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LEGISLATIVE RESEARCH COMMISSION

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Jason Nemes
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Rachel Roberts
Minority Whip

MEMORANDUM

TO: Taylor Brown, Counsel, State Board of Elections

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed Ordinary & Emergency Regulation – 031 KAR 004:196 & E

DATE: August 15, 2023

A copy of the ordinary and emergency administrative regulations listed above are enclosed for your files. Pursuant to KRS 13A.190, the emergency administrative regulation became effective upon filing with our office on **August 15, 2023** and, unless an extension on the accompanying ordinary is requested, will expire either in 270 days on **May 11, 2024**, or when replaced by its corresponding ordinary regulation, whichever occurs first. Please note - Expiration dates may be impacted by legislation or other statutes.

Emergency regulation

The emergency regulation is tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **October 2023** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this emergency regulation is due **by noon on October 13, 2023**.

Ordinary regulation

The ordinary regulation is tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **November 2023** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this ordinary regulation or a one-month extension request is due **by noon on November 15, 2023**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

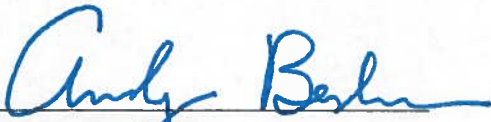
Enclosures

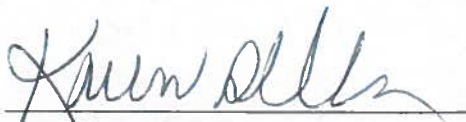
FILED WITH LRC TIME: <u>10:15am</u>
AUG 15 2023
Emily B Caudill REGULATIONS COMPILER

STATEMENT OF EMERGENCY

31 KAR 4:196E

This emergency regulation is being promulgated pursuant to both KRS 13A.190(1)(a)(1), to meet an imminent threat to public welfare, as well as, KRS 13A.190(1)(a)(3), to meet an imminent deadline for the promulgation of an administrative regulation established by state statute. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth; KRS 118.025(4) sets November 7, 2023, as the date for the next regular election, while KRS 117.066(3)(i), enacted through 2023 Ky. Act ch. 74, sec. 2, requires that any petition to consolidate precincts and precinct election officers submitted from a county board of elections to the State Board of Elections include the number of parking spaces available at the location and a determination as to whether the location has sufficient parking spaces. This is being filed as an emergency administrative regulation to ensure the administrative regulations and procedures required by statute to promote free and fair elections are in effect for the upcoming election. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.


ANDY BESHEAR
Governor of Kentucky


KAREN SELLERS
Director, State Board of Elections

1 STATE BOARD OF ELECTIONS

2 (Emergency Amendment)

3 31 KAR 4:196E. Consolidation of precincts and precinct election officers.

4 RELATES TO: KRS 117.066

5 STATUTORY AUTHORITY: KRS 117.015(1)(a)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State
7 Board of Elections to promulgate administrative regulations necessary to properly carry
8 out its duties. KRS 117.066(3) requires the State Board of Elections to promulgate
9 administrative regulations to provide for a form on which a county board of elections may
10 petition the State Board of Elections to allow for the consolidation of precincts and the
11 consolidation of precinct election officers at any voting location where voters of more
12 than one (1) precinct vote. This administrative regulation establishes that form.

13 Section 1. A county board of elections shall petition the State Board of Elections
14 to allow the consolidation of precincts and the consolidation of precinct election officers
15 at any voting location where voters of more than one (1) precinct vote, by filing with the
16 State Board of Elections, the "Petition to Consolidate Precincts and Precinct Election
17 Officers" Form SBE 74 no later than ninety (90) days before a primary or general election,
18 or ten (10) days after a proclamation is issued under KRS 118.710 or 118.720, or a writ of

election is issued under KRS 118.730. The State Board of Elections may request, at any time, from any county, a resubmission of a timely filed petition to consolidate precincts and precinct election officers if the petition is found to be deficient or incomplete upon review by the State Board of Elections.

Section 2. The submission of Form SBE 74 shall be accompanied by no less than one map scalable to a sheet of 8.5 x 11 inch paper of the county showing the location of any consolidated precincts comprising a county-wide vote center.

