

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 15.243 is amended to read as follows:

- 4 (1) In addition to the other duties and powers of the Attorney General, he or she shall
5 enforce all of the state's election laws by civil or criminal processes.
- 6 (2) The Attorney General shall:
- 7 (a) Devise and administer programs to observe the conduct of elections;
 - 8 (b) Hold public hearings;
 - 9 (c) Establish a toll-free telephone service for the purpose of receiving reports of
10 election law violations. The service shall be operated during regular business
11 hours throughout the year and during the hours which any poll in the state is
12 open on the day of any primary, special election, or regular election;
 - 13 (d) Initiate investigations or investigate alleged violations of election laws at the
14 request of a registered voter or on his or her own motion;
 - 15 (e) Issue subpoenas for the production of any books, papers, correspondence,
16 memoranda or other records, and compel the attendance of witnesses that he
17 or she deems relevant to the purposes of any investigation;
 - 18 (f) Present evidence of alleged violations to a grand jury; and
 - 19 (g) File appropriate complaints in any court of competent jurisdiction.
- 20 (3) (a) The Attorney General shall be required to begin an independent inquiry for
21 any potential irregularities that may have occurred in each election in not
22 fewer than twelve (12) of Kentucky's counties, to be selected at random in a
23 public process, within twenty (20) days following each primary or regular
24 election. ~~[No county shall be subject to inquiry under this subsection in two
25 (2) consecutive elections.]~~
- 26 (b) ***The Attorney General shall promulgate administrative regulations in
27 accordance with KRS Chapter 13A to establish a uniform procedure and***

1 *timeline for his or her agents to follow when conducting the independent*
 2 *inquiries. The administrative regulations shall also designate the data and*
 3 *forms that shall be requested from each county that is chosen.*

4 (c) The Attorney General shall report his or her findings to the grand jury of each
 5 county involved, ~~and to~~ the chief circuit judge for the circuit in which the
 6 county is located, *and the appropriate county clerk.*

7 (4) When the Registry of Election Finance concludes there is probable cause to believe
 8 a violation of election laws has occurred, it shall forward the matter to the Attorney
 9 General for prosecution. In the event the Attorney General or local prosecutor fails
 10 to prosecute the matter in a timely fashion, the registry's attorney may petition the
 11 Circuit Court to be appointed as a special prosecutor. Upon such motion timely
 12 filed, for good cause shown, the court shall enter an order to that effect.

13 (5) When requested by the Attorney General, all state and local agencies and officials,
 14 including the Auditor of Public Accounts, Commonwealth's attorneys, county
 15 attorneys, Registry of Election Finance, Department of Kentucky State Police,
 16 sheriffs' departments and local police shall give all possible assistance to the
 17 Attorney General in the performance of his or her duties.

18 ➔Section 2. KRS 117.066 is amended to read as follows:

19 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of
 20 this section, designate a single voting location for more than one (1) precinct if the
 21 voting location is equipped with voting equipment capable of providing or
 22 accepting separate ballots without endangering the integrity of the ballots or
 23 without violating any other election law.

24 (2) If a single voting location for more than one (1) precinct is approved under
 25 subsection (3) of this section, the primary or election shall be conducted as follows:

26 (a) One (1) voting equipment may be used for more than one (1) precinct if
 27 ballots are tabulated for each separate precinct, and if separate ballots may be

1 placed upon any voting equipment to be used without endangering the
2 integrity of the ballots or without violating any other election law. Otherwise,
3 separate voting equipment shall be used for each precinct. In the instance of a
4 precinct which has a small number of voters such that the use of separate
5 voting equipment would be cost-prohibitive, the county clerk may make
6 application to the State Board of Elections to use supplemental paper ballots
7 under KRS 118.215 to conduct the voting for the small precinct on any
8 primary or election day. If the use of supplemental paper ballots is approved
9 by the State Board of Elections, at the close of voting on any primary or
10 election day, the locked supplemental paper ballot box shall be transported to
11 the county board of elections along with the federal provisional ballot
12 receptacle, and ballots shall be counted by the county board of elections as
13 provided by KRS 117.275(10) to (16);

14 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
15 shall be taken to ensure that voters cast their ballot in their duly authorized
16 precinct; and

17 (c) A separate set of election forms and reports required by this chapter and the
18 State Board of Elections shall be maintained for each precinct.

19 (3) The county board of elections may petition the Secretary of State~~[State Board of~~
20 ~~Elections]~~ to allow the consolidation of precincts and the consolidation of precinct
21 election officers at any voting location where voters of more than one (1) precinct
22 vote. The petition shall be on a form prescribed by the Secretary of State through
23 promulgation of an administrative regulation~~[State Board of Elections in~~
24 ~~administrative regulations promulgated under KRS Chapter 13A]~~ and shall include:

25 (a) A list of all precincts designated to vote at the voting location;

26 (b) The address and type of facility of the voting location;

27 (c) The number and type of voting systems or voting equipment to be used at the

1 voting location;

2 (d) The number of registered voters in each precinct designated to vote at the
3 voting location;

4 (e) An explanation of the reasons why the consolidation is desirable;

5 (f) The plan for additional precinct officers at the voting location, the manner in
6 which they will be assigned, and whether the voting location will be fully
7 staffed with election officials;

8 (g) The plan for how the county clerk will publicize the location for where the
9 voting shall occur, in addition to how each location shall be noted
10 conspicuously to residents of the county as a "Vote Center";~~and~~

11 (h) The plan for how the voting location will serve as a focal point to meet the
12 needs of a diverse community; ***and***

13 ***(i) The number of parking spaces available at the location and a determination***
14 ***as to whether the location has sufficient parking spaces.***

15 (4) If the petition submitted under subsection (3) of this section is approved by the
16 ***Secretary of State***~~[State Board of Elections]~~, the precinct election officers
17 designated to serve as election officers for more than one (1) precinct shall meet the
18 eligibility requirements of KRS 117.045.

