

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(Amended at ARRS Committee)

32 KAR 2:060. Advisory opinions.

RELATES TO: KRS 121.135

STATUTORY AUTHORITY: KRS 121.120(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes the Registry of Election Finance to promulgate administrative regulations necessary to carry out KRS Chapter 121. KRS 121.135 requires the Registry of Election Finance to issue advisory opinions concerning the application of campaign finance law. This administrative regulation establishes the process through which advisory opinions may be requested and issued.

Section 1. Requests for Advisory Opinions.

(1) A person may request in writing an advisory opinion concerning the application of campaign finance law with regard to a particular transaction. An authorized agent of the person requesting an advisory opinion may submit the advisory opinion request, but the agent shall disclose the identity of the principal.

(2)

(a) The written advisory opinion request shall describe a specific transaction or activity that the requesting person:

1. Plans to undertake;
2. Is presently undertaking; or
3. Intends to undertake in the future.

(b) Requests presenting a general question of interpretation, posing a hypothetical situation, or regarding the activities of third parties shall not be considered.

(3) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(4) The office of general counsel shall review all requests for advisory opinions submitted to the registry. If the office of general counsel determines that a request is incomplete or otherwise fails to meet the criteria established in this section, it shall, within ten (10) calendar days of receipt of the request, notify the requesting person of any deficiencies in the request.

(5) Advisory opinion requests shall be submitted by:

- (a) Mail to the Office of the General Counsel, Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601; or
- (b) Email to KREFRequests@ky.gov.

(6) Upon receipt by the registry, each request which qualifies as an advisory opinion request (AOR) under this section shall be assigned an AOR number for reference purposes.

Section 2. Public Availability of Requests.

(1) The registry shall make public on its Web site at www.kref.ky.gov any advisory opinion requests that qualify under Section 1 of this administrative regulation promptly upon receipt.

(2) A register shall be:

- (a) Maintained by the registry containing a list of requests for advisory opinions; and
- (b) Updated on a regular basis.

Section 3. Written Comments on Request.

(1) Any interested person may submit comments concerning requests for advisory opinions made public to the registry. All comments shall be in writing and shall refer to

the AOR number of the request.

(2) Written comments shall be submitted not later than ten (10) calendar days following the date the request is made public by the registry. If the tenth day falls on a Saturday, Sunday, or legal holiday, the ten (10) day period shall expire at the close of the following business day.

(3) Written comments and requests for additional time to comment shall be sent:

(a) To the Office of General Counsel, Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601; or

(b) By email to KREFRequests@ky.gov.

(4) Before issuing an advisory opinion, the registry shall accept and consider all written comments submitted within the ten (10) day comment period or any extension of the normal comment period.

(19 Ky.R. 1237; 1528; eff. 1-4-1993; 2485; 20 Ky.R. 50; eff. 7-12-1993; Crt eff. 9-27-2019; 50 Ky.R. 409, 1048; eff. 1-30-2024.)

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