



KENTUCKY REGISTRY OF ELECTION FINANCE

Craig C. Dilger, Chairman
Elizabeth G. Weber, Vice-Chair
Terry Naydan, Member
Thomas P. O'Brien, III, Member
James L. Deckard, Member
Richard Clayton Larkin, Member

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

John R. Steffen
Executive Director

NOTICE AND INSTRUCTIONS TO 2020 CANDIDATES

- **Mandatory electronic reporting** – As a result of recent legislation (2019 Senate Bill 4), all candidates, slates of candidates, committees, and contributing organizations will be **required to electronically submit all required campaign finance reports to the Registry of Election Finance** beginning with the 2020 Primary election. See KRS 121.120(6)(i) and KRS 121.180(16). The Registry's electronic filing system will be provided free of charge to all filers.
- **KREF 001** – When candidates file with the Secretary of State or County Clerk for ballot access, they must also file a Statement of Spending Intent and Appointment of Campaign Treasurer form (KREF 001). This form is used to designate a campaign treasurer, indicate the financial institution that the campaign will use, and indicate the candidate's spending intent, which may qualify the candidate for a reporting exemption. See KRS 121.180(1). Candidates may appoint any registered Kentucky voter as campaign treasurer, or serve as their own treasurer. See KRS 121.160.
- **Candidates MUST submit their KREF 001 form electronically to the Registry** – In order to comply with the new mandatory electronic filing requirements, **ALL** candidates for office in 2020 must create an account in the Registry's new electronic filing system and submit their KREF 001 form electronically to the Registry. See KRS 121.120(6)(i) and 121.180(1) & (16).
- **Candidates must also submit a hard copy of their KREF 001 with the Secretary of State or County Clerk** – After Candidates submit their KREF 001 form electronically to the Registry, they must print a hard copy of the form and file the form with the same office at which they file their papers for ballot access (Secretary of State or County Clerk). See KRS 121.180(1)(a).
- **INSTRUCTIONS FOR ACCESSING THE REGISTRY'S ELECTRONIC FILING SYSTEM** – In order to initiate the filing process, candidates should go to <https://kref.ky.gov>, click on the "EFILE" button on the Registry's homepage, and follow the instructions found there for creating their account and submitting their KREF 001 form electronically. Once their form has been submitted and approved by the Registry, candidates will be able to print out their completed forms and file them with the Secretary of State or their County Clerk, as appropriate.



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Greetings!

Congratulations on becoming a candidate in the current election cycle! Along with the excitement of running for an office, your candidacy also brings added responsibilities. These responsibilities are found in Kentucky Revised Statutes Chapter 121 and Kentucky Administrative Regulations Title 32. The campaign may access a copy of these statutes and administrative regulations on the Registry's website, www.kref.ky.gov. This candidate packet was designed to assist you in complying with these laws.

As a result of recent legislation (2019 Senate Bill 4), all candidates, slates of candidates, committees, and contributing organizations will be **required to electronically submit all required campaign finance reports to the Registry of Election Finance** beginning with the 2020 Primary election. See KRS 121.120(6)(i) and KRS 121.180(16). The Registry's electronic filing system will be provided free of charge to all filers. More information on the Registry's Electronic Filing Program may be found at www.kref.ky.gov.

The information in this packet was prepared by the Kentucky Registry of Election Finance to assist candidates, slates of candidates, and their treasurers in complying with Kentucky election finance laws. We are enclosing the following materials to assist you:

- **NOTICE OF SPENDING OPTION**
- **TEN IMPORTANT CAMPAIGN FINANCE QUESTIONS**
- **KREF ONLINE RESOURCES**
- **CONTRIBUTION LIMITS CHART**
- **RECORDKEEPING SUGGESTIONS**
- **SAMPLE CAMPAIGN CONTRIBUTION CARD**
- **IMPORTANT REPORTING DATES**
- **LATE FILING FINES & PROCEDURES**

Welcome Letter

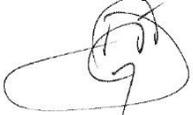
Page 2 of 2

Our website, found at www.kref.ky.gov, is now the primary source of campaign information for candidates and campaign committees. Located on the website under the “Forms and Brochures” subheading is a printable PDF version of the *Candidate Guide to Campaign Finance* (KREF 016). Reporting instructions and many other helpful sources of information are also available on the Registry’s website. We encourage you to utilize our agency’s website as a valuable campaign resource.

