

1 AN ACT relating to campaign finance.

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

3 ➔Section 1. KRS 118.125 is amended to read as follows:

4 (1) Except as provided in KRS 118.155, any person who is qualified under the
5 provisions of KRS 116.055 to vote in any primary for the candidates for nomination
6 by the party at whose hands he or she seeks the nomination, shall have his or her
7 name printed on the official ballot of his or her party for an office to which he ***or***
8 ***she*** is eligible in that primary, upon filing, with the Secretary of State or county
9 clerk, as appropriate, at the proper time, a notification and declaration.

10 (2) The notification and declaration shall be in the form prescribed by the State Board
11 of Elections. It shall be signed by the candidate and by not less than two (2)
12 registered voters of the same party from the district or jurisdiction from which the
13 candidate seeks nomination. Signatures for nomination papers shall not be affixed
14 on the document to be filed prior to the first Wednesday after the first Monday in
15 November of the year preceding the year in which the office will appear on the
16 ballot.

17 (a) The notification and declaration for a candidate for an office other than
18 Governor or Lieutenant Governor shall include the following oath:

19 "For the purpose of having my name placed on the official primary
20 election ballot as a candidate for nomination by the ----- Party, I, ----- (name
21 in full as desired on the ballot as provided in KRS 118.129), do solemnly
22 swear that my residence address is ----- (street, route, highway, city if
23 applicable, county, state, and zip code), that my mailing address, if different,
24 is ----- (post office address), and that I am a registered ----- (party) voter in ---
25 --- precinct; that I believe in the principles of the ----- Party, and intend to
26 support its principles and policies; that I meet all the statutory and
27 constitutional qualifications for the office which I am seeking; that if

1 nominated as a candidate of such party at the ensuing election I will accept the
 2 nomination and not withdraw for reasons other than those stated in KRS
 3 118.105(3); that I will not knowingly violate any election law or any law
 4 relating to corrupt and fraudulent practice in campaigns or elections in this
 5 state, and if finally elected I will qualify for the office."

6 The declaration shall be subscribed and sworn to before an officer authorized
 7 to administer an oath by the candidate and by the two (2) voters making the
 8 declaration and signing the candidate's petition for office.

9 (b) The notification and declaration for a slate of candidates for Governor and
 10 Lieutenant Governor shall include the following oath:

11 "For the purpose of having our names placed on the official primary
 12 election ballot as a slate of candidates for Governor and Lieutenant Governor
 13 for nomination by the ----- Party, I, -----, (name of candidate for Governor in
 14 full as desired on the ballot as provided in KRS 118.129), do solemnly swear
 15 that my residence address is ----- (street, route, highway, city if applicable,
 16 county, state, and zip code), that my mailing address, if different, is ----- (post
 17 office address), and that I am a registered ----- (party) voter in ----- precinct;
 18 and I, -----, (name of candidate for Lieutenant Governor in full as desired on
 19 the ballot as provided in KRS 118.129), do solemnly swear that my residence
 20 address is ----- (street, route, highway, city if applicable, county, state, and zip
 21 code), that my mailing address, if different, is ----- (post office address), and
 22 that I am a registered ----- (party) voter in ----- precinct; that we believe in
 23 the principles of the ----- Party, and intend to support its principles and
 24 policies; that we meet all the statutory and constitutional qualifications for the
 25 offices which we are seeking; that we will accept the nomination and not
 26 withdraw for reasons other than those stated in KRS 118.105(3); that we will
 27 not knowingly violate any election law or any law relating to corrupt or

1 fraudulent practice in campaigns or elections in this state, and if finally elected
2 we will qualify for our offices."

3 The declaration shall be subscribed and sworn to before an officer authorized
4 to administer an oath by the candidate and by the two (2) voters making the
5 declaration and signing the petition for office.

6 (3) (a) When a candidate for a constitutional statewide office as enumerated in
7 Section 91 of the Constitution of Kentucky, including slates of candidates
8 for Governor and Lieutenant Governor, files his or her notification and
9 declaration as required by subsection (1) of this section, he or she shall also
10 submit two (2) paper copies of every federal income tax return described in
11 26 U.S.C. sec. 6103(b)(1) and the federal income tax return of any entity for
12 which the candidate is a partner, member, shareholder, or owner that he or
13 she has filed with the Internal Revenue Service for the five (5) most recent
14 taxable years to the Registry of Election Finance. The tax returns shall be
15 submitted to the registry within five (5) business days after the filing of the
16 notification and declaration.

