



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 29, 2022

Mr. Craig M. Price  
Assistant District Attorney  
Grayson County  
200 South Crockett, Suite 116A  
Sherman, Texas 75090

OR2022-36811

Dear Mr. Price:

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# 986843.

Grayson County (the "county") received a request for twenty-eight points of information pertaining to the 2020 General Election. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception.

Initially, we understand you to claim the request is overly broad and that complying with the request for information is unduly burdensome. We note a governmental body has a duty to make a good-faith effort to relate a request for information to information in existence at the time of the request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); *see also* Open Records Decision No. 561 at 8-9 (1990). We also note a governmental body may not refuse to comply with the requirements of the Act on the ground of administrative inconvenience. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976); *see also* Open Records Decision No. 497 at 4 (1988) (fact that submitting copies for review may be burdensome does not relieve governmental body of its responsibility to do so). Moreover, if what information is requested is unclear or overly broad to a governmental body, a governmental body may ask the requestor to clarify the request or discuss with the requestor how the scope of the request might be narrowed. *See Gov't Code* § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or

narrowing request for information); *see also City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding 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). We understand responsive records may exist in the possession of the county. You do not inform us the county has asked the requestor to clarify or narrow the scope of the request. We therefore find the county may not refuse to comply with any portion of this request on the basis that doing so would be burdensome.

We address your assertion the information at issue cannot be released in response to a request under the Act pursuant to section 66.058 of the Election Code. Section 66.058 provides, in relevant part:

(a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

(b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. . . .

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

. . .

(g) Electronic records created under Chapter 129 shall be preserved in a secure container.

Elec. Code § 66.058 (a), (b), (b-1), (g). The term “precinct election records” means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under chapter 66 of the Election Code. *See id.* § 66.02; *see also id.* §§ 121.001 (noting other provisions of this code apply to an election in which a voting system is used), 127.132 (explaining voted ballots, election returns, and other election records of an electronic voting system shall be delivered to the authorities who receive corresponding records from precinct polling places using regular paper ballots), 129.001 (stating chapter 129 applies to voting system that uses direct recording electronic voting machines and, to the extent possible, procedures applicable to electronic voting system under chapter 127 are applicable to voting system under chapter 129).

Although you assert the information at issue may not be released until the expiration of the 22-month preservation period set out in section 66.058(a), we note the election at issue occurred on November 3, 2020. Thus, as of the date of this letter, the 22-month period has since passed. Accordingly, we need not determine whether the information at issue cannot be released in response to a request under the Act pursuant to section 66.058 of the Election

Code. As you raise no further exceptions to disclosure, the county must release the requested 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,

James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/pt

Ref: ID# 986843

c: Requestor