Whether you are a seasoned veteran or are seeking office for the first time, please carefully study all of the enclosed materials and the *Candidate Guide to Campaign Finance* (KREF 016) found on the website.

If you have specific questions, please contact our knowledgeable Registry staff at (502) 573-2226, as they are eager to assist you at any time. We look forward to working with you!

Sincerely,

A handwritten signature in black ink, appearing to read "Craig C. Dilger", with a large, stylized flourish extending from the bottom of the signature.

Craig C. Dilger
Chairman

CCD:bfh

Enclosures

Kentucky Registry of Election Finance

NOTICE OF SPENDING OPTION

For the upcoming election, you have indicated an intent to raise or spend

MORE THAN \$3,000

REPORTS DUE THIS CYCLE

You will be required to file all pre- and post-Election Finance Statements. This will include:

- 60-Day Pre-Election Finance Statement (*General Election Only*)
- 30-Day Pre-Election Finance Statement
- 15-Day Pre-Election Finance Statement
- 30-Day Post-Election Finance Statement
- A 60-Day Post-Election Finance Statement will be due if the 30-Day Post-Election Finance Statement reflects a surplus or debt owed by the campaign

****Mandatory electronic reporting** – As a result of recent legislation (2019 Senate Bill 4), all candidates, slates of candidates, committees, and contributing organizations will be **required to electronically submit all required campaign finance reports (Form KREF-006) to the Registry of Election Finance** beginning with the 2020 Primary election. See KRS 121.120(6)(i) and KRS 121.180(16). The Registry's electronic filing system will be provided free of charge to all filers.**

Regardless of the spending option selected, you are subject to all election finance laws.

This notification is provided as a courtesy to candidates. **If you are unsure of the spending intent you selected, please contact the Registry as soon as possible at 502-573-2226.**

This is the only notice you will receive from the Registry. No reminder postcards or other correspondence will be sent. You are responsible for complying with the reporting deadlines as shown on the **Reporting Dates** schedule. Post this schedule in a conspicuous location for easy reference throughout the election cycle.

KENTUCKY REGISTRY OF ELECTION FINANCE TEN IMPORTANT CAMPAIGN FINANCE QUESTIONS

1. When does a person become a candidate?

KRS 121.015(8)

A person is considered a candidate when he/she has received a contribution or made an expenditure with a view to bringing about his/her nomination or election to public office.

If a person wants to begin his or her candidacy prior to the official nominating period for public office, the person should file a Letter of Intent with the Registry. To begin a candidacy during the official nominating period, the person will file official documents with the filing officer (Secretary of State or County Clerk), including the Appointment of Campaign Treasurer and Optional Request for Reporting Exemption Form (KREF 001).

2. What determines if and/or when a candidate files an Election Finance Statement?

KRS 121.180; 32 KAR 1:020

The spending option chosen on Section 4 of the Appointment of Campaign Treasurer and Optional Request for Reporting Exemption Form (KREF 001) generally determines if and/or when a candidate files an Election Finance Statement. If a candidate indicates that he/she intends to spend over \$3,000, then the candidate must file all Pre- and Post Election Finance Statements. Candidates who register as \$3,000 or less filers (Section 4, Exemption Option A) file only Post Election Finance Statements. Candidates who register as \$1,000 or less filers (Section 4, Exemption Option B) have no campaign finance reporting requirements. **However, if a candidate exceeds the chosen \$1,000 or \$3,000 exemption option, then the candidate must immediately notify the Registry and then file all subsequent Pre- or Post Election Finance Statements.**

NOTE: If no spending option is selected, then the candidate will be deemed to have chosen to spend more than \$3,000, in which case the candidate is required to file all Pre- and Post Election Finance Statements.

