

PRACTICAL GUIDANCE

What Nonprofits Need to
Know About Lobbying in

KENTUCKY

New in This Update:

This Practical Guidance resource updates the May 24, 2022 version. Updates include:

- A new FAQ about lobbying as a fiscally sponsored project
- Revised guidance about technical experts in meetings
- Updated links to State resources

Inside This Guide:

This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in Kentucky might apply to your state or local work. It includes:

- Summary of registration and reporting triggers
- Key takeaways for nonprofit organizations
- FAQs
- Case study for a hypothetical small student voting rights organization
- List of helpful additional resources

What Lobbying Activities Trigger Registration Requirements in Kentucky?

DIRECT LOBBYING OF:	CAN THIS TRIGGER?	TRIGGER
State Legislators	Yes	Being compensated (any amount) to lobby for or against legislative decisions through direct communication with a state legislator, the Governor, or certain other high level state officials or their staff.
State Executive Branch Officials	Yes	Being compensated (any amount) to lobby for or against an executive agency decision on a substantial issue as one of the job's main purposes (generally interpreted as at least two contacts with the same decision making executive branch public official in a calendar year about matters involving state funds over \$5,000).
Local Legislators or Local Executive Branch Officials	Maybe	The Kentucky state lobbying statute does not regulate lobbying at the local level, but Louisville has recently enacted its own lobbyist registration ordinance, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.

Grassroots lobbying: Grassroots lobbying (calling on members of the public, or other organizations, to take action on their own to contact public officials) is not regulated at the state level in Kentucky. However, if your activities require registration of a legislative lobbyist then you may be required to report the costs of certain grassroots advertising that appears during a legislative session supporting or opposing legislation.

KEY LOBBYING TAKEAWAYS FOR NONPROFIT ADVOCACY ORGANIZATIONS IN KENTUCKY:

- **Legislative and executive agency lobbying are separately regulated:** Kentucky separately regulates legislative and executive branch lobbying under two different systems with different registration and reporting requirements. Note that in some cases, activities on a single topic might require both kinds of lobbyist registration and reporting, depending on the decision you are lobbying, and the officials you approach. This guide provides practical guidance for both systems.
- **Legislative lobbying reporting is frequent during the legislative session and requires reporting of direct internal lobbying expenses:** If your organization's activities trigger legislative lobbying registration, periodic reports are due once a month during the legislative session and the organizational reports require disclosure of your direct internal lobbying related expenses. You will need strong operational systems in place to ensure you are timely tracking both your internal expenses and your staff time spent on lobbying, since the deadlines for reporting are short.

This resource is current as of December 2023. We do our best to periodically update our resources and welcome any comments or questions regarding new developments in the law. Please e-mail us at advocacy@afi.org or at info@democracycapacity.org with any comments.

This resource is meant to convey the basic principles of sections of state law that are most relevant for nonprofit advocacy and does not cover all aspects or all details of the state statutes. Please refer to the full text of the law for more details. This resource also does not cover details of federal lobbying disclosure law, IRS regulations related to lobbying, or any separate county or municipal regulations that may apply to lobbying-related activities. In some states there is an ongoing movement towards the enactment of additional local county and municipal level lobbying regulations, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.

Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – What Nonprofits Need to Know About Lobbying resource is designed to help your nonprofit organization determine if state or local regulations might apply to your existing or proposed advocacy work. The answer is surprisingly often – **YES!** – but there are also often many advocacy activities that do not require state lobbyist registration or reporting.

This Guide will help you identify which of your state or local activities might trigger registration and reporting, and also give you potential alternative program design ideas that would allow your program to be in compliance with the regulations but not require registration and reporting.

If you do need to register and report with the state, this Guide will also give you practical tips about what information needs to be included in your reports, and how to try to minimize your operational burden while remaining in compliance with the rules.

While this Guide does provide some information about the federal IRS rules that apply to nonprofit lobbying, it is designed to cover state and local regulations. Links to resources containing more information about federal IRS rules can be found in the federal lobbying FAQ below.