19 ➔Section 3. KRS 117.235 is amended to read as follows:

20 (1) No person, other than the election officers, challengers, person assisting voters in
21 accordance with KRS 117.255(3), and a minor child in the company of a voter,
22 shall be permitted within the voting room while the vote is being polled, except as
23 follows:

24 (a) For the purpose of voting;

25 (b) By authority of the election officers to keep order and enforce the law;

26 (c) With the express approval of the county board of elections to repair or replace
27 voting equipment that is malfunctioning, and to provide additional voting

1 equipment; or

2 (d) At the voter's discretion, a minor child in the company of a voter may
3 accompany the voter into a voting booth or other private area provided for
4 casting a vote.

5 (2) No officer of election shall do any electioneering **at any polling place during:**

6 **(a) The times the polls are open** on election day; **or**

7 **(b) Any of the days that in-person absentee voting is conducted.**

8 (3) (a) No person shall electioneer at ~~any~~^{the} polling place **that is being used as a**
9 **voting location** on the day of any election, as established in KRS 118.025, **or**
10 **on any of the days that in-person absentee voting is conducted at that**
11 **location,** or within a distance of one hundred (100) feet of any entrance to a
12 building in which voting is conducted if that entrance is unlocked and is used
13 by voters on any primary or election day **or on any of the days that in-person**
14 **absentee voting is conducted.**

15 (b) No person shall electioneer within the interior of a building or affix any
16 electioneering materials to the exterior or interior of a building where the
17 county clerk's office is located, or any building designated by the county
18 board of elections and approved by the State Board of Elections for in-person
19 absentee voting, during the hours in-person absentee voting is being
20 conducted in the building.

21 (c) No person shall electioneer within one hundred (100) feet of a mail-in
22 absentee drop-box or drop-receptacle.

23 (d) **No person shall electioneer in any building where training for election**
24 **officers is being conducted during the time of the training.**

25 **(e)** Electioneering shall include the displaying of signs, the distribution of
26 campaign literature, cards, or handbills, the soliciting of signatures to any
27 petition, or the solicitation of votes for or against any bona fide candidate or

1 ballot question in a manner which expressly advocates the election or defeat
2 of the candidate or expressly advocates the passage or defeat of the ballot
3 question, but shall not include exit polling, bumper stickers affixed to a
4 person's vehicle while parked within or passing through a distance of one
5 hundred (100) feet of any entrance to a building in which voting is conducted,
6 private property as provided in subsection (7) of this section, or other
7 exceptions established by the State Board of Elections through the
8 promulgation of administrative regulations under KRS Chapter 13A.

9 (4) No voter shall be permitted to converse with others while in any room in which
10 voting, including in-person absentee voting, is conducted concerning their support
11 or nonsupport of any candidate, party, or issue to be voted on, except as provided in
12 KRS 117.255.

13 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
14 enforcement official may enforce the election laws and maintain law and order at
15 the polls and within one hundred (100) feet of any entrance to the building in which
16 voting is conducted if that entrance is unlocked and is used by voters. Assistance
17 may be requested of any law enforcement officer.

18 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
19 Elections may establish a program designed to instill in school children a respect
20 for the democratic principles of voting by conducting in any county a mock election
21 for school children in conjunction with any primary, regular, or special election.
22 The State Board of Elections shall promulgate administrative regulations under
23 KRS Chapter 13A regarding the mock elections to ensure that the regular voting
24 process will not be impaired.

25 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this
26 section shall prohibit the displaying of political campaign signs on private property
27 or private establishments by a person having a leased or ownership interest in that

1 private property or private establishment within the campaign-free zone, regardless
2 of the distance from the polling place. In the case of a polling location being on
3 private property that is leased or otherwise under contract for the purpose of serving
4 as a polling location, the provisions of subsection (3) of this section shall be
5 applicable to that leased or contracted-for private property.

6 ➔Section 4. KRS 117.265 is amended to read as follows:

- 7 (1) A voter may, at any regular or special election, cast a write-in vote for any person
8 qualified as provided in subsection (2) or (3) of this section, whose name does not
9 appear upon the ballot for any office, by writing the name of his or her choice upon
10 the appropriate ballot for the office being voted on as required by KRS 117.125.
11 Any candidate~~[for city, county, urban county, consolidated local government,~~
12 ~~charter county government, or unified local government office]~~ who is defeated in a
13 partisan or nonpartisan primary shall be ineligible as a candidate for the same office
14 in the regular election, **unless there is a vacancy pursuant to subsection (3) of**
15 **Section 5 of this Act.** Any voter utilizing a federal provisional ballot, a federal
16 provisional in-person absentee ballot, or a mail-in absentee ballot for a regular or
17 special election may write in a vote for any eligible person whose name does not
18 appear upon the ballot, by writing the name of his or her choice under the office.
- 19 (2) Write-in votes shall be counted only for candidates for election to office who have
20 filed a declaration of intent to be a write-in candidate with the Secretary of State or
21 county clerk, depending on the office being sought, on or before the fourth Friday
22 in October preceding the date of the regular election and not later than the second
23 Friday before the date of a special election. In the case of a special election
24 administered under KRS 118.730, a declaration of intent to be a write-in candidate
25 shall be filed at least twenty-eight (28) days before the day of the election. The
26 declaration of intent shall be filed no earlier than the first Wednesday after the first
27 Monday in November of the year preceding the year the office will appear on the

1 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
2 date on which papers may be filed. The declaration of intent shall be on a form
3 prescribed and furnished by the Secretary of State.

4 (3) A person shall not be eligible as a write-in candidate:

5 (a) For more than one (1) office in a regular or special election; or

6 (b) If his or her name appears upon the ballot for any office, except that the
7 candidate may file a notice of withdrawal prior to filing an intent to be a
8 write-in candidate for office when a vacancy in a different office occurs
9 because of:

10 1. Death;

11 2. Disqualification to hold the office sought;

12 3. Severe disabling condition which arose after the nomination; or

13 4. The nomination of an unopposed candidate.

