

2018 Election FAQs

Note: This resource is intended to provide basic information on the election process for school board candidates, school board members and school leaders. The text of election statutes and regulations cited below should be reviewed by candidates. They also can go to the Kentucky Registry of Election Finance website www.kref.ky.gov for detailed guidance on election finance requirements (phone: 502 573-2226) and the Kentucky Secretary of State's web-based information for school board candidates with sample forms here: [Secretary of State Election Forms](#). Also note that the required nominating petition (SB 60A), the Registry's "Statement of Spending Intent and Appointment of Campaign Treasurer" (KREF form 001), and the "Affidavit For School Board Candidacy and Membership" are multicopy forms that should be obtained from the county clerk.

Q: When is the filing deadline, and is there a fee?

A: The deadline is August 14, 2018 -- no later than 4 p.m. local time. A \$20 filing fee is due at the time the nominating petition is filed. KRS 118.365(5); KRS 118.255(2); KRS 64.012(25). **Election day is Tuesday, November 6, 2018.**

Q: What rules apply to the nominating petition?

A: The petition must contain at least two signatures of persons legally qualified to vote for the candidate. This requires signatures of qualified voters residing in the division of the county district seat up for election or within the territorial confines of an independent district where members are elected at large. In addition to signing, each petitioner must list his or her birth date, date of signature, and residential address for the signature to be counted. The candidate must fill out the information at the outset of the form and sign the petition where indicated. The petition must be filed with the county clerk.

Q: Are there other documents required to be filed with the county clerk?

A: Yes:

1. **"Statement of Spending Intent and Appointment of Campaign Treasurer" (KREF form 001).** A sample of this form with detailed instructions is available at the Secretary of State web link listed above, but the original multicopy form should be obtained from the county clerk. Candidates should follow the detailed instructions applicable to their individual circumstances on the appointment of the campaign treasurer, listing of campaign depository and statement of spending intent. In general, based upon 2017 amendments to KRS 121.180 (SB 75), a candidate who intends to raise or spend \$3,000 or less (including the candidate's own money) in his or her campaign is exempt from pre- and post-election election finance reporting. Candidates are urged to consult the Registry's website and to carefully review the Registry's "Candidate Guide to Campaign Finance – KREF 016" (Rev. 3/18), also available on the website, [Candidate Guide](#). Detailed reporting as described in the Candidate Guide and described in governing statutes is required for those candidates who intend to raise and/or spend more than \$3,000 in the



election. It is important to note that candidates who qualify for an exemption still are subject to general election finance laws, **some** of which will be described below.

2. **“Affidavit for School Board Candidacy and Membership” (form SBE/SOS/06 - 01/18)** This form should be obtained from the county clerk, signed, and notarized. A sample may be reviewed at the Secretary of State link listed above. The Affidavit is a sworn statement documenting that the candidate meets the eligibility requirements for service on a school board as set forth in KRS 160.180. Note that the latest version of this affidavit reflects 2017 amendments to KRS 160.180 that **deleted** “aunt,” “uncle,” “son-in-law” and “daughter-in-law” from the list of board member school-employee relatives that make a person ineligible for school board service.

3. **“[T]ranscript evidencing completion of the twelfth grade or results of a twelfth -grade equivalency examination ...”** This language was added to KRS 160.180 by SB 101 in the 2018 session of the General Assembly and applies to filing for school board candidacy on or after April 4, 2018. KSBA has issued guidance on this requirement, which has been posted with this FAQ information.

Q: Are there limits on the acceptable amount of contributions?

A: Yes. KRS 121.150 was amended in 2017 to increase the general contribution limit from any individual, committee or contributing organization from \$1,000 to \$2,000 in any one election. Under KRS 121.150(6), school board candidates or their committees cannot accept contributions more than \$2,000 per contributor in any one election. The same limits apply to contributions that individuals or committees make to a school board campaign. For detailed information on contribution limits, consult this link: [Registry Contribution Limits Info](#). Note that there is something of an exception, in that under KRS 121.150(22), a married couple may contribute via a single check that does not exceed the combined contribution limits of each individual if each spouse signs the check AND designates the amount of each contribution and the election to which each contribution applies in the memo line of the check.

Q: Is it permissible for school board candidate campaigns to accept contributions from corporations?

A: No. Kentucky law prohibits corporations, including personal service corporations (PSCs) from contributing to political campaigns. KRS 121.035. Kentucky Constitution, Section 150. Candidates should take care not to accept monetary or in-kind contributions from corporations. Under Kentucky’s campaign finance law, “corporation” means any corporation, company, partnership, joint stock company or association.

Q: Do the contribution limits apply to “independent expenditures”?

A: The definition of independent expenditure includes money or other things of value spent for communication that expressly advocates the election or defeat of a candidate and that is made without any coordination, consultation or cooperation with the candidate or persons acting on his or her behalf; and that is not made in concert with or at the request or suggestion of the candidate or persons acting on his or her behalf. KRS 121.015(12). While contribution limits do not apply to independent expenditures, there are reporting requirements and there can be no coordination with the candidate. This is a complex issue and questions should be directed to the Registry or personal counsel after consulting the Candidate’s Guide.



Q: What about campaign committees?

A: If a committee is formed to support a candidacy, it must register with and provide to the Registry the information required in KRS 121.170. It is the committee’s responsibility to initiate contact with the Registry.

Q: Where can I find the rules relating to campaign advertisements?

A: See KRS 121.190. If advertising is paid for by the candidate or the candidate’s campaign committee, it shall be identified only by the words “paid for by” followed by the name of the candidate or the candidate’s committee, whichever is applicable.

Q: Does this “FAQ” document cover all applicable election finance requirements?

A: No. This resource is intended to provide an overview of several of the most frequently asked questions and links to more in-depth information. In addition to the applicable statutes and the Registry guidance information described above, candidates should consult the “FAQ” resource issued by the Registry and available here [Registry FAQs](#).

Q: Do Kentucky school laws impose limitations on school board candidate activities as they relate to school district employees?

A: Yes. Under KRS 161.164 school board candidates are prohibited from soliciting or accepting any political assessment, subscription, contribution or service from an employee of the school district.

Q: Are there special considerations related to elections to school board seats in independent school districts?

A: Yes. Because candidates for these seats run at large confusion may occur when an election for an unexpired term is held during a regular November election. In such cases, the district needs to communicate with the county clerk to make sure that the candidates seeking election to the unexpired term are distinguished on the ballot from those candidates who are seeking election to a full term. In the same vein, candidates for seats on independent boards need to indicate to the clerk when they file their papers whether they are running for a full term, or, if an unexpired term is to be filled, whether they are seeking election to the unexpired term. A candidate seeking election to an unexpired term may note this on his or her nominating petition as well.

KSBA is posting the following election-related information along with this FAQ resource:

- Summary of Qualifications and Conflicts
- Information Sheet on Oaths of Office
- Constitutional Oath
- Certificate of Administering of Official Oath
- Witten Oath (KRS 160.170)

Prepared by KSBA Legal Services