3. When is a disclaimer required?

KRS 121.190(1); 32 KAR 2:110

All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio advertisements which expressly advocate the election or defeat of a clearly identified candidate or group of candidates are required to have a disclaimer.

For television and radio broadcasts, compliance with Federal Communication Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with Kentucky law.

4. What is the proper wording of the disclaimer?

KRS 121.190(1)

The phrase “paid for by candidate” is NEVER a correct disclaimer!

If the political advertising is paid for by the candidate’s campaign fund or committee, the disclaimer must state “paid for by” and the candidate’s first and last name or the committee’s name. If the political advertising is paid for by an individual or other entity, the disclaimer must list the name and complete address of the individual or other entity.

5. What may a candidate use campaign funds to purchase?

KRS 121.175; KRS 121.180(10); 32 KAR 2:200

Allowable campaign expenses are only those expenditures which directly benefit the campaign. The statutes prohibit the purchase of items which provide a personal benefit to the candidate or others but do not directly benefit the campaign.

6. Is a campaign required to account for a candidate’s personal funds spent on behalf of the campaign?

KRS 121.015(6); KRS 121.180(9)(b); KRS 121.220

Yes! A candidate may make unlimited contributions to his/her own campaign by depositing funds in the campaign account. Personal funds of a candidate used to seek elective office should be deposited directly into the campaign account and accounted for as either a contribution or loan direct from candidate (See Itemized Receipts Schedule 1A, KREF 006 form). Candidate loans must also be reported as debt owed by the campaign (See Debts & Obligations Schedule 4, KREF 006 form). The repayment of candidate loans will also be documented on Schedule 1A and Schedule 4.

Personal funds spent “out of pocket” by the candidate that are directly related to the campaign and documented should be reimbursed to the candidate. Meticulous records should be kept by any campaign that reimburses a candidate for “out of pocket” expenses. **Take caution**, as expenditures using a candidate’s personal funds outside the campaign account may subject the candidate’s personal accounts to an audit if the campaign cannot adequately document the reason for the reimbursement or the source of funds expended.

7. **May a candidate's "out of pocket expenses" be accounted for as an in-kind contribution to the campaign?**

KRS 121.015(6); KRS 121.180(9)(b); KRS 121.220

No. A candidate's "out of pocket expenses" must be documented and then either reimbursed or reported as debt owed by the campaign to the candidate. Goods valued at more than \$100 (e.g. used campaign signs, laptop computer) privately owned by the candidate prior to the campaign may be accounted for as an in-kind contribution. However, the payment of personal funds by a candidate for gas, lodging, meals, printing or other expenses directly for campaign purposes, constitutes a campaign expenditure. Ideally, campaign expenditures are made from the campaign fund. However, if made by the candidate from personal funds, the expense must be documented and subsequently reimbursed to the candidate from the campaign account or reported as a debt owed by the campaign to the candidate.

8. **A contributor is self-employed. On the Election Finance Statement, why is "self-employed" an inappropriate description for the contributor's occupation and/or place of employment?**

KRS 121.160 (2)(b)

The statute specifically prohibits the use of generic descriptions such as "Businessman" or "Self-Employed" to describe the occupation of a contributor on an Election Finance Statement. Instead, the statute requires the name under which the contributor is doing business to be disclosed.

9. **What if my campaign is contacted about "independent expenditure" efforts?**

KRS 121.015(12), KRS 121.150(1), 32 KAR 1:080

Beware any contact from individuals or organizations who want to discuss or include you in "independent expenditure" efforts. An independent expenditure is the expenditure of money or other thing of value to promote a candidate, slate of candidates or committee ***without the candidate, the campaign, or any authorized person acting on behalf of the campaign having prior knowledge, suggesting, or otherwise participating in creating the communication.***

Independent expenditures are not subject to any limits, but are subject to reporting requirements. Individuals, committees and other groups who make independent expenditures exceeding \$500 in the aggregate in any one election are required to report directly to the Registry.

