



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-242

September 15, 2023

In re: Anita Ellison/Nelson County Judge/Executive's Office

Summary: The Nelson County Judge/Executive's Office ("the agency") violated the Open Records Act ("the Act") when it failed to respond to requests for records within five business days.

Open Records Decision

On August 8, 2023, Anita Ellison ("Appellant") requested to inspect all contracts between Nelson County and Harp Enterprises, Inc., "pertaining to current Machines, Equipment, and Software in use or that will be in use in the next election cycle" or to "training on the use of election machines, [equipment,] and software." After receiving no response to either request, the Appellant initiated two appeals on August 17, 2023, which the Office has consolidated.

Under KRS 61.880(1), a public agency must respond to a request for public records within five business days of receiving it. On appeal, the agency admits it did not respond to the Appellant's request in a timely manner. Thus, the agency violated the Act.¹

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

¹ After this appeal was initiated, the agency responded to the requests by stating, "There are no contracts between Nelson County and Harp Enterprises, Inc."

Daniel Cameron
Attorney General

s/ James M. Herrick
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#357

Distributed to:

Ms. Anita Ellison
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Hon. Tim Hutchins