

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 75/GA**

On page 1, after line 2, by deleting all sections of SB75/GA in their entirety and inserting in lieu thereof the following:

"➔Section 1. KRS 121.150 is amended to read as follows:

- (1) No contribution shall be made or received, directly or indirectly, other than an independent expenditure, to support inauguration activities or to support or defeat a candidate, slate of candidates, constitutional amendment, or public question which will appear on the ballot in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate, slate of candidates, or registered committee. Any person making an independent expenditure, shall report these expenditures when the expenditures by that person exceed five hundred dollars (\$500) in the aggregate in any one (1) election, on a form provided or using a format approved by the registry and shall sign a statement on the form, under penalty of perjury, that the expenditure was an actual independent expenditure and that there was no prior communication with the campaign on whose behalf it was made.
- (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by campaign committees, caucus campaign committees, political issues committees, permanent committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is

Amendment No. HFA 2

Rep. Rep. Kenny Imes

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Kiser, Roberta

Adopted: _____

Date: _____

Rejected: _____

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- expressly prohibited; except that it shall not be construed as a violation of this section for a candidate or a slate of candidates to contribute to religious, civic, or charitable groups.
- (3) No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf, shall accept any anonymous contribution in excess of one hundred~~fifty~~ dollars (\$100)~~(\$50)~~, and all anonymous contributions in excess of one hundred~~fifty~~ dollars (\$100)~~(\$50)~~ shall be returned to the donor, if the donor can be determined. If no donor is found, the contribution shall escheat to the state. No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf shall accept anonymous contributions in excess of two~~one~~ thousand dollars (\$2,000)~~(\$1,000)~~ in the aggregate in any one (1) election. Anonymous contributions in excess of two~~one~~ thousand dollars (\$2,000)~~(\$1,000)~~ in the aggregate which are received in any one (1) election shall escheat to the state.
- (4) No candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf, shall accept a cash contribution in excess of one hundred~~fifty~~ dollars (\$100)~~(\$50)~~ in the aggregate from each contributor in any one (1) election. No candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf, shall accept a cashier's check or money order in excess of the maximum cash contribution limit unless the instrument clearly identifies both the payor and the payee. A contribution made by cashier's check or money order which identifies both the payor and payee shall be treated as a contribution made by check for purposes of the contribution limits contained in this section. No person shall make a cash contribution in excess of one hundred~~fifty~~ dollars (\$100)~~(\$50)~~ in the aggregate in any one (1) election to a candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf.
- (5) No candidate, slate of candidates, committee, contributing organization, nor anyone on their behalf, shall accept any contribution in excess of one hundred dollars (\$100) from any

person who shall not become eighteen (18) years of age on or before the day of the next regular~~general~~ election.

- (6) **Except as provided in subsection (21) of this section,** no candidate, slate of candidates, campaign committee,~~political issues committee,~~ nor anyone acting on their behalf, shall accept a contribution of more than ~~two~~~~one~~ thousand dollars ~~(\$2,000)~~~~(\$1,000)~~ **as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollar,** from any person, permanent committee, or contributing organization in any one (1) election. No person, permanent committee, or contributing organization shall contribute more than ~~two~~~~one~~ thousand dollars ~~(\$2,000)~~~~(\$1,000)~~ **as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollar,** to any one (1) candidate, campaign committee,~~political issues committee,~~ nor anyone acting on their behalf, in any one (1) election.
- (7) Permanent committees or contributing organizations affiliated by bylaw structure or by registration, as determined by the Registry of Election Finance, shall be considered as one (1) committee for purposes of applying the contribution limits of subsection (6) of this section.
- (8) No permanent committee shall contribute funds to another permanent committee for the purpose of circumventing contribution limits of subsection (6) of this section.
- (9) No person shall contribute funds to a permanent committee, political issues committee, or

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contributing organization for the purpose of circumventing the contribution limits of subsection (6) of this section.

