

IN THE SUPREME COURT OF OHIO

| | | |
|--------------------------------|---|-----------------------------|
| STATE ex rel. Collin Marozzi, | : | |
| | : | |
| Relator | : | Original Action in Mandamus |
| | : | |
| v. | : | |
| | : | |
| Ohio House of Representatives, | : | |
| | : | |
| Respondent. | : | |

Complaint for Alternative and Peremptory Writs of Mandamus

J. Collin Marozzi
ACLU of Ohio Foundation, Inc.
1108 City Park Ave.
Columbus, Ohio 43206

Relator

Freda J. Levenson (0045916)
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, Ohio 44103
Tel: 614-586-1972 x 125
flevenson@acluohio.org

Attorney for Relator

Ohio House of Representatives
C/O Josh Sabo, Esq., Office of the Speaker
77 S. High St., 14th Floor
Columbus, Ohio 43215

Respondent

INTRODUCTION

1. Relator J. Collin Marozzi brings this action to compel Respondent the Ohio House of Representatives to comply with Ohio law and provide public records requested five months ago. Ohio's public records law grants individuals the right to request public records and requires government agencies to transmit copies of those records "within a reasonable period of time." Ohio Rev. Code Ann. § 149.43(B)(7). Pursuant to this law, on February 4, 2021, Relator Marozzi submitted requests to Respondent for the public records of Representative Cindy Abrams, Ms. Heather Blessing, Ms. Sheila Boehner, Representative Rick Carfagna, Speaker Bob Cupp, Representative Tim Ginter, Representative Don Jones, Ms. Christine Morrison, Representative Bill Seitz, and Mr. Brad Young (the "House Request Recipients"). On February 9, 2021, Respondent's counsel Josh Sabo, Deputy Legal Counsel in the Office of the Speaker, responded on behalf of the House Request Recipients and acknowledged Relator Marozzi's requests. Since then, however, Respondent has flouted the clearly defined duty to provide responsive records in a timely manner pursuant to Ohio public records law, including by withholding certain records without sufficient justification and by failing to provide others altogether. Respondent denies portions of other requests, claiming they are overbroad while deflecting or ignoring Relator Marozzi's repeated, good-faith efforts to limit their scope. Relator Marozzi respectfully submits this complaint for alternative and peremptory writs of mandamus to require Respondent to provide him the records sought.

JURISDICTION

2. This Court has jurisdiction to hear this case pursuant to Article IV Section 2(B)(1)(b) of the Ohio Constitution. "Mandamus is an appropriate action by which to compel compliance with the Public Records Act." *State ex rel. Summers v. Fox*, No. 2018-0959, --- N.E.3d ---, 2020 WL 7250544, *4 (Ohio Dec. 10, 2020).

PARTIES

3. Relator J. Collin Marozzi is a resident of Columbus, Ohio and works as a Policy Strategist at the ACLU of Ohio Foundation, Inc.

4. Respondent the Ohio House of Representatives is a public entity that is charged with maintaining records and making copies of them available within a reasonable period of time after they have been requested. Ohio Rev. Code Ann. § 149.43. Mr. Josh Sabo is counsel for Respondent, and the House Request Recipients are all public officials or employees of public offices associated with Respondent.

FACTS

5. As part of his professional interest in the upcoming redistricting cycle, Relator Marozzi seeks related public records maintained by the House Request Recipients.

6. In pursuit of these records, on February 4, 2021, Relator Marozzi transmitted via email letters containing nine requests for public records to each of the individual House Request Recipients (Exhibit 1). He identified the staff recipients and included Chief Legal Counsel to the Majority Caucus Paul Disantis on each request based on their identification in a House directory.

7. On February 9, 2021, Respondent acknowledged Relator Marozzi's requests (Exhibit 2). Respondent followed up on February 17, 2021 to deny Requests 6-9.¹ Respondent claimed at that time that these requests were "overly broad and ambiguous" because Respondent

¹ Requests 6-9 pertain to communications with: "any consultant, firm, or vendor for the purposes of redistricting"; "any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting"; "the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting"; and "the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting" (Exhibit 1).

“d[id] not keep or maintain lists of employees/staff/agents of the organizations listed” and so could not identify communications responsive to the requests. (Exhibit 3).

8. In an effort to be cooperative, on February 18, 2021, Relator Marozzi requested to speak with Respondent about Respondent’s denial (Exhibit 3). On February 22, 2021, Respondent’s counsel and Relator Marozzi spoke by phone to negotiate the terms of Requests 6-9. Respondent continued to complain that those requests were too broad and not in a format that enabled Respondent to identify responsive records. When Relator Marozzi inquired about the format in which records were kept, Respondent indicated that search terms were the preferred method of locating records. Relator Marozzi agreed to provide Respondent with a list of search terms to aid in locating responsive records. Respondent then agreed that it was not necessary to specifically identify each party to the communications the records sought.

9. On February 25, 2021, Respondent followed up with Relator Marozzi by email, and Relator Marozzi confirmed technical aspects of how and what terms might be run with Respondent (Exhibit 4). Based on this guidance, on February 26, 2021, Relator Marozzi provided Respondent with a list of search terms by email (Exhibit 4). Respondent confirmed receiving the terms and that it would “begin processing this in accordance with Ohio law.”

10. Nevertheless, and despite Relator Marozzi’s efforts to ensure the requests were acceptable to Respondent, Respondent continued to delay. As of March 30, 2021, almost two months after Relator Marozzi’s original request and more than a month after providing Respondent with search terms, Respondent still had not provided any responsive records. Given this, Relator Marozzi followed up to inquire with Respondent about the status of the requests (Exhibit 5).

11. Later that day, Respondent replied by email, providing records from Rep. Ginter’s office and Ms. Heather Blessing, as well as informing Relator Marozzi that Rep. Jones had no

responsive records (Exhibit 5). Respondent also informed Relator Marozzi that he had withheld certain of Ms. Blessing's records, claiming—without additional explanation—that these records were protected by the attorney-client privilege. Finally, Respondent informed Relator Marozzi that he was objecting to certain of the requested search terms for Requests 6-9 as overly vague and broad. Beyond a bare case law cite, Respondent provided no explanation of why the narrowed requests remained too broad, nor did he provide the opportunity to further narrow the requests.

12. As of May 5, 2021, more than three months after Relator Marozzi had submitted his original requests and more than two months after he had provided Respondent with the requested search terms, Respondent had not provided any additional records. Relator Marozzi again followed up to inquire with Respondent about the status of the pending requests (Exhibit 5). On May 7, 2021, Respondent responded to Relator Marozzi that his office was still processing the requests (Exhibit 5).

13. On May 14, 2021, Respondent provided records to Relator Marozzi from Rep. Abrams' Office and Ms. Sheila Boehner (Exhibit 6). Respondent informed Relator Marozzi that he withheld certain of Ms. Boehner's records pursuant to "legislative privilege [Ohio Rev. Code § 101.30] and attorney-client privilege/work product [Ohio Rev. Code §§ 101.301, 149.43(A)(1)(v)]."

14. On June 4, 2021, Respondent provided records to Relator Marozzi from Mr. Brad Young.

15. On June 17, 2021, more than four months after Relator Marozzi's original requests, Respondent still had not provided the remaining responsive records. At this point, Relator Marozzi and his employer, the ACLU of Ohio, enlisted counsel to follow up on the outstanding records

requests (Exhibit 7).² Via counsel, Relator Marozzi requested that Respondent explain the basis for its claim of attorney-client privilege over Ms. Blessing and Ms. Boehner's records. Relator Marozzi also responded to Respondent's objection that certain of Relator Marozzi's proposed search terms were overly vague and broad, and in the spirit of cooperation, proposed a revised set of search terms.

