

1 AN ACT relating to campaign finance.

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

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

4 As used in this chapter:

- 5 (1) "Registry" means the Kentucky Registry of Election Finance;
- 6 (2) "Election" means any primary, regular, or special election to fill vacancies  
7 regardless of whether a candidate or slate of candidates is opposed or unopposed in  
8 an election. Each primary, regular, or special election shall be considered a separate  
9 election;
- 10 (3) "Committee" includes the following:
- 11 (a) "Campaign committee," which means one (1) or more persons who receive  
12 contributions and make expenditures to support or oppose one (1) or more  
13 specific candidates or slates of candidates for nomination or election to any  
14 state, county, city, or district office, but does not include an entity established  
15 solely by a candidate which is managed solely by a candidate and a campaign  
16 treasurer and whose name is generic in nature, such as "Friends of (the  
17 candidate)," and does not reflect that other persons have structured themselves  
18 as a committee, designated officers of the committee, and assigned  
19 responsibilities and duties to each officer with the purpose of managing a  
20 campaign to support or oppose a candidate in an election;
- 21 (b) "Caucus campaign committee," which means members of one (1) of the  
22 following caucus groups who receive contributions and make expenditures to  
23 support or oppose one (1) or more specific candidates or slates of candidates  
24 for nomination or election, or a committee:
- 25 1. House Democratic caucus campaign committee;
  - 26 2. House Republican caucus campaign committee;
  - 27 3. Senate Democratic caucus campaign committee; and

- 1           4. Senate Republican caucus campaign committee;
- 2           (c) "Political issues committee," which means three (3) or more persons joining
- 3           together to advocate for or oppose a proposed constitutional amendment or
- 4           public question which appears on the ballot if that committee receives or
- 5           expends money in excess of one thousand dollars (\$1,000);
- 6           (d) "Permanent committee," which means a group of individuals, including an
- 7           association, committee or organization, other than a campaign committee,
- 8           political issues committee, inaugural committee, caucus campaign committee,
- 9           or party executive committee, which is established as, or intended to be, an~~a~~
- 10          ~~permanent~~ organization having as a primary purpose expressly advocating for
- 11          the election or defeat of one (1) or more clearly identified candidates, slates of
- 12          candidates, or political parties~~, which functions on a regular basis throughout~~
- 13          ~~the year~~];
- 14          (e) An executive committee of a political party; and
- 15          (f) "Inaugural committee," which means one (1) or more persons who receive
- 16          contributions and make expenditures in support of inauguration activities for
- 17          any candidate or slate of candidates elected to any state, county, city, or
- 18          district office;
- 19        (4) "Contributing organization" means a group, company, corporation, cooperative,
- 20        association, organization, labor union, fraternal society, partnership, or other
- 21        similar entity which ~~merely~~ contributes to candidates, slates of candidates,
- 22        ~~campaign committees, caucus campaign committees, or executive committees,~~
- 23        or to other persons, groups, companies, corporations, cooperatives, associations,
- 24        organizations, labor unions, fraternal societies, partnerships, or other similar
- 25        entities that make independent expenditures or expenditures on electioneering
- 26        communications ~~from time to time from funds derived solely from within the~~
- 27        ~~group, and which does not solicit or receive funds from sources outside the group~~

1       ~~itself. However, any contributions made by the groups in excess of one hundred~~  
2       ~~dollars (\$100) shall be reported to the registry];~~

3       (5) "Testimonial affair" means an affair held in honor of a person who holds or who is  
4       or was a candidate for nomination or election to a political office in this state  
5       designed to raise funds for any purpose not charitable, religious, or educational;

6       (6) "Contribution" means any:

7       (a) Payment, distribution, loan, deposit, or gift of money or other thing of value,  
8       to a candidate, his agent, a slate of candidates, its authorized agent, a  
9       committee, or contributing organization. As used in this subsection, "loan"  
10       shall include a guarantee, endorsement, or other form of security where the  
11       risk of nonpayment rests with the surety, guarantor, or endorser, as well as  
12       with a committee, contributing organization, candidate, slate of candidates, or  
13       other primary obligor. No person shall become liable as surety, endorser, or  
14       guarantor for any sum in any one (1) election which, when combined with all  
15       other contributions the individual makes to a candidate, his agent, a slate of  
16       candidates, its agent, a committee, or a contributing organization, exceeds the  
17       contribution limits provided in KRS 121.150;

