

1 AN ACT relating to campaign finance.

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

3 ➔Section 1. KRS 121.180 is amended to read as follows:

4 (1) (a) Any candidate, slate of candidates, or political issues committee shall be
5 exempt from filing any campaign finance reports required by subsections (3)
6 and (4) of this section if the candidate, slate of candidates, or political issues
7 committee chair files a form prescribed and furnished by the registry stating
8 that currently no contributions have been received and that contributions will
9 not be accepted or expended in excess of three thousand dollars (\$3,000) in
10 any one (1) election. A separate form shall be required for each primary,
11 regular, or special election in which the candidate or slate of candidates
12 participates or in which the public question appears on the ballot. The form
13 shall be submitted by means of electronic filing with the registry.

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17 bound by its terms unless it is rescinded in writing not later than thirty (30)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24 special election and shall be bound by its terms unless it is rescinded in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

1 is rescinded in writing not later than thirty (30) days preceding the date the
2 issue appears on the ballot.

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

9 2. A candidate or slate of candidates that is exempted from campaign
10 finance reporting requirements pursuant to paragraph (a) of this
11 subsection but who accepts contributions or makes expenditures in
12 excess of the exempted amount in an election, shall file all applicable
13 reports required for the remainder of that election, based upon the
14 amount of contributions or expenditures the candidate or slate of
15 candidates accepts or receives in that election.

16 (d) Any candidate or slate of candidates that is subject to a June or August filing
17 deadline and that intends to execute a request for exemption shall file the
18 appropriate request for exemption not later than the filing deadline and, except
19 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be
20 bound by its terms unless it is rescinded in writing not later than sixty (60)
21 days preceding the regular election. A candidate or slate of candidates that is
22 covered by this paragraph shall have the same reversion rights as those
23 provided in subparagraph 1. of paragraph (c) of this subsection.

24 (e) Any candidate or slate of candidates that will appear on the ballot in a regular
25 election that has signed a request for exemption for that election may exercise
26 the reversion rights provided in subparagraph 1. of paragraph (c) of this
27 subsection if a candidate or slate of candidates that is subject to a June or

1 August filing deadline subsequently files in opposition to the candidate or
2 slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of
3 this subsection, a candidate or slate of candidates covered by this paragraph
4 shall comply with the deadline for rescission provided in subparagraph 1. of
5 paragraph (c) of this subsection.

6 (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any
7 candidate or slate of candidates that has filed a request for exemption for a
8 regular election that later is opposed by a person who has filed a declaration
9 of intent to receive write-in votes may rescind the request for exemption and
10 exercise the reversion rights provided in subparagraph 1. of paragraph (c) of
11 this subsection.

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

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

- 1 (i) A person intending to be a write-in candidate for any office in a regular or
2 special election may execute a request for exemption under paragraph (a) of
3 this subsection and shall be bound by its terms unless it is rescinded in writing
4 not later than fifteen (15) days preceding the regular or special election. A
5 person intending to be a write-in candidate who revokes a request for
6 exemption in a timely manner shall file all reports required of a candidate
7 intending to raise or spend in excess of three thousand dollars (\$3,000) in an
8 election. Except as provided in subparagraph 2. of paragraph (c) of this
9 subsection, a person intending to be a write-in candidate who revokes a
10 request for exemption shall file the appropriate form with the registry.
- 11 (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the
12 campaign committee of any candidate or slate of candidates that has filed a
13 request for exemption or a political issues committee whose chair has filed a
14 request for exemption shall be bound by its terms unless it is rescinded in a
15 timely manner.
- 16 (k) 1. Except as provided in subparagraph 2. of paragraph (c) of this
17 subsection, any candidate, slate of candidates, or political issues
18 committee that is exempt from filing campaign finance reports pursuant
19 to paragraph (a), (d), or (i) of this subsection that accepts contributions
20 or makes expenditures, or whose campaign treasurer accepts
21 contributions or makes expenditures, in excess of the applicable limit in
22 any one (1) election without rescinding the request for exemption in a
23 timely manner shall comply with all applicable reporting requirements
24 and, in lieu of other penalties prescribed by law, pay a fine of not less
25 than five hundred dollars (\$500).
- 26 2. Except as provided in subparagraph 2. of paragraph (c) of this
27 subsection, a candidate, slate of candidates, campaign committee, or

