



July 22, 2022

**VIA ELECTRONIC MAIL**

Kris Kobach, [kris@kriskobach.com](mailto:kris@kriskobach.com)  
Kris Kobach for Attorney General  
P.O. Box 3498  
Salina, Kansas 67402-3496

Dear Mr. Kobach:

Our firm represents Senator Kellie Warren and her attorney general campaign committee, Kellie Warren for Attorney General. It has come to our attention that on July 18, 2022, your campaign began airing a thirty-second television advertisement that makes a false claim intended to deliberately deceive Kansas voters in the upcoming Republican primary election. Specifically, your advertisement reiterates the same comment twice:

*“Kellie Warren donates to Democrats.”* (Timestamp 0:07)

*“And now Warren donates to Democrats?!”* (Timestamp 0:18)<sup>1</sup>

While Kansas voters have unfortunately been forced to expect exaggerations and distortions from your numerous failed political campaigns, your reckless disregard for the truth has unequivocally crossed the line from misleading the electorate to being entirely false.

The facts— of which you had full notice — are simple. In July 2021, Kellie Warren’s husband, Patrick Warren, donated \$500 to David Alvey, a Democratic incumbent candidate for the Kansas City, Kansas mayoral race in Wyandotte County. Initially, the \$500 was reported erroneously by the Alvey campaign as being contributed by both Patrick Warren and Kellie Warren herself. However, the Alvey campaign’s error was promptly caught, and an amended report was filed with the Wyandotte County Election Commissioner’s Office by the Alvey campaign on August 5, 2021. Exhibit A is the amended campaign finance report as filed by the Alvey campaign almost a year ago. The contribution at issue is disclosed on Page 5 (Page 3 of Schedule A) of the report. And the Alvey campaign provided a supplemental letter (Page 2 of the amended report) outlining its error. Your

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<sup>1</sup> The video can be viewed here: <https://youtu.be/Veh3-ekJoCI>.

experience as a former Kansas Secretary of State should have provided you with ample knowledge as to how and why amended reports are routinely filed.

As you are aware, defamation is a false statement(s) of fact (either spoken or written), made to a third party, “which result[s] in harm to the reputation of the person defamed.” *Wright v. Bachmurski*, 29 Kan. App. 2d 595, 600 (2001). “[I]ntentional or negligent communication of the defamatory matter is called ‘publication,’ and the person making the communication is called the ‘publisher.’” *Id.* (quoting Restatement of Torts (Second) § 577(1) (1977)).

Like most states, Kansas also provides different levels of protections for defamation against private figures and public figures and officials. *Redmond v. Sun Publishing Co.*, 239 Kan. 30, 33 (1986). Public figures are defamed if they can prove actual malice, which means that the defendant knew the statement is false upon publication or acted “with reckless disregard of whether it was false or not.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964).

Your campaign’s widely disseminated ad twice reiterates a harmful and false statement about Kellie Warren’s political contribution history. The ad’s false accusation that Kellie Warren supported a Democrat clearly results in harm to her reputation as a candidate in the Republican primary, and the Kobach campaign’s intent to cause such harm is apparent from the face of the ad.

The amended campaign finance report filed by the Alvey campaign *on August 5, 2021*, was just as available to your campaign as the original erroneous report which your campaign apparently relied upon at the time of the ad’s publication in *July 2022*. Your repeated publication of the false statement in the ad, notwithstanding the ready availability of information indicating the claim is false, is a clear example of “reckless disregard” for the truth and is defamation *per se*.

Kansas also recognizes the crime of “criminal false communication.” Kansas law defines false communication as “communication to any person, by any means, information that the person communicating such information knows to be false and will tend to . . . expose another living person to public hatred, contempt, or ridicule” or “deprive such person of the benefits of public confidence.” K.S.A. 21-6103(a)(1). Criminal false communication is a class A nonperson misdemeanor, and the only valid defense is truth.

Your campaign had access to the amended August 5, 2021 campaign finance report for nearly a full year before it produced the ad at issue. *At the time of*

*publication, you knew or had constructive knowledge the donation to the Alvey campaign came from Patrick Warren— not Kellie Warren.* Nonetheless, you made the decision to “expose” Kellie Warren to “contempt and ridicule” and to “deprive [her] of public confidence” shortly before a Republican primary by falsely accusing her of supporting Democrats. This is nothing more than a smear tactic in the final weeks of an election. But regardless of how desperate your campaign may be to win, the laws of the state of Kansas still apply.

The purpose of this letter, therefore, is twofold. First, this letter is a demand that your campaign immediately take the following corrective actions:

- Instruct, both orally and in writing, all television stations currently airing or planning to air this advertisement to cease and desist from doing so. To notify us that you have complied with this demand, please fax copies of these instructions to my attention at (877) 437-5755 or e-mail them to [lap@gobergroup.com](mailto:lap@gobergroup.com);
- Cease and desist from making communications, whether oral, written, electronic, or otherwise, that include or reference the false claim about Kellie Warren;
- Remove any reference or links to the advertisement or this false claim from your campaign website, as well as any other website accounts and social media accounts under the control of you, your campaign, and/or your agents and representatives; and

Second, this letter serves as unequivocal notice to you, your campaign, and your agents and representatives that the advertisement makes a false claim. Even if you originally made this false claim due to an oversight or confusion, your continued airing of this advertisement will constitute “actual malice” for a defamation action. *See New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

I am confident you understand that it is extremely important for Kellie Warren to repudiate false and defamatory claims that inexcusably damage her reputation and cause harm. Prompt action is necessary to dispel the untrue nature of your claims, so you will have until 3:00 p.m. (CST) on July 25, 2022, to comply with the above-referenced demands. If you do not comply with the above-referenced demands, then we will file a lawsuit against you, Kris Kobach for Attorney General, and every agent and/or representative of your campaign committee that continues to make this false

claim. Furthermore, we will sue you and every individual in a personal capacity since Kris Kobach for Attorney General has not been incorporated.

I can be reached at (404) 704-3388 x 4618 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Loree Anne Paradise". The signature is fluid and cursive, with the first name "Loree" being the most prominent.

Loree Anne Paradise  
For THE GOBER GROUP, PLLC

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