We also hope that this Guide will prove useful to legal counsel and other advocacy advisors who are working to assist nonprofit advocacy organizations, as well as the funders who generously support this work. Advisors and funders are invited to use the free Bolder Advocacy Technical Assistance Hotline and the written legal resources available in Bolder Advocacy’s resource library at <https://bolderadvocacy.org/>

Q: What activities count as lobbying?

Kentucky separately regulates legislative and executive branch lobbying under two different statutes, administered by two separate agencies. The Kentucky Legislative Ethics Commission (“KLEC”) administers legislative lobbying, and the Kentucky Executive Branch Ethics Commission (the “Commission”) administers executive agency lobbying.

When you are deciding if you might need to register, you will need to examine both the kind of decisions you will be attempting to influence, and the public officials you plan to contact to attempt to influence their decisions. **In some cases, advocacy activities on a single topic might require both legislative and executive agency lobbyist registration.**

- **Legislative lobbying** means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any **legislation** by direct communication with:
 - Any member of the General Assembly (House or Senate)
 - The Governor
 - The secretary of the following cabinets: Justice and Public Safety; Education and Workforce Development; Public Protection; Transportation; Economic Development; Health and Family Services; Finance and Administration; Tourism, Arts and Heritage; Personnel; Energy and Environment; and Labor
 - Any member of the staff of any of the above officials
- **Legislation** means any bill, resolution, amendment, nomination, administrative regulation, or any other matter pending before the General Assembly or any of its committees, or the executive approval or veto of any bill acted upon by the General Assembly.
- **Executive agency lobbying** means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation or otherwise

influence the outcome of any executive agency decision by direct communication with:

- Any of the seven elected state executive officials: Governor; Lieutenant Governor; Secretary of State, Auditor of Public Accounts; State Treasurer; Attorney General; and Commissioner of Agriculture
- The Secretary of the following cabinets: Justice and Public Safety; Education and Workforce Development; Public Protection; Transportation; Economic Development; Health and Family Services; Finance and Administration; Tourism, Arts and Heritage; Personnel; Energy and Environment; and Labor
- Any officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency (which includes the offices of elected executive officials, cabinets listed above, and departments, boards, commissions controlled by elected executive officials)
- Any member of the staff of any of the above officials
- **Executive agency decision** means a decision of an executive agency regarding:
 - The expenditure of funds of the state or of an executive agency
 - Drafting, adopting, or implementing a budget provision
 - Administrative regulations or rule
 - Executive orders
 - Legislation or amendments thereto

Q: What triggers lobbyist registration and reporting with the state?

Legislative lobbying trigger: The requirement to register as a legislative lobbyist (called a “Legislative Agent” by the State) is triggered by being paid to do legislative lobbying (even a small amount) for your organization.

Executive agency lobbying trigger: The requirement to register as an executive agency lobbyist (also called an “EAL” by the State) is triggered by an individual being paid to do executive branch lobbying regarding a substantial issue as one of the job’s main purposes. The Commission interprets this to mean making direct contact with one of the listed public agency officials at least twice in a calendar year, about an executive agency decision involving state funds of more than \$5,000.

Note that if the lobbying activities that you are planning to pursue can be structured to lobby only one branch (either legislative or executive agency), then you should only register for that branch to avoid unnecessary costs and reporting obligations.

Q: How does the trigger threshold work if we are a fiscally sponsored project?

You will need to be sure you are communicating transparently and in a timely fashion with your fiscal sponsor if you plan to undertake activities that might potentially count as lobbying activities!

Each fiscal sponsor will have its own ways of working with projects who wish to take on lobbying activities.

In general, for fiscally sponsored projects that do not have their own legal entity and the fiscal sponsor engages all of the project’s independent contractors or employees, the lobbyist registration trigger must be analyzed together with all of the projects housed at the fiscal sponsor who are doing lobbying activities in the state.

Your account manager at your fiscal sponsor will be able to help you understand how they track the registration threshold.