Section 3. Incorporated by Reference. (1) Petition to Consolidate Precincts and Precinct Election Officers, Form SBE 74, 08/2023~~[04/2022]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Karen Sellers
Executive Director, State Board of Elections

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on September 22, 2023, at 10:00 a.m. ET, at the Office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 4:196 Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation amendment revises the form used by county board of elections to petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct officers at any voting location where voters of more than one (1) precinct vote to include information about parking, as required by KRS 117.066(3)(i).

(b) The necessity of this administrative regulation: This administrative regulation amendment is necessary given that 2023 Ky. Acts ch. 74, sec. 2 requires the inclusion of parking information on the form submitted by counties to the State Board for the consolidation of precincts and precinct officials under KRS 117.066.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the mandates of KRS 117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation amendment revises the form used by county board of elections to petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct officers at any voting location where voters of more than one (1) precinct vote to include information about parking, as required by KRS 117.066(3)(i).

(b) The necessity of the amendment to this administrative regulation: This administrative regulation amendment is necessary given that 2023 Ky. Acts ch. 74, sec. 2 requires the inclusion of parking information on the form submitted by counties to the State Board for the consolidation of precincts and precinct officials under KRS 117.066.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation fulfills the mandates of KRS 117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all county boards of election that wish to consolidate precincts and precinct election officers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. To comply with this administrative regulation, a county board of elections will need to complete and submit a form to the State Board of Elections.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The State Board of Elections estimates that the implementation of this administrative regulation will cost only the amount necessary to print a standard form and transmit it to the State Board through conventional means.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this new administrative regulation will benefit county boards of election by standardizing the procedure by which precincts and precinct election officers are consolidated.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Form SBE 74.

(b) On a continuing basis: The only continuing cost will be the price associated with printing any copies of the Form SBE 74 that are necessary.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

FISCAL NOTE

31 KAR 4:196

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? At the state level, the State Board of Elections will be impacted by this administrative regulation. At the local level, all local boards of elections will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2., requires and authorizes the actions taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is not expected or intended that this administrative regulation will generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is not expected or intended that this administrative regulation will generate any revenue.

(c) How much will it cost to administer this program for the first year? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

(d) How much will it cost to administer this program for subsequent years? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): It is not expected or intended that this administrative regulation will generate any revenue.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(c) How much will it cost the regulated entities for the first year? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

(d) How much will it cost the regulated entities for subsequent years? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings(+/-): It is not expected that this administrative regulation will result in any cost savings.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

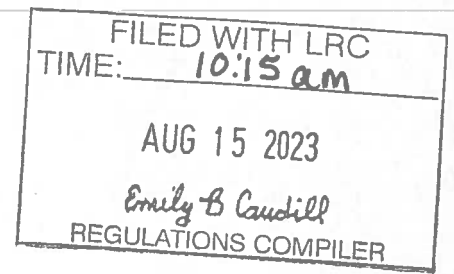
(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)].* The State Board of Elections does not expect that this administrative regulation will result in a major economic impact as it is not expected to have an overall negative or adverse economic impact of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

"Petition to Consolidate Precincts and Precinct Election Officers," Form SBE 74, 08/2023, is the 1-page form that county boards of elections must use to petition the State Board of Elections to consolidate precincts and precinct election officers.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The Form SBE 74 is being amended to add a line wherein counties can provide the parking information now required under KRS 117.066(3)(i).



1 STATE BOARD OF ELECTIONS

2 (Amendment)

3 31 KAR 4:196. Consolidation of precincts and precinct election officers.

4 RELATES TO: KRS 117.066

5 STATUTORY AUTHORITY: KRS 117.015(1)(a)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State
7 Board of Elections to promulgate administrative regulations necessary to properly carry
8 out its duties. KRS 117.066(3) requires the State Board of Elections to promulgate
9 administrative regulations to provide for a form on which a county board of elections may
10 petition the State Board of Elections to allow for the consolidation of precincts and the
11 consolidation of precinct election officers at any voting location where voters of more
12 than one (1) precinct vote. This administrative regulation establishes that form.

