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Todd V. McMurtry
Attorney at Law
The McMurtry Law Firm, PLLC
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VIA FEDERAL EXPRESS

[redacted]

[redacted]

Re: Notice of Apparent Non-Compliance with Kentucky Campaign Finance and Election Advertising Disclosure Laws — "South Kenton County Citizens Group" / "Preserve Rural Kenton / Boone Counties" Materials

Dear [redacted]

I represent the Kenton County Republican Party ("KCRP"). We write regarding a series of election-related communications that have circulated in connection with the 2026 Kentucky primary election in Kenton County. It appears that you are a leader or organizer of this effort. You have apparently distributed or coordinated by, or on behalf of, an informal group variously identified as the "South Kenton County Citizens Group" and/or the Facebook group "Preserve Rural Kenton / Boone Counties." Based on publicly available materials, including a printed flyer opposing the Kenton County Fiscal Court's Site Readiness Initiative ("SRI"), Facebook posts rating primary candidates as "Oppose SRI," "Listen to Residents," or "More Supportive of Planning" and instructing readers to "vote accordingly," and a printed "Kenton County 2026 Primary Election Voter Guide" that identifies and endorses a specific slate of candidates by name, it appears that this group has engaged in activity that Kentucky law treats as regulated political committee activity — activity that carries specific registration, financial disclosure, and advertising disclaimer obligations.

We understand, based on [redacted] own public statement (posted to Facebook and since shared further), that the group "bought and displayed countless anti-SRI signs,

405 Garrard Steet, Suite 204 • Covington, KY 41011 • (859) 999-1074 • todd@mcmurtry-law.com

wrote many social media posts, got several anti-SRI articles published in local news media and helped to vet the candidates to learn who was the most clearly against the SRI," and that the group actively promoted a specific slate of candidates in the May 19, 2026 primary, all of whom were successful. This account confirms both the raising/expenditure of money or things of value and the publication of materials expressly advocating the election or defeat of clearly identified candidates.

Kentucky's Requirements for Political Committees

Kentucky law imposes several obligations on any group of this kind. In summary:

- Registration. A group that raises or spends money to influence the outcome of an election — including a "political issues committee" — must register with the Kentucky Registry of Election Finance (KREF) through the Kentucky Election Finance Management System and must designate a treasurer separate from its chairperson. KRS § 121.180; KRS § 121.170; 32 KAR 1:050.
- Financial disclosure. A registered committee must file full reports of receipts and expenditures, including the name, address, and (for contributions over $200) the employer/occupation of contributors, and the name, address, amount, date, and purpose of expenditures over $25. KRS § 121.180.
- "Paid for by" disclaimers. Any material that expressly advocates the election or defeat of a clearly identified candidate — including signs, social media posts, and printed voter guides — must carry a clear and conspicuous disclaimer stating who paid for it, in the form "paid for by" followed by the name and address of the individual or committee responsible. KRS § 121.190; 32 KAR 2:110.
- A mailer or publication that gives the appearance of independent news or commentary, while in substance being campaign material paid for by a political group, does not satisfy the disclaimer requirement merely by including a logo or return address; the disclosure must be conspicuous and unambiguous. *Summe v. Judicial Retirement & Removal Comm'n*, 947 S.W.2d 42.

None of the materials we have reviewed — including the flyer, the Facebook "Where Candidates Stand on Industrial Development" posts, and the printed Voter Guide naming and endorsing specific primary candidates — contain a "paid for by" disclaimer identifying the individual(s) or committee responsible for the expense of producing and distributing them. We are likewise not aware of any registration filed with KREF for a "South Kenton County Citizens Group," "Preserve Rural Kenton / Boone Counties," or any successor or related committee, nor of any financial disclosure reports reflecting the funds apparently raised and spent on signs, printing, and publication.

Potential Penalties for Non-Compliance

Kentucky law authorizes a range of penalties for the conduct described above, including:

- Civil penalties of up to $5,000 per violation for non-compliance with campaign finance laws generally, and up to $200 per day (capped at $5,000, except for statewide races) for failure to file required reports. KRS § 121.140.
- A minimum $500 fine — and, if the applicable spending threshold is knowingly exceeded without timely rescinding an exemption, Class D felony liability — for a committee that was exempt from reporting but exceeded the statutory threshold without complying with full reporting requirements. KRS § 121.180.
- Injunctive relief, sought by the Attorney General, a Commonwealth's attorney, the Registry, **or any qualified voter**, to compel compliance — and criminal prosecution by the Commonwealth's or county attorney, or a special prosecutor appointed by the Attorney General. KRS § 121.990. (Emphasis added).
- For advertising specifically, liability attaches to a person who knowingly uses, causes, or permits the use of political advertising lacking a required disclaimer, and a person is presumed to have that knowledge once the Registry gives written notice of the deficiency. KRS § 121.190.

Request

This letter is intended to put you on notice of the apparent gaps described above and to request that you take prompt corrective action, including:

- Registering the group (or confirming and providing proof of any existing registration) with the Kentucky Registry of Election Finance, including designation of a treasurer, if the group's fundraising or spending meets the statutory thresholds;
- Filing any financial disclosure reports required by KRS § 121.180 for funds already raised and spent;
- Adding a compliant "paid for by" disclaimer to all existing and future signs, social media posts, mailers, and voter guides that expressly advocate for or against any candidate; and
- Providing written confirmation of the steps taken, or a good-faith explanation of why you believe the group's activities fall outside these requirements.

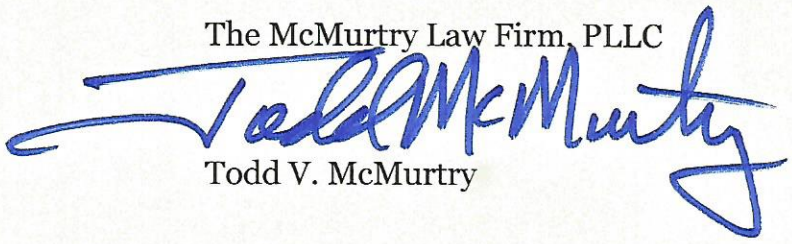
Should you fail to take prompt corrective action, the KCRP intends to immediately pursue all legal remedies as available and outlined above, including petitioning the KREF to refer this matter to the Commonwealth Attorney for prosecution.

We would appreciate a response within fourteen (14) days of the date of this letter. This letter is not intended to discourage legitimate civic engagement or advocacy on matters of public concern — only to ensure that such advocacy complies with Kentucky's disclosure laws, which exist so that voters can see who is funding the messages they receive.

We reserve all rights and remedies available under Kentucky law, including referral to the Kentucky Registry of Election Finance, in the event these matters are not addressed.

Sincerely,

The McMurtry Law Firm, PLLC



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