



January 22, 2025

VIA EMAIL

Kentucky State Board of Elections
140 Walnut Street
Frankfort, KY 40601
TaylorA.Brown@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., I, Loree Stark, a resident of Kentucky, make the following request for records.

Requested Records

I request that the Kentucky State Board of Elections produce copies of the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Kentucky State Board of Elections officials listed below, and (b) any of the external entities or individuals listed below, or anyone communicating on their behalf (including, but not limited to, at the listed email addresses and/or domains).

Kentucky State Board of Elections Officials:

- i. Karen Sellers, State Board of Elections Executive Director
- ii. Richard House, State Board of Elections Assistant Executive Director

External Entities or Individuals:

- a. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
- b. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
- c. EagleAI NETwork (EagleAI.pro)
- d. Election Integrity Network (whoscounting.us, ElectionIntegrity.Network)
- e. Gina Swoboda (ginaswoboda@hotmail.com, ginaswo@asu.edu, gs@voterreferencefoundation.com, gswoboda@azleg.gov)
- f. Hans von Spakovsky (hans.vonspakovsky@heritage.org)
- g. Haystack Investigations (haystackinvestigations.com)
- h. Heather Honey (heather@verityvote.us, h2osint@protonmail.com)

- i. Jay Valentine (jay@contingencysales.com, omega4america.com, contingencysales.com, jayvalentine.com, electionwatch.info, fractalweb.app)
- j. John Richards (johnrichards@EagleAI.pro)
- k. Mac Warner (amwarner@aol.com)
- l. Patrice Johnson (patricejohnson11@gmail.com)
- m. Patricia Chandler (jsia34765@gmail.com)
- n. Rick Richards (drr@cathaid.com, drr@EagleAI.pro, drronline@me.com)
- o. Verity Vote (verityvote.us)
- p. Virginia Institute for Public Policy (virginiainstitute.org)
- q. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)

For part 1 of this request, please note that I do not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from the Election Integrity Network, that initial email would not be responsive to this request. However, if the official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

- 2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- a. “ERIC withdrawal”
- b. “withdraw from ERIC”
- c. “ERIC alternative”
- d. “alternative to ERIC”
- e. “ERIC replacement”
- f. “replace ERIC”
- g. “leave ERIC”
- h. EagleAI
- i. “Eagle AI”
- j. Cleta

For part 2 of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, I have limited part 2 of this request to emails sent by the specified individuals. To be clear, however, I still request that complete email chains be produced, displaying both sent and received messages. This means, for example, that both an official’s response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from February 1, 2024, through the date the search is conducted.

Pursuant to KRS § 61.880(1), I request that you notify me within three workdays as to whether you will comply with this request.

Statement of Noncommercial Purpose

This request is for noncommercial purposes, and I respectfully request 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), I ask 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. My request is made in my role as Senior Counsel for American Oversight, and I seek the records requested to inform the public regarding the status of Kentucky's Electronic Registration Information Center (ERIC) membership.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the influence of election integrity activists on potentially ending Kentucky's ERIC membership.

Furthermore, as a 501(c)(3) nonprofit, my employer 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 X (formerly Twitter).²

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.³ 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

¹ See, e.g., Erin Mansfield, *How Far-Right Conspiracy Theories Threw This Voter Integrity System Into Peril*, USA Today (Mar. 19, 2024, 2:00 PM), <https://www.usatoday.com/story/news/politics/elections/2024/03/19/voter-fraud-conspiracy-eric-trump-soros-zuckerberg/72935989007/>.

² American Oversight currently has approximately 16,000 followers on Facebook and 97,700 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 15, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Jan. 15, 2025).

³ *News*, American Oversight, <https://www.americanoversight.org/blog>.

governments;⁴ 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;⁵ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;⁷ posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;⁸ 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 President Trump's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.⁹

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, I provide 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.
- My 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 my request, my request includes all

⁴ *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

⁵ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

⁶ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁷ *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

⁸ *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

⁹ *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

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 me, please do not hesitate to contact me to discuss this request. I welcome an opportunity to discuss my request with you before you undertake your search or incur search or duplication costs. By working together at the outset we 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. If it will accelerate release of responsive records to me, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact me at records@americanoversight.org or 304.913.6114. Also, if my request for a fee waiver is not granted in full, please contact me immediately upon making such a determination.

Sincerely,

/s/ Loree Stark

Loree Stark
1023 Everett Ave., #11
Louisville, KY 40204