

Dear Mr. Bello,

Your request reads as follows:

To Whom it may concern,

This letter is a request to your office by the Columbus Institute of Contemporary Journalism on for public documents as provided for by ORC 149.43. Specifically, we requested the following:

A Description of and vendors of all Vote tabulation hardware and/or software to be used in the upcoming general elections; The hardware, vendors and software for any emergency of “failover” plan your office may have for contingencies scenarios such as natural disaster of cyber attack during vote tabulation;

The names and addresses of the individuals or companies who have contracts to provide products or services or to install, maintain, program or repair any of the following:

- hardware and software for voting machines;*
- election management systems;*
- back up data or to store hard copies of data..*

If this information can not be provided please contact us as with which section of ORC149.43 you are denying this request under. Please send your response to the address below or contact us by email at cgadellnewton@gmail.com.

We note that your request is a request for information, and not for specific records. *See, e.g., State ex rel. Fant v. Mengel*, 62 Ohio St.3d 455 (1991) (“The information sought by appellant is not a document, device, or item, as required by [R.C. 149.011(G)]; therefore, it is not a record. Since the information in question is not a record, it is not a public record subject to disclosure under R.C. 149.43.”). In addition, this office is not required to create a record to satisfy a request for information. *Id.* (“Moreover, the Public Records Act does not compel appellee to create a new document to satisfy appellant’s demands.”). We therefore respectfully deny the request.

We appreciate your understanding.

Thank you.

Chris

Chris Shea

Public Records/Corporations Counsel

Ohio Secretary of State Jon Husted

180 East Broad Street, 16th Floor

Columbus, Ohio 43215

Phone: 614.387.0304

Fax: 614.485.7513

CShea@ohiosecretaryofstate.gov