

## PUBLIC RECORDS REQUESTS

Upon request, the Board of Elections of Butler County, Ohio is required, by R.C. §149.43(B)(1), to make copies of public records available, at cost, within a reasonable period of time. R.C. §149.43(E)(1) further requires that the Board of Elections adopt a public records policy for responding to public records requests; this document shall constitute such public records policy. To meet this duty, the following policies shall apply to each such response:

1. The Board of Elections Director and Deputy Director are designated to be the records managers for the Board of Elections. However, the Public Relations Specialist, clerks, or any other employees designated by the Director or Deputy Director, shall primarily oversee the implementation of this policy, receive public record requests and provide responses.
  2. The Board of Elections shall post this policy in a conspicuous place in the Board of Elections Office where it is freely accessible to be read by members of the general public. A copy of this policy shall also be posted on the Board of Elections website, and shall be incorporated into any manual or handbook of its general policies and procedures which is made available to all employees of the Board of Elections.
  3. All requests to inspect, and/or receive copies of, the Board of Elections public records shall be referred to the Board of Elections Director or Deputy Director, or the Public Relations Specialist at [ElectionPR@bcOhio.gov](mailto:ElectionPR@bcOhio.gov).
  4. The Board of Elections is only required to provide copies of records that it actually maintains. The Board of Elections is not required to produce special reports, or data compilations, in a form that is not regularly maintained by the Board of Elections. However, if requested information may be extracted from a database, or other records storage system, through the use of an available, or readily structured, query, it must be produced in the format requested.
  5. If the Director/Deputy Director, or Public Relations Specialist upon receiving the request is unclear as to the scope of the request, he/she may ask the requester to further explain what type of information the requester is seeking to assist the Board in determining what records would be responsive to the request. A requester's decision to refuse to further explain the request shall not, in and of itself, be a reason to refuse to comply with the request.
  6. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Board of Elections cannot reasonably identify what public records are being requested, the Board may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Board and accessed in the ordinary course of the Board of Elections duties.
  7. Unless specifically required or authorized by state or federal law, the Board may NOT limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record.
- Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.
- a. The Board of Elections may ask a requester to make the request in writing or may inquire about the intended use of the information requested only when a written request or disclosure of the intended use would benefit the requester by enhancing the ability of the Board to identify, locate, or deliver the public records sought by the requester. But the Board shall disclose to the requester that a written request is not mandatory and that the requester may decline to reveal the intended use.
  - b. The Board of Elections should ask that the requester provide a mailing address, or an email address, only if the requester desires that copies of records be delivered by mail, or by electronic transmission.
  - c. If the requester declines to make a written request, the Board of Elections Director/Deputy Director, or an employee receiving the oral request shall create a written record of his/her understanding of the scope of the request; such record should, at a minimum, describe the record(s) requested and the time period covered by the request. A copy of the written record of the Board of Elections understanding of the request should be immediately provided to the requester.
8. Some records kept by the Board of Elections may be outside of the statutory definition of public records. Examples include but are not limited to:
- a. Social security numbers and/or tax identification numbers of persons in the voter registration database. Also, dates of birth or other personal information contained in records relating to Board of Elections employees, contractors, vendors or customers are not considered public records.
  - b. Personal financial information (such as credit card, and bank account, information) contained in records relating to Board of Elections employees, contractors, vendors or customers.
  - c. Personally identifiable health information contained in records relating to Board of Elections employees.
  - d. Material contained in case files which may be within the definition of a trial preparation record.
  - e. Records containing information relating to security procedures for the Board of Elections facilities.
  - f. Records protected by attorney-client privilege.
- Prior to releasing any information, the Director or Deputy Director may consult with the County Prosecuting Attorney who will determine the status of the case to determine whether information contained in the case file is within the definition of a public record. Some of the above described types of information may be contained within a record that is, itself, a public record. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the Board of Elections is required to make available all of the information within

the public record that is not exempt. When making that public record available for public inspection or copying that public record, the Administrative Office shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

9. In the event the Administrative Office, upon receiving a public records request, is unsure whether information should be made available to the requester, the employee should request that the County Prosecuting Attorney review the request; however, the review process should not usually delay the response to the request by more than three (3) business days. If a request is ultimately denied, in part or in whole, the Director shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
  10. The person making a public records request has the right to choose to have the public record duplicated upon paper, upon the same medium upon which the Board of Elections keeps it, or upon any other medium upon which the Director or Deputy Director determines that the record reasonably can be duplicated as an integral part of the normal operations of the Board of Elections office. Although copies of most Board of Elections records can be provided on paper, copies of records maintained in an electronic format may also be provided on either an USB data stick or a secure data storage cloud service maintained by the Board of Elections, or as an e-mail attachment; however, a requester should be cautioned that some of these records might not be readable in such electronic format without special software.
  11. Copies of public records shall be provided upon request at the Board of Elections actual cost. For purposes of this policy, "actual cost" includes the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. The time spent by Board of Elections Administration or employees in assembling the copies shall not be included in the cost of providing the copies.
    - a. Board employees shall waive collection of costs for copying records if the total amount of copying the requested records is less than \$1.00. Notwithstanding the foregoing, no individual shall pay for the copying costs for candidate petitions or local liquor option petitions or any other necessary document for ballot access when reasonable.
    - b. Copies provided on an electronic media will be provided at the Board of Elections' actual cost for the electronic storage media needed to supply the requested records.
- c. Due to computer system integrity and security issues, the Board of Elections shall not accept blank media supplied by the requesting party or through accessing cloud storage accounts maintained by parties other than the BOE.
  - d. The Board of Elections shall notify the requesting party of any costs of labor and materials in cases where outside labor must be hired to comply with a public records request.
  - e. The Board of Elections shall charge the actual costs of postage when the requesting party requires the public records be transmitted via mail service.
  - f. The Board of Elections reserves the right to require payment in advance of providing public records when the estimated cost exceeds five dollars (\$5.00).
  - g. There is no charge for records provided over e-mail (if possible).
  - h. Maps and other generated materials may vary in cost depending upon individual requests. The requester shall be notified of the costs at the time of the request.
  - i. The Board shall issue, and revise as necessary, a public schedule of flat fees to reflect the costs to produce records (per copied page, per sheets of labels, per map, etc) to allow the public to know in advance the basis the office determines the costs of production for a request under this policy.