18       (b) Payment by any person other than the candidate, his authorized treasurer, a  
19       slate of candidates, its authorized treasurer, a committee, or a contributing  
20       organization, of compensation for the personal services of another person  
21       which are rendered to a candidate, slate of candidates, committee, or  
22       contributing organization, or for inauguration activities;

23       (c) Goods, advertising, or services with a value of more than one hundred dollars  
24       (\$100) in the aggregate in any one (1) election which are furnished to a  
25       candidate, slate of candidates, committee, or contributing organization or for  
26       inauguration activities without charge, or at a rate which is less than the rate  
27       normally charged for the goods or services; ~~[or]~~

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

7 **(e) Transfer of funds in an amount greater than one hundred dollars (\$100)**  
8 **that is deemed to be a contribution by subsection (3) of Section 3 of this Act;**

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

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

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

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

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

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

1 otherwise, any provision of law that applies to a candidate shall also apply to a slate  
2 of candidates;

3 (10) "Knowingly" means, with respect to conduct or to a circumstance described by a  
4 statute defining an offense, that a person is aware or should have been aware that  
5 his conduct is of that nature or that the circumstance exists;

6 (11) "Fundraiser" means an individual who directly solicits and secures contributions on  
7 behalf of a candidate or slate of candidates for a statewide-elected state office or an  
8 office in a jurisdiction with a population in excess of two hundred thousand  
9 (200,000) residents;

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

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

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

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

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

6 (17) "Filer-side software" means software provided to or used by the filer that enables  
7 transmittal of financial reports to the registry; and

8 (18) (a) "Electioneering communication" means a paid communication that:

9 1. Is publicly distributed by radio, television, cable, satellite, Internet or  
10 other electronic communication network, newspaper, periodical,  
11 billboard, mail, hand delivery, or any other distribution of printed  
12 materials;

13 2. Is made within sixty (60) days of a primary or a regular or special  
14 election;

15 3. Does not expressly advocate for or against a candidate, slate of  
16 candidates, political party or group, proposed constitutional  
17 amendment, or public question which appears on the ballot;

18 4. Can be received by more than fifty (50) recipients in the area voting in  
19 a primary or a regular or special election; and

20 5. a. Refers to one (1) or more clearly identified candidates or slates  
21 of candidates in that primary or regular or special election;

22 b. Depicts the name, image, likeness, or voice of one (1) or more  
23 clearly identified candidates or slates of candidates in that  
24 primary or regular or special election; or

25 c. Refers to a political party or group, proposed constitutional  
26 amendment, or public question which appears on the ballot in  
27 that primary or regular or special election.

1 (b) "Electioneering communication" does not mean:

- 2 1. A bona fide news story, commentary, blog, or editorial distributed  
 3 through the facilities of any broadcasting station, newspaper,  
 4 magazine, or other periodical, or by the Internet or other electronic  
 5 communication network, unless the facilities are owned or controlled  
 6 by a candidate, slate of candidates, political party or group, committee,  
 7 or contributing organization;
- 8 2. A communication by any membership organization or corporation to  
 9 its members, stockholders, or employees;
- 10 3. A commercial communication that depicts any candidate's name,  
 11 image, likeness, or voice only in the candidate's capacity as owner,  
 12 operator, or employee of a business that existed prior to the  
 13 candidate's candidacy;
- 14 4. A communication that constitutes a candidate debate or forum or that  
 15 solely promotes a candidate debate or forum and is made by or on  
 16 behalf of the person sponsoring the debate or forum; or
- 17 5. A similar communication that the registry determines by  
 18 administrative regulation is not an electioneering communication.

19 →Section 2. KRS 121.190 is amended to read as follows:

- 20 (1) (a) All newspaper or magazine advertising, posters, circulars, billboards,  
 21 handbills, sample ballots, and paid-for television or radio or Internet or other  
 22 electronic communication network announcements, which expressly  
 23 advocate for the election or defeat of a clearly identified candidate, slate of  
 24 candidates, ~~for~~ group of candidates, political party or group, proposed  
 25 constitutional amendment, or public question which appears on the ballot,  
 26 or which constitutes an electioneering communication ~~{for nomination or~~  
 27 ~~election to any public office}~~ shall be identified by the words "paid for by"

1 followed by the name and address of the individual, ~~for~~ committee, **group,**  
 2 **association, or contributing organization** which paid for the communication;  
 3 except that if paid for by a candidate, slate of candidates, or campaign  
 4 committee, it shall be identified only by the words "paid for by" followed by  
 5 the name of the candidate, slate of candidates, or campaign committee,  
 6 whichever is applicable.

7 **(b) If paid for by any other committee, group, association, or contributing**  
 8 **organization other than those described in paragraph (a) of this subsection,**  
 9 **it shall also include the name and address of the person or persons that**  
 10 **organized the committee, group, association, or contributing organization,**  
 11 **and its president, director, or chief executive officer and treasurer, or the**  
 12 **equivalent officers.**

13 **(c)** For television and radio broadcasts, compliance with Federal Communications  
 14 Commission regulations regarding sponsored programs and broadcasts by  
 15 candidates for public office shall be considered compliance with this section.

16 (2) The management of newspapers and magazines shall keep a one (1) year record of  
 17 all statements, articles, or advertisements referred to in subsection (1) of this  
 18 section, that appear in their publications, however, nothing in subsection (1) of this  
 19 section shall be construed to require editors or editorial writers of newspapers and  
 20 magazines to identify themselves in the manner therein required with any article or  
 21 editorial written by them as part of their duties as an employee or employer.

22 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 121 IS CREATED TO  
 23 READ AS FOLLOWS:

24 **(1) Notwithstanding any other provision of this chapter to the contrary, each person,**  
 25 **committee, group, company, corporation, cooperative, association, organization,**  
 26 **labor union, fraternal society, partnership, or other similar entity that makes**  
 27 **expenditures on one (1) or more electioneering communications in an aggregate**

1 amount exceeding three thousand dollars (\$3,000) during an election shall follow  
2 the same campaign finance registration and reporting schedule as required of  
3 candidates or slates of candidates under this chapter, except as provided in  
4 subsection (2) of this section, and shall report the following:

5 (a) The name and address of the person, committee, group, company,  
6 corporation, cooperative, association, organization, labor union, fraternal  
7 society, partnership, or other similar entity making the expenditure on an  
8 electioneering communication;

9 (b) The name of any candidate or slate of candidates that is identified, referred  
10 to, or depicted in the electioneering communication;

11 (c) The name of any political party or group, and any proposed constitutional  
12 amendment or public question which appears on the ballot, that is referred  
13 to in the electioneering communication;

14 (d) The total amount or value of the expenditure on the electioneering  
15 communication;

16 (e) The name and address of the vendor to whom the payments were made;

17 (f) The purpose and date of the expenditure and the date of the  
18 communication; and

19 (g) If any funds were received from any other source for the electioneering  
20 communication:

21 1. The date the funds were received;

22 2. The name and address of the provider of funds in excess of one  
23 hundred dollars (\$100), if any; and

24 3. The value of the funds received.

25 (2) Notwithstanding any other provision of this chapter to the contrary, any person,  
26 committee, group, company, corporation, cooperative, association, organization,  
27 labor union, fraternal society, partnership, or other similar entity that makes or

- 1 contracts to make expenditures on one (1) or more electioneering  
2 communications aggregating one thousand dollars (\$1,000) or more within  
3 fifteen (15) days before the date of a primary or regular or special election shall  
4 electronically file a report with the registry containing the information required  
5 under subsection (1) of this section within forty-eight (48) hours after making or  
6 contracting to make the expenditure on the communication, or within forty-eight  
7 (48) hours after the communication is first made, whichever is sooner.
- 8 (3) For the purposes of this section, any transfer of funds in an amount greater than  
9 one hundred dollars (\$100) from a person, committee, group, company,  
10 corporation, cooperative, association, organization, labor union, fraternal  
11 society, partnership, or other similar entity that is intended to be used, is  
12 designated for use, or is used for an electioneering communication shall be  
13 deemed to be, and shall be reported as, a contribution, and the person, committee,  
14 group, company, corporation, cooperative, association, organization, labor union,  
15 fraternal society, partnership, or other similar entity that makes the contribution  
16 shall be deemed to be a contributing organization, as defined by Section 1 of this  
17 Act, for the purposes of reporting under this chapter.
- 18 (4) The registry shall promulgate, consistent with KRS Chapter 13A, any  
19 administrative regulations necessary to carry out the provisions of this section.