



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 11, 2022

Mr. Mark Kratovil
Assistant Criminal District Attorney
Tarrant County
401 West Belknap, 9th Floor
Fort Worth, Texas 76196

OR2022-07477

Dear Mr. Kratovil:

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# 934877.

The Tarrant County Elections Administration Office (the "county") received two requests from the same requestor for specified information related to lists of individuals provided to the county by the Office of the Texas Secretary of State (the "secretary's office"). Although you take no position as to the disclosure of the submitted information, you state the county notified the secretary's office of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the secretary's office. We have reviewed the submitted arguments and the submitted information.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses section 31.006 of the Election Code. Section 31.006 of the Election Code provides the following:

- (a) If, after receiving or discovering information indicating that criminal conduct in connection with an election has occurred, the [secretary's office] determines that there is reasonable cause to suspect that criminal conduct occurred, the secretary shall promptly refer the information to the [Office of the Attorney General ("OAG")]. The secretary shall deliver to the [OAG] all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

(1) the [secretary's office] makes a determination that the information received does not warrant an investigation; or

(2) if referred to the [OAG], the [OAG] has completed the investigation or has made a determination that the information referred does not warrant an investigation.

Elec. Code § 31.006. The secretary's office indicates the information at issue consists of information pertaining to allegations of criminal conduct in connection with an election. The secretary's office states it was still evaluating the information at issue and had not, at the time of the requests, made a determination whether the information at issue warranted an investigation. Based upon these representations and our review, we agree the information at issue is not considered public information under section 31.006(b). Accordingly, the county must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 31.006(b) of the Election Code.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/ba

Ref: ID# 934877

Enc. Submitted documents

c: Requestor
(w/o enclosures)

cc: Third Party
(w/o enclosures)