14 (4) Persons who wish to run for President and Vice-President shall file a declaration of
15 intent to be a write-in candidate, along with a list of presidential electors pledged to
16 those candidates, with the Secretary of State on or before the fourth Friday in
17 October preceding the date of the regular election for those offices. The declaration
18 of intent shall be filed no earlier than the first Wednesday after the first Monday in
19 November of the year preceding the year the office will appear on the ballot, and no
20 later than 4 p.m. local time at the place of filing when filed on the last date on
21 which papers may be filed. Write-in votes cast for the candidates whose names
22 appear on the ballot shall apply to the slate of pledged presidential electors, whose
23 names shall not appear on the ballot.

24 (5) The county clerk shall provide to the precinct election officers certified lists of
25 those persons who have filed declarations of intent as provided in subsections (2)
26 and (3) of this section. Only write-in votes cast for qualified candidates shall be
27 counted.

1 (6) Two (2) election officers of opposing parties shall upon the request of any voter
2 instruct the voter on how to cast a write-in vote.

3 ➔Section 5. KRS 118.105 is amended to read as follows:

4 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
5 every political party shall nominate all of its candidates for elective offices to be
6 voted for at any regular election at a primary held as provided in this chapter, and
7 the governing authority of any political party shall have no power to nominate any
8 candidate for any elective office or to provide any method of nominating candidates
9 for any elective office other than by a primary as provided in this chapter.

10 (2) Any political organization not constituting a political party as defined in KRS
11 118.015 may make its nominations as provided in KRS 118.325.

12 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
13 made by the primary ***more than ten (10) days*** before the certification of candidates
14 for the regular election made under KRS 118.215, because of death~~, withdrawal,~~
15 ~~disqualification to hold the office sought,~~ or severe disabling condition which arose
16 after the nomination, the governing authority of the party may provide for filling the
17 vacancy, but only following certification to the governing authority, by the
18 Secretary of State, that a vacancy exists for a reason specified in this subsection.
19 When such a nomination has been made, the certificate of nomination shall be
20 signed by the chair and secretary of the governing authority of the party making it,
21 and shall be filed in the same manner as certificates of nomination at a primary.

22 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
23 made by the primary ***more than ten (10) days*** before the certification of candidates
24 for the regular election, and if that party's nominee was the only political party
25 candidate for the office sought, the governing authority of each party may nominate
26 a candidate for the regular election, provided that no person has sought that party's
27 nomination by filing a notification and declaration.

1 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
2 subsection (3) or (4) of this section [~~prior to September 15 preceding the day of the~~
3 ~~regular election~~], certificates of nomination for replacement candidates shall be
4 filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m.
5 on the date of certification [~~ten (10) days after the vacancy occurs, excluding~~
6 ~~weekends and legal holidays. If a vacancy occurs in the nomination of a candidate~~
7 ~~under the conditions of subsection (3) or (4) of this section on or after September 15~~
8 ~~preceding the date of the regular election, certificates of nomination for replacement~~
9 ~~candidates shall be filed in the same manner as provided in subsections (3) and (4)~~
10 ~~not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and~~
11 ~~legal holidays.~~

12 ~~(6) If a vacancy in candidacy described in subsection (5) of this section occurs later~~
13 ~~than the second Thursday preceding the date of the regular election, no certificates~~
14 ~~of nomination shall be filed and any candidate whose name does not appear on the~~
15 ~~ballot may seek election by write in voting pursuant to KRS 117.265].~~

16 ~~(6)~~ [(7)] This section does not apply to candidates for members of boards of education,
17 or presidential electors, nor to candidates participating in nonpartisan elections.
18 However, regardless of the number of days served by a judge acting as a Senior
19 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge
20 in accordance with KRS 21.580 shall not become a candidate for any elected office
21 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

22 ➔Section 6. KRS 118.315 is amended to read as follows:

23 (1) A candidate for any office to be voted for at any regular election may be nominated
24 by a petition of electors qualified to vote for him or her, complying with the
25 provisions of subsection (2) of this section. No person whose registration status is
26 as a registered member of a political party shall be eligible to election as an
27 independent, or political organization, or political group candidate, nor shall any

1 person be eligible to election as an independent, or political organization, or
2 political group candidate whose registration status was as a registered member of a
3 political party on January 1 immediately preceding the regular election for which
4 the person seeks to be a candidate. This restriction shall not apply to candidates to
5 those offices specified in subsection (6) of Section 5 of this Act~~[KRS 118.105(7)]~~,
6 for supervisor of a soil and water conservation district, for candidates for mayor or
7 legislative body in cities of the home rule class, or to candidates participating in
8 nonpartisan elections.

- 9 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
10 be signed by the candidate and by registered voters from the district or jurisdiction
11 from which the candidate seeks nomination. The petition shall include a
12 declaration, sworn to by the candidate, that he or she possesses all the constitutional
13 and statutory requirements of the office for which the candidate has filed.
14 Signatures for a petition of nomination for a candidate seeking any office,
15 excluding President of the United States in accordance with KRS 118.591(1), shall
16 not be affixed on the document to be filed prior to the first Wednesday after the first
17 Monday in November of the year preceding the year in which the office will appear
18 on the ballot. Signatures for nomination papers shall not be affixed on the document
19 to be filed prior to the first Wednesday after the first Monday in November of the
20 year preceding the year in which the office will appear on the ballot. A petition of
21 nomination for a state officer, or any officer for whom all the electors of the state
22 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
23 representative in Congress from any congressional district, or for any officer from
24 any other district except as herein provided, four hundred (400) petitioners; for a
25 county officer, member of the General Assembly, or Commonwealth's attorney, one
26 hundred (100) petitioners; for a soil and water conservation district supervisor,
27 twenty-five (25) petitioners; for a city officer or board of education member, two

1 (2) petitioners; and for an officer of a division less than a county, except as herein
2 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the
3 petition be appended to one (1) paper. Each petitioner shall include the date he or
4 she affixes the signature, address of residence, and date of birth. Failure of a voter
5 to include the signature affixation date, date of birth, and address of residence shall
6 result in the signature not being counted. If any person joins in nominating, by
7 petition, more than one (1) nominee for any office to be filled, he or she shall be
8 counted as a petitioner for the candidate whose petition is filed first, except a
9 petitioner for the nomination of candidates for soil and water conservation district
10 supervisors may be counted for every petition to which his or her signature is
11 affixed.

