

1 AN ACT relating to elections and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 121.015 is amended to read as follows:

4 As used in this chapter:

5 (1) "Registry" means the Kentucky Registry of Election Finance;

6 (2) "Election" means any primary, regular, or special election to fill vacancies  
7 regardless of whether a candidate or slate of candidates is opposed or unopposed in  
8 an election. Each primary, regular, or special election shall be considered a separate  
9 election;

10 (3) "Committee" includes the following:

11 (a) "Campaign committee," which means one (1) or more persons who receive  
12 contributions and make expenditures to support or oppose one (1) or more  
13 specific candidates or slates of candidates for nomination or election to any  
14 state, county, city, or district office, but does not include an entity established  
15 solely by a candidate which is managed solely by a candidate and a campaign  
16 treasurer and whose name is generic in nature, such as "Friends of (the  
17 candidate)," and does not reflect that other persons have structured themselves  
18 as a committee, designated officers of the committee, and assigned  
19 responsibilities and duties to each officer with the purpose of managing a  
20 campaign to support or oppose a candidate in an election;

21 (b) "Caucus campaign committee," which means members of one (1) of the  
22 following caucus groups who receive contributions and make expenditures to  
23 support or oppose one (1) or more specific candidates or slates of candidates  
24 for nomination or election, or a committee:

- 25 1. House Democratic caucus campaign committee;
- 26 2. House Republican caucus campaign committee;
- 27 3. Senate Democratic caucus campaign committee;~~and~~

- 1           4. Senate Republican caucus campaign committee; or
- 2           5. Subdivisions of the state executive committee of a minor political
- 3           party, which serve the same function as the above-named committees,
- 4           as determined by regulations promulgated by the registry.
- 5           (c) "Political issues committee," which means three (3) or more persons joining
- 6           together to advocate or oppose a constitutional amendment or public question
- 7           which appears on the ballot if that committee receives or expends money in
- 8           excess of one thousand dollars (\$1,000);
- 9           (d) "Permanent committee," which means a group of individuals, including an
- 10          association, committee, or organization, other than a campaign committee,
- 11          political issues committee, inaugural committee, caucus campaign committee,
- 12          or party executive committee, which is established as, or intended to be, a
- 13          permanent organization having as a primary purpose expressly advocating the
- 14          election or defeat of one (1) or more clearly identified candidates, slates of
- 15          candidates, or political parties, which functions on a regular basis throughout
- 16          the year;
- 17          (e) An executive committee of a political party; and
- 18          (f) "Inaugural committee," which means one (1) or more persons who receive
- 19          contributions and make expenditures in support of inauguration activities for
- 20          any candidate or slate of candidates elected to any state, county, city, or
- 21          district office;
- 22          (4) "Contributing organization" means a group which merely contributes to candidates,
- 23          slates of candidates, campaign committees, caucus campaign committees, or
- 24          executive committees from time to time from funds derived solely from within the
- 25          group, and which does not solicit or receive funds from sources outside the group
- 26          itself. However, any contributions made by the groups in excess of one hundred
- 27          dollars (\$100) shall be reported to the registry;

- 1 (5) "Testimonial affair" means an affair held in honor of a person who holds or who is  
2 or was a candidate for nomination or election to a political office in this state  
3 designed to raise funds for any purpose not charitable, religious, or educational;
- 4 (6) "Contribution" means any:
- 5 (a) Payment, distribution, loan, deposit, or gift of money or other thing of value,  
6 to a candidate, his or her agent, a slate of candidates, its authorized agent, a  
7 committee, or contributing organization. As used in this subsection, "loan"  
8 shall include a guarantee, endorsement, or other form of security where the  
9 risk of nonpayment rests with the surety, guarantor, or endorser, as well as  
10 with a committee, contributing organization, candidate, slate of candidates, or  
11 other primary obligor. No person shall become liable as surety, endorser, or  
12 guarantor for any sum in any one (1) election which, when combined with all  
13 other contributions the individual makes to a candidate, his or her agent, a  
14 slate of candidates, its agent, a committee, or a contributing organization,  
15 exceeds the contribution limits provided in KRS 121.150;
- 16 (b) Payment by any person other than the candidate, his or her authorized  
17 treasurer, a slate of candidates, its authorized treasurer, a committee, or a  
18 contributing organization, of compensation for the personal services of  
19 another person which are rendered to a candidate, slate of candidates,  
20 committee, or contributing organization, or for inauguration activities;
- 21 (c) Goods, advertising, or services with a value of more than one hundred dollars  
22 (\$100) in the aggregate in any one (1) election which are furnished to a  
23 candidate, slate of candidates, committee, or contributing organization or for  
24 inauguration activities without charge, or at a rate which is less than the rate  
25 normally charged for the goods or services; or
- 26 (d) Payment by any person other than a candidate, his or her authorized treasurer,  
27 a slate of candidates, its authorized treasurer, a committee, or contributing

