



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 25, 2022

Mr. Adam Bitter
General Counsel
Office of the Texas Secretary of State
Post Office Box 12697
Austin, Texas 78711-2697

OR2022-08753

Dear Mr. Bitter:

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# 939495 (SOS PIR No. 22-0106).

The Office of the Texas Secretary of State (the "secretary's office") received a request for information pertaining to certain voter list maintenance activities. The secretary's office claims the requested information is subject to a previous ruling from our office. We have considered the submitted argument.

Initially, the secretary's office states it sought clarification of a portion of the request for information. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information). The secretary's office states it has not received a response to its request for clarification. Accordingly, the secretary's office has no obligation at this time to release any information that might be responsive to this portion of the request. However, if the secretary's office receives clarification and wishes to withhold any of the information encompassed by the clarified request, the secretary's office must request another decision from this office at that time. *See id.* §§ 552.301, .302; *see also City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

The secretary's office states the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-01837

(2022). In that ruling, we determined the secretary's office may withhold the submitted information under section 552.103 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the secretary's office may rely on Open Records Letter No. 2022-01837 as a previous determination and withhold the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,

Katie Stallcup
Assistant Attorney General
Open Records Division

AKS/be

Ref: ID# 939495

c: Requestor