



December 2, 2021

VIA EMAIL

Speaker Robert Cupp
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, OH 43215
Rep04@ohiohouse.gov

Re: Public Records Act Request

Dear Speaker Cupp:

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.

Ohio legislators recently passed new congressional district boundaries after the Ohio Redistricting Commission missed two map proposal deadlines, moving the state's redistricting process over to the state legislature.^{1,2} Public reporting based on records filed in the Ohio Supreme Court revealed that commission members Speaker Cupp and Senate President Huffinan limited other commission members' involvement in the drafting process.³

As the redistricting process is finalized, American Oversight seeks records related to the official activities of the officials responsible for Ohio's redistricting.

Requested Records

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

¹ Tyler Buchanan, *Ohio Lawmakers Pass New Congressional District Map*, Axios, Nov. 19, 2021, <https://www.axios.com/local/columbus/2021/11/19/ohio-congressional-district-map>.

² *Ohio Redistricting Commission Fails Again: Ballots & Boundaries*, Bloomberg Law (Nov. 2, 2021, 12:05 PM), https://news.bloomberglaw.com/coronavirus/ohio-redistricting-commission-fails-again-ballots-boundaries-1?utm_source=rss&utm_medium=CVNW&utm_campaign=0000017c-bda8-d6db-af7e-bdedaf830018.

³ Jeremy Pelzer, *Deposition of Key Players in Ohio Redistricting Lawsuits Give a Peek into a Seemingly One-Sided Process*, The Plain Dealer (Oct. 26, 2021, 2:24 PM), <https://www.cleveland.com/open/2021/10/depositions-of-key-players-in-ohio-redistricting-lawsuits-give-a-peek-into-a-seemingly-one-sided-process.html>.



All calendars or calendar entries for Speaker Robert Cupp (including any calendars maintained on their behalf) from January 1, 2021, through the date the search is conducted.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Speaker Cupp allocates their time on public business.

The search should include any calendars associated with Speaker Cupp’s individual email accounts, if used for official business, as well as any official calendars maintained for Speaker Cupp including by any assistants.

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.
- 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.⁴ 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 website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

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

⁴ Ohio Rev. Code § 149.43(B)(1).

⁵ American Oversight currently has approximately 15,600 page followers on Facebook and 109,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 30, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 30, 2021).

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