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140 Walnut Street  
Frankfort, Kentucky 40601-3240  
Phone: (502) 573-2226  
Fax: (502) 573-5622  
[www.kref.ky.gov](http://www.kref.ky.gov)

**John R. Steffen**  
Executive Director  
**Leslie M. Saunders**  
General Counsel

### ADVISORY OPINION 2023-003

**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 required. See KRS 121.135(4).**

October 30, 2023

**VIA EMAIL (RUSSWRIGHTEA@GMAIL.COM)**  
**And FIRST CLASS U.S. MAIL**

Mr. Russell Wright  
Vice Chairman  
Franklin County Democratic Executive Committee  
3 Meadowbrook Road  
Frankfort, KY 40601-2317

**In re: Request for Advisory Opinion: Executive Committee Purchase of Poll Worker Lunches**

Dear Mr. Wright:

This Advisory Opinion is sent in response to your September 29, 2023 request on behalf of the Franklin County Democratic Executive Committee. In your request you ask:

Is it legal, under current KREF laws, for the county party executive committee to make a monetary, in kind, or any other contribution toward the purchase of lunch for poll workers? This query also concerns any such contribution made by committee members as individual members of the county executive committee.

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While this request would seem to describe a hypothetical situation, which would not be appropriate to answer in an advisory opinion under 32 KAR 2:060, §1(2), you have expressed previously that the Franklin County Clerk requested that both the Democratic and Republican Executive Committees provide assistance in the purchasing of lunches for poll workers on election day and that the Democratic Executive Committee is considering doing so. It is with this background in mind that I provide the following opinion.

Poll workers, or precinct election officers are individuals selected by each county's board of elections through the process described in KRS 117.045, who work the polls on election day to ensure that voting is conducted in a fair and orderly manner in each precinct. They are paid for their work on election day and during an additional day of training by each county. While the two political parties "having representation on the State Board of Elections" nominate potential poll precinct election officers under KRS 117.045(2), KRS 117.045(4)(f) notes that [n]othing in this subsection shall prevent the selection of any registered and qualified voter who is not registered with either of the two (2) qualified parties to serve as a precinct election officer in a precinct in which the officer resides[.]"

At the outset, I would note that nothing in Kentucky campaign finance law (generally Kentucky Revised Statutes Chapter 121 and Kentucky Administrative Regulations, Title 32) would prohibit *individuals* from donating funds to pay for poll worker lunches from personal funds. One's personal use of one's funds only becomes a campaign finance concern when one contributes to a candidate or a committee, as those terms are defined in KRS 121.015(3) and (8) or when one makes an independent expenditure in support of a candidate as described in KRS 121.015(12). Therefore this opinion does not address the second portion of your question, whether committee members as individuals could pay for poll worker lunches, except to note that nothing in KRS Chapter 121 would prohibit it.

With respect to whether an executive committee could use its funds to make such purchases, the answer is no. KRS 121.150 notes that, with the exception of termination of campaign accounts, "contributions by campaign committees, caucus campaign committees, political issues committees, permanent committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited[.]" Further, KRS 121.175 states:

No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. 'Allowable campaign expenditures' means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot[.]

Purchasing meals for poll workers, public workers who are paid by the county, is not an expenditure "made directly and primarily in support of or opposition to" candidates or ballot issues, despite those workers supporting the election process. Any donations made to a county clerk or the poll workers themselves cannot in any way be said to be supporting a candidate,

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amendment or public question as no precinct election officer (*See* KRS 117.235(2)), nor anyone else (*See* KRS 117.235(3)), is allowed to electioneer at a polling place. According to KRS 117.235(3)(e) “electioneering” includes “the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question[.]” Thus the executive committee could have no “allowable expenses” in relation to feeding poll workers. Note, too, that Kentucky campaign finance law contemplates providing meals and gifts only in relation to “gifts and meals for volunteer campaign workers” and “food and beverages provided at a campaign rally[.]” (*See* KRS 121.175.) Neither of these situations applies in the case of precinct election officers, as they do not act on behalf of campaigns.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request and only may be applied to cover the conduct in the transaction you described. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



LESLIE M. SAUNDERS  
General Counsel

Cc: Registry Members  
John R. Steffen, Executive Director