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IMPORTANT NOTE: In states where registration is required prior to lobbying, or very shortly after the registration threshold is reached, or periodic lobbyist disclosure is due shortly after the end of a reporting period, special procedures may need to be worked out in order to process your project's registration or reporting on time. You should connect with your account manager as soon as you begin planning any potential lobbying strategy!

Q: Are there exceptions to what counts as lobbying?

Yes!

Certain types of lobbying activities do not require state-level lobbyist registration or reporting. The exceptions most relevant to nonprofit organizations are outlined below.

Legislative lobbying exceptions

- Unpaid lobbyists
- Appearing at public legislative meetings or hearings
- Private citizens who receive no compensation for lobbying and express personal opinions

IMPORTANT NOTE: While some groups in Kentucky use an informal practice of bringing additional staff members to meetings with legislators as technical or knowledge experts without those additional staff members registering as lobbyists, the State has put out an advisory opinion that it believes such additional attendees must also be separately registered. See advisory opinion OLEC 93-48 available here:

<https://klec.ky.gov/Advisory-Opinions/Pages/Summary-of-Opinions.aspx>

Executive agency exceptions

- Unpaid lobbyists
- Appearances before public meetings of executive agencies
- Contacts made for the sole purpose of gathering information contained in a public record
- Submitting public comments to an executive agency during a public comment period
- Persons with direct interest in executive agency decisions who are exercising their constitutional right to assemble with others for their common good and petition state executive branch agencies for redress of grievances or other proper purposes
- Anyone who is doing executive branch lobbying but has not met the trigger threshold for registration

Q: How does this work together with federal IRS lobbying regulations?

All tax-exempt organizations must follow both federal tax law (regulated by the IRS) **and** any state and local lobbying laws that apply to their work.

The IRS rules regulate how much lobbying a nonprofit organization can do, while state and local regulations are transparency rules designed to help the public understand what funds are being spent to influence decision making and by whom. As a result, federal tax law rules related to lobbying and state lobbying regulations are quite different, and state lobbying regulations also vary greatly state to state.

In general, the IRS requires 501(c)(3) organizations to report on their annual Form 990 legislative lobbying at the federal, state, and local levels, but does not count as lobbying advocacy activities relating to executive branch or administrative officials at any level. There is no additional requirement for organizations or individuals to "register" with the IRS to report lobbying activities.

Nonprofits that are public charities under IRS exemption 501(c)(3), including grantmaking public charities like community foundations, can lobby within the generous limits allowed by federal tax law. The amount of lobbying is determined by

either using the insubstantial part test or the 501(h) expenditure test.

See <https://bolderadvocacy.org/resource/public-charities-can-lobby-guidelines-for-501c3-public-charities-2/>

Organizations that are tax-exempt under 501(c)(4) (social welfare organizations), 501(c)(5) (labor organizations), and 501(c)(6) (trade associations) can do unlimited lobbying. See <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>

Your organization will need to ensure that you are keeping track of your lobbying staff time and your expenses in a way that works for both your IRS reporting, and for any required state or local reporting, since the information required in each regime will be different.

Note that there is also a federal law called the Lobbying Disclosure Act that requires some organizations to register and report their federal level lobbying activities.

Organizations that have only occasional contacts at the federal level (having occasional meetings with members or staff or sending occasional letters to Congress) will not need to register under the LDA. The thresholds are designed to require only those organizations with substantial lobbying activities and expenses to file. For more information see https://bolderadvocacy.org/wp-content/uploads/2018/06/Understanding_the_Lobbying_Disclosure_Act.pdf

Q: Does supporting or opposing a ballot measure count as lobbying?

Kentucky does not have a process for citizen-led ballot measures, but there is a process for legislatively referred state statues and constitutional amendments. These measures must be placed on the ballot by legislative action. If your organization is working to support or oppose such legislative action by direct communication with legislators, then you may need to register staff as legislative lobbyists.

Once the measure is on the ballot, then Kentucky regulates support or opposition of the measure under its campaign finance statute (note the IRS continues to consider the activities lobbying at this stage).

Nonprofit organizations considering working on ballot measures in Kentucky should seek advice on how to comply with any applicable state or local campaign finance reporting requirements.

Q: If we are required to register, how does the process work?