10. When is a person required to register and report as a “fundraiser” on behalf of my campaign?

KRS 121.015(11), KRS 121.170(2), 32 KAR 2:070

A "fundraiser" is a person who *directly solicits and secures contributions* for candidates for an office in a jurisdiction containing more than 200,000 residents or candidates for statewide office. When a fundraiser directly solicits and receives more than \$3,000 in contributions for these types of candidates in an election, he or she is required to register with the Registry as a fundraiser and must file finance reports. It is the campaign's duty to provide forms and reporting instructions to each person who qualifies as a fundraiser for the candidate or slate of candidates.

A person may engage in the following activities without registering as a fundraiser: (1) Act as a campaign treasurer; (2) Perform clerical functions such as receiving contributions or preparing and filing campaign finance reports; (3) Communicate an endorsement of a candidate or slate of candidates which indirectly results in the receipt of contributions, provided that the communication is not followed by one-on-one direct oral or written solicitation of contributions by the person making the endorsement; or (4) Act as host of a social event at one's residence or place of business, provided that the host does not directly solicit and receive contributions in excess of \$3,000.

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TEN IMPORTANT CAMPAIGN FINANCE QUESTIONS

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Contribution Limits¹

(Effective July 1, 2017)

	From an Individual	From a Permanent Committee (PAC) ²	From a Contributing Organization ²	From a Corporation	From an Executive Committee	From a Caucus Campaign Committee
To a Candidate or Slate of Candidates, or Candidate Campaign Committee	\$2,000 per election ³ 121.150(6)	\$2,000 per election ³ 121.150(6)	\$2,000 per election ³ 121.150(6)	Prohibited 121.025 & 121.035	Unlimited	Unlimited
To a Permanent Committee (PAC) or Contributing Organization	\$2,000 per year ³ 121.150(10)	\$2,000 per year ³ 121.150(10)	\$2,000 per year ³ 121.150(10)	Prohibited 121.025 & 121.035	\$2,000 per year ³ 121.150(10)	\$2,000 per year ³ 121.150(10)
To a Political Issues Committee	Unlimited	Unlimited	Unlimited	Unlimited 121.035(3)	Unlimited	Unlimited
To an Executive Committee	\$5,000 per year 121.150(11)	\$5,000 per year 121.150(11)	\$5,000 per year 121.150(11)	Prohibited 121.025 & 121.035	Unlimited Transfer of Funds between executive committees	\$5,000 per year 121.150(11)
To a Caucus Campaign Committee	\$5,000 per year 121.150(11)	\$5,000 per year 121.150(11)	\$5,000 per year 121.150(11)	Prohibited 121.025 & 121.035	\$5,000 per year 121.150(11)	\$5,000 per year 121.150(11)
To an Inaugural Committee	Unlimited	Unlimited	Unlimited	Prohibited KRS 121.150(18)	Unlimited	Unlimited
To an Unauthorized Campaign Committee	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
To an Executive Committee Building Fund Account	Unlimited	Unlimited	Unlimited	Unlimited 121.025, 121.035 & 121.150(18)	Unlimited	Unlimited

	To a Candidate, Slate, or Campaign Committee	To a Permanent Committee (PAC)	To an Issues Committee	To an Executive Committee	To a Caucus Campaign Committee	To an Inaugural Committee	To an Unauthorized Campaign Committee
Cash⁴ Contributions	\$100 per election 121.150(4)						
Anonymous Contributions	\$100 per election (Maximum aggregate \$2,000 per election) 121.150(3)						

