

08-30-04A09:31 RCVD

August 27, 2004

Ms. Rosemary F. Center
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, KY 40601

Dear Ms. Center:

We are Special Counsel to Southeast Christian Church ("SECC") which is a church operated as a not-for-profit corporation formed under KRS Chapter 273 and qualified as a 501(c)(3) organization under the Internal Revenue Code.

SECC intends to engage in a variety of activities with regard to its support of the Kentucky Constitutional Amendment regarding marriage, as well as its advocacy or opposition on a variety of public questions which may appear on a ballot in elections in Kentucky. Such activities will be conducted solely by SECC through its staff and volunteers and no other persons will be involved. No funds will be solicited by SECC for these specific activities and all expenditures will be made from the general operating funds of SECC.

SECC is aware of the requirements imposed by the federal laws in this regard, however, it is seeking, pursuant to KRS 121.135, an Advisory Opinion from the Registry with regard to the applicability of the "political issues committee" ("PIC") statutes and regulations to it while engaging in the above referenced activities.

KRS 121.015(3)(b) defines a PIC as "... three (3) or more persons joining together to advocate or oppose a constitutional amendment or public question which appears on the ballot if that committee receives or expends money in excess of one thousand dollars (\$1,000) ...". Such committees must register with the Registry pursuant to KRS 121.170.

In our opinion, the activities of SECC as outlined above will not cause it to fall within the definition of a PIC inasmuch as SECC is the sole "person"

Ms. Centers
August 27, 2004
Page 2

involved, and is not joining together with other "persons" to advocate or oppose the issues concerned. While many individuals, both staff and existing volunteers, at SECC will be involved, no other individuals or entities will be involved. In addition, SECC will solicit no funds and receive no contributions for these specific activities. All expenditures with regard to these activities will be made from the general operating funds of SECC. This differs from the situation the Registry addressed in Advisory Opinion 04-003, in which a church asked whether a special collection specifically for certain advocacy activities would require it to register as a PIC. The Registry correctly opined that such a special collection would require registration.

We request, on behalf of SECC, an Advisory opinion to the effect that SECC need not register as a PIC with regard to conducting the activities outlined above.

Because the activities of SECC will soon commence, we request the Registry's Advisory Opinion as soon as possible.

Sincerely,

WYATT, TARRANT & COMBS, LLP



Stewart E. Conner

SEC/jml

15155560.1