12 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
13 not be printed on the ballots as part of the candidate's name; however, nicknames,
14 initials, and contractions of given names may be accepted as the candidate's name.

15 (4) The Secretary of State and county clerks shall examine the petitions of all
16 candidates who file with them to determine whether each petition is regular on its
17 face. If there is an error, the Secretary of State or the county clerk shall notify the
18 candidate by certified mail within twenty-four (24) hours of filing.

19 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
20 KRS 21.580 shall not become a candidate or a nominee for any elected office
21 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
22 number of days served by the judge acting as a Senior Status Special Judge.

23 ➔Section 7. KRS 119.165 is amended to read as follows:

24 (1) Any person who falsely personates a registered voter, and receives and casts a
25 ballot by means of such personation, shall be guilty of a Class D felony. An attempt
26 at such personation shall constitute a Class A misdemeanor.

27 (2) Any person who, by means other than falsely personating a registered voter, votes

1 at an election in this state when he is a resident of another state or country, or votes
 2 more than once at an election, or votes by use of the naturalization papers of
 3 another person, shall be guilty of a Class D felony. Any person who knowingly
 4 votes or attempts to vote in a precinct other than the one in which he resides shall
 5 be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does
 6 not live he is enabled to vote in a race or on a matter in which he could not vote in
 7 his proper precinct in which case he shall be guilty of a Class D felony. Any person
 8 who lends or hires his or another's naturalization papers to be used for the purpose
 9 of voting shall be subject to the same penalty.

10 (3) *Any person lawfully registered to vote who is then convicted of a felony offense*
 11 *and has not previously been restored to their voting rights who then knowingly*
 12 *votes or attempts to vote shall be guilty of a Class D felony.*

13 (4) Any resident of this state who, by means other than falsely personating a registered
 14 voter, votes at a regular or special election before he has resided in this state thirty
 15 (30) days, or in the county and precinct where the election is held the time required
 16 by law, or before he has attained full age, or before he has become a citizen, shall
 17 be guilty of a Class B misdemeanor.

18 ~~(5)~~~~(4)~~ Any person who, by means other than falsely personating a registered voter,
 19 votes in a primary election knowing that he is not qualified as provided in KRS
 20 116.055, shall be guilty of a violation.

21 ~~(6)~~~~(5)~~ Any person who applies for or receives a ballot at any voting place other than
 22 the one at which he is entitled to vote, under circumstances not constituting a
 23 violation of any of the provisions of subsections (1) to ~~(3)~~~~(4)~~ of this section, shall
 24 be guilty of a Class A misdemeanor.

25 ➔Section 8. KRS 121.175 is amended to read as follows:

26 (1) No candidate, committee, or contributing organization shall permit funds in a
 27 campaign account to be expended for any purpose other than for allowable

1 campaign expenditures. "Allowable campaign expenditures" means expenditures
2 including reimbursement for actual expenses, made directly and primarily in
3 support of or opposition to a candidate, constitutional amendment, or public
4 question which will appear on the ballot and includes, but is not limited to,
5 expenditures for staff salaries, gifts and meals for volunteer campaign workers,
6 food and beverages provided at a campaign rally, advertising, office space,
7 necessary travel if reported, campaign paraphernalia, purchases of advertisements
8 in athletic and scholastic publications, communications with constituents or
9 prospective voters, polling and consulting, printing, graphic arts, or advertising
10 services, postage, office supplies, stationery, newsletters, and equipment which is
11 used primarily for the administration of the campaign, or for fees incurred from
12 legal services while defending a matter before the Kentucky Legislative Ethics
13 Commission in which the final adjudication is rendered in favor of the candidate.

14 "Allowable campaign expenditures" does not include necessary travel unless
15 reported, expenditures of funds in a campaign account for any purpose made
16 unlawful by other provisions of the Kentucky Revised Statutes or which would
17 bestow a private pecuniary benefit, except for payment of the reasonable value of
18 goods and services provided upon a candidate, member of the candidate's family,
19 committee, or contributing organization, or any of their employees, paid or unpaid,
20 including: tickets to an event which is unrelated to a political campaign or
21 candidacy; items of personal property for distribution to prospective voters except
22 items bearing the name, likeness, or logo of a candidate or a campaign-related
23 communication; expenditures to promote or oppose a candidacy for a leadership
24 position in a governmental, professional, or political organization, or other entity;
25 and equipment or appliances the primary use of which is for purposes outside of the
26 campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be
27 required to include a disclaimer on campaign stationery purchased with funds from

1 his campaign account. A member of the General Assembly may utilize funds in his
2 or her campaign account to contribute up to five thousand dollars (\$5,000) per year
3 to a political party or caucus campaign committee. A member of the General
4 Assembly may make allowable campaign expenditures in both election years and
5 nonelection years.

6 (2) By December 31, 1993, the registry shall promulgate administrative regulations to
7 implement and enforce the provisions of subsection (1) of this section.

8 (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this
9 section, the registry may, after hearing:

10 (a) For a violation which was not committed knowingly, order the violator to
11 repay the amount of campaign funds which were expended for other than
12 allowable campaign expenditures, and if not repaid within thirty (30) days,
13 may impose a fine of up to one hundred dollars (\$100) for each day the
14 amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000);
15 and

16 (b) For a violation which was committed knowingly, in addition to referring the
17 matter for criminal prosecution, order the violator to repay the amount of
18 campaign funds which were expended for other than allowable campaign
19 expenditures, and if not repaid within thirty (30) days, may impose a fine of
20 up to one hundred dollars (\$100) for each day the amount is not repaid, up to
21 a maximum fine of one thousand dollars (\$1,000).

