



July 25, 2022

**VIA EMAIL**

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.

**Requested Records**

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

All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) any of the Ohio Office of the Secretary of State personnel listed below, and (b) anyone communicating from an email address ending in .com, .net, .org, .mail, .edu, or .law, containing any of the key terms listed below.

Ohio Office of the Secretary of State Personnel:

- i. Frank LaRose, Secretary of State
- ii. Amanda Grandjean, Deputy Assistant Secretary of State & Director of Elections
- iii. Grant Shaffer, Deputy Assistant Secretary of State & Director of External Affairs
- iv. Merle Madrid, Chief of Staff
- v. Jon Keeling, Director of Communications

Key Terms:

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|------------------------------------|-------------------------|
| i. "Independent State Legislature" | v. ""the legislature""* |
| ii. "Legislature Doctrine"         | vi. "Article I"         |
| iii. ISLT                          | vii. "Article 1"        |
| i. ISLD                            | viii. "Artl. I"         |
| ii. "places and manner"            | ix. "Artl. 1"           |
| iii. "manner of holding"           | x. "Art. I"             |
| iv. ""legislature""*               | xi. "Art. 1"            |
|                                    | xii. "Section 4"        |



xiii.	S4	xvii.	Hildebrant
xiv.	“Sec. 4”	xviii.	Smiley
xv.	“Elections Clause”	xix.	Rucho
xvi.	“Regulating federal elections”	xx.	“primary responsibility”
		xxi.	“setting election rules”

\*For these terms, American Oversight seeks only those records that include the term “legislature” or the phrase “the legislature”, including the quotation marks. For example, a record containing the phrase “a member of the legislature should” would not be responsive, whereas a record containing the phrase “a member of ‘the legislature’ should”—with “the legislature” in quotation marks—would be responsive.

To be clear, American Oversight’s request includes complete email chains. For example, if Secretary of State LaRose received an email from somebody using a .law email address containing the key term “Elections Clause,” the complete thread in which that email is contained should be produced, and not just the message containing the key term.

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.<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 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

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

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 Sarah Colombo at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

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

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<sup>2</sup> American Oversight currently has approximately 16,000 page followers on Facebook and 118,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 19, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 19, 2022).