

# POLITICAL ADVERTISING

The Media's Reporting  
Responsibilities Regarding  
Gubernatorial Slates



What to Report  
When to Report  
How to Report

## WHAT TO REPORT

**KRS 121.180 (11)** provides that any publisher of advertising to support a slate of candidates for the offices of Governor and Lieutenant Governor shall report to the Registry on a prescribed form no later than 30 days after an election.

**What is a Gubernatorial Slate?** In 1994, Kentucky's General Assembly enacted legislation that requires the Governor and Lieutenant Governor to run together on the ballot. When candidates for these offices run together on the ballot, this is called a Gubernatorial Slate.

**Who purchases this advertising?** Any individual, group of individuals, or organization may purchase advertising in support of a Gubernatorial Slate. Most commonly, advertising is purchased by:

- The Gubernatorial Slate
- Media consultant on behalf of the Gubernatorial Slate
- State or county political party committee
- Political Action Committee (PAC)
- An individual or group of individuals

### **What kind of advertising should be reported?**

Any advertising that supports or opposes a Gubernatorial Slate needs to be reported. Generic party activity, such as "Vote Democrat" or "Vote Republican," does not need to be reported. Advertising that mentions all of a political party's nominees for statewide office (Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, and Commissioner of Agriculture) in addition to the Gubernatorial Slate, **without emphasizing the slate more than any of the other candidates**, does not need to be reported.

## WHEN TO REPORT

The Primary, Runoff Primary, and General elections are considered **separate** elections for the purposes of reporting. Therefore, a maximum of three (3) reports may need to be filed during 2003. There is **no grace period** for filing these reports.

- All slate advertising from November 5, 2002 through May 20, 2003 must be reported by **June 19, 2003** (30 days after the May 20, 2003 Primary election).
- In the event a Primary Runoff election is held, all slate advertising from May 21, 2003 through June 24, 2003 must be reported by **July 24, 2003** (30 days after a **possible** June 24, 2003 Primary Runoff election).
- The final media report is due **December 4, 2003** (30 days after the November 4, 2003 General election). In the event there **is** a Primary Runoff election, report all slate advertising from June 25, 2003 through November 4, 2003. If there were **no** Primary Runoff election, the December 4, 2003 report would include all slate advertising from May 21, 2003 through November 4, 2003.

Reports and their supporting documentation must either be received by the Registry of Election Finance by the reporting deadline or have a United States Postal Service postmark dated on or before the reporting deadline. Postmarks by private postage meters are not accepted as proof of timely reporting. A report faxed to the Registry on or before the due date will be accepted as timely, but the original report must also be submitted to the Registry.

### **Penalties**

**[KRS 121.140(2)]** Civil penalties or fines may be imposed for filing late or failure to file reports. Fines may be charged up to \$100 per day for each day a report is late, up to a maximum fine of \$5,000 **per violation**.

# HOW TO REPORT

## **Radio Stations, Television Stations, and Networks**

- Submit a copy of the documentation of paid political campaign advertisements that is required to be maintained by the Federal Communications Commission. Use NAB form PB 14 or any other documentation deemed acceptable by the FCC.
- Attach a cover letter from the station or network manager or the manager's designee. The letter should include a description of what type of advertising is being reported along with the address and telephone number of the station or network.

## **Newspaper or Magazine Publishers, Billboard Owners or Lessors, all other advertisers**

Complete both the Gubernatorial Slate Media Report Cover Page and the Gubernatorial Slate Media Advertising Schedule. For each advertisement, attach a copy of the receipt for funds paid and a copy of the advertisement (billboard lessors should submit a photo of each ad).

### **Cover Page**

- List name of media outlet.
- List current mailing address and telephone number of media outlet.
- List name and title of a contact person at the media outlet.
- Check appropriate election to which report pertains.
- Authorized representative of media outlet signs and dates report to be filed with the Registry of Election Finance.

## **Advertising Schedule**

- List the name, address, telephone number and contact person of the media outlet.
- List name of Gubernatorial Slate candidate(s) mentioned in advertising. Use a separate Advertising Schedule page for each named slate.
- Check whether advertising is in support of or opposition to the named slate. For each named slate, include only supporting or only opposing advertising on an Advertising Schedule. Example: All the advertising listed on the same schedule *supports Slate XYZ*.
- A separate entry must be shown for each different advertisement.
- List the name and address of the individual or organization purchasing the ad.
- List the source of funds paid if different than the Individual or Organization purchasing the ad.
- List the total amount paid.
- Give a brief description of the advertisement.
- Disclose locations of billboard advertisements.
- List advertisement issue/run dates.
- List total number of times each advertisement ran.
- List size of ad (does not apply to billboards).
- Complete the document checklist as the required materials (see below) are attached to the report.

### **In addition to the information provided on the report, for each ad represented, you must also submit the following documentation:**

- A copy of the receipt for the funds paid for the ad.
- A copy of the ad (tearsheet, photo of billboard, etc.).