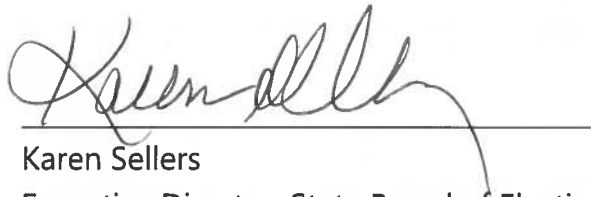
13 Section 1. A county board of elections shall petition the State Board of Elections
14 to allow the consolidation of precincts and the consolidation of precinct election officers
15 at any voting location where voters of more than one (1) precinct vote, by filing with the
16 State Board of Elections, the "Petition to Consolidate Precincts and Precinct Election
17 Officers" Form SBE 74 no later than ninety (90) days before a primary or general election,
18 or ten (10) days after a proclamation is issued under KRS 118.710 or 118.720, or a writ of

election is issued under KRS 118.730. The State Board of Elections may request, at any time, from any county, a resubmission of a timely filed petition to consolidate precincts and precinct election officers if the petition is found to be deficient or incomplete upon review by the State Board of Elections.

Section 2. The submission of Form SBE 74 shall be accompanied by no less than one map scalable to a sheet of 8.5 x 11 inch paper of the county showing the location of any consolidated precincts comprising a county-wide vote center.

Section 3. Incorporated by Reference. (1) Petition to Consolidate Precincts and Precinct Election Officers, Form SBE 74, 08/2023~~[04/2022]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.



A handwritten signature in black ink, appearing to read "Karen Sellers", is written over a horizontal line.

Karen Sellers

Executive Director, State Board of Elections

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 25, 2023, at 10:00 a.m. ET, at the Office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 4:196 Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation amendment revises the form used by county board of elections to petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct officers at any voting location where voters of more than one (1) precinct vote to include information about parking, as required by KRS 117.066(3)(i).

(b) The necessity of this administrative regulation: This administrative regulation amendment is necessary given that 2023 Ky. Acts ch. 74, sec. 2 requires the inclusion of parking information on the form submitted by counties to the State Board for the consolidation of precincts and precinct officials under KRS 117.066.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the mandates of KRS 117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation amendment revises the form used by county board of elections to petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct officers at any voting location where voters of more than one (1) precinct vote to include information about parking, as required by KRS 117.066(3)(i).

(b) The necessity of the amendment to this administrative regulation: This administrative regulation amendment is necessary given that 2023 Ky. Acts ch. 74, sec. 2 requires the inclusion of parking information on the form submitted by counties to the State Board for the consolidation of precincts and precinct officials under KRS 117.066.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation fulfills the mandates of KRS 117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all county boards of election that wish to consolidate precincts and precinct election officers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. To comply with this administrative regulation, a county board of elections will need to complete and submit a form to the State Board of Elections.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The State Board of Elections estimates that the implementation of this administrative regulation will cost only the amount necessary to print a standard form and transmit it to the State Board through conventional means.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this new administrative regulation will benefit county boards of election by standardizing the procedure by which precincts and precinct election officers are consolidated.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Form SBE 74.

(b) On a continuing basis: The only continuing cost will be the price associated with printing any copies of the Form SBE 74 that are necessary.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

FISCAL NOTE

31 KAR 4:196

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? At the state level, the State Board of Elections will be impacted by this administrative regulation. At the local level, all local boards of elections will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS117.066(3), as amended by 2023 Ky. Acts ch. 74, sec. 2., requires and authorizes the actions taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is not expected or intended that this administrative regulation will generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is not expected or intended that this administrative regulation will generate any revenue.