Legislative lobbyist registration

An individual employee lobbyist (Legislative Agent) is required to register within seven days of triggering registration and your organization (Employer) then also authorizes their registration together on a simple one-page registration form <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>. The form can be returned by fax or regular mail as per the instructions on the form, or via e-mail directly to KLEC administrative staff.

Note that the form asks you to disclose any “Real Party in Interest,” if different from the employer. A legislative branch Real Party in Interest is any entity other than the lobbyist employer on whose behalf the lobbyist acts. For example, KLEC staff have indicated that individual members of a lobbying coalition are Real Parties in Interest, while the coalition itself is the lobbyist employer. Real Parties in Interest are not required to separately register but must be disclosed on the registration.

Your organization (the Employer) pays the \$250 registration fee at the time of the initial registration. This fee then covers as many individual employee lobbyists (Legislative Agents) as you wish to register, through December 31st of the next odd-numbered year.

For more details about initial registration see: <https://klec.ky.gov/Code-of-Ethics/Employers-and-Legislative-Agents/Pages/Registration-Process.aspx>

KLEC recommends that each of your individual employee lobbyists complete an ethics training offered by KLEC. The training can be done either by attending the annual in-person training or requesting a separate in-person or Zoom training. Your employee lobbyists will receive more information about these trainings once they have registered. You can also view a past training produced by KLEC at:

<https://www.youtube.com/watch?v=nrqWW7sJDK4>

Executive agency lobbyist registration

Each individual employee lobbyist (“EAL”) must file an initial registration statement to register as an individual lobbyist, and your organization will be listed as the “Employer.” The fillable electronic Word version of the form and detailed instructions on how to fill it out are available at <https://ethics.ky.gov/lobbying/Pages/Registration.aspx>

Note that currently the form cannot be submitted online, and instead must be printed, signed by both the individual employee lobbyist and a representative of your organization, and then delivered back to the Commission in person, by fax, mail or e-mail at ethicsfiler@ky.gov. The form also asks questions about the “Real Party in Interest,” which only applies if you are engaging a lobbyist through a lobbying firm (in which case your organization is the Real Party in Interest, and the lobbyist firm is the Employer).

The form requires you to give a brief description of the executive agency decision or decisions that you are planning to lobby and to disclose which officials you are going to be contacting to lobby.

There is no registration fee due with the initial registration statement, instead all Employers of executive agency lobbyists must pay a \$500 lobbyist registration fee once a year, due on July 31st for the prior year period.

Note that executive agency lobbyist registrations do not automatically terminate, so if you will no longer be doing any executive agency lobbying you will need to affirmatively terminate your registrations, or you will automatically continue to be responsible for periodic reporting and the annual registration fee.

Q: When are periodic lobbying reports due?

Legislative lobbying reporting

KLEC requires six annual period reports (called “Updated Registration Statements”):

Reporting Period:	Due by:
Month of January	February 15th
Month of February	March 15th
Month of March	April 15th
Month of April	May 15th
May 1st - August 31st	September 15th
September 1st – December 31st	January 15th

Periodic reports can be filed online at <https://apps.klec.ky.gov/lec/onlinefiling.aspx>

Both your organization and your individual lobbyists must file separate reports. The reports must be filed for each reporting period, even if no lobbying has taken place, unless and until the individual lobbyist’s registration is terminated. KLEC will send reminders before each reporting date, but your organization will still need good and timely operational expense reporting and staff time tracking systems in place to ensure all reports get filed on time. The time between the end of the reporting period and the deadline is short, and your internal organizational expenses related to lobbying activities, including prorated lobbyist staff time allocated to lobbying activities during the period, need to be calculated for each report.

Late filings can result in a fine of \$100 per day, up to a maximum of \$1,000 per report.

Executive agency lobbying reporting

For executive agency lobbying, both your organization and each of your registered individual lobbyists (EALs) will need to file an annual report called the “Updated Registration Statement” covering activities between July 1st and the following June 30th. The reports are due July 31st.

Late filings can result in a fine of \$100 per day, up to a maximum of \$1,000 per report.

