



March 29, 2022

VIA EMAIL

Public Records Unit
Ohio Attorney General
30 E. Broad Street, 14th Floor
Columbus, OH 43215
Constitution.Mail@OhioAttorneyGeneral.gov

Re: Public Records Act Request

Dear Public Records Officer:

Public reporting indicates that Attorney General Yost's office may have blocked certain members of the Ohio Redistricting Commission from hiring their own legal representation.¹ Attorney General Yost also petitioned the Ohio Supreme Court to convert those Commission members' objection to the then-current legislative district boundary proposal to an amicus curiae filing.²

American Oversight makes the following request for records pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, in order to better understand the Office of the Ohio Attorney General's decisions regarding Senator Vernon Sykes and House Minority Leader Allison Russo's objections to legislative district boundary proposals.

Requested Records

American Oversight requests that the Office of the Ohio Attorney General promptly produce the following records:

1. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) sent or received by any of the Office of the Ohio Attorney General personnel listed below regarding 1) Senator Sykes and/or House Minority Leader Russo's request to retain legal counsel separate from that of the Ohio Redistricting Commission, or

¹ Andrew J. Tobias, *Why the Democrats on Ohio's Redistricting Commission are Sparring with Republican Attorney General Dave Yost*, The Plain Dealer (Feb. 2, 2022, 5:20 PM), <https://www.cleveland.com/news/2022/02/why-the-democrats-on-ohios-redistricting-commission-are-sparring-with-republican-attorney-general-dave-yost.html>.

² Susan Tebben, *Ohio AG Wants Supreme Court to Limit Dem Redistricting Response*, Ohio Capital Journal (Feb. 1, 2022, 3:50 AM), <https://ohiocapitaljournal.com/2022/02/01/ohio-ag-wants-supreme-court-to-limit-dem-redistricting-response/>.



2) any petition to the Ohio Supreme Court to convert Senator Sykes and House Minority Leader Russo's objection to the then-current legislative district boundary proposal to an amicus curiae brief.

Office of the Ohio Attorney General Personnel:

- i. Dave Yost, Attorney General
- ii. Brenda Rinehart, First Assistant Attorney General
- iii. Benjamin Marrison, Chief of Staff
- iv. Carol O'Brien, Chief Counsel
- v. Jonathan Blanton, Deputy Attorney General for Major Litigation
- vi. Shawn Busken, Director of Outside Counsel
- vii. Michael Rodgers, Director of Policy and Public Affairs

2. Any formal or informal assessment, analysis, guidance, memorandum, directive, order, advisory, policy interpretation, or similar document regarding 1) Senator Sykes and/or House Minority Leader Russo's request to retain legal counsel separate from that of the Ohio Redistricting Commission, or 2) Senator Sykes and House Minority Leader Russo's filing in the Ohio Supreme Court objecting to the then-current legislative redistricting maps.

Please note that American Oversight does not seek, and this request specifically excludes, any documents subject to the attorney-client privilege.

For both request items, American Oversight believes your office is best positioned to determine where responsive records may reside. However, we believe that responsive records likely reside in the immediate office of the Attorney General, or any Service Division tasked with handling matters related to redistricting. Moreover, in an effort to narrow the scope of your search, American Oversight has identified the following Records Series as most likely to be relevant to the content of this request:

- i. Research/Reference Files
- ii. Responses: Informal Opinion, Advisory Letters, Memoranda
- iii. Court Case Files
- iv. Special Project Files
- v. Executive Correspondence
- vi. General Correspondence
- vii. Transient Documents

For both request items, please provide all responsive records from January 15, 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.

³ Ohio Rev. Code § 149.43(B)(1).

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.

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 15,730 page likes on Facebook and 118,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 25, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 25, 2022).