- (10) No person shall contribute more than two~~one~~ thousand ~~five hundred~~ dollars (\$2,000)~~(\$1,500)~~ **as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollar, to any one (1) permanent committee or any one (1) contributing organization~~all permanent committees and contributing organizations~~ in any one (1) year.**
- (11) (a) No person shall contribute more than five thousand~~two thousand five hundred~~ dollars (\$5,000)~~(\$2,500)~~ to the state executive committee of a political party ~~and its subdivisions and affiliates~~ in any one (1) year. **The contribution limit in this paragraph shall not apply to a contribution designated exclusively for a state executive committee's building fund account established under Section 4 of this Act.**
- (b) **No person shall contribute more than five thousand dollars (\$5,000) to a subdivision or affiliate of a state political party in any one (1) year.**
- (c) No person shall contribute more than five~~two~~ thousand ~~five hundred~~ dollars (\$5,000)~~(\$2,500)~~ to a caucus campaign committee in any one (1) year. ~~[Contributions a person makes to any executive committee other than the state executive committee in excess of one thousand dollars (\$1,000) in any one (1) year shall be deposited in a separate account which the state executive committee maintains for the exclusive purpose of paying administrative costs incurred by the political party.]~~
- (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of money to

another person to contribute to a candidate, a slate of candidates, committee, contributing organization, or anyone on their behalf. No candidate, slate of candidates, committee, contributing organization, nor anyone on their behalf shall accept a contribution made by one (1) person who has received a payment, distribution, loan, advance, deposit, or gift of money from another person to contribute to a candidate, a slate of candidates, committee, contributing organization, or anyone on their behalf.

~~(13) No candidates running as a slate for the offices of Governor and Lieutenant Governor shall make combined total personal loans to their committee in excess of fifty thousand dollars (\$50,000) in any one (1) election. No candidate for any other statewide elected state office shall lend to his committee any amount in excess of twenty-five thousand dollars (\$25,000) in any one (1) election. In campaigning for all other offices, no candidate shall lend to his committee more than ten thousand dollars (\$10,000) in any one (1) election.~~

~~(14) Subject to the provisions of subsection (16)~~(18)~~ of this section, no candidate or slate of candidates for nomination to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for primary ~~election~~ expenses after the date of the primary. ~~No person other than the candidate or slate of candidates shall contribute for primary election expenses after the date of the primary.~~~~

~~(14)~~(15)~~ Subject to the provisions of subsection (16)~~(18)~~ of this section, no candidate or slate of candidates for any state, county, city, or district office at a regular election, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for regular election expenses after the date of the regular election. ~~No person other than the candidate or slate of candidates shall contribute for regular election expenses after the date of the regular election.~~~~

~~(15)~~(16)~~ Subject to the provisions of subsection (16)~~(18)~~ of this section, no candidate or slate of candidates for nomination or election to any state, county, city, or district office, nor~~

their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for special election expenses after the date of the special election. ~~[No person other than the candidate or slate of candidates shall contribute for special election expenses after the date of the special election.]~~

~~(16)~~(17) The provisions of subsections (14) and (15) of this section shall apply only to those candidates in a primary or regular election which shall be conducted subsequent to January 1, 1989. The provisions of subsection (16) of this section shall apply only to those candidates or slates of candidates in a special election which shall be conducted subsequent to January 1, 1993.

~~(18)~~ A candidate, slate of candidates, or a campaign committee may solicit and accept contributions after the date of a primary ~~[election]~~, regular election, or special election to defray necessary expenses that arise after the date of the ***primary or*** election associated with ~~[election]~~ contests, recounts, and recanvasses of a specific ***primary or*** election, complaints regarding alleged campaign finance violations that are filed with the registry pertaining to a specific election, or other legal actions pertaining to a specific ***primary or*** election to which a candidate, slate of candidates, or campaign committee is a party, ***and repayment of debts and obligations owed by the campaign.*** Reports of contributions received and expenditures made after the date of the specific ***primary or*** election shall be made in accordance with KRS 121.180.

~~(17)~~(19) No slate of candidates for Governor and Lieutenant Governor or their immediate families shall loan any money, service, or other thing of value to their campaign, and all moneys, services, or other things of value which are loaned shall be deemed a contribution, which may not be recovered by the slate of candidates, except to the extent of a combined total of fifty thousand dollars (\$50,000).