16. On June 23, 2021, Respondent responded by email to Relator Marozzi (Exhibit 8), providing records from Rep. Carfagna's Office. In his email, Respondent did not provide any further explanation as to the basis for his withholding of certain records pursuant to attorney-client privilege, but simply cited the statutes underlying the privilege. Respondent also objected to Relator Marozzi's proposed revised search terms.

17. As of the date of this filing, five months after Relator Marozzi's original requests, Respondent has yet to provide any records for Speaker Cupp, Rep. Seitz, or Ms. Morrison. Respondent also has not provided an explanation for his withholding of any documents pursuant to attorney-client privilege or for his refusal to run all of the search terms requested by Relator Marozzi.

ARGUMENT

18. Relator Marozzi brings this action for a writ of mandamus to enforce his clear legal right to the records he requested, as well as Respondent's clear legal duty to provide those records within a reasonable period of time. Ohio's Public Records Act, Ohio Rev. Code § 149.43(B)(7)(a), requires that public entities, upon receiving a request, transmit a copy of the public record requested "within a reasonable period of time after receiving the request for the copy." Relator Marozzi submitted his requests for the House Request Recipients' records five months ago.

².

Respondent has delayed and dragged out responding to these requests and, in fact, has failed to provide responses for three of the House Request Recipients altogether. Respondent's responses to Relator Marozzi's requests are contrary to Ohio law requiring delivery of requested records within a reasonable period. Indeed, this Court has found delays of as few as six days to be unreasonable. *See State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Ed.*, 776 N.E.2d 82, 91 (Ohio 2002). Even for more complicated public records requests, this Court has found delays shorter than Respondent's to be in violation of Ohio law. *See, e.g., State ex rel. Warren Newspapers, Inc. v. Hutson*, 640 N.E.2d 174, 179 (Ohio 1994) (finding that a delay of four months in responding to a request for "all incident reports and traffic tickets written in 1992," which the Court characterized as "broad," was neither prompt nor reasonable).

19. Moreover, Respondent withheld certain of Ms. Heather Blessing and Ms. Sheila Boehner's records based on the attorney-client privilege, yet provides no explanation of why this privilege applies. It is true that attorney-client privileged documents are exempted from disclosure as "[r]ecords the release of which is prohibited by state or federal law," Ohio Rev. Code Ann. § 149.43(A)(1)(v), because the attorney-client privilege is governed by Ohio statute, *id.* § 2317.02(A), and common law. *State ex rel. Lanham v. DeWine*, 985 N.E.2d 467, 474–75 (Ohio 2013). However, "[e]xceptions to disclosure under the Public Records Act, Ohio Rev. Code Ann. § 149.43, are strictly construed against the public-records custodian, and the custodian has the burden to establish the applicability of an exception. A custodian does not meet this burden if it has not proven that the requested records fall squarely within the exception." *State ex rel. Cincinnati Enquirer v. Jones-Kelley*, 886 N.E.2d 206, 210 (Ohio 2008). Absent explanation or demonstration to this Court that the documents withheld are indeed privileged, Respondent cannot carry this burden.

20. To be protected by the attorney-client privilege, communications must “pertain[] to the attorney’s legal advice.” *State ex rel. Lanham*, 985 N.E.2d at 474. This Court has long recognized that documents do not become privileged merely because they are provided to an attorney. *See, e.g., In re Keough*, 85 N.E.2d 550, 554 (Ohio 1949) (“It would lead to an absurd result if a report or document, relevant, material, competent and nonprivileged in the possession of a client . . . could be made privileged merely by turning it over to the client’s lawyer . . .”). Respondent cannot claim that Ms. Blessing and Ms. Boehner’s documents are privileged on this basis, nor can Respondent assert the privilege over communications not pertaining to legal advice. And “disclosure of privileged communications to a third party waives a claim of privilege with regard to communications on the same subject matter.” *MA Equip. Leasing I, LLC v. Tilton*, 980 N.E.2d 1072, 1080 (Ohio Ct. App. 2012). If Respondent has disclosed the assertedly privileged documents to a third party, this too vitiates its claim of privilege.

21. Respondent further contends that Relator Marozzi’s Requests 6-9 are vague and overbroad. But Ohio’s Public Records Act must be construed “liberally in favor of broad access, and any doubt is resolved in favor of disclosure of public records.” *State ex rel. Summers*, 2020 WL 7250544, at *4. In this case, there can be no doubt that the relevant records should be disclosed. Like other claims considered by this Court, Relator Marozzi’s request “is not comparable in its breadth to those [this Court has] previously rejected”: he “requested correspondence with specific parties” “relating to a specific topic.” *See id.* at *13. Neither “the manner in which such records are maintained” or “the number of employees whose files would need to be searched” make the request “prohibitively difficult to comply with,” as Respondent has already located and provided records in response to similar requests. *See id.*

22. Moreover, Relator Marozzi has twice engaged with Respondent in good faith in an attempt to limit the scope of his requests, and at each turn, Respondent has shifted its demands. First, on February 17, 2021, Respondent indicated that the requests were overly vague and broad unless Relator Marozzi could identify by name the parties to the communications he requested—only to agree on February 22 that, in fact, this was not necessary. Instead, Respondent agreed that search terms would enable it to locate the responsive records.³ But on March 30, 2021, Respondent denied portions of those search terms, too, as “overly vague and broad.”

23. Then, when Relator Marozzi attempted to further limit those terms, Respondent again denied the request on June 23, 2021. Respondent suggested at that time that searching for “[t]he word ‘district’ alone would capture almost every email issuing from a state representative’s office . . . [and o]ther words like ‘map*’ and ‘draw*’ would cause similar problems.” But in so doing, Respondent actually ignored the narrowing already proposed. In fact, Relator Marozzi had already limited his request in a manner that would address any such concerns by requesting that Respondent instead produce records that used those terms within five words of other limiting terms (*e.g.*, district*, border*, precinct*, block*). Such a narrowing would drastically reduce the scope of the requests.

24. Now, Respondent says that members’ records are generally organized “by specific subjects.” But Relator Marozzi’s original Requests 6-9 identified a specific subject: redistricting. And Relator Marozzi’s proposed search terms narrow that subject still further.

³ Respondent later followed up to press Relator Marozzi for the narrowed requests (Exhibit 4). Relator Marozzi took time to negotiate the technical details of these terms with Respondent in an effort to ensure they would be acceptable to Respondent (Exhibit 4). Despite Relator Marozzi’s efforts, Respondent subsequently denied parts of the requests (Exhibit 4).

25. Given Respondent's continued deflection and denial of Relator Marozzi's efforts, it is clear that any further efforts to modify the requests provided would receive similar responses. Relator Marozzi thus respectfully requests that this Court issue a writ of mandamus ordering Respondent to produce records responsive to his requests.

CLAIMS FOR RELIEF

26. WHEREFORE, Relator Marozzi prays for a peremptory writ and/or an alternative writ of mandamus compelling Respondent to provide the records that Relator Marozzi sought on February 4, 2021, in conjunction with statutory damages, attorney fees, costs and all other relief permitted by law.

Respectfully submitted,

/s/ Freda J. Levenson
Freda J. Levenson (0045916)
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, Ohio 44103
Tel: 614-586-1972 x 125
flevenson@acluohio.org

Attorney for Relator

STATE OF OHIO)
COUNTY OF Franklin) ss:

AFFIDAVIT OF J. COLLIN MAROZZI

I, J. Collin Marozzi, the relator in this action, have read the foregoing complaint and have personal knowledge of the allegations and facts within it. To the best of my knowledge, the facts contained in the complaint are true, and each exhibit attached to it is a true and accurate copy of the original.

The undersigned hereby affirms that the statements made in the foregoing affidavit are true, under penalty of perjury.

J. Collin Marozzi
J. Collin Marozzi

Subscribed and affirmed before me, J. Collin Marozzi this 2 day of July, 2021.

