



June 17, 2021

**VIA EMAIL**

Public Records Unit  
Ohio Attorney General  
30 E. Broad Street, 14th Floor  
Columbus, OH 43215  
[Constitution.Mail@OhioAttorneyGeneral.gov](mailto:Constitution.Mail@OhioAttorneyGeneral.gov)

**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 the individuals 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.

Specified Individuals:

- a. Attorney General Dave Yost
- b. First Assistant Attorney General Brenda Rinehart
- c. Chief of Staff Benjamin Marrison
- d. Director of Policy Michael Rodgers

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

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 email communications sent<sup>1</sup> by Attorney General Yost or the individuals specified above, as opposed to all email communications (or all

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<sup>1</sup> 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 Attorney General Dave Yost's response to an email regarding redistricting and the initial received message are responsive to this request and should be produced.



correspondence) in the possession of your office regarding the subject matter specified above. If your office does not have the capability to craft a search for records that encompasses only these individuals as senders, American Oversight would accept a broader search for email or other correspondence responsive to the above subject matter, noting that your office may narrow the results to email correspondence sent by the above individuals.

We believe your office is best suited to know the locations to be searched for responsive records. However, we have specified below the following divisions and records series that we believe, at a minimum, are likely to have responsive email correspondence:

- Policy and Public Affairs
  - Schedule File
  - Project File
  - Legislator/Constituent File
  - Conferences and Office Wide Events
  - Correspondence
  - Constituent Files
  - Media Briefing Materials
  - AGO Podcasts

- 2) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by Attorney General Dave Yost containing any of the following key terms:<sup>2</sup>
- a. “Matt Damshroeder”
  - b. “Heather Mann”
  - c. “Mark Braden”
  - d. “Heather Blessing”
  - e. “Tom Whatley”
  - f. “Rob Tucker”
  - g. “Kevin McCarthy”
  - h. “Scott Borgemenke”

Please provide all responsive records from January 1, 2021, through date this request is initially 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.

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<sup>2</sup> It is our understanding that your office has the capability to perform this type of search when it has, on occasion, performed “courtesy searches” of Attorney General Yost’s emails using search terms. We request that such a search be undertaken here.

## 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>3</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.

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<sup>3</sup> 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.<sup>4</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>4</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).