

**SECOND AFFIDAVIT OF ROBERT FITRAKIS**

I, Robert Fitrakis, do hereby attest and affirm as follows:

I make the following declaration regarding my attempts to acquire public records concerning of the matters set forth below, and, if called upon to do so, would testify competently thereto.

1) I am the executive director of the Columbus Institute for Contemporary Journalism. In that capacity I serve as the publisher and editor in chief of the Columbus Free Press, a bi-monthly newspaper and online publication. All staff of the Columbus Free Press, both paid and volunteer, work at my direction.

2) Beginning on April 26<sup>th</sup> 2012 I directed my staff to perform public records requests as provided for by ORC 149.43 for records pertaining to voting equipment in all 88 counties of Ohio and the Ohio Secretary of State's office. As of October 19<sup>th</sup> 2012 all 88 Counties complied with our requests. More than three quarters complied before May 10<sup>th</sup> 2012.

3) Beginning on October 15<sup>th</sup>, I directed my staff to begin seeking records from the office of the Ohio Secretary of State. Chris Shea, Public Records/Corporations Counsel for that office acknowledged the receipt of our first records request October 17<sup>th</sup> via email (see attachment #1).

4) On October 18<sup>th</sup> 2012, Chris Shea informed my staff via email that he would not comply with the request as it was for information and not for a specific record. (See attachment #2)

5) On October 29<sup>th</sup> 2012, my staff sent Chris Shea another public records request. This request was very specific regarding the records requested. (See attachment #3).

6) On the afternoon of October 29<sup>th</sup>, I, in the company of my research assistant, Gerard Bello II, went in person to the Secretary of State's office and met with Chris Shea in person to affirm that he had received the records request and would comply.

7) On October 30<sup>th</sup> 2012, my staff received a letter via email from Chris Shea stating that he would comply with the records request. See Attachment #4. He has not yet complied with that request.

8) On October 31<sup>st</sup>, my staff requested a specific document, Secretary of State Contract 2013-004, from the Ohio Secretary of State's office. That request was complied with on November 1<sup>st</sup> via email.

9) On November 1<sup>st</sup> 2012, my staff requested a specific document referenced by the contract entitled Secretary of State Contract 2013-004. This document is a completed form that is an attachment to said contract called a "statement of delivery." Chris Shea acknowledged that request on the same day. (See attachment #5).

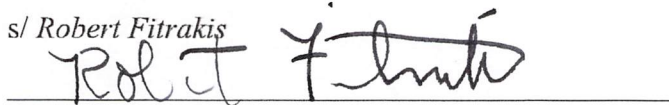
10) On November 1<sup>st</sup> 2012, my staff informed Chris Shea that this request was for a single sheet of paper and that in view of his prompt compliance with our request for the contract he should be able to comply that day. Chris Shea has yet to acknowledge that communication.

11) It is my view that Chris Shea's reading of ORC 149.43 permits him to respond after the November 6<sup>th</sup> general election rather than before thus evading the spirit of a records request performed in the journalistic and public interest.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of November, 2012 at Columbus Ohio.

*s/ Robert Fittrakis*

A handwritten signature in black ink, appearing to read "Robert Fittrakis", written over a horizontal line.

Robert Fittrakis