~~(20)~~ No candidate, slate of candidates, committee, except a political issues committee, or

contributing organization, nor anyone on their behalf, shall knowingly accept a contribution from a corporation, directly or indirectly, *except to the extent that the contribution is designated to a state executive committee's building fund account established under Section 4 of this Act.*

~~(18)~~~~(21)~~ Nothing in this section shall be construed to restrict the ability of a corporation to administer its permanent committee insofar as its actions can be deemed not to influence an election as prohibited by KRS 121.025.

~~(19)~~~~(22)~~ No candidate, slate of candidates, or committee, nor anyone on their behalf, shall solicit a contribution of money or services from a state employee, whether or not the employee is covered by the classified service provisions of KRS Chapter 18A. However, it shall not be a violation of this subsection for a state employee to receive a solicitation directed to him as a registered voter in an identified precinct as part of an overall plan to contact voters not identified as state employees.

~~(20)~~~~(23)~~ (a) ~~A candidate or a slate of candidates for elective public office shall not accept contributions from permanent committees which, in the aggregate, exceed fifty percent (50%) of the total contributions accepted by the candidate or a slate of candidates in any one (1) election or ten thousand dollars (\$10,000) in any one (1) election, whichever is the greater amount. The percentage of the total contributions or dollar amounts of contributions accepted by a candidate or a slate of candidates in an election that is accepted from permanent committees shall be calculated as of the day of each election. Funds in a candidate's or a slate of candidates' campaign account which are carried forward from one (1) election to another shall not be considered in calculating the acceptable percentage or dollar amount of contributions which may be accepted from permanent committees for the election for which the funds are carried forward. A candidate or a slate of candidates may, without penalty, contribute funds~~

~~to his campaign account not later than sixty (60) days following the election so as not to exceed the permitted percentage or dollar amount of contributions which may be accepted from permanent committees or the candidate or a slate of candidates may, not later than sixty (60) days after the end of the election, refund any excess permanent committee contributions on a pro rata basis to the permanent committees whose contributions are accepted after the aggregate limit has been reached.~~

~~(b) The provisions of paragraph (a) of this subsection regarding the receipt of aggregate contributions from permanent committees in any one (1) election shall also apply separately to the receipt of aggregate contributions from executive committees of any county, district, state, or federal political party in any one (1) election.~~

~~(c) The provisions of paragraph (a) of this subsection regarding the receipt of aggregate contributions from permanent committees in any one (1) election shall also apply separately to the receipt of aggregate contributions from caucus campaign committees.~~

~~(24) No candidate or slate of candidates for any office in this state shall accept a contribution, including an in-kind contribution, which is made from funds in a federal campaign account. No person shall make a contribution, including an in-kind contribution, from funds in a federal campaign account to any candidate or slate of candidates for any office in this state.~~

(21) It shall be permissible for a married couple to make a contribution with one (1) check that reflects the combined individual contribution limits of each individual spouse per election, as set forth in subsection (6) of this section, for all elections in a calendar year and the following shall be required to be written on the check:

(a) The signatures of both spouses on the signature line of the check; and

(b) The designation of each contribution amount and the election or elections to which they apply shall be memorialized on the memo line of the check.

➔Section 2. KRS 121.170 is amended to read as follows:

- (1) Any committee, except a federally registered out-of-state permanent committee, organized under any provisions of this chapter shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization, identifying an official contact person of the committee, and designating the candidate or candidates, slate of candidates, or question it is organized to support or oppose on forms prescribed by the registry; except that no campaign committee for a slate of candidates for Governor and Lieutenant Governor shall be registered prior to the filing of a joint notification and declaration by the slate of candidates pursuant to KRS 118.125 and 118.127. No entity which is excluded from the definition of "campaign committee" established in KRS 121.015(3)(a) shall be required to register as a committee with the registry. The name of the committee shall reasonably identify to the public the sponsorship and purpose of the committee. The forms filed with the registry shall require the registrant to clearly identify the specific purpose, sponsorship, and source from which the committee originates; and the registry shall refuse to allow filing by any committee until this requirement has been satisfied.
- (2) Any person who acts as a fundraiser by directly soliciting contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction containing in excess of two hundred thousand (200,000) residents shall register with the registry when he or she raises in excess of three thousand dollars (\$3,000) in any one (1) election for the campaign committee by filing official notice giving his or her name, address, occupation, employer or, if he or she is self-employed, the name under which he or she is doing business, and all candidates or slates of candidates for whom he or she is soliciting on forms prescribed by the registry. A registered fundraiser shall comply with the campaign finance reporting requirements of KRS 121.180~~[(3), (4), and (5)]~~.