17 (b) One (1) copy of each tax return submitted to the Registry of Election
18 Finance shall be identical to the version filed with the Internal Revenue
19 Service, without redactions. The second copy of each tax return submitted to
20 the registry shall be redacted pursuant to this paragraph. The candidate
21 shall redact the following information from the redacted version:

- 22 1. Social Security numbers;
- 23 2. Home address;
- 24 3. Telephone number;
- 25 4. E-mail address;
- 26 5. Medical information;
- 27 6. Names of dependent minors;

- 1 7. Employer identification number;
2 8. Business address; and
3 9. Preparer tax identification number, address, telephone number, and e-
4 mail address of paid tax return preparers.
- 5 (c) The Registry of Election Finance shall review the redacted copy of each tax
6 return submitted by the candidate to ensure that the redactions comply with
7 paragraph (b) of this subsection. If the registry determines that the
8 candidate has redacted information other than that permitted by paragraph
9 (b) of this subsection, the registry shall prepare an amended version of the
10 tax return with only the redactions permitted.
- 11 (d) If the candidate has not filed his or her tax return with the Internal
12 Revenue Service for the tax year immediately preceding the primary, the
13 candidate shall submit a copy of his or her tax return to the Registry of
14 Election Finance within five (5) business days of the mailing or the filing of
15 the tax return with the Internal Revenue Service.
- 16 (e) The requirement of paragraph (a) of this subsection shall not apply to any
17 year in which the candidate was not required to file his or her tax return
18 with the Internal Revenue Service.
- 19 (f) The candidate shall provide written consent to the Registry of Election
20 Finance, signed by the candidate, granting the registry permission to
21 publicly release the appropriately redacted version of the candidate's tax
22 returns.
- 23 (g) The appropriately redacted version of the tax return submitted under this
24 subsection shall be made publicly available on the Web site of the Registry
25 of Election Finance not later than seven (7) business days after the
26 candidate's tax returns have been submitted to the registry. The tax returns
27 made publicly available on the Web site of the registry shall be removed

1 from public view at least five (5), but no more than six (6), years after the
2 election for which the candidate is duly elected. If the candidate is not duly
3 elected, the tax returns shall be removed from public view not later than
4 December 31 of the year of the election for which the candidate sought.

5 (h) Notwithstanding KRS 118.385 to the contrary, the Registry of Election
6 Finance shall preserve all tax returns required under this subsection for at
7 least five (5), but not more than six (6), years after the election for which the
8 candidate is duly elected. If the candidate is not duly elected, the tax returns
9 shall be destroyed not later than December 31 of the year of the election for
10 which the candidate sought.

11 (i) The Registry of Election Finance shall adopt official forms and perform
12 other duties necessary to implement the provisions of this section, which
13 shall include the ability to promulgate administrative regulations under
14 KRS Chapter 13A.

15 (4) If a candidate for a constitutional statewide office does not submit his or her
16 federal income tax returns with the Registry of Election Finance as required by
17 this section, the candidate shall be fined one thousand dollars (\$1,000), in sum,
18 for the first three (3) days he or she is late in submitting his or her federal tax
19 returns to the registry, and thereafter five hundred dollars (\$500) each
20 subsequent day until one (1) of the following conditions occur, whichever is
21 sooner:

22 (a) The candidate submits the required federal tax returns to the registry;

23 (b) The candidate is no longer seeking elected office for which the notification
24 and declaration applies; or

25 (c) The candidate is no longer in the elected office for which the notification
26 and declaration applies.

27 The monetary sum from the fines assessed under this subsection shall be

1 *collected by the registry and shall be remitted to the State Treasurer.*

2 (5) When the notice and declaration has been filed with the Secretary of State or county
3 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
4 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
5 according to the provisions of this chapter, except as provided in KRS 118.185.

6 (6)~~(4)~~ Titles, ranks, or spurious phrases shall not be accepted on the filing papers and
7 shall not be printed on the ballots as part of the candidate's name; however,
8 nicknames, initials, and contractions of given names may be acceptable as the
9 candidate's name.

10 ➔Section 2. KRS 118.367 is amended to read as follows:

11 (1) An independent, or political organization, or political group candidate required to
12 file nomination papers pursuant to KRS 118.365(5) shall be required to file a
13 statement-of-candidacy form with the same office at which nomination papers are
14 filed. Candidates for federal office and candidates for mayor or legislative body in
15 cities of the home rule class participating in partisan elections shall not be required
16 to file a statement-of-candidacy form. The statement-of-candidacy form shall be
17 filed not earlier than the first Wednesday after the first Monday in November of the
18 year preceding the year in which the office will appear on the ballot and not later
19 than the last Tuesday in January preceding the day fixed by law for holding of
20 regular elections for the offices sought. The statement-of-candidacy form shall be
21 filed no later than 4 p.m. local time when filed on the last day on which papers are
22 permitted to be filed. No person shall file a statement-of-candidacy form for more
23 than one (1) public office during an election cycle.

