

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 26th 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 19th 2012 all 88 Counties complied with our requests. More than three quarters complied before May 10th 2012.

3) Beginning on October 15th, 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 17th via email (see attachment #1).

- 4) On October 18th 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 29th 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 29th, 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 30th 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 31st, 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 1st via email.
- 9) On November 1st 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 1st 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 6th general election rather than before thus evading the spirit of a records request performed in the journalistic and public interest.

s/ Robert Fitrakis

Robert Fitrakis

Sworn and subscribed before me this 5th day of November 2012.

s/ Clifford O. Arnebeck, Jr.

Notary Public