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September 20, 2022

VIA E-MAIL ONLY: Michael.Pelella@yahoo.com

Re: Petition for Public Records Disclosure Order
Oregon Secretary of State
DOJ File No.: 137048-GA0001-22

Dear Mr. Pelella:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received September 5, 2022,[1] asks the Attorney General to find that the office of the Secretary of State has failed to complete its response to a public records request within the timeframes prescribed by the Public Records Law.

Any person who has submitted a public records request to a state agency may petition the Attorney General if they believe an agency has failed to comply with the processing timelines and other provisions contained in ORS 192.329. ORS 192.407(1). However, if the public records at issue are in the custody of an elected official, then "no petition to require disclosure may be filed with the Attorney General," and if a petition is filed, "it shall not be considered by the Attorney General * * *." ORS 192.427. Because your petition seeks records in the custody of the Secretary of State, an elected official, we lack jurisdiction to consider your appeal and must respectfully dismiss your petition.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn

[1] Thank you for granting an extension of time in which to respond to your petition.