



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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October 28, 2015

Hon. Kris W. Kobach
Secretary of State
Memorial Hall, Second Floor
120 SW 10th Avenue
Topeka, Kansas 66612

Re: Authorization for Defense of Litigation – *Alder Cromwell and Cody Keener v. Kris W. Kobach, Kansas Secretary of State*

Dear Secretary Kobach:

The purpose of this letter is to authorize the handling of your defense by the Office of the Kansas Secretary of State in the case of *Alder Cromwell and Cody Keener v. Kris W. Kobach, Kansas Secretary of State*, Case No. 15-cv-9300-JAR-GLR, and to memorialize the understanding of the Office of the Kansas Secretary of State and the Office of the Kansas Attorney General concerning the handling of this litigation in the United States District Court for the District of Kansas. It is noted that the Complaint seeks only declaratory and injunctive relief and not money damages. Additionally, you have not requested representation pursuant to the Kansas Tort Claims Act, K.S.A. 75-6101, *et seq.*

This authorization is granted with the following understanding: 1) All attorney fees, judgments and costs of the litigation shall be borne by the Office of the Kansas Secretary of State; 2) The Kansas Secretary of State, Kris Kobach, along with attorneys Garrett Roe and Bryan Brown, is hereby authorized to defend the litigation for this matter only; 3) The Kansas Attorney General shall retain the right to direct the defense of the State of Kansas in the event that the Complaint is amended to specifically name the State of Kansas as a defendant; and 4) The Kansas Attorney General expressly retains all powers and authority granted to him under the statutory and common law, including but not limited to the provisions of K.S.A. 75-702, and amendments thereto, throughout the pendency of the litigation. Unless otherwise agreed, the Kansas Attorney General retains the right to handle or assign any appeals taken in this matter.

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Please indicate your acknowledgement of this authorization by signing below and returning the same to our office.

If you have any questions or concerns, please do not hesitate to contact me.

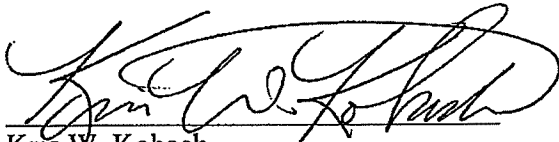
Very truly yours,

OFFICE OF ATTORNEY GENERAL
DEREK SCHMIDT



Jeff Chanay
Chief Deputy Attorney General

ACKNOWLEDGED:



Kris W. Kobach
Kansas Secretary of State