



Media Contact: Jessica Fletcher
Communications Manager
Kentucky Chamber
jfletcher@kychamber.com
502-848-8731 (office)
859-539-0511 (cell)

Registry advises Kentucky Chamber that independent corporate campaign contributions are permissible under U.S. Supreme Court ruling

FRANKFORT, Ky. (March 30, 2010) – The Kentucky Registry of Election Finance has advised the Kentucky Chamber of Commerce that the statewide business organization and its members may make independent campaign expenditures in support of candidates.

The advisory opinion was issued in response to a Chamber inquiry following a U.S. Supreme Court ruling in January that the First Amendment protects the right of corporations to make independent expenditures to advocate the election or defeat of candidates. The Chamber asked the Kentucky Registry whether that ruling would negate a state prohibition against corporations making campaign contributions.

“Inasmuch as (Section) 150 of the Kentucky Constitution prohibits corporations from aiding, assisting, or advancing any candidate for public office in Kentucky in any way whatsoever, the Supreme Court’s decision invalidates Kentucky law, at least to the extent that corporations may now influence the nomination and election of candidates regulated by the Registry by making independent expenditures. The practical effect of this decision is to put corporations and labor unions on equal footing with individuals with respect to independent expenditures,” the Registry’s opinion stated.

Under Kentucky law, independent expenditures are those made in support of or opposition to a candidate without any coordination with a candidate or his/her campaign committee or representatives. The Registry noted that the Chamber would be required to meet state disclaimer and disclosure requirements for each independent expenditure made from its general treasury. The full opinion can be found on the [Registry’s web site](#).

The Chamber sought the advisory opinion to clarify the law that would affect its activity – or that of its members – during the 2010 election cycle. The organization was represented by the Lexington law firm of Steptoe & Johnson.

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