



November 10, 2021

VIA FAX & EMAIL

Mike Wynn, Public Information Manager
Legislative Research Commission
Public Information Office
Capitol Annex Room 023
702 Capital Avenue
Frankfort, KY 40601
Fax: (502) 564-2144
Mike.Wynn@lrc.ky.gov

Re: Open Records Act Request

Dear Public Information Manager Wynn:

Pursuant to the Kentucky Open Records Act (KORA), codified at KRS §§ 61.870 et seq., please find below a request for records.

Requested Records

I request that the Kentucky General Assembly produce copies of the following records within three business days:

All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between (a) any of the Kentucky General Assembly members listed below, or anyone communicating on their behalf, and (b) any of the U.S. Congress members or staff listed below.

Kentucky General Assembly Members:

- i. Representative David Osborne, Speaker
- ii. Representative David Meade, Speaker Pro Tempore
- iii. Representative Jerry Miller
- iv. Representative Adam Bowling
- v. Representative Kevin Bratcher
- vi. Representative Jennifer Decker
- vii. Representative Jim DuPlessis
- viii. Representative Jason Nemes
- ix. Representative Steven Rudy
- x. Senator Robert Stivers, President
- xi. Senator David Givens, President Pro Tempore
- xii. Senator Robby Mills
- xiii. Senator Michael Nemes
- xiv. Senator Ralph Alvarado

- xv. Senator Christian McDaniel
- xvi. Senator Damon Thayer
- xvii. Senator Phillip Wheeler

U.S. House of Representatives Members and Staff:

- i. Representative James Comer, or his Chief of Staff, Caroline Cash
- ii. Representative S. Brett Guthrie, or his Chief of Staff, Eric Bergren
- iii. Representative Thomas Massie, or his Chief of Staff, Matt Gurtler
- iv. Representative Harold Rogers, or his Chief of Staff, Jakob Johnsen
- v. Representative Andy Barr, or his Chief of Staff, Mary Rosado
- vi. Senator Mitch McConnell, his Chief of Staff, Terry Carmack, or anyone communicating from Senator McConnell's office (including, but not limited to, anyone communicating from an email address ending in @mccconnell.senate.gov)

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Pursuant to KRS § 61.880(1), please notify me within five 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. I seek the records requested to inform the public regarding Kentucky's congressional redistricting process, which is a subject of considerable public interest.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Kentucky's redistricting leaders have communicated with Kentucky's congressional delegation.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, please find below 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.

¹ See, e.g., Tim Henderson, *Slicing Up Liberal Cities Becomes Go-To Redistricting Strategy*, Pew Charitable Trusts, Sept. 22, 2021, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/09/22/slicing-up-liberal-cities-becomes-go-to-redistricting-strategy>.

- This 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, this 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, please do not hesitate to contact me to discuss this request. I welcome an opportunity to discuss this 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. 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 records responsive to this request, 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 through Khahilia Shaw at records@americanoversight.org or (202) 539-6507.** Also, if my request for a fee

waiver is not granted in full, please contact Ms. Shaw immediately upon making such a determination.

Sincerely,

/s/ Dave Meyer

Dave Meyer
812 Willard Street
Covington, KY 41011