Q: What information do the periodic lobbying reports include?

Legislative lobbying reporting

KLEC calls the periodic legislative lobbying reports “Updated Registration Statements.” Your organization (the Employer) and your individual employee lobbyists (your Legislative Agents) will each need to file separate reports for each period.

There are three sections to each report – an updated list of issues lobbied, a report of financial (business) transactions with legislators and certain staff (if any), and a statement of expenditures, which includes expenditures made on public officials at receptions, meals or events, as well as aggregate amounts of internal organizational expenses directly associated with lobbying during the period.

The report filed by your organization also includes an expense category for staff compensation, as well as an additional expense category for expenditures for advertising that appears during a session and the General Assembly and supports or opposes legislation.

Your individual employee lobbyists (Legislative Agents) should generally not need to report any expenditures on their report, since only expenditures that are not reimbursed or paid for by your organization are reportable on the individual’s form.

In periods where no lobbying expenditures were made other than lobbyist compensation, both the individual employee lobbyist (Legislative Agent) and your organization (Employer) can use a “Short Form” of the Updated Registration Statement that requests only contact information and an update on legislative decisions lobbied.

You can preview the information that will need to be disclosed by accessing the pdf versions of the forms here: <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

Executive agency lobbying reporting

The Commission calls the annual executive agency lobbying reports “Updated Registration Statements.” If you are doing executive agency lobbying work that requires registration, then both your organization (Employer) and each of your individual employee lobbyists (EALs) will need to file separate reports for the year.

The Updated Registration Statement forms have four different sections – an updated list of executive agency decisions and public officials lobbied, any expenditures made on executive agency officials (for example, paying for their travel or buying them dinner), any financial transactions involving executive agency officials (i.e., a business deal done with a public official), and disclosure about the lobbyist’s prorated portion of their compensation paid for lobbying activities.

Unlike the legislative lobbying reporting, none of your organization’s internal lobbying expenses are reportable on the annual executive agency lobbying Updated Registration Statement reports, other than the prorated compensation that you pay to your lobbyist to do the lobbying work.

Q: What is considered a reportable “expenditure”?

Legislative lobbying expenditures

Generally, for nonprofit advocacy organizations using employee lobbyists, all of your organization’s reportable lobbying expenditures will be reported on your organization’s

periodic reports, and your individual employee lobbyists can use the simple short form and declare no lobbying expenditures.

You only need to start reporting your lobbying expenses from the time you first make a direct lobbying communication. That means you don't need to report any lobbying expenses you had while deciding to lobby. Thereafter, you will be required to report all time and expenses relating to preparing, researching, planning, and implementing your lobbying activities.

There are four categories of lobbying expenditures to be reported on your organization's (the Employer's) Updated Registration Statement – Statement of Expenditures section.

- **Advertising** – This category includes the costs of “advertising” that appears during a session of the General Assembly and supports or opposes legislation. Advertising includes statements disseminated to the public either in print, by radio, or television broadcast, or by another electronic means, including internet or telephonic communications, and direct or bulk mailing of printed materials. In other words, in cases where you have already triggered lobbyist registration in Kentucky, you will need to report grassroots advertising expenses relating to your direct legislative lobbying activities.
- **Costs of events with legislative officials:** This category includes the costs of receptions, meals, or events where you invited all members of the legislature, committee or caucus, or certain other kinds of approved events with legislative officials that are allowable under state ethics guidelines. You should seek additional guidance if you are contemplating hosting such an event, to ensure you are not in violation of any gift ban or other ethical rules regarding spending on legislative officials.
- **Organizational lobbying expenses (other than lobbyist staff compensation):** This category includes your aggregate internal costs that are directly associated with your legislative lobbying in the following categories (food, beverages, lodging and transportation of your staff to lobby, office expenses directly connected to lobbying, consulting fees, educational and promotional items, direct citizen contact with legislators (such as phone bank patch through expenses) and miscellaneous direct lobbying expenses. You do not need to prorate expenditures like your main office rent, but you would need to report expenses for renting an office at the capital specifically for lobbying.
- **Lobbyist staff compensation:** This category includes your lobbyist staff compensation costs, prorated to include only the time spent planning, developing, coordinating, or implementing the legislative lobbying agenda, from the time the staff member started to lobby.