22 ➔Section 9. KRS 121.180 is amended to read as follows:

23 (1) (a) Any candidate, slate of candidates, or political issues committee shall be
24 exempt from filing any campaign finance reports required by subsections (3)
25 and (4) of this section if the candidate, slate of candidates, or political issues
26 committee chair files a form prescribed and furnished by the registry stating
27 that currently no contributions have been received and that contributions will

1 not be accepted or expended in excess of three thousand dollars (\$3,000) in
2 any one (1) election. A separate form shall be required for each primary,
3 regular, or special election in which the candidate or slate of candidates
4 participates or in which the public question appears on the ballot. The form
5 shall be submitted by means of electronic filing with the registry.

6 (b) For a primary, a candidate or slate of candidates shall file a request for
7 exemption not later than the deadline for filing nomination papers and, except
8 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be
9 bound by its terms unless it is rescinded in writing not later than thirty (30)
10 days preceding the primary. For a regular election, a candidate or slate of
11 candidates shall file or rescind in writing a request for exemption not later
12 than sixty (60) days preceding the regular election, except as provided in
13 subparagraph 2. of paragraph (c) of this subsection. For a special election, a
14 candidate or slate of candidates shall file a request for exemption not later
15 than ten (10) days after the candidate or slate of candidates is nominated for a
16 special election and shall be bound by its terms unless it is rescinded in
17 writing not later than thirty (30) days preceding the special election. A
18 political issues committee chair shall file a request for exemption when the
19 committee registers with the registry and shall be bound by its terms unless it
20 is rescinded in writing not later than thirty (30) days preceding the date the
21 issue appears on the ballot.

22 (c) 1. A candidate or slate of candidates that revokes a request for exemption
23 in a timely manner shall file all reports required of a candidate intending
24 to raise or spend in excess of three thousand dollars (\$3,000) in an
25 election. To revoke the request for an exemption, the candidate or slate
26 of candidates shall file the appropriate form with the registry not later
27 than the deadline for filing a revocation.

- 1 2. A candidate or slate of candidates that is exempted from campaign
2 finance reporting requirements pursuant to paragraph (a) of this
3 subsection but who accepts contributions or makes expenditures in
4 excess of the exempted amount in an election, shall file all applicable
5 reports required for the remainder of that election, based upon the
6 amount of contributions or expenditures the candidate or slate of
7 candidates accepts or receives in that election.
- 8 (d) Any candidate or slate of candidates that is subject to a June or August filing
9 deadline and that intends to execute a request for exemption shall file the
10 appropriate request for exemption not later than the filing deadline and, except
11 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be
12 bound by its terms unless it is rescinded in writing not later than sixty (60)
13 days preceding the regular election. A candidate or slate of candidates that is
14 covered by this paragraph shall have the same reversion rights as those
15 provided in subparagraph 1. of paragraph (c) of this subsection.
- 16 (e) Any candidate or slate of candidates that will appear on the ballot in a regular
17 election that has signed a request for exemption for that election may exercise
18 the reversion rights provided in subparagraph 1. of paragraph (c) of this
19 subsection if a candidate or slate of candidates that is subject to a June or
20 August filing deadline subsequently files in opposition to the candidate or
21 slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of
22 this subsection, a candidate or slate of candidates covered by this paragraph
23 shall comply with the deadline for rescission provided in subparagraph 1. of
24 paragraph (c) of this subsection.
- 25 (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any
26 candidate or slate of candidates that has filed a request for exemption for a
27 regular election that later is opposed by a person who has filed a declaration

1 of intent to receive write-in votes may rescind the request for exemption and
2 exercise the reversion rights provided in subparagraph 1. of paragraph (c) of
3 this subsection.

4 (g) Any candidate or slate of candidates that has filed a request for exemption
5 may petition the registry to determine whether another person is campaigning
6 as a write-in candidate prior to having filed a declaration of intent to receive
7 write-in votes, and, if the registry determines upon a preponderance of the
8 evidence that a person who may later be a write-in candidate is conducting a
9 campaign, the candidate or slate of candidates, except as provided in
10 subparagraph 2. of paragraph (c) of this subsection, may petition the registry
11 to permit the candidate or slate of candidates to exercise the reversion rights
12 provided in subparagraph 1. of paragraph (c) of this subsection.

13 (h) If the opponent of a candidate or slate of candidates is replaced due to his or
14 her withdrawal because of death, disability, or disqualification, the candidate
15 or slate of candidates, except as provided in subparagraph 2. of paragraph (c)
16 of this subsection, may exercise the reversion rights provided in subparagraph
17 1. of paragraph (c) of this subsection not later than fifteen (15) days after the
18 party executive committee nominates a replacement for the withdrawn
19 candidate or slate of candidates.

20 (i) A person intending to be a write-in candidate for any office in a regular or
21 special election may execute a request for exemption under paragraph (a) of
22 this subsection and shall be bound by its terms unless it is rescinded in writing
23 not later than fifteen (15) days preceding the regular or special election. A
24 person intending to be a write-in candidate who revokes a request for
25 exemption in a timely manner shall file all reports required of a candidate
26 intending to raise or spend in excess of three thousand dollars (\$3,000) in an
27 election. Except as provided in subparagraph 2. of paragraph (c) of this

1 subsection, a person intending to be a write-in candidate who revokes a
2 request for exemption shall file the appropriate form with the registry.

3 (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the
4 campaign committee of any candidate or slate of candidates that has filed a
5 request for exemption or a political issues committee whose chair has filed a
6 request for exemption shall be bound by its terms unless it is rescinded in a
7 timely manner.