**Kentucky Registry of Election Finance**  
140 Walnut Street / Frankfort, KY 40601  
502-573-2226 Fax: 502-573-5622  
[www.state.ky.us/agencies/kref/krefhome.htm](http://www.state.ky.us/agencies/kref/krefhome.htm)

## **KRS 121.180(11)**

- Any publisher of newspapers or magazines, owner or lessor of billboards, or any other person, company, corporation, or business organization offering its communications or advertising services or material, shall file with the registry a copy of the material or communication purchased which supports or opposes any slate of candidates or committee; a copy of the receipt for the funds paid; the name and address of each purchaser; and the source of the funds for the purchase if different than the purchaser.
- A radio or television station or network that receives funds for the purchase of advertising services or material that supports or opposes a slate of candidates or committee shall file with the registry a copy of the documentation of paid political campaign advertisements that is required to be maintained by the Federal Communications Commission along with a cover letter from the manager of the station or network or the manager's designee.
- All information required to be reported in paragraphs (a) and (b) of this subsection shall be in the hands of the registry or postmarked not later than the thirtieth day following the primary, runoff primary, and regular elections that are held subsequent to the date that the broadcasting or printing of the advertisement occurs.
- The provisions of this subsection shall apply only to purchases of advertising services or material to support or oppose a slate of candidates for election to the offices of Governor and Lieutenant Governor.
- Notwithstanding KRS 121.990 and KRS 121A.990, penalties for violation of this subsection shall be assessed in accordance with the provisions of KRS 121.140(2).

### **IMPORTANT (Disclaimer)**

This brochure is intended as a general reference tool and in no way supersedes statutory law or administrative regulations promulgated by the Registry. The Registry recommends a complete reading of the campaign finance laws contained in KRS Chapters 121 and 121A, and the rules contained in Kentucky Administrative Regulations Title 32.

# The Cover Page

LINE 1 - Fill in the name of the media outlet.

LINE 2 - Enter the media outlet's mailing address and a daytime telephone number.

LINE 3 - List the name of the person the Registry should contact about the Gubernatorial Slate Media Report (Media Report).

LINE 4 - Check one of the three boxes to identify the election this Media Report pertains to.

LINE 5 - Print the name and title of the person preparing the Media Report. This person must also sign and date the Media Report here in Line 5.

*Note that the Media Report should **only** include information for the election period shown on the cover page.*

*Use only the schedule that applies to your media agency.*

*You may duplicate these schedules as needed.*

KREF 040/M Revised 09/2002 <b>KENTUCKY REGISTRY OF ELECTION FINANCE</b> 140 Walnut Street Frankfort, Kentucky 40601 502-573-2226 FAX 502-573-5622 www.kref.ky.gov  <b>GOVERNATORIAL SLATE          MEDIA REPORT          COVER PAGE</b>	<b>1. Name of Media Outlet:</b>	<i>OFFICE USE ONLY</i>
	<b>2. Mailing Address of Media Outlet:</b>  Area Code/Phone (      )	

<b>3. Contact Person:</b>	<b>4. This report pertains to:</b> <input type="checkbox"/> The <b>Primary</b> Election <input type="checkbox"/> The Primary <b>Runoff</b> Election <input type="checkbox"/> The <b>General</b> Election
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**KRS 121.180(11)**

(a) Any publisher of newspapers or magazines, owner or lessor of billboards, or any other person, company, corporation, or business organization offering its communications or advertising services for hire to the public who receives funds for the purchase of advertising services or material, shall file with the registry a copy of the material or communication purchased which supports or opposes any slate of candidates or committee; a copy of the receipt for the funds paid; the name and address of each purchaser; and the source of the funds for the purchase if different than the purchaser.

(b) *(OMITTED SECTION (b) PERTAINS ONLY TO RADIO OR TELEVISION STATIONS OR NETWORKS)*

(c) All information required to be reported by paragraphs (a) and (b) of this subsection shall be in the hands of the registry or postmarked not later than the thirtieth day following the primary, runoff primary, and regular elections that are held subsequent to the date that the broadcasting or printing of the advertisement occurs.

(d) The provisions of this subsection shall apply only to purchases of advertising services or material to support or oppose a slate of candidates for election to the offices of Governor and Lt. Governor.

(e) Notwithstanding KRS 121.990 and KRS 121A.990, penalties for violation of this subsection shall be assessed in accordance with the provisions of KRS 121.140(2).

**5. Verification: I certify that I have examined this Election Finance Statement and to the best of my knowledge and belief the contents are true, correct, and complete. I understand that submission of false, erroneous, or incomplete information may subject me to the penalties of KRS 121.990.**

<hr/> <b>Name (Please Print)</b>	<hr/> <b>Title (Please Print)</b>
<hr/> <b>Authorized Signature</b>	<hr/> <b>Month - Day - Year</b>

## Media Advertising Schedule

LINE 1 - Give a brief description of the content of the advertisement.