- (3) All provisions of KRS 121.160 governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee, except a federally registered out-of-state permanent committee, and a person acting as a campaign fundraiser. In case of the death, resignation, or removal of a campaign treasurer for a permanent committee or executive committee, the chairperson of the permanent committee or executive committee shall, within three (3) days after receiving notice of the vacancy by certified mail, appoint a successor as treasurer for the committee and file the name and address of the successor with the registry. The chairperson of the permanent committee or executive committee shall be accountable as the treasurer for the committee if the chairperson fails to meet this filing requirement.
- (4) The chairperson of a committee and the campaign treasurer shall be separate persons.
- (5) Any federally registered out-of-state permanent committee that contributes to a Kentucky candidate or a slate of candidates shall:
 - (a) File with the registry a copy of its federal registration (Federal Election Commission Form 1 - Committee Registration Form);
 - (b) File with the registry a copy of the Federal Election Commission finance report when a contribution is made to a Kentucky candidate or a slate of candidates; and
 - (c) Contribute no~~not~~ more than the maximum amount permitted for a permanent committee to make under Kentucky law to any candidate or to any slate of candidates for any office in this Commonwealth.
- (6) Notwithstanding any provision of law to the contrary, a contribution made by a federally registered permanent committee to any candidate or to any slate of candidates for any office in this Commonwealth that complies with the provisions of 2 U.S.C. sec. 441b, 11 C.F.R. sec. 104.10, 11 C.F.R. sec. 106.6, and 11 C.F.R. sec. 114.1-114.12 regarding limitations on contributions by corporations shall be deemed to comply with the campaign finance laws of

this Commonwealth prohibiting corporate contributions to candidates or slates of candidates.

- (7) The organization, formation, or registration of a permanent committee by any member of the General Assembly shall be prohibited.
- (8) The official contact person of a permanent committee shall not be a legislative agent as defined in KRS 6.611 or an executive agency lobbyist as defined in KRS 11A.201.

➔Section 3. 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 preelection finance reports required by subsection (3) of this section if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election to further the candidacy or to support or oppose a constitutional amendment or public question which will appear on the ballot. For a candidate for judicial office who desires to be exempt from filing preelection campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in paragraph (l)1. or 2. of this subsection. 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 chairman 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.

~~(b)~~ 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~~chairman~~ 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~~one~~ thousand dollars (\$3,000)~~(\$1,000)~~ in any one (1) election. For a candidate for judicial office who desires to be exempt from filing any campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in subparagraph (k)~~(4)~~ 1. or 2. of this subsection. 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~~chairman~~ 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.

(b)~~(e)~~ For a primary~~election~~, a candidate or slate of candidates shall file a request for exemption no~~not~~ later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c)~~(d)~~ of this subsection, shall be bound by its terms unless it is rescinded in writing no~~not~~ later than fifteen (15) days after

the filing deadline. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption ~~no~~ later than twenty-five (25) days after the date of the preceding primary ~~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 ~~no~~ 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 ~~no~~ later than twenty-five (25) days after the date on which the nomination for a special election is made. A political issues committee ~~chair~~ shall file a request for exemption ~~no~~ later than ten (10) days after the date on which the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing ~~no~~ later than fifteen (15) days after the date on which the request for exemption is filed.

- ~~(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**~~If a candidate or slate of candidates elects to exercise a different option~~, the candidate or slate of candidates shall file the appropriate form with the ~~registry~~ ~~officer who received the filing papers of the candidate or slate of candidates~~ ~~no~~ later than the deadline for filing a revocation.
2. A candidate for any city, **urban-county government, charter county government, consolidated local government, unified local government,** or county office or for any school board office, who is exempted from ~~some or all~~ campaign finance reporting requirements pursuant to paragraph (a) ~~or (b)~~ 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 accepts or receives in that election. The filing of applicable required reports by a candidate 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, except for failure to file applicable reports required after the exempted amount is exceeded.

