

KENTUCKY

Ethics Agencies

1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?

The Kentucky Executive Branch Ethics Commission enforces ethics rules for elected and appointed officials of the executive branch, as well as executive branch employees. [KY. REV. STAT. § 11A.060\(1\); 11A.010\(7\), \(9\)](#). It is an independent agency attached to the Kentucky Finance Cabinet for administrative purposes only. Email correspondence from Kathryn Gabhart, Executive Director of Executive Branch Ethics Commission (August 3, 2020). The commission may investigate based on complaints or its own initiative. [KY. REV. STAT. § 11A.080\(1\)](#). The commission may issue subpoenas. [KY. REV. STAT. § 11A.090](#). Unless the commission votes to go into executive session, its hearings are public. [KY. REV. STAT. § 11A.100\(2\)](#).

The Kentucky Legislative Ethics Commission is an independent body, responsible for enforcing ethics statutes pertaining to the Kentucky state legislature. [KY. REV. STAT. § 6.651\(2\); KY. REV. STAT. § 6.66\(1\)](#). No member of the General Assembly is eligible for appointment to the commission. [KY. REV. STAT. § 6.651\(2\)](#). The Commission investigates only after receiving a complaint, but may direct its enforcement counsel to file a complaint. [KY. REV. STAT. 6.686\(1\)\(a\)](#). It may hold hearings and issue subpoenas. [KY. REV. STAT. § 6.666\(3\), 6.691\(1\)](#). Unless the commission votes to go into executive session, its hearings are public. [KY. REV. STAT. § 6.691\(3\)](#).

2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?

The Executive Branch Ethics Commission may accept complaints signed under penalty of perjury, or may conduct investigations based on its own motion from information received from the public, news media, whistleblowers, anonymous sources, and referrals from state agencies. Such information does not have to be submitted by a sworn complaint [KY. REV. STAT. §§ 11.080\(1\)\(a\),\(2\)\(c\), 61.102\(1\)](#).

The Legislative Ethics Commission requires complaints to include the name and address of the complainant and be notarized. [KY. REV. STAT. § 6.686\(1\); 2 KY. ADMIN. REGS. 2:050\(2\)](#).

The Executive Branch Ethics Commission must provide a copy of a sworn complaint to the respondent, which will have the name of the complainant. [KY. REV. STAT. § 11.080\(1\)\(c\)](#). Otherwise, the identity of whistleblowers, witnesses, or private citizens who provide information that leads to an investigation by the Commission on its own motion, but not through a sworn complaint, are kept confidential. [KY. REV. STAT. §§ 11A.080\(1\)\(a\),\(2\), 61.102\(1-2\), 61.878\(1\)\(l\)](#).

The Legislative Ethics Commission must provide a copy of the complaint to the respondent, which will have the name of the complainant. [KY. REV. STAT. § 6.686\(1\)](#).

3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?

Personnel Actions – Each Commission can issue written reprimands and recommend that a violator be removed or suspended from office. [KY. REV. STAT. § 11A.100\(3\)](#); [KY. REV. STAT. § 6.691\(5\)](#).

Injunctions – Each Commission can issue a cease and desist order or an order requiring the violator to file any report, statement, or other information required. [KY. REV. STAT. § 11A.100\(3\)\(b\)](#); [KY. REV. STAT. § 6.691\(5\)\(a-b\)](#)

Fines – The Executive Branch Ethics Commission can issue fines up to \$5,000. [KY. REV. STAT. § 11A.100\(3\)\(e\)](#). The Legislative Branch Ethics Commission can issue fines up to \$2,000. [KY. REV. STAT. § 6.691\(5\)\(e\)](#).

4. Are the members of the ethics agency protected from removal without cause?

Yes, members of the Kentucky Executive Branch Ethics Commission can only be removed by the governor, and only for cause. [KY. REV. STAT. § 11A.060\(7\)](#). This includes substantial neglect of duties and inability to discharge the powers and duties of office. [Id.](#)

Members of the Kentucky Legislative Ethics Commission can only be removed by the Legislative Research Commission, and only for cause. [KY. REV. STAT. § 6.651\(8\)](#).

Gifts

5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists' principals, government contractors) in an aggregate of \$250 or more?

A legislator may not accept or solicit “anything of value” from a lobbyist or a lobbyist’s employer. [KY. REV. STAT. § 6.751\(2\)](#). In general, elected and appointed officials in the executive branch (including career civil servants) may not accept gifts totaling more than \$25 from “any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses.” [KY. REV. STAT. § 11A.045\(1\)](#); [KY. REV. STAT. § 11A.010\(7\)](#).

6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?

There is no statute governing gifts from those other than high-risk sources.

7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?

Legislators must report all sources of gifts valued at more than \$200, except for those from family members. [KY. REV. STAT. § 6.787\(2\)\(i\)](#). Statewide elected officials, candidates for statewide office, and leading gubernatorial appointees must also report all sources of gifts valued at more than \$200. [KY. REV. STAT. §§ 11A.050\(3\)\(k\), 11A.010\(7\)](#).

Campaigns

8. Does the state require reporting of contributors to independent spenders?

All committees that take in contributions and make expenditures of more than \$3,000, including independent expenditures, must file reports that list the name, address, occupation and employer, of every contributor of over \$100 and their spouse, as well as the date and amount of the contributions. [KY. REV. STAT. § 121.180\(3\)\(a\)\(2\)–\(3\)](#). There are no requirements concerning the disclosure of donors to 501(c) organizations or the beneficial owners of LLCs that contribute to independent spenders.

9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

All print, television, and radio advertisements that “expressly advocate the election or defeat of a clearly identified candidate or group of candidates for nomination or election to any public office” must include the disclosure, “paid for by” followed by the name and address of the individual or committee which paid for the advertisement. [KY. REV. STAT. §121.190\(1\)](#); [32 KY. ADMIN. REGS. § 2:110](#). There is no reference to internet-based media.

Legislators

10. Do legislators have to disclose client names as part of their financial disclosure reports?

Legislators are required to disclose the names of any client who is a lobbyist or an employer of a lobbyist. [KY. REV. STAT. § 6.787\(2\)](#). It is not required to disclose the name of clients or customers of business entities listed as sources of income. [KY. REV. STAT. § 6.787\(3\)](#).

Appendix: Sources of Law & Guidance

Statutes

Kentucky Code of Legislative Ethics ([KY. REV. STAT. §§ 6.05 et seq.](#))

Executive Branch Code of Ethics ([KY. REV. STAT. §§ 11A.010 et seq.](#))

Campaign Finance Regulation ([KY. REV. STAT. §§ 121.005 et seq.](#))

Regulations

Executive Branch Ethics Commission Regulations ([KY. ADMIN. REGS. TITLE 9 \(July 2020\)](#))

Guidance

[*Independent Expenditures*, Kentucky Registry of Election Finance \(2005\)](#)

[*Guide to the Executive Branch Code of Ethics*, Commonwealth of Kentucky Executive Branch Ethics Commission \(2019\)](#)

[*Accepting Gifts*, Kentucky Legislative Ethics Commission \(KY. REV. STAT. § 6.611\(2\)\(b\); KY. REV. STAT. § 6.821\(2\)\)](#)

[*Candidate Guide to Campaign Finance*, Kentucky Registry of Election Finance \(2018\).](#)