



June 21, 2021

**VIA FACSIMILE**

Office of the Governor  
77 S. High Street – 30th Floor  
Columbus, Ohio 43215  
Fax: (614) 466-9354

Office of the Lieutenant Governor  
77 S. High Street – 30th Floor  
Columbus, Ohio 43215  
Fax: (614) 466-9354

**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.

**Requested Records**

American Oversight requests that your office promptly produce the following records:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by employees of the Governor's Office and Lieutenant Governor's Office specified below regarding redistricting, including but not limited to regarding President Biden's executive order requiring the Census Bureau to include noncitizens for apportionment counts or any proposals to include only citizens of voting age for apportionment purposes.

Governor's Office:

- a. Governor DeWine
- b. Laurel Dawson, Counselor to the Governor
- c. Chief of Staff Michael Hall
- d. Ann O'Donnell, Chief Advisor to the Governor
- e. Communications Director Lisa Peterson
- f. Interim Director Matt Whatley

Lieutenant Governor's Office:

- a. Lieutenant Governor Jon Husted
- b. Director of Communications Josh Eck
- c. Chief of Staff Avi Zaffini
- d. Director of Coalitions Julie Kirk



In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Governor DeWine, Lt. Governor Jon Husted, or their staff. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Governor DeWine’s response to an email regarding redistricting and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 1, 2021, through the date this request is initially received by your office.

- 2) All email communications (including complete email chains, email attachments, calendar invitations, and attachments thereto) **exchanged between** (A) any of the Ohio officials **and** (B) any of the individuals or any employee or representative of any of the entities listed in Column B below.

| Column A: Ohio State Officials  | Column B: External Individuals or Entities   |
|---|--|
| <p>Governor’s Office</p> <ul style="list-style-type: none"> <li>i. Governor DeWine</li> <li>ii. Laurel Dawson, Counselor to the Governor</li> <li>iii. Chief of Staff Michael Hall</li> <li>iv. Ann O’Donnell, Chief Advisor to the Governor</li> <li>v. Communications Director Lisa Peterson</li> <li>vi. Interim Director Matt Whatley</li> </ul> <p>Lieutenant Governor’s Office</p> <ul style="list-style-type: none"> <li>i. Lieutenant Governor Jon Husted</li> <li>ii. Director of Communications Josh Eck</li> <li>iii. Chief of Staff Avi Zaffini</li> <li>iv. Director of Coalitions Julie Kirk</li> </ul> | <ul style="list-style-type: none"> <li>i. Matt Damshroeder</li> <li>ii. Heather Mann</li> <li>iii. Mark Braden</li> <li>iv. Heather Blessing</li> <li>v. Tom Whatley</li> <li>vi. Rob Tucker</li> <li>vii. Kevin McCarthy</li> <li>viii. Scott Borgemenke</li> </ul> |

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In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Governor DeWine, Lt. Governor Husted, or the individuals specified above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Governor DeWine’s response to an email regarding redistricting and the initial received message are responsive to this request and should be produced.

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:

- 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.<sup>1</sup> 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

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<sup>1</sup> Ohio Rev. Code § 149.43(B)(1).

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.<sup>2</sup>

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 Mehreen Rasheed at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed  
Mehreen Rasheed  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 28, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 28, 2021).