(c) How much will it cost to administer this program for the first year? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

(d) How much will it cost to administer this program for subsequent years? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): It is not expected or intended that this administrative regulation will generate any revenue.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(c) How much will it cost the regulated entities for the first year? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

(d) How much will it cost the regulated entities for subsequent years? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings(+/-): It is not expected that this administrative regulation will result in any cost savings.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)].* The State Board of Elections does not expect that this administrative regulation will result in a major economic impact as it is not expected to have an overall negative or adverse economic impact of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

"Petition to Consolidate Precincts and Precinct Election Officers," Form SBE 74, 08/2023, is the 1-page form that county boards of elections must use to petition the State Board of Elections to consolidate precincts and precinct election officers.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The Form SBE 74 is being amended to add a line wherein counties can provide the parking information now required under KRS 117.066(3)(i).



Commonwealth of Kentucky

Petition to Consolidate Precincts and Precinct Election Officers

County Name	
Election	Dates of Voting
Person Completing this Form	
Name	
Title	
About Voting Location	
<i>Example: Tulip Poplar High, 123 Main Street, County High School</i>	
Name	
Address	
Type	
Number of Parking Spaces	Sufficient Parking Spaces?
Voting Equipment to be Used	
Number	Type of equipment

Precincts in Voting Location	
Precinct name	Number of registered voters

Narrative Plan <i>(please attach additional sheets if needed)</i>
1.) Why is this consolidation of these precincts desirable? ☐ This is the same plan used in the last election
2.) In what manner will Precinct Officers be assigned? ☐ This location will be fully staffed with election officials
3.) How will the voting location be publicized to voters? How will the location be noted as a "Vote Center?"
4.) How will the voting location serve as a focal point to meet the needs of a diverse community?

CHAPTER 74

(HB 302)

AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 15.243 is amended to read as follows:

- (1) In addition to the other duties and powers of the Attorney General, he or she shall enforce all of the state's election laws by civil or criminal processes.
- (2) The Attorney General shall:
 - (a) Devise and administer programs to observe the conduct of elections;
 - (b) Hold public hearings;
 - (c) Establish a toll-free telephone service for the purpose of receiving reports of election law violations. The service shall be operated during regular business hours throughout the year and during the hours which any poll in the state is open on the day of any primary, special election, or regular election;
 - (d) Initiate investigations or investigate alleged violations of election laws at the request of a registered voter or on his or her own motion;
 - (e) Issue subpoenas for the production of any books, papers, correspondence, memoranda or other records, and compel the attendance of witnesses that he or she deems relevant to the purposes of any investigation;
 - (f) Present evidence of alleged violations to a grand jury; and
 - (g) File appropriate complaints in any court of competent jurisdiction.
- (3)
 - (a) The Attorney General shall be required to begin an independent inquiry for any potential irregularities that may have occurred in each election in not fewer than twelve (12) of Kentucky's counties, to be selected at random in a public process, within twenty (20) days following each primary or regular election. ~~[No county shall be subject to inquiry under this subsection in two (2) consecutive elections.]~~
 - (b) ***The Attorney General shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish a uniform procedure and timeline for his or her agents to follow when conducting the independent inquiries. The administrative regulations shall also designate the data and forms that shall be requested from each county that is chosen.***
 - (c) The Attorney General shall report his or her findings to the grand jury of each county involved, ~~[and to]~~ the chief circuit judge for the circuit in which the county is located, ***and the appropriate county clerk.***
- (4) When the Registry of Election Finance concludes there is probable cause to believe a violation of election laws has occurred, it shall forward the matter to the Attorney General for prosecution. In the event the Attorney General or local prosecutor fails to prosecute the matter in a timely fashion, the registry's attorney may petition the Circuit Court to be appointed as a special prosecutor. Upon such motion timely filed, for good cause shown, the court shall enter an order to that effect.
- (5) When requested by the Attorney General, all state and local agencies and officials, including the Auditor of Public Accounts, Commonwealth's attorneys, county attorneys, Registry of Election Finance, Department of Kentucky State Police, sheriffs' departments and local police shall give all possible assistance to the Attorney General in the performance of his or her duties.

