



November 19, 2020

Austin R. Evers
Executive Director
American Oversight
1030 15th St. NW
Suite B255
Washington, DC 20005

Sent via email

Mr. Evers,

This email is to respond to your below request for public records, which was received by this office on September 22, 2020. Specifically, you have requested:

“All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the Ohio Secretary of State officials listed below regarding the use of ballot drop boxes in the upcoming 2020 election, including, but not limited to, communications with or about the A. Philip Randolph Institute or Hans von Spakovsky. American Oversight believes that records containing the terms listed below are likely to be responsive records, and requests that your office, at a minimum, employ these search terms to identify responsive records.

Ohio Secretary of State Officials:

- i. Frank LaRose, Secretary of State, or anyone communicating on his behalf (such as an assistant or scheduler)
- ii. Merle Madrid, Chief of Staff
- iii. Michael Grodhaus, Chief Legal Counsel
- iv. Amanda "Mandi" Grandjean, Director of Elections
- v. Jon Keeling, Director of Communication
- vi. Maggie Sheehan, Press Secretary
- vii. Grant Shaffer, Director of External Affairs

Key Terms:

- i. "Drop boxes"
- ii. "Drop box"

- iii. "Drop boxes"
- iv. "Drop box"
- v. "Drop-boxes"
- vi. "Drop-box"
- vii. "Drop-off boxes"
- viii. "Drop-off box"
- ix. "Drop off boxes"
- x. "Drop off box"
- xi. "Drop-off locations"
- xii. "Drop-off location"
- xiii. "Drop off locations"
- xiv. "Drop off location"
- xv. "Ballot drop-off"
- xvi. "Ballot drop off"
- xvii. Frye
- xviii. "Randolph Institute"
- xix. "APRI"
- xx. "Spakovsky"

Please provide all responsive records from August 1, 2020, through the date your office receives this request.

I have divided your request into two parts: communications sent to A. Philip Randolph Institute, and communications sent to Hans von Spakovsky.

In response to the first part of your request, in which you have asked for “All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by [“Frank LaRose,” or “anyone communicating on his behalf (such as an assistant or scheduler),” “Merle Madrid,” “Michael Grodhaus,” “Amanda "Mandi" Grandjean,” “Jon Keeling,” “Maggie Sheehan,” & “Grant Shaffer”] regarding the use of ballot drop boxes in the upcoming 2020 election, including, but not limited to, communications with or about the A. Philip Randolph Institute,” please consider this a request for clarification because our office cannot reasonably identify the specific records, which you desire, as this request is overly broad for purposes of the Public Records Act. See R.C. § 149.43(B)(2).

The Ohio Public Records Act requires that a requester identify the records he or she is seeking with “reasonable clarity” so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. See *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788; *State ex rel. Morgan v. New Lexington*, 112 Ohio St. 3d 33, 2006-Ohio-6365, 857 N.E.2d 1208. Ohio courts have found requests for

communications to be proper when limited temporally, by subject matter, and by specific employee or employees concerned. See *State ex rel. Zidonis v. Columbus State Community College*, 133 Ohio St. 3d 122, at 128, 2012 Ohio 4228; *State ex rel. Kesterson v. Kent State Univ.*, 156 Ohio St. 3d 22, 2018-Ohio-5110; *State ex rel. Bott Law Group, LLC v. Ohio Dep't of Natural Res.*, 10th Dist. Franklin No. 12AP-448, 2013-Ohio-5219.

Here, this part of your request is overly broad as you have only identified correspondents of the desired communication by the name of the entity. “A request is ambiguous or overly broad when it identifies correspondents only as belonging to offices, titles, groups or categories, for which research is required to recognize membership.” See *Kanter v. City of Cleveland Heights*, 2018-Ohio-4592 (finding that requests, which seek records of all communications between Police Chief Jeff Robertson and The Cleveland Jewish News, between March 20, 2013 and April 12, 2013, to be problematic). Here, you have identified “the A. Philip Randolph Institute” as an entity in which received the desired correspondence, and consequently, research would need to be conducted by our office to determine membership of these entities. Thus, this item of your request is overly broad because you have not identified a specific recipient of the correspondence. See also *State ex rel. Oriana House, Inc. v. Montgomery*, 2005-Ohio-3377.

Therefore, for these reasons stated above, our office cannot identify the records you are seeking with sufficient clarity because you have not identified a specific correspondent who may be a recipient. Thus, our office cannot properly respond to your request as currently presented, without your clarification. If you wish to revise your request and provide greater specificity (*i.e.*, specific recipient for the item referenced above), our office will be better able to assist you in identifying the records you seek. For your reference, to aid you in identifying records kept by this office, you may view the current retention schedules for the Ohio Secretary of State, which are maintained by the Ohio Department of Administrative Services (DAS); these records may be accessed at the following location: <https://apps.das.ohio.gov/RIMS/GeneralSchedule/Search>.

In response to the second part of your request, in which you have asked for “All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by [“Frank LaRose,” or “anyone communicating on his behalf (such as an assistant or scheduler),” “Merle Madrid,” “Michael Grodhaus,” “Amanda “Mandi” Grandjean,” “Jon Keeling,” “Maggie Sheehan,” & “Grant Shaffer”] regarding the use of ballot drop boxes in the upcoming 2020 election, including, but not limited to, communications with or about... Hans von Spakovsky... August 1, 2020, through the date your office receives this request [September 22, 2020], I have inquired within our office and determined that we do not maintain any records responsive to this item of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Eippert".

Nick Eippert
Assistant Chief Legal Counsel
Ohio Secretary of State