Contribution Limits

- 1** In-kind and monetary contributions both count toward the “per election” and the “per year” contribution limits.
- 2** Contributing Organizations or PACs affiliated by bylaw structure or by registration, as determined by the Registry, shall be considered as one (1) committee for purposes of applying contribution limits. KRS 121.150(7)
- 3** Limits will be indexed for inflation every odd-numbered year using the preceding year’s percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollars.
- 4** Contributions by cashier's check or money order are limited to one hundred dollars (\$100) per election, unless the instrument identifies both the payor and the payee. If the cashier's check or money order identifies both the payor and the payee, the instrument is considered a contribution by check. **KRS 121.150(4)**

KENTUCKY REGISTRY OF ELECTION FINANCE

RECORDKEEPING SUGGESTIONS

How to Organize Contribution Records

- Have each contributor complete a contribution card.
- Photocopy each contribution check.
- Attach the contribution card to the check photocopy.
- Group check copies and contribution cards by deposit and attach a copy of the deposit slip.

How to Examine a Contributor's Check

- Always examine the check prior to deposit.
- Make sure the check is from an allowable contributor.
- Make sure the check is made payable to the campaign.
- Make sure the check amount is within the legal cumulative contribution limit for that contributor.
- Unless there is other documentation, attribute the contribution to the person who signed the check.
- Corporate contributions are prohibited.

If you are not certain whether the contribution check is from a corporation, access the Online Business Database on the Secretary of State's web page (www.sos.ky.gov) for more information. If you do not have Internet access, contact the Secretary of State's office (Phone: 502-564-3490) or the Registry (Phone: 502-573-2226) for assistance.

How to Organize Disbursement Records

- Obtain an invoice from every business and individual to which payment is made or obligated.
- Directly on each invoice, write the number of the campaign check used to make payment.
- Organize invoices by the check number written on them.

Sample Campaign Contribution Card

Thank you for supporting my candidacy for Senate. In order for me to comply with Campaign Finance Laws, I must supply the following information to the Registry of Election Finance.

Make checks payable to Joe Candidate Campaign Fund.

Please return this card with your contribution.

Maximum contribution allowable is \$2,000

Maximum cash contribution is \$100

Corporate contributions are prohibited

Contributor's Name:

Address:

City, State, Zip:

Phone:

Occupation:

Employer:

Amount of Contribution: \$ _____

Have you made other contributions this election? ___Yes ___No

___ I am looking forward to attending the upcoming fundraiser to support your candidacy.

___ Number of people who will be attending with my party.

___ I am unable to attend, but wish to help the campaign with a \$ _____ contribution.
The required information is listed above for my contribution.

___ I am unable to attend.

Each Candidate should create a form with the above listed information.

2020 - Reporting Dates for Candidates, Campaign Committees, Caucus Campaign, Permanent (PACs), Executive, Inaugural, and Unauthorized Campaign Committees and Contributing Organizations

Primary Election Filing Deadline: January 10, 2020

Deadline to Designate or Rescind Statement of Intent for the 2020 Primary Election: April 19, 2020

06/23/2020 Primary Election	Period Ends	Report Due*	Due From
30-day pre-Primary report	05/24/2020	05/27/2020	All candidates who elect to raise/ spend over \$3,000 for the 2020 Primary Election and Campaign Committees and Unauthorized Campaign Committees
15-day pre-Primary report	06/08/2020	06/10/2020	
30-day post-Primary report	07/23/2020	07/27/2020	
60-day post-Primary report	08/22/2020	08/25/2020	All candidates with debt and/or surplus remaining on the 30-day post-Primary Election report and Campaign Committees and Unauthorized Campaign Committees
General Election Filing Deadline for Independents and minor-party candidates: June 2, 2020 General Election Filing Deadline for candidates with no Primary Election per KRS 118.365: June 2, 2020 Deadline to Designate or Rescind Statement of Intent for the 2020 General Election: September 4, 2020 Last day for write-in candidates to file declaration of intent: October 23, 2020 Earliest Date for Candidates to File for Offices in 2020 for 2021 (KREF-001), November 4, 2020			
11/03/2020 General Election	Period Ends	Report Due*	Due From
60-day pre-General report	09/04/2020	09/09/2020	All candidates who elect to raise/ spend over \$3,000 for the 2020 General Election and Campaign Committees and Unauthorized Campaign Committees
30-day pre-General report	10/04/2020	10/06/2020	
15-day pre-General report	10/19/2020	10/21/2020	
30-day post-General report	12/03/2020	12/07/2020	All candidates with debt and/or surplus remaining on the 30-day post- General Election report and Campaign Committees and Unauthorized Campaign Committees
60-day post-General report	01/02/2021	01/05/2021	
1 st Quarter report	03/31/2020	04/02/2020	Candidates who have notified the Registry of their intent to run in a future year but did not have an open campaign account for that office from a prior election and Campaign Committees and Permanent Committees (PACs) and Inaugural Committees and Unauthorized Campaign Committees and State Executive Committee Building Funds, and Contributing Organizations
2 nd Quarter report	06/30/2020	07/02/2020	
3 rd Quarter report	09/30/2020	10/02/2020	
4 th Quarter report	12/31/2020	01/05/2021	
1 st Semi-Annual	06/30/2020	07/31/2020	All Executive Committees and Caucus Campaign Committees for the reporting period 01/01/2020-06/30/2020
2 nd Semi-Annual	12/31/2020	02/01/2021	All Executive Committees and Caucus Campaign Committees for the reporting period 07/01/2020-12/31/2020
Annual	12/01/2020	12/03/2020	Candidates and Campaign Committees and Unauthorized Campaign Committees having a debt or surplus of funds remaining on the last report filed for a previous election other than the 2020 General Election.

***ALL REPORTS MUST BE RECEIVED BY THE REGISTRY ON OR BEFORE THE LAST DAY OF THE REPORT DUE DATE.**

****Due to COVID-19, the Primary Election Date has been changed from 05/19/2020 to 06/23/2020.****



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John R. Steffen
Executive Director
Emily Dennis
General Counsel

MEMORANDUM

TO: Candidates/Candidate Committees/Treasurers
FROM: Emily Dennis, General Counsel *Emily Dennis*
RE: ADMINISTRATIVE FINES FOR LATE FILING OF STATEMENTS & PUBLIC POSTING OF DELINQUENT FILERS

TAKE NOTICE: To encourage timely filing of Election Finance Statements by all reporting entities, including candidates and candidate committees, the Kentucky Registry of Election Finance (“Registry”) has approved the following administrative fine schedule for late filing of reports:

- 1-5 days late** \$50 minimum (1 day late) plus \$10 for each additional day
- 6-10 days late** \$100 minimum (6 days late) plus \$10 for each additional day
- 11-15 days late** \$150 minimum (11 days late) plus \$10 for each additional day
- 16 + days late** \$200 minimum (16 days late) plus \$10 for each additional day

In addition, please be advised that the Registry shall, no later than four (4) days preceding each primary and general election, publish the names of all candidates appearing on the ballot who have failed to timely file any report required by KRS 121.180(3)(a) for any reporting period since the date of the last election. See KRS 121.120(4)(i) and 32 KAR 2:030 § 5(3).

For a list of reporting deadlines, please visit the Registry’s website at www.kref.ky.gov. Under the link to Reporting Dates on the Registry’s website, you will find a list of candidate reporting deadlines. **The Registry encourages you to calendar these deadlines and to also notify the Registry of your electronic mail address should you wish to receive electronic notice of upcoming report deadlines during the election cycle. Please note – DUE TO BUDGETARY CONSTRAINTS, NO POSTCARD REMINDERS WILL BE SENT TO CANDIDATES.**

These procedures underscore the Registry’s concern that Election Finance Statements are timely filed, so the public may access up-to-date information concerning the financing of elections in Kentucky. If you have any questions regarding the administrative fines or public posting of delinquent filers, please contact me at the Registry at 502-573-2226.