8 (k) 1. Except as provided in subparagraph 2. of paragraph (c) of this
9 subsection, any candidate, slate of candidates, or political issues
10 committee that is exempt from filing campaign finance reports pursuant
11 to paragraph (a), (d), or (i) of this subsection that accepts contributions
12 or makes expenditures, or whose campaign treasurer accepts
13 contributions or makes expenditures, in excess of the applicable limit in
14 any one (1) election without rescinding the request for exemption in a
15 timely manner shall comply with all applicable reporting requirements
16 and, in lieu of other penalties prescribed by law, pay a fine of not less
17 than five hundred dollars (\$500).

18 2. Except as provided in subparagraph 2. of paragraph (c) of this
19 subsection, a candidate, slate of candidates, campaign committee, or
20 political issues committee that is exempt from filing campaign finance
21 reports pursuant to paragraph (a), (d), or (i) of this subsection that
22 knowingly accepts contributions or makes expenditures in excess of the
23 applicable spending limit in any one (1) election without rescinding the
24 request for exemption in a timely manner shall comply with all
25 applicable reporting requirements and shall be guilty of a Class D
26 felony.

27 (l) 1. Any candidate exempt from filing under this subsection for a primary

1 shall file a report described in subsection (4) of this section.

2 2. Any candidate exempt from filing under this subsection for a primary
3 who advances to the regular election shall file for an additional
4 exemption under this section for the regular election or the candidate
5 shall no longer be exempt from the filing requirements.

6 3. In the event a candidate exempt from filing under this subsection is no
7 longer eligible for the exemption, he or she shall immediately file for a
8 revocation of the exemption under paragraph (c) of this subsection.

9 (2) (a) State and county executive committees, and caucus campaign committees
10 shall make a full report, upon a prescribed form, to the registry, of all money,
11 loans, or other things of value, received from any source, and expenditures
12 authorized, incurred, or made, since the date of the last report, including:

13 1. For each contribution of any amount made by a permanent committee,
14 the name and business address of the permanent committee, the date of
15 the contribution, the amount contributed, and a description of the major
16 business, social, or political interest represented by the permanent
17 committee;

18 2. For other contributions in excess of one hundred dollars (\$100), the full
19 name, address, age if less than the legal voting age, the date of the
20 contribution, the amount of the contribution, and the employer and
21 occupation of each contributor. If the contributor is self-employed, the
22 name under which he or she is doing business shall be listed;

23 3. The total amount of cash contributions received during the reporting
24 period; and

25 4. A complete statement of expenditures authorized, incurred, or made.
26 The complete statement of expenditures shall include the name and
27 address of each person to whom an expenditure is made in excess of

1 twenty-five dollars (\$25), and the amount, date, and purpose of each
2 expenditure.

3 (b) In addition to the reporting requirements in paragraph (a) of this subsection,
4 the state executive committee of a political party that has established a
5 building fund account under KRS 121.172 shall make a full report, upon a
6 prescribed form, to the registry, of all contributions received from any source,
7 and expenditures authorized, incurred, or made, since the date of the last
8 report for the separate building fund account, including:

- 9 1. For each contribution of any amount made by a corporation, the name
10 and business address of the corporation, the date of the contribution, the
11 amount contributed, and a description of the major business conducted
12 by the corporation;
- 13 2. For other contributions in excess of one hundred dollars (\$100), the full
14 name and address of the contributor, the date of the contribution, the
15 amount of the contribution, and the employer and occupation of each
16 contributor. If the contributor is self-employed, the name under which
17 he or she is doing business shall be listed;
- 18 3. The total amount of cash contributions received during the reporting
19 period; and
- 20 4. A complete statement of expenditures authorized, incurred, or made.
21 The complete statement of expenditures shall include the name and
22 address of each person to whom an expenditure is made in excess of
23 twenty-five dollars (\$25), and the amount, date, and purpose of each
24 expenditure.

25 (c) The report required by paragraph (a) of this subsection shall be made on a
26 semiannual basis **if the committee has more than ten thousand dollars**
27 **(\$10,000) in its campaign fund account,** and shall be received by the registry

1 by January 31 and by July 31. The January report shall cover the period from
2 July 1 to December 31. The July report shall cover the period from January 1
3 to June 30. **If the committee has less than ten thousand dollars (\$10,000) in**
4 **its campaign fund account the report required by paragraph (a) of this**
5 **subsection shall be made on an annual basis, and shall be received by the**
6 **registry by January 31.** If an individual gives a reportable contribution to a
7 caucus campaign committee or to a state or county executive committee with
8 the intention that the contribution or a portion of the contribution go to a
9 candidate or slate of candidates, the name of the contributor and the sum shall
10 be indicated on the committee report. The report required by paragraph (b) of
11 this subsection relating to a state executive committee's building fund account
12 shall be received by the registry within two (2) business days after the close of
13 each calendar quarter. The receipts and expenditures of funds remitted to each
14 political party under KRS 141.071 to 141.073 shall be separately accounted
15 for and reported to the registry in the manner required by KRS 121.230. The
16 separate report may be made a separate section within the report required by
17 this subsection to be received by the registry by January 31.

18 (3) (a) Except for candidates or slates of candidates, campaign committees, or
19 political issues committees exempted from reporting requirements pursuant to
20 subsection (1) of this section, each campaign treasurer of a candidate, slate of
21 candidates, campaign committee, or political issues committee who accepts
22 contributions or expends, expects to accept contributions or expend, or
23 contracts to expend more than three thousand dollars (\$3,000) in any one (1)
24 election, and each fundraiser who secures contributions in excess of three
25 thousand dollars (\$3,000) in any one (1) election, shall make a full report to
26 the registry, on a form provided or using a format approved by the registry, of
27 all money, loans, or other things of value, received from any source, and

1 expenditures authorized, incurred, and made, since the date of the last report,
2 including:

- 3 1. For each contribution of any amount made by a permanent committee,
4 the name and business address of the permanent committee, the date of
5 the contribution, the amount contributed, and a description of the major
6 business, social, or political interest represented by the permanent
7 committee;
- 8 2. For each contribution in excess of one hundred dollars (\$100) made to
9 any candidate or campaign committee or a political issues committee,
10 the full name, address, age if less than the legal voting age, the date of
11 the contribution, the amount of the contribution, and the employer and
12 occupation of each other contributor. If the contributor is self-employed,
13 the name under which he or she is doing business shall be listed;
- 14 3. The total amount of cash contributions received during the reporting
15 period; and
- 16 4. A complete statement of all expenditures authorized, incurred, or made.
17 The complete statement of expenditures shall include the name, address,
18 and occupation of each person to whom an expenditure is made in
19 excess of twenty-five dollars (\$25), and the amount, date, and purpose
20 of each expenditure.