1 political issues committee that is exempt from filing campaign finance
2 reports pursuant to paragraph (a), (d), or (i) of this subsection that
3 knowingly accepts contributions or makes expenditures in excess of the
4 applicable spending limit in any one (1) election without rescinding the
5 request for exemption in a timely manner shall comply with all
6 applicable reporting requirements and shall be guilty of a Class D
7 felony.

- 8 (l) 1. Any candidate exempt from filing under this subsection for a primary
9 shall file a report described in subsection (4) of this section.
- 10 2. Any candidate exempt from filing under this subsection for a primary
11 who advances to the regular election shall file for an additional
12 exemption under this section for the regular election or the candidate
13 shall no longer be exempt from the filing requirements.
- 14 3. In the event a candidate exempt from filing under this subsection is no
15 longer eligible for the exemption, he or she shall immediately file for a
16 revocation of the exemption under paragraph (c) of this subsection.
- 17 (2) (a) State and county executive committees, and caucus campaign committees
18 shall make a full report, upon a prescribed form, to the registry, of all money,
19 loans, or other things of value, received from any source, and expenditures
20 authorized, incurred, or made, since the date of the last report, including:
- 21 1. For each contribution of any amount made by a permanent committee,
22 the name and business address of the permanent committee, the date of
23 the contribution, the amount contributed, and a description of the major
24 business, social, or political interest represented by the permanent
25 committee;
- 26 2. For other contributions in excess of one hundred dollars (\$100), the full
27 name, address, age if less than the legal voting age, the date of the

- 1 contribution, the amount of the contribution, and the employer and
2 occupation of each contributor. If the contributor is self-employed, the
3 name under which he or she is doing business shall be listed;
- 4 3. The total amount of cash contributions received during the reporting
5 period; and
- 6 4. A complete statement of expenditures authorized, incurred, or made.
7 The complete statement of expenditures shall include the name and
8 address of each person to whom an expenditure is made in excess of
9 twenty-five dollars (\$25), and the amount, date, and purpose of each
10 expenditure.
- 11 (b) In addition to the reporting requirements in paragraph (a) of this subsection,
12 the state executive committee of a political party that has established a
13 building fund account under KRS 121.172 shall make a full report, upon a
14 prescribed form, to the registry, of all contributions received from any source,
15 and expenditures authorized, incurred, or made, since the date of the last
16 report for the separate building fund account, including:
- 17 1. For each contribution of any amount made by a corporation, the name
18 and business address of the corporation, the date of the contribution, the
19 amount contributed, and a description of the major business conducted
20 by the corporation;
- 21 2. For other contributions in excess of one hundred dollars (\$100), the full
22 name and address of the contributor, the date of the contribution, the
23 amount of the contribution, and the employer and occupation of each
24 contributor. If the contributor is self-employed, the name under which
25 he or she is doing business shall be listed;
- 26 3. The total amount of cash contributions received during the reporting
27 period; and

1 4. A complete statement of expenditures authorized, incurred, or made.
2 The complete statement of expenditures shall include the name and
3 address of each person to whom an expenditure is made in excess of
4 twenty-five dollars (\$25), and the amount, date, and purpose of each
5 expenditure.

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

26 (3) (a) Except for candidates or slates of candidates, campaign committees, or
27 political issues committees exempted from reporting requirements pursuant to

1 subsection (1) of this section, each campaign treasurer of a candidate, slate of
2 candidates, campaign committee, or political issues committee who accepts
3 contributions or expends, expects to accept contributions or expend, or
4 contracts to expend more than three thousand dollars (\$3,000) in any one (1)
5 election, and each fundraiser who secures contributions in excess of three
6 thousand dollars (\$3,000) in any one (1) election, shall make a full report to
7 the registry, on a form provided or using a format approved by the registry, of
8 all money, loans, or other things of value, received from any source, and
9 expenditures authorized, incurred, and made, since the date of the last report,
10 including:

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

1 of each expenditure.

