



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

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December 20, 2023

Fred Sherman
Johnson County Election Commissioner
2101 E Kansas City Rd
Olathe KS 66061

Sent to Email: election@jocogov.org

RE: Preservation of voting materials, ballots, provisional items, and all other records related to the 2019, 2020, and 2021 primary and general elections in Johnson County.

Dear Commissioner Sherman:

On December 7, 2023, the Johnson County Commission voted to move forward with appointing Republican and Democratic observers to watch over the ballot destruction process for election ballots eligible for destruction pursuant to the statutory retention schedule found in K.S.A. 25-2708(b).

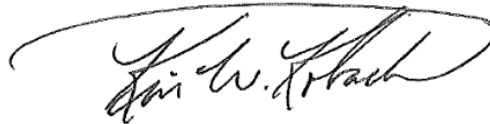
As you may be aware, the Johnson County Sheriff's Office is investigating potential crimes relating to the election process in your county. As the state's chief law enforcement officer, I am concerned that the destruction of these ballots and other election related materials may hinder that investigation.

The preservation of any potential evidence is crucial to the integrity of this investigation, and the evidence should be retained until the case is formally closed and any and all resulting defendants are prosecuted. Allowing the Sheriff's Office to complete its investigation is in the interest of justice and provides the public with confidence in the integrity of their electoral system and election outcomes.

If your office has concerns about providing storage space for these records, the Johnson County Sheriff's Office has notified my office that it is able to provide secure storage space to ensure that any potential evidence that relates to their criminal investigation is preserved.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach", enclosed within a large, elegant, horizontal oval flourish.

Kris W. Kobach
Kansas Attorney General

cc: Peg Trent
Johnson County Chief Legal Counsel
peg.trent@jocogov.org