21 (b) Reports of all candidates, slates of candidates, campaign committees, political
22 issues committees, and registered fundraisers shall be made as follows:

- 23 1. a. Candidates seeking statewide office, slates of candidates,
24 authorized campaign committees for candidates seeking statewide
25 office and for slates of candidates, unauthorized campaign
26 committees, political issues committees, and fundraisers which
27 register before the year of an election in which the candidate, a

- 1 slate of candidates, or public question shall appear on the ballot,
2 shall file financial reports with the registry at the end of the first
3 calendar quarter after persons become statewide candidates or
4 slates of candidates, or following registration of the committee or
5 fundraiser, and each calendar quarter thereafter, ending with the
6 last calendar quarter of that year. The provisions of this
7 subparagraph shall be retroactive to January 1, 2021;
- 8 b. All other candidates and candidate campaign committees shall file
9 annual financial reports to be received by the registry on or before
10 December 1 for each year that a candidate is not yet on the ballot
11 but has filed a Statement of Spending Intent and Appointment of
12 Campaign Treasurer with the registry for a future-year election;
13 and
- 14 c. Candidates, slate of candidates, or committees shall make all
15 reports required by subparagraphs 2. to 5. of this paragraph during
16 the year in which the election takes place;
- 17 2. All candidates, slates of candidates, candidate-authorized and
18 unauthorized campaign committees, political issues committees, and
19 registered fundraisers shall make reports on the sixtieth day preceding a
20 regular election, including all previous contributions and expenditures;
- 21 3. All candidates, slates of candidates, candidate-authorized and
22 unauthorized campaign committees, political issues committees, and
23 registered fundraisers shall make reports on the thirtieth day preceding
24 an election, including all previous contributions and expenditures;
- 25 4. All candidates, slates of candidates, candidate-authorized and
26 unauthorized campaign committees, political issues committees, and
27 registered fundraisers shall make reports on the fifteenth day preceding

1 the date of the election; and

2 5. All reports to the registry shall cover campaign activity during the entire
3 reporting period and must be received by the registry within two (2)
4 business days after the date the reporting period ends to be deemed
5 timely filed.

6 (4) Except for candidates, slates of candidates, and political issues committees,
7 exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of
8 funds received or expended, candidate-authorized and unauthorized campaign
9 committees, political issues committees, and registered fundraisers shall make post-
10 election reports within thirty (30) days after the election. All post-election reports to
11 the registry shall cover campaign activity during the entire reporting period and
12 must be received by the registry within two (2) business days after the date the
13 reporting period ends to be deemed timely filed.

14 (5) In making the preceding reports, the total gross receipts from each of the following
15 categories shall be listed: proceeds from the sale of tickets for events such as
16 testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass
17 collections made at the events, and sales of items such as campaign pins, buttons,
18 hats, ties, literature, and similar materials. When any individual purchase or the
19 aggregate purchases of any item enumerated above from a candidate or slate of
20 candidates for a statewide-elected state office or a campaign committee for a
21 candidate or slate of candidates for a statewide-elected state office exceeds one
22 hundred dollars (\$100), the purchaser shall be identified by name, address, age, if
23 less than the legal voting age, occupation, and employer or, if the purchaser is self-
24 employed, the name under which he or she is doing business, and the amount of the
25 purchase. When any individual purchase or the aggregate purchases of any item
26 enumerated above from any candidate or campaign committee other than a
27 candidate or slate of candidates for a statewide-elected state office or campaign

1 committee for a candidate or slate of candidates for a statewide-elected state office
2 exceeds one hundred dollars (\$100), the purchaser shall be identified by name,
3 address, age if less than the legal voting age, occupation, and employer or, if the
4 purchaser is self-employed, the name under which he or she is doing business, and
5 the amount of the purchase. The lists shall be maintained by the campaign treasurer,
6 political issues committee treasurer, registered fundraiser, or other sponsor for
7 inspection by the registry for six (6) years following the date of the election.

8 (6) Each permanent committee, except a federally registered permanent committee,
9 inaugural committee, or contributing organization shall make a full report to the
10 registry, on a form provided or using a format approved by the registry, of all
11 money, loans, or other things of value, received by it from any source, and all
12 expenditures authorized, incurred, or made, since the date of the last report,
13 including:

14 (a) For each contribution of any amount made by a permanent committee, the
15 name and business address of the permanent committee, the date of the
16 contribution, the amount contributed, and a description of the major business,
17 social, or political interest represented by the permanent committee;

18 (b) For other contributions in excess of one hundred dollars (\$100), the full name,
19 address, age if under the legal voting age, the date of the contribution, the
20 amount of the contribution, and the employer and occupation of each
21 contributor. If the contributor is self-employed, the name under which he or
22 she is doing business shall be listed;

23 (c) An aggregate amount of cash contributions, the amount contributed by each
24 contributor, and the date of each contribution; and

25 (d) A complete statement of all expenditures authorized, incurred, or made,
26 including independent expenditures. This report shall be made by a permanent
27 committee, inaugural committee, or contributing organization to the registry

1 on the last day of the first calendar quarter following the registration of the
2 committee with the registry and on the last day of each succeeding calendar
3 quarter until such time as the committee terminates. A contributing
4 organization shall file a report of contributions received and expenditures on a
5 form provided or using a format approved by the registry not later than the
6 last day of each calendar quarter in which contributions are received or
7 expenditures are made. All reports to the registry shall be received on or
8 before each filing deadline, and any report received by the registry within two
9 (2) business days after each filing deadline shall be deemed timely filed.

