



COMMONWEALTH OF KENTUCKY
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21-ORD-166

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In re: Lyn Warner/Graves County Clerk's Office

Summary: The Graves County Clerk's Office ("Clerk's Office") did not violate the Open Records Act ("the Act") when it denied a request for information.

Open Records Decision

On July 27, 2021, Lyn Warner ("Appellant") requested that the Clerk's Office provide the names of the four registered voters residing at a certain address. The Clerk's office denied the request under KRS 61.878(1)(a). This appeal followed.

The Appellant claims that the Clerk's Office must provide the requested information under KRS 116.095, which provides that a county clerk "shall permit any citizen, at all reasonable hours, to inspect or make copies of any [voter] registration record, [and] shall, upon request, furnish to any citizen a copy of the registration records[.]" But the Appellant did not request inspection or copies of voter registration records. Rather, she requested information—the names of the registered voters at a particular address. The Act does not require public agencies to fulfill requests for information, but only requests for records. KRS 61.872; *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) ("The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records."). Therefore, the Clerk's Office did not violate the Act when it denied the Appellant's request.¹

¹ Because the Clerk's Office was not required to fulfill a request for information, it is unnecessary to decide whether KRS 61.878(1)(a) applies to the requested information. However, if the Appellant had sought inspection or copies of voter registration records, the Clerk's Office would have the burden of showing that disclosure of the names of registered

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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.

Daniel Cameron
Attorney General

/s/ James M. Herrick

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Assistant Attorney General

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Distributed to:

Ms. Lyn Warner
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voters “would constitute a clearly unwarranted invasion of personal privacy.” KRS 61.878(1)(a); KRS 61.880(2)(c). That would be a heavy burden the Clerk’s Office would be unlikely to meet. *See generally* 03-ORD-034 (finding that names of registered voters may not be redacted from voter assistance forms under KRS 61.878(1)(a)).