[Signature]
Notary Public

My commission expires: 5/11/22

Seal:



EXHIBIT 1

From: [Collin Marozzi](#)
To: rep29@ohiohouse.gov
Cc: kate.doherty@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 1:58:00 PM
Attachments: [Redstricitng RR Abrams.pdf](#)
[image001.png](#)

Hello Rep. Abrams,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Assistant Majority Whip Cindy Abrams. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: heather.blessing@ohiohouse.gov
Cc: paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:03:00 PM
Attachments: [Redistricting RR Blessing.pdf](#)
[image001.png](#)

Hello Mrs. Blessing,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Deputy Chief Legal Counsel Heather Blessing. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: sheila.boehner@ohiohouse.gov
Cc: paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:06:00 PM
Attachments: [Redstricitng RR Boehner.pdf](#)
[image001.png](#)

Hello Mrs. Boehner,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Deputy Chief of Staff Sheila Boehner. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: rep68@ohiohouse.gov
Cc: drew.cooper@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:05:00 PM
Attachments: [Redistricting RR Carfagna.pdf](#)
[image001.png](#)

Hello Rep. Carfagna,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Assistant Majority Floor Leader Rick Carfagna. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: rep04@ohiohouse.gov
Cc: ben.cech@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 1:47:00 PM
Attachments: [Redstricitng RR Cupp.pdf](#)
[image001.png](#)

Hello Speaker Cupp,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Speaker Bob Cupp. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term "public record" shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio

Physical address, phone number, email address

From: [Collin Marozzi](#)
To: rep05@ohiohouse.gov
Cc: megan.richwine@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 1:50:00 PM
Attachments: [Redstricitng RR Ginter.pdf](#)
[image001.png](#)

Hello Rep. Ginter,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Speaker Pro Tempore Tim Ginter. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: rep95@ohiohouse.gov
Cc: aj.thomas@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:10:00 PM
Attachments: [Redistricting RR Jones.pdf](#)
[image001.png](#)

Hello Rep. Jones

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Majority Whip Don Jones. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term "public record" shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: christine.morrison@ohiohouse.gov
Cc: paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:02:00 PM
Attachments: [Redstricitng RR Morrison.pdf](#)
[image001.png](#)

Hello Mrs. Morrison,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Chief of Staff Christine Morrison. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: rep30@ohiohouse.gov
Cc: jonathan.fausey@ohiohouse.gov; paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 1:53:00 PM
Attachments: [Redistricting RR Seitz.pdf](#)
[image001.png](#)

Hello Rep. Seitz,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Majority Floor Leader Bill Seitz. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF's to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.



J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

From: [Collin Marozzi](#)
To: brad.young@ohiohouse.gov
Cc: paul.disantis@ohiohouse.gov
Subject: Public Records Request
Date: Thursday, February 4, 2021 2:12:00 PM
Attachments: [Redstricitng RR Young.pdf](#)
[image001.png](#)

Hello Mr. Young,

Attached is a public records request for your office. As stated in the request, I am willing to receive records on a rolling basis. Please respond to this email as an acknowledgement of receipt of the request.

Thank you,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)

ACLU
Ohio



February 3, 2021

Pursuant to Ohio's open records laws, Ohio Revised Code §149.43(B), the following is a formal request for public records in the possession or control of House Clerk Brad Young. **This request is for records created between October 1, 2020 through the date of the receipt of this request.**

We hereby request copies of the following records:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.
- 3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.
- 4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.
- 5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.
- 6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.
- 7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.
- 8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

- 9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

For the purposes of this request, the term “public record” shall be defined as in Ohio Rev. Code § 149.43(A)(1). Any non-identical copy of any responsive record, including all drafts and all marked-up copies, are requested.

If you determine that some portions of the requested records are exempt from disclosure, please specify the basis for redaction and provide all non-exempt portions of the record. Additionally, if specific data or documents are not available, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available.

Please send the requested records as electronic PDF’s to Collin Marozzi, cmarozzi@acluohio.org. Please notify us upon receipt of this request if it is not possible to send the requested records electronically.

Pursuant to Ohio Rev. Code § 149.43(B)(1) please provide the requested records promptly. *See also State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Educ.*, 97 Ohio St. 3d 58, 65 (2002). I am happy to receive records in batches and as they are identified. In any event, all requested records should be provided on or before **February 19, 2020**.

If you have any questions about this request, or if you cannot meet this deadline please email cmarozzi@acluohio.org as soon as possible.

Thank you in advance for your assistance.

A handwritten signature in black ink, appearing to read "J. Collin Marozzi".

J. Collin Marozzi
Policy Strategist
ACLU of Ohio
Physical address, phone number, email address

EXHIBIT 2

From: [Collin Marozzi](#)
To: Josh.Sabo@ohiohouse.gov
Cc: Paul.Disantis@ohiohouse.gov
Subject: RE: 2/3/2021 Public Records Request
Date: Tuesday, February 9, 2021 12:54:00 PM
Attachments: [image001.png](#)

Thank you for your response Mr. Sabo. I look forward to our future correspondence.

Sincerely,

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)



From: Josh.Sabo@ohiohouse.gov [mailto:Josh.Sabo@ohiohouse.gov]
Sent: Tuesday, February 9, 2021 12:45 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Paul.Disantis@ohiohouse.gov
Subject: 2/3/2021 Public Records Request

Dear Mr. Marozzi:

This email acknowledges your 2/3/2021 public records request, sent to Heather Blessing, Sheila Boehner, Christine Morrison, Brad Young, Representatives Cindy Abrams, Rick Carfagna, Tim Ginter, Don Jones, Bill Seitz, and Speaker Bob Cupp for:

- 1.) Any and all records consisting of, or referring or relating to, the appointment of a person or persons to the Ohio Redistricting Commission, including, without limitation, recommendations, proposals, plans, or other discussion.
- 2.) Any and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion.

3.) Any and all records consisting of, or referring or relating to, communications between your office and the U.S Census Bureau.

4.) Any and all records consisting of, or referring or relating to, when or how 2020 Census data will be made available to members of Ohio General Assembly, members of the Ohio Redistricting Commission, and/or their respective staffs.

5.) Any and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle.

6.) Any and all records consisting of, or referring or relating to, any communication with any consultant, firm, or vendor for the purposes of redistricting, including, without limitation, requests for proposals, proposals, and agreements.

7.) Any and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio's Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.

8.) Any and all records consisting of, or referring or relating to, any communication with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee related to redistricting.

9.) Any and all records consisting of, or referring or relating to, any communication with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee related to redistricting.

The date scope of your request is October 1, 2020 through February 3, 2021. Please note that due to the COVID-19 Pandemic, the Ohio House is in partial work from home status, and thus there may be a delay in fulfilling your request. We will begin processing your request in accordance with Ohio law.

Josh Sabo, Esq.

Deputy Legal Counsel, Office of the Speaker

Ohio House of Representatives

Josh.Sabo@ohiohouse.gov

614-466-8118

CONFIDENTIALITY NOTICE

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EXHIBIT 3

From: Josh.Sabo@ohiohouse.gov
To: [Collin Marozzi](#)
Cc: Paul.Disantis@ohiohouse.gov
Subject: Re: Follow Up to 2/3/2021 Public Records Request
Date: Monday, February 22, 2021 8:15:11 AM
Attachments: [image001.png](#)

Mr. Marozzi:

I am free anytime after 2pm today. Our Chief Legal Counsel Paul DiSantis will also be joining the call. Please let me know if this still works for you. Thanks!

- Josh

On Feb 19, 2021, at 10:36 AM, Collin Marozzi <cmarozzi@acluohio.org> wrote:

Mr. Sabo,

Absolutely understandable with the busy legislative schedule. I'm hopeful we can set a time on Monday afternoon, after 2pm, to have a call and discuss the request. Please let me know whether you're available during that time and I can send a calendar invitation.