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

4 1. a. Candidates seeking statewide office, slates of candidates,
5 authorized campaign committees for candidates seeking statewide
6 office and for slates of candidates, unauthorized campaign
7 committees, political issues committees, and fundraisers which
8 register before the year of an election in which the candidate, a
9 slate of candidates, or public question shall appear on the ballot,
10 shall file financial reports with the registry at the end of the first
11 calendar quarter after persons become statewide candidates or
12 slates of candidates, or following registration of the committee or
13 fundraiser, and each calendar quarter thereafter, ending with the
14 last calendar quarter of that year. The provisions of this
15 subparagraph shall be retroactive to January 1, 2021;

16 b. All other candidates and candidate campaign committees shall file
17 annual financial reports to be received by the registry on or before
18 December 1 for each year that a candidate is not yet on the ballot
19 but has filed a Statement of Spending Intent and Appointment of
20 Campaign Treasurer with the registry for a future-year election;
21 and

22 c. Candidates, slate of candidates, or committees shall make all
23 reports required by subparagraphs 2. to 5. of this paragraph during
24 the year in which the election takes place;

25 2. All candidates, slates of candidates, candidate-authorized and
26 unauthorized campaign committees, political issues committees, and
27 registered fundraisers shall make reports on the sixtieth day preceding a

- 1 regular election, including all previous contributions and expenditures;
- 2 3. All candidates, slates of candidates, candidate-authorized and
3 unauthorized campaign committees, political issues committees, and
4 registered fundraisers shall make reports on the thirtieth day preceding
5 an election, including all previous contributions and expenditures;
- 6 4. All candidates, slates of candidates, candidate-authorized and
7 unauthorized campaign committees, political issues committees, and
8 registered fundraisers shall make reports on the fifteenth day preceding
9 the date of the election; and
- 10 5. All reports to the registry shall cover campaign activity during the entire
11 reporting period and must be received by the registry within two (2)
12 business days after the date the reporting period ends to be deemed
13 timely filed.
- 14 (4) Except for candidates, slates of candidates, and political issues committees,
15 exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of
16 funds received or expended, candidate-authorized and unauthorized campaign
17 committees, political issues committees, and registered fundraisers shall make post-
18 election reports within thirty (30) days after the election. All post-election reports to
19 the registry shall cover campaign activity during the entire reporting period and
20 must be received by the registry within two (2) business days after the date the
21 reporting period ends to be deemed timely filed.
- 22 (5) In making the preceding reports, the total gross receipts from each of the following
23 categories shall be listed: proceeds from the sale of tickets for events such as
24 testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass
25 collections made at the events, and sales of items such as campaign pins, buttons,
26 hats, ties, literature, and similar materials. When any individual purchase or the
27 aggregate purchases of any item enumerated above from a candidate or slate of

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

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

22 (a) For each contribution of any amount made by a permanent committee, the
23 name and business address of the permanent committee, the date of the
24 contribution, the amount contributed, and a description of the major business,
25 social, or political interest represented by the permanent committee;

26 (b) For other contributions in excess of one hundred dollars (\$100), the full name,
27 address, age if under the legal voting age, the date of the contribution, the

