



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 22, 2016

Ms. Elizabeth Dorsey
Assistant District Attorney
Criminal District Attorney's Office
Waller County
645 12th Street
Hempstead, Texas 77445

OR2016-18881

Dear Ms. Dorsey:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 623433.

Waller County (the "county") received a request for the list of registered voters who received a ballot for the May 24, 2016 election. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 86.014 of the Election Code, which states in relevant part:

- (a) A copy of an application for a ballot to be voted by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the latest occurring election for which the application is submitted.

(b) Originals of the applications and carrier envelopes are not available for public inspection until those materials are delivered to the general custodian of election records after the election.

Elec. Code § 86.014. Although you argue some information on an application to vote by mail is also maintained in the submitted early voting roster, none of the submitted information actually consists of applications for ballots. Thus, we conclude the submitted information is not subject to section 86.014 of the Election Code and none of it may be withheld under section 552.101 of the Government Code on that basis.

Section 552.101 of the Government Code also encompasses information protected by section 87.121 of the Election Code, which states in relevant part:

(a) The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent.

(b) For each person listed, the applicable roster must include:

(1) the person's name, address, and voter registration number;

(2) an identification of the person's county election precinct of registration; and

(3) the date of voting or the date the ballot was mailed to the person, as applicable.

...

(f) Information on the roster for a person to whom an early voting mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after election day.

Elec. Code § 87.121(a), (b), (f). You have submitted a voting roster which reflects those voters who requested absentee ballots, the date the request was made, the date the ballot was mailed, and the date the ballot was returned to the voting clerk, if in fact the ballot was returned. We understand you to contend the submitted voting roster is confidential pursuant to section 87.121(f). However, the election to which the submitted roster pertains is now concluded. Thus, we find the information contained on the roster for these voters is now available for public inspection pursuant to section 87.121(f). Accordingly, the county must release the submitted roster. *See id.* § 87.121(f).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

Ref: ID# 623433

Enc. Submitted documents

c: Requestor
(w/o enclosures)