Thank you and have a nice weekend,
Collin

From: Josh.Sabo@ohiohouse.gov [mailto:Josh.Sabo@ohiohouse.gov]
Sent: Thursday, February 18, 2021 3:19 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Heather.Blessing@ohiohouse.gov; Paul.Disantis@ohiohouse.gov;
Travis.Butchello@ohiohouse.gov
Subject: RE: Follow Up to 2/3/2021 Public Records Request

Dear Mr. Marozzi:

Unfortunately I was unavailable to discuss your request today due to it being a session and committee day. I am happy to discuss your request at some point on Monday if that works for you. We are denying Requests 6-9 because they simply do not give us enough information for our offices to accurately search through their records. We have no way of knowing who all of the employees/agents are for the entities found in these requests. Nor do our offices keep updated lists of every person associated with these entities. If you would like to give us names to search for and further narrow your requests, our offices can be processing these requests.

Josh Sabo, Esq.
Deputy Legal Counsel, Office of the Speaker

Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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From: Collin Marozzi <cmarozzi@acluohio.org>
Sent: Thursday, February 18, 2021 9:57 AM
To: Sabo, Josh <Josh.Sabo@ohiohouse.gov>
Cc: Blessing, Heather <Heather.Blessing@ohiohouse.gov>; Disantis, Paul <Paul.Disantis@ohiohouse.gov>; Butchello, Travis <Travis.Butchello@ohiohouse.gov>
Subject: RE: Follow Up to 2/3/2021 Public Records Request

Hello Mr. Sabo,

Do you have time today between 11am-4pm for a phone call to discuss these denials and ways to resolve them?

Thank you,
Collin

J. Collin Marozzi, MAP
Policy Strategist | ACLU of Ohio
1108 City Park Ave. | Columbus, OH 43206
614.586.1972. ext 2014 | cmarozzi@acluohio.org
(he/him/his)
<image001.png>

From: Josh.Sabo@ohiohouse.gov [<mailto:Josh.Sabo@ohiohouse.gov>]
Sent: Wednesday, February 17, 2021 10:47 AM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Heather.Blessing@ohiohouse.gov; Paul.Disantis@ohiohouse.gov; Travis.Butchello@ohiohouse.gov
Subject: Follow Up to 2/3/2021 Public Records Request

Dear Mr. Marozzi:

This email is a follow up to your 2/3/2021 public records request. We are continuing to process Requests 1-5.

Requests 6-9 are denied. These requests are denied because they are overly broad and ambiguous and do not provide enough information to allow us to identify responsive records based on the manner in which the office organizes and accesses the records it keeps. “[I]t is the responsibility of the person who wishes to inspect and/or copy records to identify with reasonable clarity the records at issue.” *State ex rel. Zidonis v. Columbus State Community College*, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, ¶ 21. A requester must identify the records sought so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. *State ex rel. Zauderer v. Joseph*, 62 Ohio App.3d 752 (10th Dist. 1989). Our offices do not keep or maintain lists of employees/staff/agents of the organizations listed in Requests 6-9. Thus, we have no way of identifying which communications are responsive to your request.

In the event you would like to revise your request and provide us with specific names to search, you may do so and our office will process it in accordance with Ohio public records law. Please note that as the House of Representatives is in a partial work from home status, there may be a delay with the processing of your request.

Josh Sabo, Esq.

Deputy Legal Counsel, Office of the Speaker
Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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EXHIBIT 4

From: [Collin Marozzi](#)
To: Josh.Sabo@ohiohouse.gov
Cc: Paul.Disantis@ohiohouse.gov
Subject: RE: Follow Up
Date: Friday, February 26, 2021 9:46:00 AM
Attachments: [Redistricting_SearchTerms.pdf](#)

Hi Josh,

Attached is the list of search terms for the records request. Please let me know if you have any questions.

Have a nice weekend,
Collin

From: Josh.Sabo@ohiohouse.gov [mailto:Josh.Sabo@ohiohouse.gov]
Sent: Thursday, February 25, 2021 5:24 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Subject: Re: Follow Up

Collin,

No worries, I have definitely been guilty of doing that as well. I just double checked to make sure, and our search is not case sensitive. Let me know if you have any other questions. Thanks!

- Josh

On Feb 25, 2021, at 5:16 PM, Collin Marozzi <cmarozzi@acluohio.org> wrote:

Hi Josh,

Thanks for the follow up. I thought I had sent you an email yesterday with a final clarification on the request, but after receiving this message I went back and just realized that email is currently sitting in my drafts...so I'm pretty frustrated with myself and I appreciate your patience.

Anyway, the question I meant to send to you yesterday is whether or not your office's term search tool was case sensitive? Once we know that I can get you the list of terms early tomorrow. Again, thank you for the follow and apologies for my oversight.

Thanks,
Collin

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From: Josh.Sabo@ohiohouse.gov <Josh.Sabo@ohiohouse.gov>
Sent: Thursday, February 25, 2021 5:09:24 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Paul.Disantis@ohiohouse.gov <Paul.Disantis@ohiohouse.gov>
Subject: Follow Up

Hi Collin,

I had a quick conversation with Paul today and he asked me where we were at with your public records request. I let him know that we were continuing to process your request, but hadn't yet heard back from you following our conversation on Monday. Thus, I wanted to follow up and check to see if you have any revisions for us so we can continue to process the entirety of your request. Thanks!

Josh Sabo, Esq.
Deputy Legal Counsel, Office of the Speaker
Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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Search Terms for Redistricting Records Request Originally dated February 3, 2021

From: Collin Marozzi, Policy Strategist ACLU Ohio

To: Josh Sabo, Deputy Legal Counsel, Ohio House of Representative Republican Caucus

Date: 2/26/21

Redistrict*
re-district*
Article XI
Article XIX
Census
block
tract
Precinct*
Border*
Apportion*
Populate*
"Task Force"
TF
"Ohio redistricting commission"
VTD*
"Voting District*"
"Congressional district*"
"Legislative district*"
"Geographic Information System*"
GIS
map*
draw*
maptitude
Caliper
DISTRICTSolv
DistrictBuilder
ArcBridge
AutoBound (EDGE OR ArcGIS)
Citygate
Esri
iRedistrict
ZillionInfo

EXHIBIT 5

From: Josh.Sabo@ohiohouse.gov
To: [Collin Marozzi](#)
Cc: Paul.Disantis@ohiohouse.gov
Subject: RE: Follow Up
Date: Friday, May 7, 2021 5:01:29 PM

Hi Collin,

We're continuing to process your request. We're still in partial work from home status, but we should have the next installment of records to you sometime next week.

- Josh

From: Collin Marozzi <cmarozzi@acluohio.org>
Sent: Wednesday, May 5, 2021 11:53 AM
To: Sabo, Josh <Josh.Sabo@ohiohouse.gov>
Cc: Disantis, Paul <Paul.Disantis@ohiohouse.gov>
Subject: RE: Follow Up

Hello Josh,

It has been over a month since our last communication. Are there any updates on the process of my Feb. 3 records request?

Collin

From: Collin Marozzi
Sent: Tuesday, March 30, 2021 2:21 PM
To: Josh.Sabo@ohiohouse.gov
Cc: Paul.Disantis@ohiohouse.gov
Subject: Re: Follow Up

Thanks for the update and documents Josh. I'll be on the lookout for the remaining records. Have a nice holiday weekend.