1 organization for any goods or services with a value of more than one hundred  
2 dollars (\$100) in the aggregate in any one (1) election which are utilized by a  
3 candidate, slate of candidates, committee, or contributing organization, or for  
4 inauguration activities;

5 (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be  
6 construed to include:

7 (a) Services provided without compensation by individuals volunteering a portion  
8 or all of their time on behalf of a candidate, a slate of candidates, committee,  
9 or contributing organization;

10 (b) A loan of money by any financial institution doing business in Kentucky made  
11 in accordance with applicable banking laws and regulations and in the  
12 ordinary course of business; or

13 (c) An independent expenditure by any individual or permanent committee;

14 (8) "Candidate" means any person who has received contributions or made  
15 expenditures, has appointed a campaign treasurer, or has given his or her consent  
16 for any other person to receive contributions or make expenditures with a view to  
17 bringing about his or her nomination or election to public office, except federal  
18 office;

19 (9) "Slate of candidates" means any two (2) persons who have filed a joint notification  
20 and declaration pursuant to KRS 118.127, received contributions or made  
21 expenditures, appointed a campaign treasurer, designated a campaign depository, or  
22 given their consent for any other person to receive contributions or make  
23 expenditures with a view to bringing about their nomination for election to the  
24 offices of Governor and Lieutenant Governor. Unless the context requires  
25 otherwise, any provision of law that applies to a candidate shall also apply to a slate  
26 of candidates;

27 (10) "Knowingly" means, with respect to conduct or to a circumstance described by a

1 statute defining an offense, that a person is aware or should have been aware that  
2 his or her conduct is of that nature or that the circumstance exists;

3 (11) "Fundraiser" means an individual who directly solicits and secures contributions on  
4 behalf of a candidate or slate of candidates for a statewide-elected state office or an  
5 office in a jurisdiction with a population in excess of two hundred thousand  
6 (200,000) residents;

7 (12) "Independent expenditure" means the expenditure of money or other things of value  
8 for a communication which expressly advocates the election or defeat of a clearly  
9 identified candidate or slate of candidates, and which is made without any  
10 coordination, consultation, or cooperation with any candidate, slate of candidates,  
11 campaign committee, or any authorized person acting on behalf of any of them, and  
12 which is not made in concert with, or at the request or suggestion of any candidate,  
13 slate of candidates, campaign committee, or any authorized person acting on behalf  
14 of any of them;

15 (13) "Electronic reporting" means the use of technology, having electrical, digital,  
16 magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an  
17 individual or other entity submits, compiles, or transmits campaign finance reports  
18 to the registry, or by which the registry receives, stores, analyzes, or discloses the  
19 reports;

20 (14) "Security procedure" means a procedure employed for the purpose of verifying that  
21 an electronic signature, record, or performance is that of a specific person or for  
22 detecting changes or errors in the information in an electronic record. The term  
23 includes a procedure that requires the use of algorithms or other codes, identifying  
24 words or numbers, encryption, or callback or other acknowledgment procedures;

25 (15) "Electronic signature" means an electronic sound, symbol, or process attached to or  
26 logically associated with a record and executed or adopted by a person with the  
27 intent to sign the record;

1 (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or  
2 entity required to submit financial disclosure reports to the registry; and

3 (17) "Filer-side software" means software provided to or used by the filer that enables  
4 transmittal of financial reports to the registry.

5 ➔Section 2. Whereas effective and impartial administration of election  
6 procedures is vital to the Commonwealth, an emergency is declared to exist, and this Act  
7 takes effect upon its passage and approval by the Governor or upon its otherwise  
8 becoming a law.