These reports can be filed on the KLEC online reporting system:

<https://apps.klec.ky.gov/lec/onlinefiling.aspx>

We note again that during the legislative session the report of legislative lobbying expenditures is due only 15 days after the end of the reporting period, and you will need to have robust operational systems in place, including expense and lobbyist staff time tracking, to be able to effectively track and report your lobbying expenses in this time frame.

State law requires that you maintain receipts or records for your lobbying expenditures reported through at least the end of the second calendar year after the expenditure is made. Note that other nonprofit compliance requirements such as IRS reporting may require that you keep the same records for longer.

Executive agency lobbying expenditures

As discussed above, unlike for legislative lobbying, the only expenditures reportable for executive agency lobbying (other than prorated lobbyist compensation) are expenditures made for the benefit of executive branch public officials. Many nonprofits

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will err on the side of caution and choose to have no such expenses made for the benefit of public officials.

Gift ban: It is important to note that regulations relating to lobbying expenditures almost always intersect in complicated ways with other state and local ethics and “gift ban” laws. Those state and local rules often apply even if your organization has not triggered lobbyist registration, and may apply to a broader range of officials. You should be certain that you understand the intricacies of both sets of rules before giving any gifts to, or paying expenses for, any public officials at the state or local level.

Kentucky law specifically prohibits a legislative lobbyist or employer expending anything directly on a legislator or the legislator’s immediate family unless it is an expenditure offered to all legislators of both parties. This is informally known as the “no cup of coffee” rule.

Members of the executive branch, including boards and commissions and their family members may potentially be able to accept some gifts up to \$25 total in a calendar year from lobbyists or organizations seeking grants, but it is best practice not to give executive branch officials any gifts, even small ones.

Most legislators and executive branch employees simply refuse even a bottle of water or a cup of coffee from anyone at any time. If you lunch with a legislator or an executive branch official, make sure to request separate checks.

Instead of swag, you can give a legislator or an executive branch official informational materials about your organization.

Q: Do our organization’s donors need to be disclosed on any lobbying reports?

Generally, nonprofit organizations are not required to disclose their sources of funding. However, associations, coalitions, and public interest entities formed **for the purpose of promoting or otherwise influencing legislation in the state** must disclose sources of funds and financial resources (e.g., membership dues, contributions, grants, interest) on legislative lobby reports.

Q: How are our lobbyists required to identify themselves while lobbying?

Although there are no Kentucky statutes that require a lobbyist to wear a badge while lobbying, it is good manners to state who you are working for when lobbying.

Q: Are there any other restrictions on lobbyists that we should be aware of?

No contingency fees: Lobbyists cannot be paid on a contingency basis.

Personal campaign activity: Legislative lobbyists cannot contribute to, solicit funds for, or bundle contributions to a legislator, legislative candidate, or caucus campaign committee, even in their own personal capacity. Legislative lobbyists are also prohibited from serving as treasurers for a legislator or legislative candidate, or from directing or serving as an officer of a 527 political organization supporting or opposing the election or re-election of an individual to the General Assembly.

Floor restrictions: Lobbyists are not permitted to go upon the floor of either house of the General Assembly without an invitation.





Complaints process: The regulations governing both legislative and executive branch lobbying contain provisions that dictate how KLEC or the Commission must respond to complaints of an ethics or lobbying rules violation, or any potential misconduct that they themselves discover. Extensive administrative hearings must be run quite formally, much like a trial, with procedures such as a complaint, investigation, interviews, and a formal hearing. You should immediately seek additional legal assistance if you have been given notice of a complaint against your organization or one of your lobbyists, or you are concerned you may have inadvertently violated any ethics or lobbyist rules.