~~(d)(e)}~~ Any candidate or slate of candidates that is subject to an August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption ~~no~~~~not~~ later than the filing deadline and, except as provided in subparagraph 2. of paragraph ~~(c)(d)}~~ of this subsection, shall be bound by its terms unless it is rescinded in writing ~~no~~~~not~~ later than fifteen (15) days after the filing deadline. 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)(d)}~~ of this subsection.

~~(e)(f)}~~ Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed ~~a~~~~either~~ request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph ~~(c)(d)}~~ of this subsection if a candidate or slate of candidates that is subject to an August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph ~~(c)(d)}~~ 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)(d)}~~ of this

subsection.

~~(f)(g)~~ Except as provided in subparagraph 2. of paragraph ~~(c)(d)~~ 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)(d)~~ of this subsection.

~~(g)(h)~~ 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)(d)~~ 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)(d)~~ of this subsection.

~~(h)(i)~~ 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)(d)~~ of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph ~~(c)(d)~~ of this subsection ~~no~~ later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.

~~(i)(j)~~ 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) ~~or (b)~~ of this subsection and shall be bound by its terms unless it is rescinded in writing

~~no~~ later than fifteen (15) days after the filing deadline for 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~~ ~~may exercise the remaining exemption option or~~ ~~may~~ 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)~~ ~~(d)~~ of this subsection, a person intending to be a write-in candidate who ~~revokes a request for exemption~~ ~~elects to exercise a different exemption option~~ shall file the appropriate form with the ~~registry~~ ~~officer who received the initial request for exemption~~ ~~no~~ later than fifteen (15) days after the filing deadline for the regular or special election.

~~(j)~~ ~~(k)~~ Except as provided in subparagraph 2. of paragraph ~~(c)~~ ~~(d)~~ 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~~ ~~chairman~~ has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner and no new request for exemption has been executed.

~~(k)~~ ~~(4)~~ 1. Except as provided in subparagraph 2. of paragraph ~~(c)~~ ~~(d)~~ of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph ~~(a)~~ ~~(b)~~, ~~(d)~~ ~~(e)~~, or ~~(i)~~ ~~(j)~~ 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, ~~may be assessed a civil penalty~~ ~~pay a fine~~ of ~~no~~ more than five hundred dollars (\$500) plus the amount by which the spending limit was

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exceeded.

2. Except as provided in subparagraph 2. of paragraph ~~(c)~~~~(d)~~ 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)~~, (b)~~, ~~(d)~~~~(e)~~, or ~~(i)~~~~(j)~~ 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

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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 Section 4 of this Act 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~~[This]~~ report required by paragraph (a) of this subsection shall be made on a semiannual basis and shall be received by~~[in the hands of]~~ the registry~~[or~~*

~~postmarked]~~ **by January 31 and by July 31, and any report received by the registry within five (5) days after each filing deadline shall be deemed timely filed. 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~~[within five (5) days after the thirtieth day following the primary and regular elections].~~ 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 five (5) 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**~~[in the hands of]~~ the registry **by January 31, and if received by the registry within five (5) days after the filing deadline it shall be deemed timely filed**~~[or postmarked within five (5) days after the thirtieth day following each regular election].~~**

- (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; 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. 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

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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. Candidates as defined in KRS 121.015(8), slates of candidates, campaign committees, political issues committees, and fundraisers which register in the year before the year 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 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. 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;

2. *All candidates, slates of candidates, 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, campaign committees, political issues committees, and registered fundraisers shall make reports on the *twenty-fifth*~~[thirty second]~~ day preceding an election, including all previous contributions and expenditures; *and*

~~[3. All candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day~~

~~preceding the date of the election; and}~~

4. All reports to the registry shall be received by the registry **on or before each filing deadline, and any report received by the registry**~~{or postmarked}~~ within five (5) days after each filing deadline **shall be deemed timely filed.**
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)~~(a)~~~~(b)}~~ of this section, all candidates, regardless of funds received or expended, campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election, **and any report received by the registry within five (5) days after each filing deadline shall 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 out-of-state 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