Collin

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From: Josh.Sabo@ohiohouse.gov <Josh.Sabo@ohiohouse.gov>
Sent: Tuesday, March 30, 2021 2:07:31 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Paul.Disantis@ohiohouse.gov <Paul.Disantis@ohiohouse.gov>
Subject: RE: Follow Up

Hi Collin,

We're still working to process your request. However, we've finished processing your request for 3 of the individuals/offices you named. Attached are records from Rep. Ginter's office. No records were redacted or withheld. Additionally, we've attached Heather Blessing's responsive records. Some records were withheld pursuant to attorney-client privilege. Finally, after conducting a search, the office of Rep. Jones determined that they had no records responsive to your request. Please note that upon review, we have determined that the portion of your revised Requests 6-9 for records pertaining to the following terms is denied as overly vague and broad:

map*
draw*
"Congressional district*"
"Legislative district*"
Voting District
VTD
task force
populate
block
tract
Precinct*
Border*
Apportion*

"[I]t is the responsibility of the person who wishes to inspect and/or copy records to identify with reasonable clarity the records at issue." *State ex rel. Zidonis v. Columbus State Community College*, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, ¶ 21. A requester must identify the records sought so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. *State ex rel. Zauderer v. Joseph*, 62 Ohio App.3d 752 (10th Dist. 1989).

We did direct offices to search for responsive records filed or organized under the remaining topics you specified for revised Requests 6-9:

Redistricting
Re-districting Article XI
Article XIX Census
Ohio Redistricting Commission
Geographic Information System (GIS)
Maptitude
Caliper
DISTRICTSolv
DistrictBuilder
ArcBridge
AutoBound (EDGE OR ArcGIS)
Citygate
Esri
iRedistrict
ZillionInfo

We will continue to work to process the remainder of your request in accordance with Ohio law.

- Josh

From: Collin Marozzi <cmarozzi@acluohio.org>
Sent: Tuesday, March 30, 2021 1:25 PM
To: Sabo, Josh <Josh.Sabo@ohiohouse.gov>
Cc: Disantis, Paul <Paul.Disantis@ohiohouse.gov>
Subject: RE: Follow Up

Hey Josh,

Just checking in for a progress report on the records request. Do you know when I can expect to receive the documents?

Thanks,
Collin

From: Josh.Sabo@ohiohouse.gov [<mailto:Josh.Sabo@ohiohouse.gov>]
Sent: Friday, February 26, 2021 3:16 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Paul.Disantis@ohiohouse.gov
Subject: RE: Follow Up

Thanks, Collin. We'll begin processing this in accordance with Ohio law.

- Josh

From: Collin Marozzi <cmarozzi@acluohio.org>
Sent: Friday, February 26, 2021 9:46 AM
To: Sabo, Josh <Josh.Sabo@ohiohouse.gov>
Cc: Disantis, Paul <Paul.Disantis@ohiohouse.gov>
Subject: RE: Follow Up

Hi Josh,

Attached is the list of search terms for the records request. Please let me know if you have any questions.

Have a nice weekend,
Collin

From: Josh.Sabo@ohiohouse.gov [<mailto:Josh.Sabo@ohiohouse.gov>]
Sent: Thursday, February 25, 2021 5:24 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Subject: Re: Follow Up

Collin,

No worries, I have definitely been guilty of doing that as well. I just double checked to make sure, and our search is not case sensitive. Let me know if you have any other questions. Thanks!

- Josh

On Feb 25, 2021, at 5:16 PM, Collin Marozzi <cmarozzi@acluohio.org> wrote:

Hi Josh,

Thanks for the follow up. I thought I had sent you an email yesterday with a final clarification on the request, but after receiving this message I went back and just realized that email is currently sitting in my drafts...so I'm pretty frustrated with myself and I appreciate your patience.

Anyway, the question I meant to send to you yesterday is whether or not your office's term search tool was case sensitive? Once we know that I can get you the list of terms early tomorrow. Again, thank you for the follow and apologies for my oversight.

Thanks,
Collin

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From: Josh.Sabo@ohiohouse.gov <Josh.Sabo@ohiohouse.gov>
Sent: Thursday, February 25, 2021 5:09:24 PM
To: Collin Marozzi <cmarozzi@acluohio.org>
Cc: Paul.Disantis@ohiohouse.gov <Paul.Disantis@ohiohouse.gov>
Subject: Follow Up

Hi Collin,

I had a quick conversation with Paul today and he asked me where we were at with your public records request. I let him know that we were continuing to process your request, but hadn't yet heard back from you following our conversation on Monday. Thus, I wanted to follow up and check to see if you have any revisions for us so we can continue to process the entirety of your request. Thanks!

Josh Sabo, Esq.
Deputy Legal Counsel, Office of the Speaker
Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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EXHIBIT 6

From: Josh.Sabo@ohiohouse.gov
To: [Collin Marozzi](#)
Cc: Paul.Disantis@ohiohouse.gov
Subject: 2/4/2021 Public Records Request [Second Installment]
Date: Friday, May 14, 2021 4:24:10 PM
Attachments: [Sheila Boehner 1.pdf](#)
[Sheila Boehner 2.pdf](#)
[Abrams.pdf](#)

Colin,

This email is in response to your 2/4/2021 public records request. Please find attached the second installment of records responsive to your request. None of Rep Abrams' records were redacted or withheld. Some of Sheila Boehner's records were withheld pursuant to legislative privilege [R.C. 101.30] and attorney-client privilege/work product [R.C. 101.301 & R.C. 149.43(A)(1)(v)]. We will continue processing the rest of your request in accordance with Ohio law.

Josh Sabo, Esq.

Deputy Legal Counsel, Office of the Speaker
Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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EXHIBIT 7

Goldrosen, Juliana

From: Bender, Brady
Sent: Thursday, June 17, 2021 6:16 AM
To: Josh.Sabo@ohiohouse.gov
Cc: cmarozzi@acluohio.org
Subject: 2/3/21 Public Records Request
Attachments: Letter from B. Bender to J. Sabo 6.17.21.pdf

Dear Counsel,

Please find attached a letter regarding a February 3, 2021 records request submitted by Collin Marozzi of the ACLU of Ohio.

Thank you for your attention and response.

Sincerely,
Brady

Brady Bender

Pronouns: She/Her/Hers

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5968 | bbender@cov.com
www.cov.com

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SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

Via Email

June 17, 2021

Josh Sabo
Ohio House of Representatives
77 S. High Street
Columbus, Ohio 43215

Re: Public Records Request

Dear Counsel:

I write in reference to public records requests made by the ACLU of Ohio policy counsel Collin Marozzi on February 3, 2021 with respect to information concerning redistricting following the 2020 Census.

At this time, several requests remain outstanding in violation of the Ohio Public Records Act. In particular, no responses have been provided for the requests to Speaker Bob Cupp, Representative Rick Carfagna, Representative Bill Seitz, and Ms. Christine Morrison. As you know, Ohio law requires that, upon request, public officials provide copies of public records “within a reasonable period of time.” R.C. 149.43(B)(1). Courts have found delays of as few as six days to be unreasonable. *See, e.g., State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Ed.*, 776 N.E.2d 82, 91 (Ohio 2002). In this case, the missing responses are more than four months late, a delay which counsel has not justified—and cannot justify.

At the same time, counsel has asserted objections to and/or withheld records responsive to certain other requests. On March 30, 2021, counsel informed Mr. Marozzi that portions of Ms. Heather Blessing’s records were withheld pursuant to the attorney-client privilege and/or work-product doctrine; on May 14, 2021, counsel informed Mr. Marozzi that portions of Ms. Sheila Boehner’s records were withheld on the same basis. As you are no doubt aware, factual documents are not rendered privileged merely because they are sent by or to an attorney. Moreover, as the United States District Court for the Southern District of Ohio has recently held, data and maps related to redistricting are not protected from discovery given that they are created incidental to the legislature’s “statutory duty to draft . . . [a] map.” *Ohio A. Philip Randolph Inst. v. Smith*, No. 1:18cv357, 2018 WL 6591622, at *5 (S.D. Ohio Dec. 15, 2018). To ensure that this claim of privilege was validly made, we ask that you explain the basis for its assertion, including why the withheld documents constituted legal advice and, as relevant, the parties between whom the withheld records were conveyed.