Case Study STUDENTS VOTE NOW

Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about Bill 101 currently pending in the Kentucky House of Representatives

STUDENTS VOTE NOW IS CONSIDERING:

- Reaching out to its student constituents, via direct physical mailings, e-mails, and volunteer phone banking, in order to get the students to call their Kentucky house representative about the bill.
- Doing an in-person Lobby Day at the state capital about Bill 101 to meet with legislators, or alternatively arranging a virtual Zoom lobby event. The Lobby Day activity might potentially include renting a bus, buying T-shirts for the volunteer participants, and handing out some small swag type items from the organization to the legislators, or if done by Zoom, the purchase of an upgraded Zoom account.
- Testifying before a committee of the Kentucky House of Representatives regarding the student perspective on Bill 101.
- Having an employee engage with the Mayor of Louisville about a similar, but separate, local ordinance being considered.

ACTIVITY	LOBBYIST REGISTRATION/REPORTING REQUIREMENTS
 <p>Student Engagement</p>	<p>The student engagement activities as described are legislative grassroots lobbying that are not regulated as lobbying in Kentucky and will not trigger legislative lobbying registration or reporting. Note however, that if Students Votes Now runs the Lobby Day event in a way that triggers registration, the expenses of these student engagement activities will then be reportable.</p>
 <p>Lobby Day</p>	<p>The Lobby Day activities are direct communications with legislators, whether done in person or via Zoom, and assuming Students Vote Now uses its paid staff members to communicate with the legislators, then this activity will require legislative lobbying registration and reporting.</p> <p>Volunteer students will not need to register.</p> <p>If registration is triggered, all direct costs of the Lobby Day, from the time Students Vote Now communicates to the legislators the purpose of the meetings they are arranging, will be reportable.</p> <p>It is easier for Students Vote Now to give legislators information about their organization than to deal with potential gift ban issues related to swag.</p>
 <p>Committee Testimony</p>	<p>Appearing before a public hearing of a committee of the General Assembly is not considered regulated lobbying in Kentucky.</p>
 <p>Mayor</p>	<p>The Kentucky executive agency lobbyist regulations do not apply to lobbying executive branch officials at the local level, but Louisville has recently enacted its own separate lobbyist registration ordinance that will likely trigger local registration.¹</p>
<p>Bottom Line</p>	<p>The Lobby Day activities will likely require state-level legislative lobbyist registration and the Louisville Mayoral activities will likely require local level registration.</p> <p>State-level legislative lobbyist registration requires frequent reporting, and the organization will need to make sure it can track in a timely manner the information required to be disclosed on the reports.</p> <p>To ease its compliance burden, Students Vote now should refrain from giving any swag gifts to the legislators or the Mayor and should give out information about the organization instead.</p>

¹ <https://louisvilleky.gov/government/ethics-commission/lobbying>

ADDITIONAL RESOURCES

BOLDER ADVOCACY'S TECHNICAL HOTLINE:

Bolder Advocacy's free Technical Assistance Hotline team is always happy to help nonprofits and advocacy attorneys with more specific questions. You can contact Bolder Advocacy's team of experts by e-mailing advocacy@afj.org, or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

KENTUCKY STATE RESOURCES:

Two different state agencies administer state lobbyist registration and reporting. The Kentucky Legislative Ethics Commission (KLEC) administers legislative lobbying, and the Kentucky Executive Branch Ethics Commission (the Commission) administers executive agency lobbying.

LEGISLATIVE LOBBYING

- **Kentucky Legislative Ethics Commission (KLEC)**

KLEC is the agency responsible for administering the legislative lobbyist registration and reporting system in Kentucky. Their website is located at: <https://klec.ky.gov/>

- **Full Text of Kentucky Legislative Lobbying Statute**

The full text of the Kentucky legislative lobbying statute can be found at: <https://law.justia.com/codes/kentucky/2019/chapter-6/> (scroll to "legislative lobbying" Section starting at 6.801, which also refers to various definitions in Section 6.611).