➔Section 2. KRS 117.066 is amended to read as follows:

- (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law.
- (2) If a single voting location for more than one (1) precinct is approved under subsection (3) of this section, the primary or election shall be conducted as follows:

- (a) One (1) voting equipment may be used for more than one (1) precinct if ballots are tabulated for each separate precinct, and if separate ballots may be placed upon any voting equipment to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting equipment shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of separate voting equipment would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on any primary or election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on any primary or election day, the locked supplemental paper ballot box shall be transported to the county board of elections along with the federal provisional ballot receptacle, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to (16);
 - (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ensure that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of election forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. The petition shall be on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:
 - (a) A list of all precincts designated to vote at the voting location;
 - (b) The address and type of facility of the voting location;
 - (c) The number and type of voting systems or voting equipment to be used at the voting location;
 - (d) The number of registered voters in each precinct designated to vote at the voting location;
 - (e) An explanation of the reasons why the consolidation is desirable;
 - (f) The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;
 - (g) The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center";~~and~~
 - (h) The plan for how the voting location will serve as a focal point to meet the needs of a diverse community; *and*
 - (i) *The number of parking spaces available at the location and a determination as to whether the location has sufficient parking spaces.*
- (4) If the petition submitted under subsection (3) of this section is approved by the State Board of Elections, the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.
- (5) *The Secretary of State shall retain veto authority over any petition that is approved by the State Board of Elections. The State Board of Elections, upon reconsideration of the petition, shall have the power to override a veto of the Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the board.*

➔Section 3. KRS 117.235 is amended to read as follows:

- (1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:
 - (a) For the purpose of voting;
 - (b) By authority of the election officers to keep order and enforce the law;
 - (c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning, and to provide additional voting equipment; or

- (d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.
- (2) No officer of election shall do any electioneering *at any polling place during:*
 - (a) *The times the polls are open on election day; or*
 - (b) *Any of the days that in-person absentee voting is conducted.*
- (3) (a) No person shall electioneer at ~~any~~*the* polling place *that is being used as a voting location* on the day of any election, as established in KRS 118.025, *or on any of the days that in-person absentee voting is conducted at that location*, or within a distance of one hundred (100) feet of any entrance to a building in which voting is conducted if that entrance is unlocked and is used by voters on any primary or election day *or on any of the days that in-person absentee voting is conducted.*
- (b) No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for in-person absentee voting, during the hours in-person absentee voting is being conducted in the building.
- (c) No person shall electioneer within one hundred (100) feet of a mail-in absentee drop-box or drop-receptacle.
- (d) *No person shall electioneer in any building where training for election officers is being conducted during the time of the training.*
- (e) Electioneering shall include 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, but shall not include exit polling, bumper stickers affixed to a person's vehicle while parked within or passing through a distance of one hundred (100) feet of any entrance to a building in which voting is conducted, private property as provided in subsection (7) of this section, or other exceptions established by the State Board of Elections through the promulgation of administrative regulations under KRS Chapter 13A.
- (4) No voter shall be permitted to converse with others while in any room in which voting, including in-person absentee voting, is conducted concerning their support or nonsupport of any candidate, party, or issue to be voted on, except as provided in KRS 117.255.
- (5) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within one hundred (100) feet of any entrance to the building in which voting is conducted if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.
- (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of Elections may establish a program designed to instill in school children a respect for the democratic principles of voting by conducting in any county a mock election for school children in conjunction with any primary, regular, or special election. The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A regarding the mock elections to ensure that the regular voting process will not be impaired.
- (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this section shall prohibit the displaying of political campaign signs on private property or private establishments by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place. In the case of a polling location being on private property that is leased or otherwise under contract for the purpose of serving as a polling location, the provisions of subsection (3) of this section shall be applicable to that leased or contracted-for private property.

➔Section 4. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot for any office, by writing the name of his or her choice upon the appropriate ballot for the office being voted on as required by KRS 117.125. Any candidate~~[for city, county, urban county, consolidated local government, charter county government, or unified local government office]~~ who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election, *unless there is a vacancy pursuant to*

subsection (3) of Section 5 of this Act. Any voter utilizing a federal provisional ballot, a federal provisional in-person absentee ballot, or a mail-in absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.

- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed and furnished by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
 - (a) For more than one (1) office in a regular or special election; or
 - (b) If his or her name appears upon the ballot for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
 1. Death;
 2. Disqualification to hold the office sought;
 3. Severe disabling condition which arose after the nomination; or
 4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 5. KRS 118.105 is amended to read as follows:

- (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, 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.
- (2) Any political organization not constituting a political party as defined in KRS 118.015 may make its nominations as provided in KRS 118.325.
- (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary **more than ten (10) days** before the certification of candidates for the regular election made under KRS 118.215, because of death, ~~withdrawal, disqualification to hold the office sought,~~ or severe disabling condition which arose after the nomination, the governing authority of the party may provide for filling the vacancy, but only following certification to the governing authority, by the Secretary of State, that a vacancy exists for a reason specified in this subsection. When such a nomination has been made, the certificate of nomination shall be signed by the chair and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary.

- (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary *more than ten (10) days* before the certification of candidates for the regular election, and if that party's nominee was the only political party candidate for the office sought, the governing authority of each party may nominate a candidate for the regular election, provided that no person has sought that party's nomination by filing a notification and declaration.
- (5) If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section ~~[prior to September 15 preceding the day of the regular election]~~, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. *on the date of certification* ~~[ten (10) days after the vacancy occurs, excluding weekends and legal holidays. If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section on or after September 15 preceding the date of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and legal holidays.]~~
- ~~(6) If a vacancy in candidacy described in subsection (5) of this section occurs later than the second Thursday preceding the date of the regular election, no certificates of nomination shall be filed and any candidate whose name does not appear on the ballot may seek election by write-in voting pursuant to KRS 117.265].~~
- ~~(6) [(7)]~~ This section does not apply to candidates for members of boards of education, or presidential electors, nor to candidates participating in nonpartisan elections. However, regardless of the number of days served by a judge acting as a Senior Status Special Judge, a judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1.

➔Section 6. KRS 118.315 is amended to read as follows:

- (1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him or her, complying with the provisions of subsection (2) of this section. No person whose registration status is as a registered member of a political party shall be eligible to election as an independent, or political organization, or political group candidate, nor shall any person be eligible to election as an independent, or political organization, or political group candidate whose registration status was as a registered member of a political party on January 1 immediately preceding the regular election for which the person seeks to be a candidate. This restriction shall not apply to candidates to those offices specified in *subsection (6) of Section 5 of this Act* ~~[KRS 118.105(7)]~~, for supervisor of a soil and water conservation district, for candidates for mayor or legislative body in cities of the home rule class, or to candidates participating in nonpartisan elections.
- (2) The form of the petition shall be prescribed by the State Board of Elections. It shall be signed by the candidate and by registered voters from the district or jurisdiction from which the candidate seeks nomination. The petition shall include a declaration, sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Signatures for a petition of nomination for a candidate seeking any office, excluding President of the United States in accordance with KRS 118.591(1), shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain five thousand (5,000) petitioners; for a representative in Congress from any congressional district, or for any officer from any other district except as herein provided, four hundred (400) petitioners; for a county officer, member of the General Assembly, or Commonwealth's attorney, one hundred (100) petitioners; for a soil and water conservation district supervisor, twenty-five (25) petitioners; for a city officer or board of education member, two (2) petitioners; and for an officer of a division less than a county, except as herein provided, twenty (20) petitioners. It shall not be necessary that the signatures of the petition be appended to one (1) paper. Each petitioner shall include the date he or she affixes the signature, address of residence, and date of birth. Failure of a voter to include the signature affixation date, date of birth, and address of residence shall result in the signature not being counted. If any person joins in nominating, by petition, more than one (1) nominee for any office to be filled, he or she shall be counted as a petitioner for the candidate whose petition is filed first, except a petitioner for the nomination of candidates for soil and water conservation district supervisors may be counted for every petition to which his or her signature is affixed.