Similarly, on May 14, 2021, counsel informed Mr. Marozzi that portions of Ms. Boehner’s records were withheld pursuant to “legislative privilege,” citing R.C. 101.30. To ensure that this claim of “privilege” was validly made, we ask that you also explain the basis for its assertion,

COVINGTON

Josh Sabo

June 17, 2021

Page 2

including why the withheld documents constitute “legislative documents”, as defined in the statute, and how they arise out of the confidential relationship between legislative staff and the general assembly, also as defined in the statute.

Finally, on March 30, 2021, counsel denied certain portions of the public records requests submitted “as overly vague and broad.” Please explain the basis for this determination with respect to the identified search terms. We reserve the right to challenge this determination at a later date. However, in the spirit of the Ohio Public Records Act, which “contemplates that the requester and the public-records custodian cooperate in fulfilling a request,” *State ex rel. Morgan v. Strickland*, 906 N.E.2d 1105, 1109 (Ohio 2009), we request that you instead produce records pertinent to the following terms:

- draw* /5 (district* OR map* OR border* OR precinct* OR block* OR tract* OR VTD)
- map* /5 (district* OR border* OR precinct* OR block* OR tract* OR VTD)
- apportion* /5 (district* OR map* OR precinct* OR border* OR tract* OR block* OR VTD)
- “task force” /5 (vote* OR voting OR district* OR redistrict* OR map* OR VTD)

Should your office elect not to search for documents responsive to these terms, please explain the basis for this decision and propose an alternative to which you may be amenable.

We ask that you respond in writing to this letter by June 23, 2021. Further, we ask that you provide all remaining records responsive to our request by the same date. Please send the requested records as electronic PDFs to the undersigned, Brady Bender (bbender@cov.com), and Collin Marozzi (cmarozzi@acluohio.org). We are willing to receive records in batches as they are identified.

Sincerely,

/s/

L. Brady Bender

cc: Collin Marozzi

EXHIBIT 8

From: Josh.Sabo@ohiohouse.gov
Sent: Wednesday, June 23, 2021 1:44 PM
To: Bender, Brady
Cc: Heather.Blessing@ohiohouse.gov; Paul.Disantis@ohiohouse.gov; 'Collin Marozzi'
Subject: RE: 2/3/21 Public Records Request
Attachments: Carfagna 1.pdf; Carfagna 2.pdf; House Records Retention Schedule.pdf

[EXTERNAL]

Dear Ms. Bender:

This email responds to your June 17, 2021 letter to our office, as well the February 3, 2021 [revised February 26, 2021] public records to named Ohio House members and staff from your client, Colin Marozzi.

In your letter, you state that in regards to providing copies of records to requesters, some courts have found delays of as few as six days to be unreasonable. In the case you cited [*State ex rel. Consumer News Serv., Inc. v. Worthington City Bd. of Ed.*, 776 N.E.2d 82, 91 (Ohio 2002)], the local board of education received a public records request for the applications of 5 candidates for the position of school district treasurer. The scope of the request in that case is not analogous to the present public records request from your client. First, your client revised his request more than 3 weeks after his original request following a phone discussion between him and House legal counsel. Second, your client requested that ten named individuals and their staff search all records in their custody for multiple different requests for a timespan that spanned months. Finally, during the time that the request was received and processed until May 25, 2021, the House was in periods of full and partial “work from home” status while processing previously received public records requests. Some of our earliest communications with Mr. Marozzi advised him of the potential for a delayed response due to these conditions. At present, we have fulfilled 70% of your client’s requests. Please find attached responsive records from Rep. Rick Carfagna’s office; no records were redacted or withheld. We are continuing to process records for Speaker Cupp, Rep. Seitz, and Christine Morrison.

You additionally ask that our office explain the basis for withholding certain records pursuant to attorney-client privilege, why the documents constituted legal advice, and the parties between whom the withheld records were held. You additionally note that “factual documents are not protected from discovery.” For the purposes of clarification, we are responding to Mr. Marozzi’s request as a public records request under R.C. 149.43 and not a discovery request. The records of Heather Blessing referenced in my email of March 30, 2021 were withheld under R.C. 149.43(A)(1)(v) as attorney-client privileged communications defined in R.C. 101.301 and R.C. 2317.021 (see also *State ex rel. Lanham v. DeWine*, 135 Ohio St.3d 191, 2013-Ohio-199, 985 N.E.2d 467).

Further, you ask that our office explain the basis for withholding certain records pursuant to legislative privilege, why the documents constitute “legislative documents,” and how they arise out of the confidential relationship between legislative staff and the General Assembly. The records of Sheila Boehner referenced in my email of Mary 14, 2021 documents were withheld pursuant to R.C. 101.30. Legislative documents are defined in R.C. 101.30(A)(1) and the confidential relationship between legislative staff and the General Assembly is described in R.C. 101.30(B).

Finally, your letter provides what appears a shorter list of terms and combinations of terms to search including “draw”, “map”, “apportion,” and “task force” in proximity to other terms including “district”, “map”, “border”, “precinct”; “block;” “tract”; or “VTD.” We previously denied a request to search for records pertaining to these terms as overly broad on March 30, 2021, and continue to deny this request. “[I]t is the responsibility of the

person who wishes to inspect and/or copy records to identify with reasonable clarity the records at issue.” *State ex rel. Zidonis v. Columbus State Community College*, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, ¶ 21. A requester must identify the records sought so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. *State ex rel. Zauderer v. Joseph*, 62 Ohio App.3d 752 (10th Dist. 1989).

Our offices do not organize their records under these broad terms, combination of terms, or subjects. The word “district” alone would capture almost every email issuing from a state representative’s office, as the email signature commonly identifies the name of the district served by the member. . Other words like “map*” and “draw*” would cause similar problems. As we mentioned have stated to your client, records referencing those terms will likely be captured his existing requests for records pertaining to redistricting. In general, our offices organize their records by member, and within each member office, by specific subjects, bill numbers, and constituent cases. Mr. Marozzi, or you on his behalf, may revise his requests to include additional, narrower criteria so that we can more easily identify the records you request. Please find attached the current records retention schedule for the Ohio House of Representatives which further demonstrates how records are ordinarily maintained and accessed by our offices.

We will continue to process the remainder of Mr. Marozzi’s request in accordance with Ohio law.

Josh Sabo, Esq.

Deputy Legal Counsel, Office of the Speaker
Ohio House of Representatives
Josh.Sabo@ohiohouse.gov
614-466-8118

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From: Bender, Brady <BBender@cov.com>
Sent: Thursday, June 17, 2021 9:16 AM
To: Sabo, Josh <Josh.Sabo@ohiohouse.gov>
Cc: cmarozzi@acluohio.org
Subject: 2/3/21 Public Records Request

Dear Counsel,

Please find attached a letter regarding a February 3, 2021 records request submitted by Collin Marozzi of the ACLU of Ohio.

Thank you for your attention and response.

Sincerely,
Brady

Brady Bender

Pronouns: She/Her/Hers

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5968 | bbender@cov.com

Rep68

From: Alex Tapia, Millennial Action Project <info@millennialaction.org>
Sent: Wednesday, January 27, 2021 3:03 PM
To: Rep68
Subject: You're Invited! Drawing the Lines: Virtual Convening on Redistricting

Dear Rep. Carfagna,

I wanted to make sure you saw this invitation for MAP's upcoming redistricting webinar. We are excited to partner with the Campaign Legal Center to provide information on redistricting and answer your questions! The chat will be open during the webinar, but you can also submit your questions for the presenters directly to me in advance at alex@millennialaction.org.

I really hope you can join us next Thursday, Feb. 4th at 2:30 PM EST.