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- 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**~~[postmarked or received not later than]~~ five (5) 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 **statements**~~[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~~[or postmarked not later than ten (10) days after]~~ **by December**~~[November]~~ 1 of each year, **and any statement received by the registry within five (5) days after December 1 of each year shall be deemed timely filed,** 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.~~[,]~~ **Then**~~[in which case]~~ the candidate or a slate of candidates shall file the supplemental annual report~~[not later than ten (10) days after]~~ **by December** ~~[November]~~ 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, **and any report received by the registry within five (5) days after the applicable filing deadline shall be deemed timely filed.** All contributions shall be subject to KRS 121.150.

- (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) 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 further the candidacy of the person for a different public office, to support or oppose a different public issue, or to further the candidacy of any other person for public office; except that nothing in this subsection shall be deemed to prohibit a candidate or

slate of candidates from using funds in 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~~~~one~~ hundred dollars ~~(\$100)~~ (\$200) per event or affair. 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. 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, escheat to the State Treasury, be returned pro rata to all contributors, or, in the case of a partisan candidate, be transferred to a caucus campaign committee, or to 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 to further the same public issue or to seek election to the same office or 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) (a) For the purposes of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a candidate for a particular office, means the period of time beginning January 1 following a regular election for the office and ending December 31 following the next regular election for that office.
- (b) For the purpose of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a constitutional amendment or public

- question which appears on the ballot, means the period of time beginning January 1 following a regular election for any state legislative office and ending December 31 following the next regular election for any state legislative office.
- (c) If adequate and appropriate agency funds are available to implement this subsection, the option of electronic reporting shall be made available by the registry to all candidates, committees, registered fundraisers, and persons making independent expenditures, in addition to those candidates, slates of candidates, and campaign committees that are required to electronically report under KRS 121.120(6)(h).
- (12) Filers specified in subsection (11) of this section ~~may~~~~shall also continue to~~ file required campaign finance reports in paper or electronic format ~~until the registry deems it is no longer necessary~~. *If the candidate or slate of candidates chooses to file a report in electronic format,* the electronic~~paper~~ copy shall ~~continue to~~ be the official version for audit and other legal purposes.
- (13) Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.
- (14) 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.
- (15) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (16) Filers who submit computer disks which are not readable, 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.
- (17) No candidate is obligated to file any reports electronically, except for those candidates, slates of candidates, and campaign committees that are required to electronically report under KRS 121.120(6)(h).

- (18) (a) On each paper and electronic form that it 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 4. A NEW SECTION OF KRS CHAPTER 121 IS CREATED TO READ AS FOLLOWS:

- (1) A state executive committee of a political party may establish a building fund account. The registry shall promulgate administrative regulations, in accordance with KRS Chapter 13A, necessary to implement this section.**
- (2) A building fund account established under this section may be used for expenditures related to the purchase, construction, maintenance, renovation, and repair of the state executive committee's main headquarters facility. Permissible expenditures from a building fund account shall be limited to payments for or purchases of:**
- (a) Land;**
 - (b) Leases and property taxes;**
 - (c) Appliances and fixtures;**
 - (d) Utilities, pest control, lawn care, security, and trash removal;**
 - (e) Equipment for Internet, telephone, cable or satellite television, or other communications services;**

- (f) Building construction, expansion, or renovation;
- (g) Major and minor repairs to the state executive committee's main headquarters facility, including but not limited to the facility's roof, foundation, and structure, and to the facility's plumbing, HVAC, and electrical systems; and
- (h) The services of contractors, subcontractors, and other building design or construction professionals related to the state executive committee's main headquarters facility.
- (3) A building fund account established under this section shall not be used to advocate for or against the election or defeat of a clearly identified candidate or a ballot measure or for issue advocacy.
- (4) Prohibited expenditures from a building fund account include:

 - (a) Money or in-kind contributions to a federal, state, or local candidate or slate of candidates;
 - (b) Money or in-kind contributions to a state or local committee; and
 - (c) Money or in-kind contributions to advocate for or against the election or defeat of a clearly identified candidate or a ballot measure or for issue advocacy.
- (5) Contributions solicited and accepted by a state executive committee for a building fund account established under this section shall be designated as being exclusively for the state executive committee's building fund account.
- (6) The state executive committee shall advise all potential contributors to a building fund account established under this section that funds contributed will be used exclusively for the building fund account and will not be used to advocate for or against the election or defeat of a clearly identified candidate or a ballot measure or for issue advocacy.
- (7) For any building fund account established under this section, a state executive committee shall establish a separate bank account into which all contributions shall be

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deposited, and no other contributions shall be commingled with building fund account contributions.

