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ADVISORY OPINION 2025-04

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of KRS 121.135 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. See KRS 121.135(4).

September 4, 2025

VIA FIRST CLASS U.S. MAIL AND EMAIL

Byron M. Fisher
Chairman
3rd District Republican Committee
3247 Taylor Blvd
Louisville, KY 40215

In re: Request for Advisory Opinion: Using Executive Committee Funds to Support Candidates in Nonpartisan Elections

Dear Mr. Fisher:

This Advisory Opinion is sent in response to your email of August 5, 2025, posing the following questions:

1. Would it be permissible for an executive committee to support directly or indirectly a candidate for a nonpartisan office in an election if that candidate is the party's nominee under 32 KAR 1:050 Section 1?
2. If the rules of a political party provide a method for choosing a nominee in a nonpartisan election, is that sufficient for the party to be able to support that candidate as it would any other candidate who is a nominee of that political party for a partisan office?



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3. During the primary election for a nonpartisan office, two candidates will be selected to advance to the general election. Because this is not occurring in a partisan primary election and because 32 KAR 1:050 Section 1 uses “nominees” in the plural, would it be permissible for an executive committee to select more than one candidate as its nominee?
4. With the understanding that, in all likelihood, nominees in a nonpartisan election would be selected by the executive committee which encompasses the entirety of the district in question in the lowest geographic level (that is, Louisville Metro Council Republican nominees will likely be selected by the Jefferson County Republican Party’s Executive Committee), does this constrain the 3rd District Republican Committee to support only those nominees selected by the relevant committee as defined by party rules?

As you described in your request, the Kentucky General Assembly enacted legislation in 2024 that made Louisville Metro Council elections nonpartisan beginning with the 2026 election cycle. You stated in the request that the Official Rules of the Republican Party of Kentucky (the “Rules”),¹ which is the governing document for the Republican Party of Kentucky, all District Committees, and most county executive committees within the Republican Party of Kentucky, through Rule 4.06, allows certain counties, including Jefferson and Fayette, to make their own rules as it relates to all party matters except for the removal of officers or appeals or contests of internal party matters. The request also stated that it is well-settled that political parties, speaking through their own rules, can select their nominees for public office. Your request was posted for 10 days for public comment as required by KRS 121.135(5) and no comments were received.

Initially, when we discussed the matter on the phone prior to your request for an advisory opinion, you stated that you believed the Rules allowed political parties to adopt nonpartisan candidates as their nominees. Thus, if the party made such a nomination and the 3rd District Republican Executive Committee supported that nominee in a Louisville Metro Council race, it would be supporting “political party nominees” under 32 KAR 1:050, Section 1(a). That regulation defines an executive committee as:

[A]n organizational unit or affiliate recognized within the document governing a political party, *that raises and spends funds to promote political party nominees*, and performs other activities commensurate with the day-to-day operation of a political party, including voter registration drives, assisting candidate fundraising efforts, holding state conventions or local meetings, and nominating candidates for local, state, and federal office. [Emphasis added.]

On August 28, 2025, I confirmed with you by email that nothing explicit in the Rules currently allows for this, but you argued that Rule 1.03 accomplished this indirectly:

¹ <https://rncmultisite.kinsta.cloud/wp-content/uploads/sites/2/2025/02/2025.01.30-RPK-Rules-Adopted.pdf>

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The authority of the Republican State Central Committee shall include, but not be limited to, full control of and over all subordinate Party committees. This authority shall include the governing and directing of Party affairs in all parts of the Commonwealth including the collection and disbursement of Party funds; the promotion of campaigns of Republican candidates at the national, state, and local levels; building party engagement and unity; and exercising such other duties, authorities, or privileges as imposed or granted either by State or Federal law and *The Rules of the Republican Party*.

While it is clear that, under Kentucky campaign finance law, executive committees raise and spend funds to support party nominees, it is not clear from the Rules that the Republican Party of Kentucky or any of its affiliated county or district parties currently have a method to designate a nominee in a nonpartisan race. When I asked by email how these nominations would be accomplished in nonpartisan races, you said only that you believed that “the process would be one of the methods the party uses to nominate candidates now. . . by executive committee, as in the case of vacancies for special elections, or . . . by convention, as in the case of presidential electors and president/vice president” and that you thought the nominees could be designated at any time.

The law governing that ability is not one that is regulated by Kentucky Revised Statutes Chapter 121, which governs Kentucky campaign finance law. While there are examples of statutes that address how political parties select nominees,² Kentucky courts have held that “political parties [are] voluntary associations for political purposes with their own rules” and that courts should not interfere in intraparty disputes. (See Young v. Beshear, 2015-CA-000669-MR, 2016 WL 929653, at 2 (Ky. App. Mar. 11, 2016), citing Davis v. Hambrick, 58 SW 779 (Ky. App 1900)(“Members of [political] parties may form them, reorganize them, and dissolve them at their will. The voters constituting such party are, indeed, the only body who can finally determine between contending factions or contending organizations. The question is one essentially political, and not judicial, in its character.”)). This opinion makes no determination on whether parties can choose nonpartisan candidates as nominees. I note only that nothing definitive has been presented showing that political parties at any level have a mechanism in place to do so or that they have concrete plans to institute one.

To receive the protections afforded by a KRS 121.135 advisory opinion, 32 KAR 060, Section 1, requires that the request describe a specific transaction or activity that the requesting person plans to undertake, is presently undertaking, or intends to undertake in the future. The request may not present questions of general interpretation, pose a hypothetical situation, or consider the activities of third parties. This request is at least one step removed from a concrete question about campaign finance activities (the raising and spending of funds) that the 3rd

² For instance, KRS 118.105(1), states that, except within circumstances that do not directly apply to your questions “every political party *shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary* held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter.” [Emphasis added.] However, that statute does not, by its own terms in (6), address nonpartisan races. The applicable statutes here, those in KRS Chapter 67C, do not specifically address party nominations.

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Congressional District Committee intends to take because it is premised on a factual situation that has not happened yet and can only be loosely envisioned (that the statewide political party, the district party, or a county party will develop a method to name nominees from nonpartisan candidates). Thus, with regard to your questions:

1. Given that there is currently no process in place for selecting nonpartisan candidates as nominees, even if one accepts for the sake of argument that the political party may do so, the Registry cannot issue a response under KRS 121.135 because the question is, at this point, hypothetical and one of general interpretation. The Registry can state, informally, however, that should the political party develop a method to select a nonpartisan candidate as its nominee, campaign finance law allows the executive committee to raise and spend funds to support that nominee.
2. The answer to this question would be similar to Question 1, with only this addition: KRS Chapter 121 and the associated regulations in KAR Title 32 would make no distinction among any type of nominee that would affect how executive committees could raise or expend funds to support them.
3. For the reasons stated above, this question is also a hypothetical question asking for a general interpretation of the law. The Registry can state, informally, however, that nothing in KRS Chapter 121 would seem to limit how many nominees an executive committee can have or support in a particular election.
4. For the reasons stated above, this question is also a hypothetical question asking for a general interpretation of the law. The Registry can only state informally that executive committees by definition raise and spend to support “political party nominees.” It would be hard to envision how political parties as a whole or at various levels could make nominations among competing party members (or perhaps even non-party members, depending on how the party’s rules address selecting the nominees), backed by different organizational structures of the party, but campaign finance law does not speak to how parties select nominees, only that the executive committees raise and spend funds to support those nominees.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request and subsequent conversations we had, as described above. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry.

Sincerely,



LESLIE M. SAUNDERS
General Counsel

Cc: John R. Steffen, Executive Director