
From: "Brown, Taylor (SBE)" <TaylorA.Brown@ky.gov>
Date: Wednesday, May 27, 2020 at 4:20 PM
To: AO Records <records@americanoversight.org>
Subject: American Oversight Open Records Request

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SENT VIA EMAIL

Dear Mr. Evers,

Please see this response to your letter, received by the Kentucky State Board of Elections ("SBE") on April 23, 2020, in which you, on behalf of American Oversight, requested copies of "all email communications (including email messages, complete email chains, email attachments, calendar invitations, and any attachments thereto) sent by Jared Dearing, Taylor Brown, DeAnna Brangers, Cory Skolnick, Dwight Sears, James Lewis, Albert Chandler III, Sherry Whitehouse, George Russell, Katrina Fitzgerald, and 'anyone serving as Assistant Director of the State Board of Elections' concerning considerations related to the COVID-19 outbreak."

SBE believes that there are no responsive records in its care, custody, and control. It is the belief of SBE that any such emails are exempted from inspection under KRS 61.878 as the subject matter in any such email would consist of material exempt under: KRS 61.878(1)(i), "[p]reliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;" 61.878(j), "[p]reliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;" or KRS 61.878(1)(l), "Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly," specifically the attorney-client privilege of KRE 503.

Your requests seeks emails sent after March 1, 2020 related to the COVID-19 outbreak. From before that date, any email communications amongst the SBE related to the pandemic have been with the production and promulgation of administrative regulations that would allow for the Commonwealth to proceed with their 2020 elections in mind and therefore exempt.

If I can be of any further assistance to you in this matter or any other, please feel free to let me know.

Thanks,

Taylor Austin Brown
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State Board of Elections
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