VIA EMAIL

Attn: Records Custodian
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
KyOAGOR@ky.gov

Re: Open Records Act Request

Dear Custodian of Records:

Pursuant to the Kentucky Open Records Act (KORA), codified at KRS §§ 61.870 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Kentucky Attorney General’s Office produce copies of the following records within three business days:

1. Records sufficient to identify the following staffing information for the Kentucky Attorney General’s Office employees working on matters concerning election law (including, but not limited to, election integrity initiatives and election fraud investigations).
   a. The names\(^1\) and job titles of each employee temporarily or permanently assigned to matters concerning election law, or of those permanently or temporarily working in support of those assigned to matters concerning election law.

   For request item 1, please provide all responsive records for each month spanning January 2019 through October 2021 (i.e., January 2019, February 2019, March 2019, April 2019, May 2019 [...] July 2021, August 2021, September 2021, and October 2021).

2. Records sufficient to identify the Kentucky Attorney General’s Office’s actual or prospective budget for matters concerning election law (including, but not limited to, relevant employee salaries, election integrity initiatives, and election fraud investigations).

---

\(^1\) In lieu of names of individual employees, American Oversight would also accept records sufficient to identify the total number of employees assigned to matters concerning election law.
For request item 2, please provide all responsive records reflecting the described budgets for fiscal years 2019, 2020, 2021, and 2022.

3. Records sufficient to identify all costs and expenses incurred for matters concerning election law (including, but not limited to, relevant employee salaries, election integrity initiatives and election fraud investigations).

For request item 3, please provide all responsive records reflecting the described costs and expenses for fiscal years 2019, 2020, 2021, and 2022.

4. Records sufficient to identify the total number of pending cases concerning alleged election law violations.

For request item 4, please provide all responsive records for each month spanning January 2019 through October 2021 (i.e., January 2019, February 2019, March 2019, April 2019, May 2019 [...], July 2021, August 2021, September 2021, and October 2021).

5. Records sufficient to identify the total number of resolved cases (including but not limited to cases resulting in a finding of guilt or liability, cases resolved by plea or stipulation, or dismissed cases) concerning election law violations and the final disposition of each case, regardless of the outcome.

For request item 5, please provide all responsive records for each month spanning January 2019 through October 2021 (i.e., January 2019, February 2019, March 2019, April 2019, May 2019 [...], July 2021, August 2021, September 2021, and October 2021).

Pursuant to KRS § 61.880(1), American Oversight requests that you notify us within three workdays as to whether you will comply with this request.

Statement of Noncommercial Purpose

This request is for noncommercial purposes, and American Oversight respectfully requests a waiver of any fees associated with processing this request for records. To the extent any fees are charged, pursuant to KRS § 61.874(3), American Oversight asks that such fees be limited to the actual cost of reproduction and exclude the cost of agency staff time.

This request is primarily and fundamentally for non-commercial purposes. American Oversight seeks the records requested to inform the public regarding Kentucky’s election integrity efforts and related allegations of voter fraud, which is a subject of considerable public interest.² Records with the potential to shed light on this matter

would contribute significantly to public understanding of operations of the
government, including the extent to which the Attorney General’s Office is designating
resources toward election integrity initiatives.

Furthermore, as a 501(c)(3) nonprofit, American Oversight does not have a commercial
purpose and the release of the information requested is not in American Oversight’s
financial interest. American Oversight’s mission is to promote transparency in
government, to educate the public about government activities, and to ensure the
accountability of government officials. American Oversight uses the information
gathered, and its analysis of it, to educate the public through reports, press releases, or
other media. American Oversight also makes materials it gathers available on its public
website and promotes their availability on social media platforms, such as Facebook and
Twitter.3

American Oversight has also demonstrated its commitment to the public disclosure of
documents and creation of editorial content through numerous substantive analyses
posted to its website.4 Examples reflecting this commitment to the public disclosure of
documents and the creation of editorial content include the posting of records related
to the organization’s investigations into misconduct and corruption in state
governments;5 the posting of records related to an ethics waiver received by a senior
Department of Justice attorney and an analysis of what those records demonstrated
regarding the Department’s process for issuing such waivers;6 posting records received
as part of American Oversight’s “Audit the Wall” project to gather and analyze
information related to the administration’s proposed construction of a barrier along the
U.S.-Mexico border, and analyses of what those records reveal;7 posting records
regarding potential self-dealing at the Department of Housing & Urban Development
and related analysis;8 posting records and analysis relating to the federal government’s

3 American Oversight currently has approximately 15,635 page likes on Facebook and
efforts to sell nuclear technology to Saudi Arabia;\(^9\) and posting records and analysis regarding the Department of Justice’s decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President’s political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.\(^{10}\)

**Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See KRS § 61.878(4). If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

---


Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

**Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507. Also, if American Oversight’s request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight