



April 18, 2023

VIA FACSMILE

Assistant Attorney General Philip Michael
Kansas Attorney General's Office
Memorial Hall
120 SW 10th St., 2nd Floor
Topeka, KS 66612
Fax: (785) 296-6296

Re: Kansas Open Records Act Request

Dear Records Custodian:

Pursuant to the Kansas Open Records Act (KORA), Kan. Stat. § 45-215 et seq., American Oversight makes the following request for records.

Requested Records

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

1. Records reflecting all expenses and costs incurred in connection with travel undertaken by Attorney General Kris Kobach.

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of travel costs, American Oversight requests records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and per diem payments made to Attorney General Kobach or any staff, family, or invited guests accompanying Kobach on these trips.

2. All records reflecting any actual or projected expenditures for renovations or redecorations (including remodeling or changes to décor) of any part of the office suites (including foyers, waiting rooms, conference rooms, adjacent hallways, or other common areas) for Attorney General Kobach.
3. All calendars or calendar entries for Attorney General Kobach, including any calendars maintained on his behalf.



American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Kobach allocates his time on official business.

The search should include any calendars associated with Kobach’s individual email accounts, as well as any official calendars maintained for Kobach, including by administrative assistants or schedulers.

4. Copies of any organizational chart of the current Office of the Attorney General structure reflecting positions and/or names of the individuals in each position. If the Office of the Attorney General maintains multiple organizational charts—such as with or without names of individuals in leadership positions, or for different parts of the Office—we request all versions of such organizational charts.
5. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by the officials listed below, containing any of the following key terms:

Specified Officials

- I. Attorney General Kris Kobach
- II. Chief Deputy Attorney General Dan Burrows
- III. Chief of Staff Charles Dalton
- IV. Solicitor General Anthony Powell

Key Terms

- a) Abortion
- b) “Reproductive rights”
- c) Mifepristone
- d) Misoprostol
- e) Pro-life
- f) Transgender
- g) Dysphoria
- h) “Biological sex”
- i) “gender transition”
- j) “gender identity”
- k) “hormone therapy”
- l) “hormone replacement therapy”
- m) “sex change”
- n) “sex-change”
- o) CRT
- p) “Critical Race Theory”
- q) Woke
- r) “Parental rights”

- s) “parents rights”
- t) “parent’s right”
- u) Indoctrinate
- v) Indoctrination
- w) “Election integrity”
- x) “Election audit”
- y) “Election results”
- z) ESG
- aa) BlackRock
- bb) LGBTQ

For part 5 of this request, in an effort to accommodate the Office of the Attorney General and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Kobach’s response to an email containing a key term and the initial received message are responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from January 9, 2023, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

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. 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.

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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.¹

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 Rachel Baron at records@americanoversight.org or (202) 897-2465.

Sincerely,

/s/ Rachel Baron
Rachel Baron
on behalf of
American Oversight

¹ American Oversight currently has approximately 16,000 followers on Facebook and 112,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 17, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 17, 2023).