

## **RIGHT TO APPEAL**

Any person directly involved or affected by a final action of the Registry, other than a determination to refer a violation to the Attorney General or appropriate Commonwealth's or county attorney for prosecution, may appeal the action within thirty (30) days after the date of the Registry's order. Appeals may be brought in Franklin Circuit Court. KRS 121.140(6).

## **PENALTIES**

Substantial civil penalties may be assessed for nonknowing violations of KRS Chapter 121. In the case of a knowing violation by an individual, a Class D felony conviction may result.

Corporations convicted of knowingly violating the campaign finance laws stand to have their corporate charters revoked or lose their ability to do business in Kentucky, and face substantial fines.

For specific penalty provisions, see KRS 121.140, 121.175(3) and 121.990.

## **FOR MORE INFORMATION**

For more information on how to file a complaint, please contact the Registry at (502) 573-2226 or visit our website at [www.kref.ky.gov](http://www.kref.ky.gov)

### ***BROCHURE DISCLAIMER***

*This brochure is intended as a general reference tool and in no way supersedes statutory law or administrative regulations promulgated by the Registry. The Registry recommends a complete reading of the campaign finance laws contained in KRS Chapter 121 and the rules contained in Kentucky Administrative Regulations Title 32.*



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#160  
Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, KY 40601-3240

## **HOW TO FILE A COMPLAINT**



**Kentucky Registry of Election Finance**  
140 Walnut Street / Frankfort, KY 40601  
502-573-2226 Fax: 502-573-5622  
[www.kref.ky.gov](http://www.kref.ky.gov)

## **INTRODUCTION**

The Kentucky Registry of Election Finance (“Registry”) frequently receives questions on how to file a complaint concerning possible violations of the campaign finance laws under KRS Chapter 121. This brochure explains how to file a complaint with the Registry and describes how complaints are processed.

## **FILING A COMPLAINT**

Any person may file a complaint if he or she believes a violation of the campaign finance laws under KRS Chapter 121 has occurred or is about to occur. The complaint must be made in writing and sent to the Office of the General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, KY 40601. Faxes are not acceptable.

According to 32 KAR 2:030(3), a complaint filed with the General Counsel shall comply with the following requirements:

- The complaint shall provide the full name and address of the person who files the complaint (“Complainant”).
- The complaint shall clearly identify each person or entity that is alleged to have committed a violation or is about to commit a violation (“Respondent”).
- The contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be duly notarized.
- Statements contained in the complaint shall be made under penalty of perjury.
- The complaint shall differentiate between statements based upon personal knowledge and statements based upon information and belief.
- Statements which are not based upon personal knowledge shall be accompanied by an identification of the source of information which gives rise to the Complainant’s belief in the truth of the statements contained in the complaint.

- The complaint shall contain a clear and concise recitation of the facts which support the allegation of a violation of a campaign finance statute or administrative regulation.
- The complaint shall be accompanied by documentation supporting the allegations if the documentation is known by and available to the Complainant.

## **COMPLAINT PROCESS**

### ***Notification***

Upon receipt of a sworn, written complaint that meets the above requirements, the General Counsel will notify each Respondent that a complaint has been filed. The Respondent then has fifteen (15) days to provide a written response to the Registry.

### ***Investigation***

The General Counsel will conduct an investigation to determine if there is reason to believe that a violation may have occurred or is about to occur.

Upon completion of the investigation, the General Counsel will report the findings and make a recommendation to the Registry for further action. The Respondent will be notified in writing of the legal basis for and the alleged facts which support the recommendations of the General Counsel.

### ***Registry Action***

If the Registry concludes that there is probable cause to believe that a civil violation has occurred, the matter is then referred to the General Counsel and Executive Director to enter into conciliation negotiations with the Respondent.

### ***Conciliation Agreement***

A conciliation agreement may require the Respondent to comply with one (1) or more of the following:

- To cease and desist violations of the law;
- To file required reports or other documents or information;
- To pay a penalty not to exceed \$100 a day, up to a maximum total fine of \$5,000, for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document or information is filed; except there shall be no maximum fine for candidates for statewide office; or
- To pay a penalty not to exceed \$5,000 per violation for acts of noncompliance with provisions contained in KRS Chapter 121.

Upon compliance with the conciliation agreement by Respondent and final approval by the Registry, no further action will be taken in this matter. However, if no conciliation agreement is reached, a hearing will be conducted before a retired or former judge or Justice appointed by the Chief Justice of the Kentucky Supreme Court. The judge shall render a decision which, upon approval by the Registry, may order the Respondent to comply with the same provisions discussed above. Conciliation agreements and final orders of the Registry may be enforced in Franklin Circuit Court or other court of competent jurisdiction.

## **REFERRALS FOR PROSECUTION**

If the Registry determines that there is probable cause to believe that a knowing violation has occurred, the Registry will refer the violation to the Attorney General for prosecution pursuant to KRS 121.140(5). A knowing violation may constitute a Class D felony under KRS 121.990. The Attorney General may request the General Counsel for the Registry or the appropriate Commonwealth’s or county attorney to prosecute the matter.