Best,
Alex

----- Forwarded message -----

From: Alex Tapia, Millennial Action Project <info@millennialaction.org>
Date: Fri, Jan 22, 2021 at 2:24 PM
Subject: You're Invited! Drawing the Lines: Virtual Convening on Redistricting
To: Lani Test Bohm <lani@millennialaction.org>

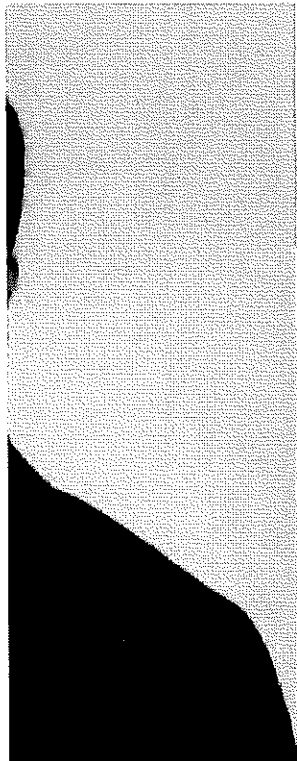


boundary lines that will determine state and congressional districts for the next ten years. Because redistricting happens once in a decade, this is a critical time to get involved. Join us for this redistricting [webinar](#) with experts from the Campaign Legal Center.

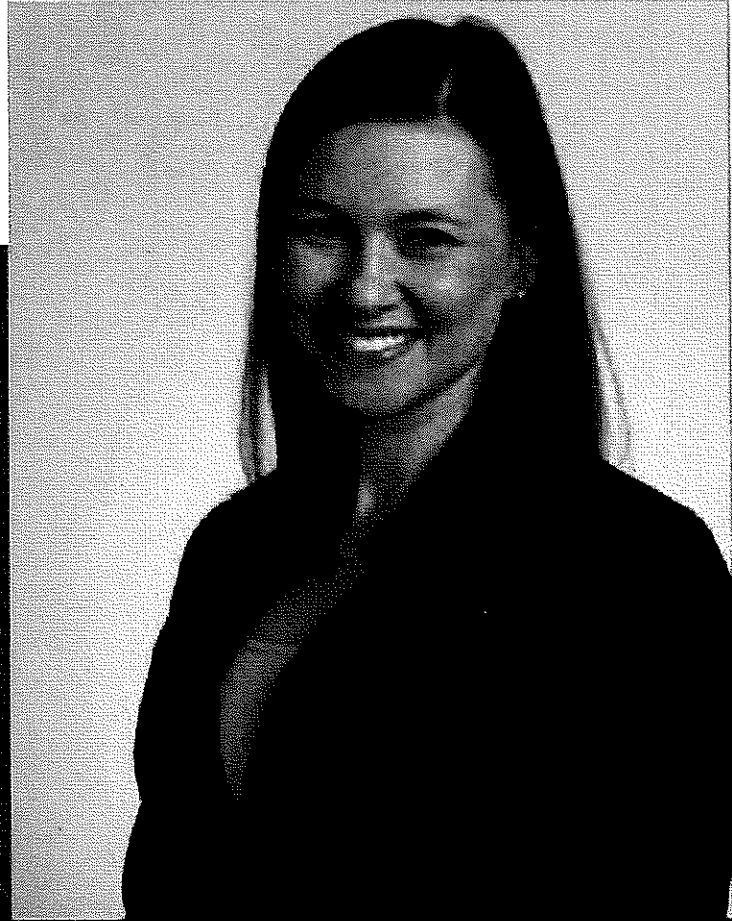
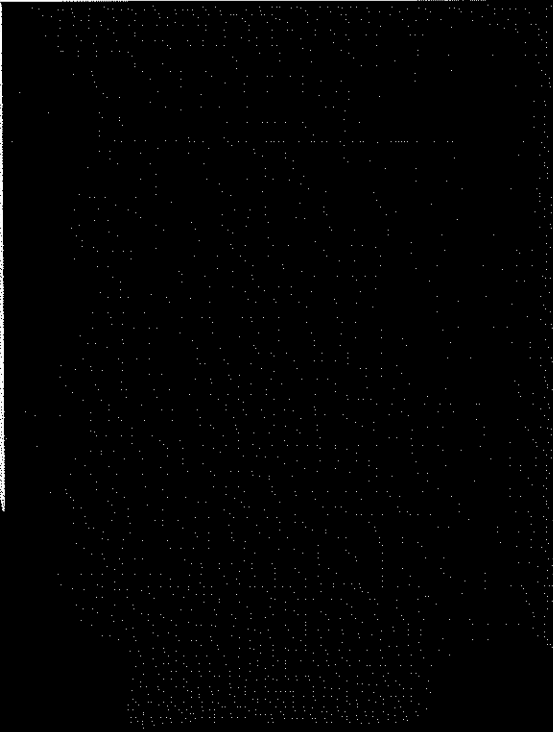
Drawing the Lines: Virtual Convening on Redistricting
Thursday, February 4th
2:30 pm - 3:30 pm ET
Where: Zoom



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RUTH GREENWOOD
Co-Director, Voting Rights
Redistricting
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ce in our institutions. If you have any questions about this webinar or have feedback on what you would like our panelists to address, please

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Rep68

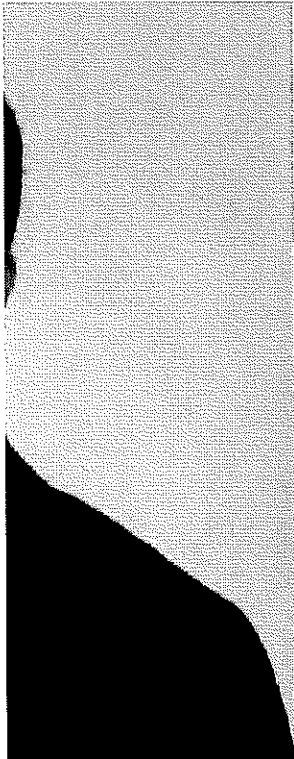
From: Alex Tapia, Millennial Action Project <info@millennialaction.org>
Sent: Friday, January 22, 2021 2:24 PM
To: Rep68
Subject: You're Invited! Drawing the Lines: Virtual Convening on Redistricting



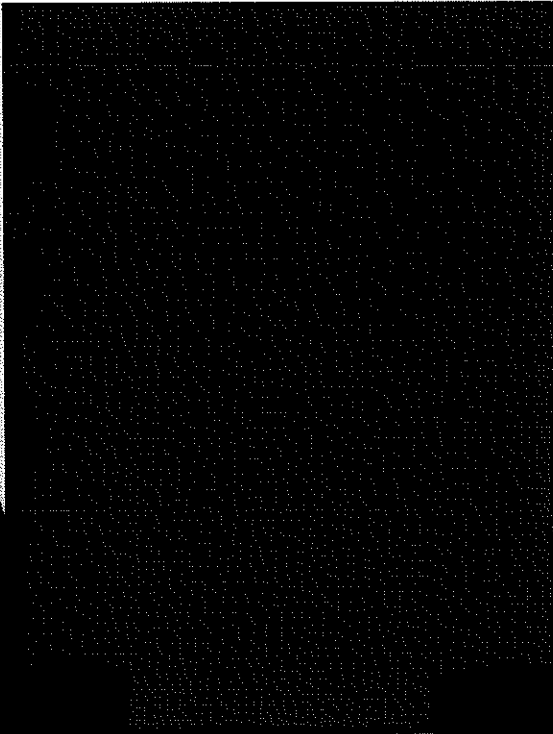
boundary lines that will determine state and congressional districts for the next ten years. Because redistricting happens once in a decade, this is a rare opportunity to draw the lines. Join us for a virtual convening on redistricting [webinar](#) with experts from the Campaign Legal Center.

