



June 11, 2021

VIA EMAIL

Senator Matt Huffman
President, Ohio State Senate
1 Capitol Square, 2nd Floor
Columbus, OH 43215
matt.huffman@ohiosenate.gov

Re: Public Records Act Request

Dear Senator Huffman:

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.

On February 25, 2021, the state of Ohio filed suit against the U.S. Census Bureau, seeking the release of block level data used for redistricting earlier than the Bureau's stated deadline of September 30, 2021.¹ During that time, state legislators also considered alternative means of delaying constitutional deadlines for redistricting, including seeking relief from the Ohio Supreme Court.² Though the Census Bureau suit was initially dismissed, the Sixth Circuit Court of Appeals found that the state had standing to sue and remanded the case to the district court.³ As of May 25, Ohio has reached an agreement with the Census Bureau to place its suit on hold provided the agency releases data no later than August 16.⁴

Requested Records

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

¹ Mike Schneider, *Ohio Is the First State to Sue Census Bureau Over Delay in Data*, AP, Feb. 25, 2021, <https://apnews.com/article/dayton-lawsuits-coronavirus-pandemic-census-2020-courts-f0a9f57a2d11b0fb0b580c1d4f8cd2fe>.

² Tyler Buchanan, *Pursuit of Ballot Amendment Dropped to Extend Redistricting Deadlines*, Sandusky Register (May 5, 2021, 4:13 PM), <https://sanduskyregister.com/news/319258/pursuit-of-ballot-amendment-dropped-to-extend-redistricting-deadlines/>.

³ Marissa J. Lang, *Federal Appeals Court Rules Ohio Can Push Census Bureau to Release Data Sooner Than Planned*, Wash. Post (May 18, 2021, 5:35 PM), https://www.washingtonpost.com/local/social-issues/2020-census-redistricting-ohio-lawsuit/2021/05/18/98690002-b815-11eb-a6b1-81296da0339b_story.html.

⁴ Mike Schneider, *Ohio, Census Bureau Reach Agreement on Redistricting Data*, Associated Press, May 25, 2021, <https://apnews.com/article/ohio-health-coronavirus-pandemic-census-2020-redistricting-2a0191b0a1aa15548d0cd359ef13a6ef>.



All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) containing any of the key terms listed below between (a) Senator Matt Huffman, anyone communicating on his behalf, such as a scheduler or assistant, or anyone serving as his chief of staff, and (b) the individuals specified below:

Specified Individuals:

- A. Attorney General Dave Yost
- B. First Assistant Attorney General Brenda Rinehart
- C. Chief of Staff Benjamin Marrison
- D. Deputy Attorney General Jonathan Blanton
- E. Solicitor General Benjamin Flowers
- F. Deputy Solicitor General May Davis
- G. Constitutional Offices Section Chief Bridget Coontz
- H. Constitutional Offices Deputy Section Chief Julie Pfeiffer

Key Terms:

- | | |
|----------------------------|------------------------|
| 1. 8/16 | 14. Noncitizen |
| 2. 9/30 | 15. Tabulation |
| 3. "6th Circuit" | 16. "Total population" |
| 4. Anonymized | 17. Reconstruct |
| 5. Apportionment | 18. Redistricting |
| 6. "August 16" | 19. Rose |
| 7. "Aug 16" | 20. "September 30" |
| 8. "Block level" | 21. "Sept 30" |
| 9. Census | 22. "Sixth Circuit" |
| 10. CVAP | 23. Torchinsky |
| 11. "Differential Privacy" | 24. "Voting age" |
| 12. "Fair Lines" | 25. @hvjt.law |
| 13. Legacy | |

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

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.⁵ 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.

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

⁵ Ohio Rev. Code § 149.43(B)(1).

website and promotes their availability on social media platforms, such as Facebook and Twitter.⁶

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 or (202) 848-1320.

Sincerely,

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

⁶ American Oversight currently has approximately 15,660 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 2, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 2, 2021).