



December 12, 2022

VIA FACSIMILE

Office of the Ohio Secretary of State
22 North Fourth Street, 16th Floor
Columbus, OH 43215
Fax: (614) 644-0649

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

In early October 2022, the Office of the Ohio Secretary of State announced the creation of the Public Integrity Division, which would handle election-related investigations.¹ American Oversight seeks records related to the staffing and operations of the new division.

Requested Records

American Oversight requests that the Office of the Ohio Secretary of State promptly produce the following records:

1. Records sufficient to identify the names² and job titles of each employee permanently or temporarily assigned to the Public Integrity Division, or of those permanently or temporarily working in support of those assigned to the Public Integrity Division.
2. Records sufficient to identify the relationship and relative rank of each position within the Public Integrity Division, such as an organizational chart.
3. Records sufficient to identify any job openings within the Public Integrity Division.

¹ Jessie Balmert, *Ohio to Hire Election Investigators to Tackle ‘Crisis of Confidence’*, Columbus Dispatch (Oct. 5, 2022, 11:41 AM), <https://www.dispatch.com/story/news/politics/elections/2022/10/05/ohio-election-integrity-unit-launches-despite-voter-fraud-rarity/69536954007/>.

² In lieu of names of individual employees, American Oversight would also accept records sufficient to identify the total number of employees assigned to the Public Integrity Division.



4. Records sufficient to identify the Office of the Ohio Secretary of State's actual or prospective budget for the Public Integrity Division (including, but not limited to, relevant employee salaries and investigation expenses).
5. Records sufficient to identify all costs and expenses incurred by the Public Integrity Division (including, but not limited to, relevant employee payments and investigation expenses).
6. Records sufficient to identify the total number of pending investigations, as of the date of this request, before or being conducted by the Public Integrity Division.
7. Records sufficient to identify the total number of resolved investigations, as of the date of this request, (including, but not limited to, investigations resulting in referrals to local prosecutors or the Ohio Attorney General's Office) before or conducted by the Public Integrity Division and the final disposition of each investigation.

For all request items, to the extent that responsive information is aggregated and maintained in a database or spreadsheet, we request a printout from the database containing the information identified and described above (regardless of the actual title of the field).

American Oversight does not object to the redaction of the names, addresses, phone numbers, or other personally identifiable information listed in records responsive to these requests.

Please provide all responsive records from September 1, 2022, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.³ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

³ Ohio Rev. Code § 149.43(B)(1).

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁴

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Sarah Colombo at records@americanoversight.org or (202) 869-5244

Sincerely,

/s/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 115,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 17, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 17, 2022)