10 (7) If the final statement of a candidate, campaign committee, or political issues
11 committee shows an unexpended balance of contributions, continuing debts and
12 obligations, or an expenditure deficit, the campaign treasurer shall file with the
13 registry a supplemental statement of contributions and expenditures not more than
14 thirty (30) days after the deadline for filing the final statement. Subsequent
15 supplemental statements shall be filed annually, to be received by the registry by
16 December 1 of each year, until the account shows no unexpended balance,
17 continuing debts and obligations, expenditures, or deficit. All post-election reports
18 to the registry shall cover campaign activity during the entire reporting period and
19 must be received by the registry within two (2) business days after the date the
20 reporting period ends to be deemed timely filed. All contributions shall be subject
21 to KRS 121.150 as of the date of the election in which the candidate appeared on
22 the ballot.

23 (8) All reports filed under the provisions of this chapter shall be a matter of public
24 record open to inspection by any member of the public immediately upon receipt of
25 the report by the registry.

26 (9) A candidate or slate of candidates is relieved of the duty personally to file reports
27 and keep records of receipts and expenditures if the candidate or slate states in

1 writing or on forms provided by the registry that:

2 (a) Within five (5) business days after personally receiving any contributions, the
3 candidate or slate of candidates shall surrender possession of the contributions
4 to the treasurer of their principal campaign committee without expending any
5 of the proceeds thereof. No contributions shall be commingled with the
6 candidate's or slated candidates' personal funds or accounts. Contributions
7 received by check, money order, or other written instrument shall be endorsed
8 directly to the campaign committee and shall not be cashed or redeemed by
9 the candidate;

10 (b) The candidate or slate of candidates shall not make any unreimbursed
11 expenditure for the campaign, except that this paragraph does not preclude a
12 candidate or slate from making an expenditure from personal funds to the
13 designated principal campaign committee, which shall be reported by the
14 committee as a contribution received; and

15 (c) The waiver shall continue in effect as long as the candidate or slate of
16 candidates complies with the conditions under which it was granted.

17 (10) (a) No candidate, slate of candidates, campaign committee, political issues
18 committee, or contributing organization shall use or permit the use of
19 contributions or funds solicited or received for the person or in support of or
20 opposition to a public issue which will appear on the ballot to:

- 21 1. Further the candidacy of the person for a different public office;
- 22 2. Support or oppose a different public issue; or
- 23 3. Further the candidacy of any other person for public office.

24 (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of
25 candidates from using funds in a campaign account to purchase admission
26 tickets for, or contribute to, any fundraising event or testimonial affair for
27 another candidate or slate of candidates if the amount of the purchase or

1 contribution does not exceed two hundred dollars (\$200) per event or affair.

2 (c) Any funds or contributions solicited or received by or on behalf of a
3 candidate, slate of candidates, or any committee, which has been organized in
4 whole or in part to further any candidacy for the same person or to support or
5 oppose the same public issue, shall be deemed to have been solicited or
6 received for the current candidacy or for the election on the public issue if the
7 funds or contributions are solicited or received at any time prior to the regular
8 election for which the candidate, slate of candidates, or public issue is on the
9 ballot.

10 (d) Any unexpended balance of funds not otherwise obligated for the payment of
11 expenses incurred to further a political issue or the candidacy of a person
12 shall, in whole or in part, at the election of the candidate or committee:

- 13 1. Escheat to the State Treasury;
- 14 2. Be returned pro rata to all contributors;
- 15 3. In the case of a partisan candidate, be transferred to:
 - 16 a. A caucus campaign committee; or
 - 17 b. The state or county executive committee of the political party of
18 which the candidate is a member;
- 19 4. Be retained to further the same public issue or to seek election to the
20 same office; or
- 21 5. Be donated to any charitable, nonprofit, or educational institution
22 recognized under Section 501(c)(3) of the United States Internal
23 Revenue Code of 1986, as amended, and any successor thereto, from
24 which the candidate or committee receives no financial benefit.

25 (11) If adequate and appropriate agency funds are available to implement this
26 subsection, electronic reporting shall be made available by the registry to all
27 candidates, slates of candidates, committees, contributing organizations, registered

1 fundraisers, and persons making independent expenditures. The electronic report
2 submitted to the registry shall be the official campaign finance report for audit and
3 other legal purposes, whether mandated or filed by choice.

4 (12) The date that an electronic or on-line report shall be deemed to have been filed with
5 the registry shall be the date on which it is received by the registry.

6 (13) All electronic or online filers shall affirm, under penalty of perjury, that the report
7 filed with the registry is complete and accurate.

8 (14) Filers who submit electronic campaign finance reports which are not readable, or
9 cannot be copied shall be deemed to not be in compliance with the requirements set
10 forth in this section.

11 (15) Beginning with the primary scheduled in calendar year 2020, and for each
12 subsequent election scheduled thereafter, reports required to be submitted to the
13 registry involving candidates, slates of candidates, committees, contributing
14 organizations, and independent expenditures shall be reported electronically.

15 (16) (a) On each form that the registry supplies for the reports required under
16 subsections (2), (3), and (6) of this section, the registry shall include an entry
17 reading, "No change since last report."

18 (b) If a person or entity that is required to report under subsection (2), (3), or (6)
19 of this section has received no money, loans, or other things of value from any
20 source since the date of its last report and has not authorized, incurred, or
21 made any expenditures since that date, the person or entity may check or
22 otherwise designate the entry that reads, "No change since last report." A
23 person or entity designating this entry in a report shall state the balance
24 carried forward from the last report but need not specify receipts or
25 expenditures in further detail.