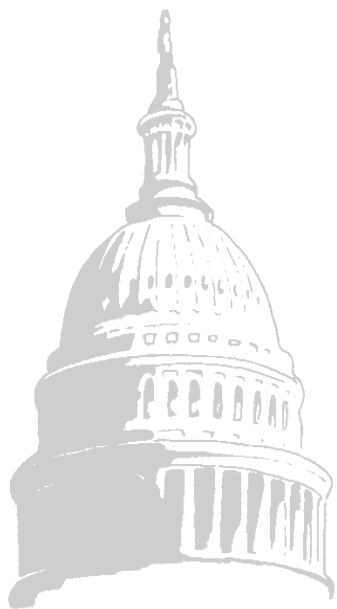


# POLITICAL ADVERTISING

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.