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House Records Retention Schedule – General

*All physical records not originally created or received in electronic format may be preserved and retained electronically.

| Records Series | Description | Retention Period |
|-----------------------|--|--|
| HOUSE-GENERAL 1 | Audiovisual Records Includes film, photographs, video, etc. | Retain until no longer of administrative value, and then transfer to the State Archives for possible retention or destruction. |
| HOUSE-GENERAL 2 | Calendar appointments Includes records of daily schedules, appointments, and events as maintained in designated calendaring process or program. | Retain calendar entries during term of member or current two-year General Assembly (unless event is altered or cancelled), and then destroy if no longer of administrative value. |
| HOUSE-GENERAL 3 | Committee and Session Schedules and Notices Excludes notices maintained in the official committee record/book | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 4 | Committee Records (Chair) Includes committee notices, agendas, minutes, roll call sheets, absence letters, photo/video/audio request forms, amendments, substitute bills, committee reports, witness forms, testimony, and other documents officially distributed by the committee chair that constitute part of the official committee record/book. | Retain in committee chair's office until the end of General Assembly, then file committee book with Clerk. Pursuant to House Rules, the Clerk will keep committee records for two years, after which time said records shall be filed with the Legislative Service Commission. |
| HOUSE-GENERAL 5 | Committee Records (Other) Includes records pertaining to committees in offices other than the committee chair and not included in the official committee record/book. | Retain until end of General Assembly, and then destroy if no longer of administrative value. |
| HOUSE-GENERAL 6 | Communications Records – External Includes news clips, news releases, newsletters, and reports prepared by external sources (including state agencies). | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 7 | Communications Records – Internal Includes news releases, newsletters, articles, letters to the editor, newspaper columns, and speeches prepared by internal sources (including members and staff). | Retain until no longer of administrative value, and then transfer to the State Archives for possible retention or destruction. |
| HOUSE-GENERAL 8 | Communications Records – News Clips (Internal) Includes news clips prepared by internal sources (including members and staff). | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 9 | Constituent Records Includes correspondence to and from members' constituents requesting assistance, offering opinions, etc.; information from state agencies and elsewhere concerning constituents; and administrative databases or files used to monitor responses to constituent correspondence. | Retain during term of member or current two-year General Assembly (whichever is earlier), and then destroy if no longer of administrative value. If matter is still pending at conclusion of member's term, transfer to successor. |
| HOUSE-GENERAL 10 | Copies and Duplicates Includes internal copies and duplicates used for informational purposes and for which the official record is elsewhere. | Retain until no longer of administrative value, and then destroy. |

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| HOUSE-GENERAL 11 | Cosponsor Requests | Retain until no longer of administrative value, and then destroy |
| HOUSE-GENERAL 12 | General Correspondence Includes incoming, outgoing and miscellaneous correspondence. Excludes routine correspondence and transient documents. | Retain during term of member or current two-year General Assembly (whichever is earlier), and then destroy if no longer of administrative value. For form letters, note cards and emails that are received in bulk, keep one copy pursuant to this retention schedule and destroy the remainder if no longer of administrative value. |
| HOUSE-GENERAL 13 | Legislative Documents Under R.C. 101.30(A)(1) Includes records defined as legislative documents under R.C. 101.30(A)(1) ¹ that are not public records as defined under 101.30(C)(1). | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 14 | Legislative Records Includes records related to introduced legislation that are not exempt from public records disclosure under R.C. 101.30(A)(1). | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 15 | Lists and Directories Includes current telephone, email, and address lists; personnel directories; rosters of members and committee assignments, and other similar lists and directories. | Retain until outdated or replaced or until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 16 | Official Policies, Procedures, Manuals, Handbooks, and other Administrative Documents | Retain until outdated or replaced or until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 17 | Routine Correspondence Includes correspondence concerning requests from the public for routine information or publications. | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 18 | Scheduling Documents Includes records related to scheduling, such as invitations, responses to invitations, logistics of meetings, etc. | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 19 | Security Camera Video | Retain until no longer of administrative value, and then destroy. |
| HOUSE-GENERAL 20 | Subject, Research, and Reference Records Includes materials gathered and maintained from various sources for research and reference, including potential, unIntroduced legislation. | Retain until no longer of administrative value, and then transfer to the State Archives for possible retention or destruction. |
| HOUSE-GENERAL 21 | Transient Documents Includes, but is not limited to, documents that serve to convey information of temporary importance; documents in lieu of oral communication, such as telephone messages, post-it notes, text messages, voicemail, and fax transmittal cover sheets; and drafts. | Retain until no longer of administrative value, and then destroy. |

¹ <http://codes.ohio.gov/orc/101.30v1>

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| HOUSE-GENERAL 22 | Other Records Includes all records not covered by other records series. | Retain until no longer of administrative value, and then destroy, unless a longer retention period is specified elsewhere by state or federal law. |
| HOUSE-ADMIN 1 | Payroll and Time Management Records Includes payroll reports and time management reports. Also includes all supporting documentation. | Retain for current two-year General Assembly or after an approved audit of the records (whichever is later), and then destroy if no longer of administrative value. |
| HOUSE-ADMIN 2 | Personnel Files Includes personnel files maintained for each employee. | Retain for 6 years from the last day of employment or until no longer of administrative value (whichever is later), and then destroy. |
| HOUSE-ADMIN 3 | Records Following Members Term in Office That Become Responsibility of Chief Administrative Officer | Retain until no longer of administrative value, and then destroy. |
| HOUSE-ADMIN 4 | Revenue Receipts and Accounts Receivable Includes deposits slips and their supporting documentation. Also includes invoices and their supporting documentation. | Retain for current two-year General Assembly or after an approved audit of the records (whichever is later), and then destroy if no longer of administrative value. |
| HOUSE-ADMIN 5 | Voucher, Warrant and Expenditure Documents Includes documents authorizing payment of an invoice for goods and/or services received, including warrant documentation. | Retain for 4 years after current two-year General Assembly or after an approved audit of the records (whichever is later), and then destroy if no longer of administrative value. |
| HOUSE-IT 1 | Inactive Mailboxes and Non-Temporary User Profile Data Includes user mailboxes and profile folders. | Retain until end of current two-year General Assembly, then destroy if no longer of administrative value. |
| HOUSE-IT 2 | Non-OHR Employee System Access Policy Includes documents, agreements, policy acknowledgements and needed resources for Non-OHR employees and their employers when they are hired to complete contracted work requiring access to OHR systems. | Retain 7 years from the end of the contract or closure of account (whichever is later), and then destroy if no longer of administrative value. |
| HOUSE-IT 3 | Project Management Office Files Includes files regarding Information Technology Services (ITS) projects and other system documentation. | Retain until outdated or no longer of administrative value, and then destroy. |
| HOUSE-IT 4 | Temporary User Profile Data Includes temporary files including, but not limited to, internet browser data, downloads, temp user profile data, local portion of user appdata. | Retain until no longer of administrative value, and then destroy. |
| HOUSE-IT 5 | Vendor and State Contracts Reference Includes files on data processing equipment, software, other products and their vendors. | Retain until audited by Auditor of State, audit report is released, and all discrepancies are resolved, and then destroy. |
| HOUSE-LEGAL 1 | Financial Disclosure Statement Records Includes Joint Legislative Ethics Commission (JLEC) Financial Disclosure Statements and records pertaining to their preparation and review. | Retain until no longer of administrative value, and then destroy. |
| HOUSE-LEGAL 2 | Legal Records Includes legal memoranda, letters and opinions from and to legal counsel, attorney general, and ethics counsel. | Retain until no longer of administrative value, and then destroy. |

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| HOUSE- LEGAL 3 | Litigation Records | Retain for 5 years after the case is closed and no further appeals can be taken. Contact Caucus Legal Counsel prior to destruction of any litigation records. |
| HOUSE- LEGAL 4 | Public Records Requests and Responses Includes final response cover letters, responsive records, withheld records, and unredacted copies of redacted records maintained by the records custodian or legal counsel. | Preserve and retain for two years from the date of final response, and then destroy. All physical copies maintained by the records custodian may be destroyed immediately upon being preserved electronically. |