In addition, KLEC's condensed FAQ-style interpretation of the statute, with links to relevant sections of the statute and advisory opinions is available on their website at:

<https://klec.ky.gov/Code-of-Ethics/Employers-and-Legislative-Agents/Pages/default.aspx>

- **KLEC 2022 Guidebook**

The KLEC 2022 Guidebook contains helpful information related to legislative lobbying in Kentucky and can be found at: <https://klec.ky.gov/Code-of-Ethics/Documents/Guidebook2022.pdf>. You can check for updated versions of the Guide on KLEC's home page here:

<https://klec.ky.gov/Pages/default.aspx>

Note that KLEC also administers the ethics regulations applicable to the members of the Kentucky General Assembly, so portions of the Guidebook are not relevant to nonprofit organizations considering lobbying activities.

- **Registration and Reporting Forms**

PDF versions of the legislative lobbying initial registration (Initial Registration Statement) and periodic reporting forms (Updated Registration Statements) for both your organization and your lobbyists can be accessed at: <https://klec.ky.gov/Forms/Pages/default.aspx>

- **Legislative Lobbying Training Webinar**

An online lobbyist training webinar produced by KLEC can be viewed at:

<https://www.youtube.com/watch?v=nrqWW7sJDK4>

- **Additional Questions**

KLEC invites individual consultations, and questions about legislative lobbyist registration and reporting can be directed to a legislative lobbyist specialist at: 502-573-2863, or via online question form at: <https://klec.ky.gov/About-KLEC/Pages/Contact.aspx>

ADDITIONAL RESOURCES

EXECUTIVE AGENCY LOBBYING

- **Kentucky Executive Branch Ethics Commission**

The Kentucky Executive Branch Ethics Commission (the Commission) is the agency tasked with administering the executive agency lobbyist registration and reporting system in Kentucky. Their website is located at: <https://ethics.ky.gov/lobbying/Pages/default.aspx>

There is a good introductory FAQ page at: <https://ethics.ky.gov/lobbying/Pages/lobbyingguide.aspx>

- **Full Text of Executive Agency Lobbying Statute**

The full text of the Kentucky executive agency lobbying statute can be found starting on page 19 of the 2021 Commission's Executive Agency Lobbying Handbook which is linked from the Lobby Guide page here: <https://ethics.ky.gov/lobbying/Pages/lobbyingguide.aspx> or directly here: <https://ethics.ky.gov/SiteCollectionDocuments/lobbying/Executive%20Agency%20Lobbying%20Handbook%20July%202021.pdf>

- **Executive Agency Lobbying Handbook**

The 2021 Executive Agency Lobbying Handbook contains helpful information related to executive agency lobbying in Kentucky, including the full text of the lobbying statute, and a set of the lobbyist registration and reporting forms and instructions. It can be found on the Lobby Guide page here: <https://ethics.ky.gov/lobbying/Pages/lobbyingguide.aspx> or directly here: <https://ethics.ky.gov/SiteCollectionDocuments/lobbying/Executive%20Agency%20Lobbying%20Handbook%20July%202021.pdf>

- **Registration and Reporting Forms**

PDF versions of the executive agency lobbying initial registration (Initial Registration Statement) can be accessed at: <https://ethics.ky.gov/lobbying/Pages/Registration.aspx> and periodic reporting forms (Updated Registration Statements) for both your organization and your lobbyists can be accessed at: <https://ethics.ky.gov/lobbying/Pages/RequirementsAfterRegistration.aspx>

- **Lobbyist Training Webinars**

Two online training webinars produced by the Commission can be accessed at the bottom of the Ethics Branch Lobbying Guide page: <https://ethics.ky.gov/lobbying/Pages/lobbyingguide.aspx>

- **Additional Questions**

Additional questions about executive agency lobbyist registration and reporting can be directed to the Commission at: 502-564-7954 or by email to ethicsfiler@ky.gov

BOLDER ADVOCACY'S FEDERAL LAW RESOURCES:

While state and local laws regulate which lobbying activities require registration and reporting, the IRS also regulates how much lobbying a 501(c)(3) tax-exempt organization is allowed to do, including at the state and local levels. The way the IRS counts lobbying will almost always be different than how state and local laws count it, and organizations are urged to review Bolder Advocacy's federal law resources to ensure all IRS compliance obligations are being met. See: <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>



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