(8) A state executive committee shall report all contributions to and expenditures from a building fund account to the Registry of Election Finance on a quarterly basis, as required by Section 3 of this Act.

➔Section 5. KRS 121.025 is amended to read as follows:

No corporation authorized to do business in this state or in another state, and no officer or agent of a corporation on its behalf, shall contribute, either directly or indirectly, any money, service, or other thing of value towards the nomination or election of any state, county, city, or district officer in this state, or pay, promise, loan, or become liable in any way for any money or other valuable thing on behalf of any candidate for office at any election, primary or nominating convention held in this state. No attorney or other person shall accept employment and compensation from a corporation with the understanding or agreement, either direct or implied, that he **or she** will contribute to any such candidate, or on his **or her** behalf, any part or all of such compensation, towards the nomination or election of such candidate. **The prohibitions in this section shall not prevent a corporation from making a monetary contribution to a state executive committee's building fund account established under Section 4 of this Act.**

➔Section 6. KRS 121.035 is amended to read as follows:

(1) No corporation organized or authorized to do business in this state or in another state shall, by itself or by or through an officer, agent, attorney, or employee, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured, or furnished, any money, privilege, favor, or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever.

- (2) No officer, agent, attorney, or employee of any corporation organized or authorized to do business in this state or in another state, or person acting for or representing any such corporation, shall disburse, distribute, pay out, or in any way handle any money, funds, or other thing of value that belongs to or has been or is being furnished by any such corporation or any officer, agent, attorney, or employee thereof to be used or employed in any way for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever.
- (3) Nothing in this section shall be construed to prohibit a corporation from making contributions in support of a constitutional amendment, a public question which appears on the ballot, or position on an issue of public importance, *or to prohibit a corporation from making contributions to a state executive committee's building fund account established under Section 4 of this Act.* Nothing in this chapter shall be construed to prohibit a not-for-profit corporation, which does not derive a substantial portion of its revenue from for-profit corporations, from making independent expenditures.

➔Section 7. KRS 6.767 is amended to read as follows:

- (1) *For purposes of this section, "accept" means the date a contribution is postmarked, if mailed, or the date of the hand delivery, if the contribution is hand-delivered.*
- (2) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not accept a campaign contribution from a legislative agent. Violation of this provision is ethical misconduct.
- ~~(3)~~(2) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not, during a regular session of the General Assembly, accept a campaign contribution from an employer of a legislative agent, or from a permanent committee as defined in KRS 121.015. This subsection shall not apply to candidates for the General Assembly in a special election held during a regular session of

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the General Assembly. Violation of this provision is ethical misconduct.

~~(4)(3)~~ It shall be a complete defense under this section if the legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent or, during a regular session, from an employer or from a permanent committee, which fact is unknown to the legislator, candidate, or committee at the time of receipt, if the legislator, candidate, or his or her campaign committee either returns the contribution within thirty (30) days of receipt, and within fourteen (14) additional days makes that fact, together with the name of the contributor, amount of the contribution, and the date of return or payment known, in writing to the commission. It shall also be a defense if a legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent whose name does not yet appear on the list of legislative agents and their employers furnished to the Legislative Research Commission if the legislator, candidate, or his or her campaign committee returns the campaign contribution within thirty (30) days of the Legislative Research Commission's receipt of the list bearing the name of the legislative agent and all employers and makes the written disclosure to the commission required in this subsection. The time periods shall be tolled upon the filing with the commission of a request for an advisory opinion regarding the campaign contribution. Upon the issuance of the opinion or decision not to render an opinion, the time period shall resume."