- 1 amount of the contribution, and the employer and occupation of each
2 contributor. If the contributor is self-employed, the name under which he or
3 she is doing business shall be listed;
- 4 (c) An aggregate amount of cash contributions, the amount contributed by each
5 contributor, and the date of each contribution; and
- 6 (d) A complete statement of all expenditures authorized, incurred, or made,
7 including independent expenditures. This report shall be made by a permanent
8 committee, inaugural committee, or contributing organization to the registry
9 on the last day of the first calendar quarter following the registration of the
10 committee with the registry and on the last day of each succeeding calendar
11 quarter until such time as the committee terminates. A contributing
12 organization shall file a report of contributions received and expenditures on a
13 form provided or using a format approved by the registry not later than the
14 last day of each calendar quarter in which contributions are received or
15 expenditures are made. All reports to the registry shall be received on or
16 before each filing deadline, and any report received by the registry within two
17 (2) business days after each filing deadline shall be deemed timely filed.
- 18 (7) If the final statement of a candidate, campaign committee, or political issues
19 committee shows an unexpended balance of contributions, continuing debts and
20 obligations, or an expenditure deficit, the campaign treasurer shall file with the
21 registry a supplemental statement of contributions and expenditures not more than
22 thirty (30) days after the deadline for filing the final statement. Subsequent
23 supplemental statements shall be filed annually, to be received by the registry by
24 December 1 of each year, until the account shows no unexpended balance,
25 continuing debts and obligations, expenditures, or deficit. All post-election reports
26 to the registry shall cover campaign activity during the entire reporting period and
27 must be received by the registry within two (2) business days after the date the

1 reporting period ends to be deemed timely filed. All contributions shall be subject
2 to KRS 121.150 as of the date of the election in which the candidate appeared on
3 the ballot.

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

7 (9) A candidate or slate of candidates is relieved of the duty personally to file reports
8 and keep records of receipts and expenditures if the candidate or slate states in
9 writing or on forms provided by the registry that:

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

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

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

25 (10) (a) No candidate, slate of candidates, campaign committee, political issues
26 committee, or contributing organization shall use or permit the use of
27 contributions or funds solicited or received for the person or in support of or

1 opposition to a public issue which will appear on the ballot to:

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

5 (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of
6 candidates from using funds in a campaign account to purchase admission
7 tickets for, or contribute to, any fundraising event or testimonial affair for
8 another candidate or slate of candidates if the amount of the purchase or
9 contribution does not exceed two hundred dollars (\$200) per event or affair.

10 (c) Any funds or contributions solicited or received by or on behalf of a
11 candidate, slate of candidates, or any committee, which has been organized in
12 whole or in part to further any candidacy for the same person or to support or
13 oppose the same public issue, shall be deemed to have been solicited or
14 received for the current candidacy or for the election on the public issue if the
15 funds or contributions are solicited or received at any time prior to the regular
16 election for which the candidate, slate of candidates, or public issue is on the
17 ballot.

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

- 21 1. Escheat to the State Treasury;
- 22 2. Be returned pro rata to all contributors;
- 23 3. In the case of a partisan candidate, be transferred to:
 - 24 a. A caucus campaign committee; or
 - 25 b. The state or county executive committee of the political party of
26 which the candidate is a member;
- 27 4. Be retained to further the same public issue or to seek election to the

1 same office; or

2 5. Be donated to any charitable, nonprofit, or educational institution
3 recognized under Section 501(c)(3) of the United States Internal
4 Revenue Code of 1986, as amended, and any successor thereto, with
5 which the candidate or committee has no affiliation.

6 (11) If adequate and appropriate agency funds are available to implement this
7 subsection, electronic reporting shall be made available by the registry to all
8 candidates, slates of candidates, committees, contributing organizations, registered
9 fundraisers, and persons making independent expenditures. The electronic report
10 submitted to the registry shall be the official campaign finance report for audit and
11 other legal purposes, whether mandated or filed by choice.

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

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

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

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

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

26 (b) If a person or entity that is required to report under subsection (2), (3), or (6)
27 of this section has received no money, loans, or other things of value from any

1 source since the date of its last report and has not authorized, incurred, or
2 made any expenditures since that date, the person or entity may check or
3 otherwise designate the entry that reads, "No change since last report." A
4 person or entity designating this entry in a report shall state the balance
5 carried forward from the last report but need not specify receipts or
6 expenditures in further detail.