



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL



DEREK SCHMIDT
ATTORNEY GENERAL

April 2, 2021

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Mehreen Rasheed
American Oversight
1030 15th St. NW, Suite B255
Washington, DC 20005

Re: Request for Records

Dear Ms. Rasheed:

On February 16, 2021, we received your fax the same date requesting records in the possession of this office. In your fax, you request the following:

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

On December 8, 2020, Texas Attorney General Ken Paxton filed a lawsuit seeking to block various electors in Pennsylvania, Georgia, Michigan, and Wisconsin from casting “unlawful and constitutionally tainted votes” in the Electoral College. [internal citations omitted] The lawsuit, *Texas v. Pennsylvania*, 592 U.S. ____ (2020), alleged that the targeted states violated the U.S. Constitution by altering election procedures through non-legislative processes. On December 9, 2020, seventeen states, including Kansas, filed a joint brief in support of Texas’ position. [internal citations omitted].

American Oversight is seeking records concerning the Kansas Attorney General’s Office’s involvement in *Texas v. Pennsylvania*.

Requested Records

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

All records reflecting any summaries, memoranda or analyses prepared or distributed by any personnel in the Kansas Attorney General’s Office regarding the lawsuit *Texas v. Pennsylvania*, 592 U.S. ____ (2020).

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Please provide all responsive records from November 3, 2020, through December 12, 2020.

On February 19, 2021, we sent you a letter acknowledging receipt of your request pursuant to the provisions of K.S.A. 45-218(d).

We have completed our search for records that may be responsive to your request. Please be advised that we identified twenty-four (24) electronic records that may be responsive to your request for records. However, we respectfully decline to release any records responsive to your request for records pursuant to the provisions of K.S.A. 2020 Supp. 45-221(a)(20).

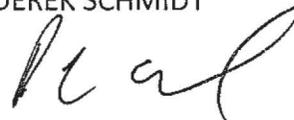
K.S.A. 2020 Supp. 45-221(a)(20) provides an exemption for disclosure for “[n]otes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.” These records are notes and drafts made by an attorney in this office and were not publicly cited or identified in an open meeting or in an agenda of an open meeting.

Therefore, we respectfully decline to produce any of the requested records pursuant to the provisions of K.S.A. 2020 Supp. 45-221(a)(20).

I trust that this information is useful. Please feel free to contact us again concerning any matter within our jurisdiction.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT



Philip R. Michael
Assistant Attorney General

PRM:sb