- (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be accepted as the candidate's name.
- (4) The Secretary of State and county clerks shall examine the petitions of all candidates who file with them to determine whether each petition is regular on its face. If there is an error, the Secretary of State or the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 7. KRS 119.165 is amended to read as follows:

- (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a Class D felony. An attempt at such personation shall constitute a Class A misdemeanor.
- (2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a Class D felony. Any person who knowingly votes or attempts to vote in a precinct other than the one in which he resides shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does not live he is enabled to vote in a race or on a matter in which he could not vote in his proper precinct in which case he shall be guilty of a Class D felony. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.
- (3) *Any person lawfully registered to vote who is then convicted of a felony offense and has not previously been restored to their voting rights who then knowingly votes or attempts to vote shall be guilty of a Class D felony.*
- (4) Any resident of this state who, by means other than falsely personating a registered voter, votes at a regular or special election before he has resided in this state thirty (30) days, or in the county and precinct where the election is held the time required by law, or before he has attained full age, or before he has become a citizen, shall be guilty of a Class B misdemeanor.
- ~~(5)(4)~~ Any person who, by means other than falsely personating a registered voter, votes in a primary election knowing that he is not qualified as provided in KRS 116.055, shall be guilty of a violation.
- ~~(6)(5)~~ Any person who applies for or receives a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1) to ~~(3)(4)~~ of this section, shall be guilty of a Class A misdemeanor.

➔Section 8. KRS 121.175 is amended to read as follows:

- (1) 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 and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel if reported, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign, *or for fees incurred from legal services while defending a matter before the Kentucky Legislative Ethics Commission in which the final adjudication is rendered in favor of the candidate.* "Allowable campaign expenditures" does not include necessary travel unless reported, expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental,

professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account. A member of the General Assembly may utilize funds in his or her campaign account to contribute up to five thousand dollars (\$5,000) per year to a political party or caucus campaign committee. A member of the General Assembly may make allowable campaign expenditures in both election years and nonelection years.

- (2) By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1) of this section.
- (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
 - (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
 - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

→Section 9. KRS 121.180 is amended to read as follows:

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot. The form shall be submitted by means of electronic filing with the registry.
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c)
 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
 2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election.
- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be

bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.

- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (l)
 1. Any candidate exempt from filing under this subsection for a primary shall file a report described in subsection (4) of this section.

2. Any candidate exempt from filing under this subsection for a primary who advances to the regular election shall file for an additional exemption under this section for the regular election or the candidate shall no longer be exempt from the filing requirements.
 3. In the event a candidate exempt from filing under this subsection is no longer eligible for the exemption, he or she shall immediately file for a revocation of the exemption under paragraph (c) of this subsection.
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis *if the committee has more than ten thousand dollars (\$10,000) in its campaign fund account*, and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. *If the committee has less than ten thousand dollars (\$10,000) in its campaign fund account the report required by paragraph (a) of this subsection shall be made on an annual basis, and shall be received by the registry by January 31.* If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a

separate section within the report required by this subsection to be received by the registry by January 31.

- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
 1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
 1.
 - a. Candidates seeking statewide office, slates of candidates, authorized campaign committees for candidates seeking statewide office and for slates of candidates, unauthorized campaign committees, political issues committees, and fundraisers which register before the year of an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become statewide candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. The provisions of this subparagraph shall be retroactive to January 1, 2021;
 - b. All other candidates and candidate campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a Statement of Spending Intent and Appointment of Campaign Treasurer with the registry for a future-year election; and
 - c. Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;
 2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
 3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and

5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
 - (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.
- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit. All post-election reports to the registry shall

cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.

- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
 - (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
 - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
 - (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:
 1. Further the candidacy of the person for a different public office;
 2. Support or oppose a different public issue; or
 3. Further the candidacy of any other person for public office.
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in a campaign account to purchase admission tickets for, or contribute to, any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase or contribution does not exceed two hundred dollars (\$200) per event or affair.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee:
 1. Escheat to the State Treasury;
 2. Be returned pro rata to all contributors;
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee; or
 - b. The state or county executive committee of the political party of which the candidate is a member;
 4. Be retained to further the same public issue or to seek election to the same office; or
 5. Be donated to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto, *from which the candidate or committee receives no financial benefit.*

- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- (13) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (14) Filers who submit electronic campaign finance reports which are not readable, or cannot be copied shall be deemed to not be in compliance with the requirements set forth in this section.
- (15) Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- (16)
 - (a) On each form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
 - (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

Signed by Governor March 23, 2023.