LINE 2 - Enter the last name of the candidate for Governor in the first blank area. Enter the last name of the candidate for Lieutenant Governor in the second blank area.

LINE 3 - Use separate media advertising schedules to report advertising that supports the named Slate and advertising that opposes the named Slate. Place a check in the appropriate blank on line 3 to indicate which type of advertising each page of the schedule represents.

LINE 4 - Enter the name and address of the individual or organization purchasing the ad. If the source of the funds for the purchase is different than the purchaser, list that source of funds.

### **EXAMPLE:**

- *An agent of the Sure Victory consulting agency brings a check from the account of the Sure Victory consulting agency to purchase advertising for the Jack/Jill Slate. The line 4 name and address of the purchaser would be that of Sure Victory consulting agency. The source of funds would be the Jack/Jill Slate.*

LINE 5 - List the amount paid to the newspaper or magazine.

LINE 6 - Give a brief description of the content of the advertisement.

Check the appropriate boxes as the required materials are attached to the schedule:

- Attach a copy of the advertisement or a tear sheet.
- Attach a copy of the receipt for funds paid (invoice) for each advertising purchase.

LINE 7 - Enter the issue date(s) of the publication containing the advertisement.

LINE 8 - List the number of times the ad ran per issue.

LINE 9 - List the size of the advertisement.

KREF 040/M Revised 09/2002 <b>KENTUCKY REGISTRY OF ELECTION FINANCE</b> <b>140 Walnut Street</b> <b>Frankfort, Kentucky 40601</b> <b>502-573-2226 FAX 502-573-5622</b> www.kref.ky.gov <b>GOVERNATORIAL SLATE</b> <b>MEDIA ADVERTISING SCHEDULE</b>		<b>1. Name of Newspaper or Magazine</b>					
<b>NOTE:</b> Use a Separate Schedule to Report Ads Purchased for Each Named Slate		<b>2. Gubernatorial Slate Named in Ad:</b> Candidate for Governor _____ Candidate for Lt. Governor _____		<b>3. Media Purchase:</b> _____ Supports Named Slate _____ Opposes Named Slate			
<b>4. Name and Address of Individual or Organization Purchasing Ad</b> (and Source of Funds if Different than Purchaser)		<b>5. Amount Paid</b>	<b>6. Ad Description and Required Attachments Checklist</b>		<b>7. Issue Date(s)</b>	<b>8. # Times Ad Ran Per Issue</b>	<b>9. Size of Ad</b>
Source of Funds:			Ad Description:  Required Attachments: _____ Copy of Material (Tear Sheet) _____ Copy of Receipt for Funds Paid				
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**KY KREF**

Last updated on April 8, 2003

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## Frequently Asked Questions About Political Advertising

- **What Constitutes a Political Advertisement?**

Political Advertising is any advertisement advocating the election or defeat of any candidate, political party, or public issue.

Political Advertising would NOT include the announcement of a fish fry sponsored by the Boyd County Young Republicans... unless the ad stated that the fish fry is also a rally to raise funds for or to elect Candidate Joe Smith.

- **What Constitutes a Correct Political Advertising Disclaimer?** Per KRS 121.190(1): All advertising advocating the election or defeat of any candidate shall be identified by the words "paid for by" followed by the name and address of the individual or committee which paid for the advertising; except that if paid for by a candidate, or campaign committee, it shall be identified only by the words "paid for by" followed by the name of the candidate or campaign committee.

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

**Paid for by Candidate  
is NEVER an appropriate disclaimer!**

- **Examples of Correct Political Advertising Disclaimers:**

1. Candidate Joe Smith or someone from the Joe Smith Campaign Committee purchases an ad:

**Paid for by Joe Smith or  
Paid for by Committee to Elect Joe Smith**

2. A group of candidates purchases an ad which clearly identifies the office each candidate seeks:

**Paid for by  
Joe Smith, Sally Smith, Mary Contrary, James Jones, Billy Jack,  
Phil Simpson, Polly Carter, and Lilly Adams**

In this instance, each candidate/campaign must write a check directly to the newspaper for his/her portion of the ad cost. One candidate is NOT allowed to pay for the entire ad and later have the other candidates reimburse that candidate.

3. A Franklin County Executive Committee purchases an ad:

**Paid for by  
Franklin County Democratic Executive Committee  
300 Frankfort Avenue  
Frankfort, KY 40601**

4. Private citizen Jane Smith purchases an ad to support a candidate:

**Paid for by  
Jane Smith  
700 Walnut Street  
Frankfort, KY 40601**

5. Jane Smith and her two sisters purchase an ad to support a candidate:

**PAID FOR BY**

<b>Jane Smith</b>	<b>Mary Smith</b>	<b>Sara Smith</b>
<b>700 Walnut Street</b>	<b>22 Maple Street</b>	<b>41 Oak Street</b>
<b>Frankfort, KY 40601</b>	<b>Frankfort, KY 40601</b>	<b>Frankfort, KY 40601</b>

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