



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 29, 2022

Ms. Dylbia L. Jeffries Vega
Attorney
Civil Legal Division
Cameron County Commissioners Court
1100 East Monroe Street
Brownsville, Texas 78520

OR2022-12256

Dear Ms. Vega:

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# 944404.

Cameron County (the "county") received two requests from different requestors for information pertaining to individuals whose Applications for Ballot by Mail ("ABBMs") were rejected. 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.¹

Initially, we note the first requestor explicitly excluded ABBMs from her request. Accordingly, the submitted ABBMs are not responsive to the first request for information, and the county need not release information to the first requestor that is not responsive to her request for 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. Section 552.101 encompasses section 86.014 of the Election Code, which states in relevant part:

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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 earliest 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. We note some of the submitted information consists of ABBMs, and the ABBMs at issue were submitted for the March 2022 primary elections. Upon review, we find the submitted ABBMs are now available for public inspection pursuant to section 86.014(a) and may not be withheld under section 552.101 on that basis. *See id.* § 86.014(a). Furthermore, upon review, we find you have failed to demonstrate the remaining information is confidential under section 86.014 of the Election Code. Accordingly, the county may not withhold the remaining information under section 552.101 of the Government Code on the basis of section 86.014 of the Election Code. The county 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 <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,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/mo

Ref: ID# 944404

Enc. Submitted documents

c: Requestors
(w/o enclosures)