



Registry of Election Finance

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Registry of Election Finance. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Registry of Election Finance personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Registry of Election Finance to destroy the records listed, after the appropriate retention periods have passed.

Registry of Election Finance personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Registry of Election Finance.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Registry of Election Finance, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Registry of Election Finance

The Registry of Election Finance was created by statute in 1966, as an independent agency to administer the statutes pertaining to political campaign and election financing (KRS 121.110). In 1992, the General Assembly enacted the Public Financing Campaign Act and transferred the agency from the Public Protection and Regulation Cabinet to the Department of State (Office of the Secretary of State). The seven members of the Registry are appointed, subject to Senate confirmation, by the Governor, Auditor of Public Accounts, Attorney General, and Secretary of State, in a bipartisan or nonpartisan manner for staggered four-year terms (KRS 121.110).

The duties of the Registry include: 1) developing forms for required campaign financial reports; 2) publishing a manual for candidates, slates of candidates and committees, describing campaign finance requirements; 3) preparing and publishing various reports pertaining to receipts and expenditures in campaigns; 4) reviewing financial reports submitted by candidates, slates of candidates and committees, for legal compliance; 5) registering committees with the Registry; 6) conducting random audits of receipts and expenditures of local and district campaigns; 7) auditing receipts and expenditures of campaigns for all statewide offices; 8) initiating investigations of possible infractions of campaign finance laws; and 9) referring violations of election laws to the Attorney General or local prosecutor for civil and criminal prosecution, while reserving the right to petition the court to enable the Registry's attorney to prosecute if the Attorney General or local prosecutor does not proceed with the prosecution in a timely manner.

RECORDS RETENTION SCHEDULE

Signature Page

Registry of Election Finance
Agency

September 13, 2012
Schedule Date

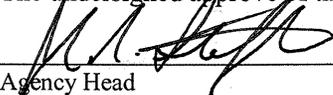
Unit

September 10, 2015
Change Date

September 10, 2015
Date Approved By Commission

APPROVALS

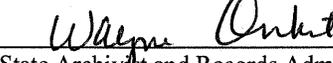
The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

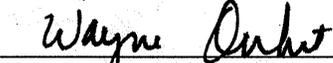
7/28/15
Date of Approval


Agency Records Officer

July 28, 2015
Date of Approval

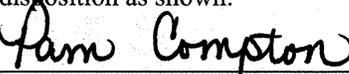

State Archivist and Records Administrator
Director, Public Records Division

9/10/15
Date of Approval

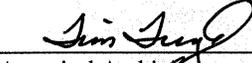

Chairman, State Archives and Records Commission

9/10/15
Date of Approval

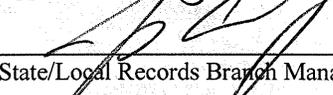
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:


Records Analyst/Regional Administrator

July 28, 2015
Date of Approval

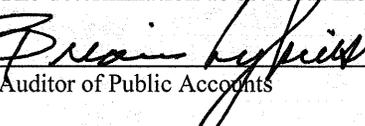

Appraisal Archivist

9/9/2015
Date of Approval


State/Local Records Branch Manager

9/10/15
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

9/10/15
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Election Finance, Registry of

Record Group
Number
0960

Series	Records Title and Description	Function and Use
00918	Manual of Instruction for Candidates/Committees	This series represents an instruction booklet written for candidates, campaign committees, permanent committees, executive committees, and political issues committees. The instruction booklet details reporting requirements of KRS Chapter 121: date(s) reports are due, contribution and receipt schedules, expenditure schedules, fund raising events, debts and obligation schedules, and reconciliation of activities of the candidate or committee. It is available online and report forms are sent to candidates and committees before first reporting period. The manual is revised when new provisions of the KRS Chapter 121 are enacted into law.
	Access Restrictions	None
	Contents	Series may contain: Form samples to be completed by candidates/committees for contributions and receipts; due dates; fund raising schedules; debts and obligation schedules; reconciliation dates; and instructions for completing any necessary documents
	Retention and Disposition	Retain one (1) copy of each revision permanently in Agency.
00919	Complaints and Investigations File (V)	This series documents complaints of alleged violations of campaign finance law filed by individuals or by the Registry on its own motion. KRS 121.140 provides, upon the sworn complaint of any person or on its own initiative, the Registry shall investigate alleged violations of this law. It provides a record of the investigative process, the hearings when applicable, finding of fact and conclusion of law, and the disposition of each complaint or investigation. Each complaint stands on its own merit. It will reflect violations that occurred or probable cause to believe a violation may have occurred. Upon conclusion of each hearing an order is issued announcing the findings, assessing a penalty(s), if appropriate, or referral to the Attorney General for prosecution, where warranted.
	Access Restrictions	KRS 61.878 (1)(h)(i)
	Contents	Series may contain: Formal complaint; notices, responses, investigation, staff report and recommendations, Order, transcript of Registry meeting or hearing.
	Retention and Disposition	Retain in Agency until two (2) years after closure of case; transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.
00920	Candidate/Committee File - State Offices (V)	This series documents candidate and committee reports of campaign receipts and expenditures. It provides for full public disclosure as to the source and disposition of campaign funds and identifies the use and activity of these records. KRS 121 prescribes that the Registry maintain a filing and coding system for all candidates running for public offices within the Commonwealth. The agency reconciles by means of desk reviews and field audits the financial data reported by statewide candidates and their campaign committees. Committees for Candidates Folders (00921) was combined with this record.
	Access Restrictions	None
	Contents	Series may contain: Appointment of campaign treasurer; statement of intent; correspondence regarding deficiencies in reporting; audit; report of receipts and expenditures; noncompliance actions; assessment and disposition of civil penalties, if applicable
	Retention and Disposition	Retain in Agency until two (2) years after account is terminated; transfer to State Records Center for ten (10) years; destroy after audit. Total retention is twelve (12) years.

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STATE AGENCY RECORDS
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Number
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Series	Records Title and Description	Function and Use
00922	Political Party Executive Committee File	This series documents executive committee reports of receipts and expenditures semi-annually (post-primary and post-general election). It provides for full public disclosure as to the source and disposition of committee funds. KRS 121 prescribes that the Registry maintain a filing for all party executive committees for state and county elections. The agency reconciles the financial data reported by executive committees by means of desk reviews and field audits. It includes funds received from income tax check-off and disposition of those funds. Income Tax Check-Off Reports are filed after each general election.
	Access Restrictions	None
	Contents	Series may contain: Executive Committee reports of receipts and expenditures; correspondence; field audits or desk reviews; Non-compliance actions - assessments and disposition of civil penalties, if applicable.
	Retention and Disposition	Retain in Agency two (2) years after file is inactive; transfer to State Records Center for four (4) years. Destroy after audit. Total retention is six (6) years.
00923	Permanent Committee (PAC) Folder	This series documents Permanent Committee (PAC) reports of receipts and expenditures and provides for full public disclosure as to the source and disposition of committee funds pursuant to KRS Chapter 121. A Permanent Committee is a permanent group or organization established to have as a primary purpose political activity including support of or opposition to selected candidates, slates of candidates, political parties, or issues of public importance, and functions on a regular basis throughout the year. The financial data reported by the committees is reconciled by means of desk reviews and field audits.
	Access Restrictions	None
	Contents	Series may contain: Registration of committee; report of receipts and expenditures; correspondence; desk review; noncompliance actions-assessments; and disposition of civil penalties, if applicable
	Retention and Disposition	Retain in Agency for two (2) years following date of election to which data refers; transfer to State Records Center for ten (10) years; destroy. Total retention is twelve (12) years.
00925	Financial Disclosure Report File	This series documents the financial disclosure reports filed by candidates as required in KRS 61.710-750. The report includes a description of financial interests of one thousand dollars (\$1,000) or greater value held by the candidate, his/her spouse and dependents; a list of every office, directorship, or employment held by the candidate, spouse, dependents and his/her principal employer in any entity; and a list of all entities to whom the candidate and principal employer furnished compensated services valued at more than one thousand dollars (\$1,000) during the period covered by the report. Each person subject to the financial disclosure requirements while holding office or employment must file the report by March 15 of each year for incumbents and within ten (10) days after the filing deadline for candidates for specified offices. The Registry is to publish a list of those persons who failed to file the reports thirty (30) days after reports are due.
	Access Restrictions	None
	Contents	Series may contain: Individual filing report with descriptions of financial interests of \$1000 or more, including spouse, dependents, principal employer; candidate's list of every office, directorship or employment, also that of spouse and/or dependents; list of entities to whom the subject individual and principal employer furnished compensated services of more than \$1000 during the period covered by the report
	Retention and Disposition	Retain in Agency two (2) years after file is inactive; transfer to the State Records Center for four (4) years; destroy. Total retention is six (6) years.

STATE ARCHIVES AND RECORDS COMMISSION
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General Government
 Election Finance, Registry of

