



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 3, 2016

Mr. Jonathan L. Almanza
Assistant District Attorney
Hidalgo County
100 North Closner, Room 303
Edinburg, Texas 78539

OR2016-22109

Dear Mr. Almanza:

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# 628813 (File No. 2016-0097-DA.CO).

The Hidalgo County Elections Department (the "department") received a request for 1) a list of all specified ballot applicants for a specified precinct; 2) voter registration for a specified school district and precinct; and 3) combination forms for four specified elections. 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 representative sample of information.

Initially, we note the department has only submitted information responsive to the requested list of ballot applicants. Although you state the department submitted a representative sample of information, the submitted information is not representative of all of the information requested. Thus, we find the submitted information is not representative of the request for voter registration for a specified school district and precinct and combination forms for four specified elections. This open records letter applies to only the type of information you have submitted for our review. Therefore, this ruling does not authorize the withholding of any other requested records to the extent those records contain substantially different types of information than that submitted to this office. *See* Gov't Code § 552.302

(where request for attorney general decision does not comply with requirements of section 552.301 of the Government Code, information at issue is presumed to be public). Thus, to the extent the requested information related to voter registration for a specified school district and precinct and combination forms for four specified elections was maintained by the department on the date the department received the request for information, we presume the department has released such information. If not, the department must do so at this time. *See id.* §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

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.

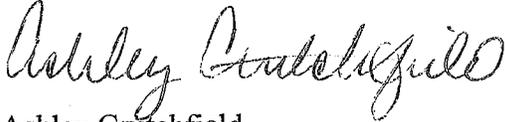
Elec. Code § 86.014. You state the “[r]esponsive information to this request [is] the Application for Ballot by Mail [(“ABM”)] for a specific precinct.” However, we note, and you indicate, the submitted information consists of a information pertaining to certain ABMs and not the ABMs themselves. Accordingly, we find this information is not subject to section 86.014 of the Election Code. Therefore, the department may not withhold the submitted information under section 552.101 on that basis. As you raise no other exceptions to disclosure, the department must release the submitted information.

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,

A handwritten signature in black ink, appearing to read "Ashley Crutchfield". The signature is written in a cursive, flowing style.

Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

Ref: ID# 628813

Enc. Submitted documents

c: Requestor
(w/o enclosures)