person or entity required to report independent expenditures has violated KRS 121.250 or 121.252, the person or entity making the independent expenditure shall disgorge funds in an amount equal to the reported cost of the independent expenditure to the registry. If the entity is unable to disgorge the requisite funds, the directors, officers, or executive members of the entity shall be liable in their personal capacities, jointly and severally, for the payment of the amount due. In the event of an appeal, the funds subject to disgorgement shall be placed in escrow, after which they shall be disbursed in accordance with the final order.
- (5) If any lobbyist, as defined in KRS 11A.010, violates KRS 121.250 or 121.252, the lobbyist's registration may be revoked or suspended and the lobbyist may be

enjoined from receiving compensation or making expenditures for lobbying.

- (6) If the registry prevails in an action brought under this section, the court may award:
 - (a) Injunctive relief sufficient to prevent the defendant from violating or engaging in acts that aid or abet violations of KRS 121.250 and 121.252; and
 - (b) Statutory damages up to two (2) times the amount of the prohibited contribution or expenditure.
- (7) In addition to the penalties in subsection (6) of this section, and any other remedies provided by law, if the court finds a knowing or willful violation of KRS 121.250 or 121.252, the court may assess a penalty of up to three (3) times the statutory damages.

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