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Number
0960

Series	Records Title and Description	Function and Use
03284	Field Audits of Campaign Funds	This series documents the required audits of accounts of all statewide candidates, as well as random audits of candidates running for other offices, as provided for in KRS 121.120 (3)(k) and (l). The auditors verify the accuracy of the reports and that the candidates have complied with campaign finance regulations as required in KRS Chapter 121. The audit of contribution data, receipts, and expenditures in the records of candidates and committees must match the election finance statement filed by the candidate and/or candidate campaign committee. Each contribution received, contribution data, and the limits of each contribution are checked to ensure compliance with the statutory guidelines.
	Access Restrictions	None
	Contents	Series may contain: Financial statements of contributions and receipts; schedule of activities; expenditure forms; fund raising contributions; debts and obligations; reconciliation activities; correspondence; general comments
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Archives Center for permanent retention.
03388	Audit Work Papers (V)	This series documents supporting information for the completion of audits of the financial activity of the candidates or committees representing a candidate or political issue. The series is confidential due to the personal nature of the information collected that is not required to be reported under KRS Chapter 121.
	Access Restrictions	KRS 61.878 (1)(a)(h)
	Contents	Series may contain: Analysis of bank transactions; cash receipts; cash disbursements; contributions; expenditures
	Retention and Disposition	Retain in Agency two (2) years after completion of field audits (03284); transfer to State Records Center for four (4) years; destroy. Total retention is six (6) years.
03616	Political Issues Committee File (V)	This series documents the financial receipts and expenditures of a political issues committee. A political issues committee is comprised of three (3) or more people joined together to advocate or oppose a constitutional amendment or public question, i.e., the sale of alcohol in a county or a tax or bond issue. It is created once the committee has received or expended more than one thousand dollars (\$1,000). The Registry provides for full public disclosure as to the source and disposition of campaign funds and determines whether the required reports have been filed in conformity with the requirements of the statutes. It is the responsibility of each committee to complete and file the proper reports in a timely manner.
	Access Restrictions	None
	Contents	Series may contain: Campaign finance statements; correspondence; desk audit sheets; committee registration form; appointment of campaign treasurer; noncompliance actions
	Retention and Disposition	Retain in Agency two (2) years after dissolution of committee and termination of account; transfer to State Records Center for ten (10) years. Destroy after audit. Total retention is twelve (12) years.
05440	Caucus Campaign Committee File	This series documents reports of receipts and expenditures as filed by Caucus Campaign Committees semi-annually [post-primary and post-general elections per KRS 121.015 (3)(b)]. It provides for full public disclosure as to the source and disposition of committee funds. KRS Chapter 121 prescribes that the Registry maintains campaign finance reports for all Caucus Campaign Committees. The Registry reconciles the financial data reported by Caucus Campaign Committees by means of desk reviews and field audits.
	Access Restrictions	None
	Contents	Series may contain: Caucus Campaign Committees' reports of receipts and expenditures, correspondence, field audit or desk review. Non-compliance actions - assessments and disposition of civil penalties, if applicable.
	Retention and Disposition	Retain in Agency for two (2) years following date of election to which data refers; transfer to State Records Center for four (4) years. Destroy after audit. Total retention is six (6) years.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Election Finance, Registry of

Record Group
Number
0960

Series	Records Title and Description	Function and Use
06337	Unauthorized Campaign Committee File	This series documents the financial receipts and expenditures of an unauthorized campaign committee pursuant to provisions of KRS 121.180. An unauthorized campaign committee is comprised of one or more people joined together to advocate or oppose one or more specific candidates or slate of candidates without the authorization of any candidates or slate of candidates per KRS 121.210 (4).
	Access Restrictions	None
	Contents	Series may contain: Campaign Finance Statements; Independent Expenditure Forms; correspondence; Committee Registration Form, and Non-Compliance actions.
	Retention and Disposition	Retain in Agency two (2) years following date of election to which data refers. Transfer to State Records Center for ten (10) years, then destroy. Total retention is twelve (12) years.
06338	Contributing Organization File	This series documents the financial expenditures of a contributing organization to one or more specific candidates or slate of candidates pursuant to the provisions of KRS 121.180, including completing and filing the financial reports in a timely manner with the Registry.
	Access Restrictions	None
	Contents	Series may contain: Contributing Organization Report Forms detailing the finances, expenditures; candidate or slate of candidates receiving contributions; dates funds provided; correspondence; and non-compliance actions
	Retention and Disposition	Retain in Agency two (2) years following year of election to which data refers. Transfer to State Records Center for four (4) years, then destroy. Total retention is six (6) years.
06339	Independent Expenditure File	This series documents the financial expenditures an individual made on behalf of a candidate or slate of candidates, without any coordination, consultation or cooperation of any candidate or slate of candidates and reported pursuant to provisions of KRS 121.180.
	Access Restrictions	None
	Contents	Series may contain: Independent Expenditure Report Forms, which include amount of contribution, name or names of candidates supported or opposed, date(s) of expenditure; correspondence; and non-compliance actions.
	Retention and Disposition	Retain in Agency two (2) years following date of election to which data refers. Transfer to State Records Center for ten (10) years, then destroy. Total retention is twelve (12) years.
06609	Special Prosecutions/Investigations Permanent File (V)	This series documents the special and/or historically significant records of Registry of Election Finance. The Registry identifies cases that are unique, exceptional, or high profile that result in the prosecution of public officials and/or candidates. This series is separate from series 00919, Complaints and Investigations File. All open records requests or requests to review the files shall be directed to the Registry of Election Finance Office of General Counsel to respond to the request.
	Access Restrictions	KRS 61.878 (1)(a) re personal information - i.e., Date of Birth, Social Security Number; KRS 61.878 (1)(h) - during open investigation; KRS 61.878 (1) (i); KRS 61.878 (1)(j); KRS 61.878 (1)(l). Agency has responsibility to consult agency's Legal Counsel re confidential information.
	Contents	Series may contain: Investigation information; legal pleadings and motions; and correspondence
	Retention and Disposition	Retain in Agency two (2) years after case closure, transfer to the State Archives Center for permanent retention. All open records requests or requests to review the files shall be directed to the Registry Office of General Counsel to respond to the request.