24 (2) The statement-of-candidacy form shall be prescribed by the State Board of
25 Elections. The statement-of-candidacy form shall be signed by the candidate upon
26 filing. No charge shall be assessed for the filing of a statement-of-candidacy form.
27 The Secretary of State and county clerks shall examine the statement-of-candidacy

1 form of each candidate who files the form to determine if there is an error. If an
2 error has occurred, the candidate shall be notified by certified mail within twenty-
3 four (24) hours.

4 **(3) (a) When an independent, political organization, or political group candidate**
5 **for a constitutional statewide office as enumerated in Section 91 of the**
6 **Constitution of Kentucky, including slates of candidates for Governor and**
7 **Lieutenant Governor, files his or her statement-of-candidacy form as**
8 **required by subsection (1) of this section, he or she shall also submit two (2)**
9 **paper copies of every federal income tax return described in 26 U.S.C sec.**
10 **6103(b)(1) and the federal income tax return of any entity for which the**
11 **candidate is a partner, member, shareholder, or owner that he or she has**
12 **filed with the Internal Revenue Service for the five (5) most recent taxable**
13 **years to the Registry of Election Finance. The tax returns shall be**
14 **submitted to the registry within five (5) business days after the filing of the**
15 **statement-of-candidacy form.**

16 **(b) One (1) copy of each tax return submitted to the Registry of Election**
17 **Finance shall be identical to the version filed with the Internal Revenue**
18 **Service, without redactions. The second copy of each tax return submitted to**
19 **the registry shall be redacted pursuant to this paragraph. The candidate**
20 **shall redact the following information from the redacted version:**

- 21 **1. Social Security numbers;**
- 22 **2. Home address;**
- 23 **3. Telephone number;**
- 24 **4. E-mail address;**
- 25 **5. Medical information;**
- 26 **6. Names of dependent minors;**
- 27 **7. Employer identification number;**

1 8. Business address; and

2 9. Preparer tax identification number, address, telephone number, and e-
3 mail address of paid tax return preparers.

4 (c) The Registry of Election Finance shall review the redacted copy of each tax
5 return submitted by the candidate to ensure that the redactions comply with
6 paragraph (b) of this subsection. If the registry determines that the
7 candidate has redacted information other than that permitted by paragraph
8 (b) of this subsection, the registry shall prepare an amended version of the
9 tax return with only the redactions permitted.

10 (d) If the candidate has not filed his or her tax return with the Internal
11 Revenue Service for the tax year immediately preceding the primary, the
12 candidate shall submit a copy of his or her tax return to the Registry of
13 Election Finance within five (5) business days of the mailing or the filing of
14 the tax return with the Internal Revenue Service.

15 (e) The requirement of paragraph (a) of this subsection shall not apply to any
16 year in which the candidate was not required to file his or her tax return
17 with the Internal Revenue Service.

18 (f) The candidate shall provide written consent to the Registry of Election
19 Finance, signed by the candidate, granting the registry permission to
20 publicly release the appropriately redacted version of the candidate's tax
21 returns.

22 (g) The appropriately redacted version of the tax return submitted under this
23 subsection shall be made publicly available on the Web site of the Registry
24 of Election Finance not later than seven (7) business days after the
25 candidate's tax returns have been submitted to the registry. The tax returns
26 made publicly available on the Web site of the registry shall be removed
27 from public view at least five (5), but not longer than six (6), years after the

1 election for which the candidate is duly elected. If the candidate is not duly
2 elected, the tax returns shall be removed from public view not later than
3 December 31 of the year of the election for which the candidate sought.

4 (h) Notwithstanding KRS 118.385 to the contrary, the Registry of Election
5 Finance shall preserve all tax returns required under this subsection at
6 least five (5), but not longer than six (6), years after the election for which
7 the candidate is duly elected. If the candidate is not duly elected, the tax
8 returns shall be destroyed not later than December 31 of the year of the
9 election for which the candidate sought.

10 (i) The Registry of Election Finance shall adopt official forms and perform
11 other duties necessary to implement the provisions of this section, which
12 shall include the ability to promulgate administrative regulations under
13 KRS Chapter 13A.

14 (4) If an independent, political organization, or political group candidate for a
15 constitutional statewide office does not submit his or her federal income tax
16 returns with the Registry of Election Finance as required by this section, the
17 candidate shall be fined one thousand dollars (\$1,000), in sum, for the first three
18 (3) days he or she is late in submitting his or her federal tax returns to the
19 registry, and thereafter five hundred dollars (\$500) each subsequent day until one
20 (1) of the following conditions occur, whichever is sooner:

21 (a) The candidate submits the required tax returns to the registry;

22 (b) The candidate is no longer seeking elected office for which the statement-
23 of-candidacy applies; or

24 (c) The candidate is no longer in the elected office for which the statement-of-
25 candidacy applies.

26 The monetary sum from the fines assessed under this subsection shall be
27 collected by the registry and shall be remitted to the State Treasurer.