

## ADVISORY OPINION 2000-001

**Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).**

February 25, 2000

Darren L. Embry, Chairman  
Forgy for Justice  
1100 Vine Center  
Lexington, KY 40507

Dear Mr. Embry:

This is in reference to your January 27, 2000 letter requesting an advisory opinion regarding the solicitation of campaign contributions for a judicial race. Your letter states that you are the chair of a campaign committee established to solicit contributions and make expenditures on behalf of Larry Forgy's candidacy for Kentucky Supreme Court Justice. You ask the Registry to consider the following questions:

- (1) Whether a campaign committee may accept both \$1,000.00 for a primary election and \$1,000.00 for a general election if there are only two candidates for the office and a primary is therefore unnecessary?**

KRS 121.015(2) defines an election as "any primary, runoff primary, regular or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election." (Emphasis added.) Each election is considered a separate election under KRS Chapter 121. KRS 121.015(2). KRS 121.150(6) imposes on candidates a contribution limit of no more than "one thousand dollars (\$1,000) from any person in any one (1) election." Therefore, a candidate for judicial office may accept

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\$1,000 per individual contributor in the primary election and \$1,000 per individual contributor in the regular (general) election. Under KRS Chapter 121, it is irrelevant that, as a result of only two (2) candidates filing for a judicial seat, the candidates will not appear on the primary ballot.

**(2) Whether individuals who solicit contributions on behalf of this campaign committee, but who do not themselves receive these contributions, must register with the Registry as fundraisers?**

KRS 121.015(11) defines a fundraiser as “an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidate for a statewide-elected state office or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents.” Individuals who solicit funds on behalf of a campaign committee, but who do not receive contributions resulting from such solicitations, are not fundraisers as defined by KRS 121.015(11) and are not required to register with the Registry under KRS 121.170(2). See KREF Advisory Opinion 93-015 (“By its plain language, [KRS 121.015(11)] requires that a fundraiser both solicit and directly receive the contribution that he or she has solicited.”)

This opinion reflects the Registry’s consideration of the specific transactions posed by you letter. If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/jh

Enclosures

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