

# THE ATTORNEY GENERAL

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## Opinions

### Opinion No. KP-0463

The Honorable Dee Hobbs  
Williamson County Attorney  
405 M.L.K. Street, #7  
Georgetown, Texas 78626

Re: Whether a member of the public may obtain copies of spoiled ballots on the 61st day following election day (RQ-0520-KP)

### SUMMARY

The Legislature has established procedures aimed at both preserving spoiled ballots and granting public access to them.

Section 66.058 of the Election Code requires spoiled ballots be preserved in ballot box no. 4 or by any other method chosen by the election records custodian during a 22-month preservation period. Section 1.012 establishes spoiled ballots as public information and requires the custodian to make the ballots available to the public. By expressly re-

quiring the custodian to provide public access to such records, the Legislature authorized entry into ballot box no. 4 for such purpose during the 22-month period. Thus, members of the public may obtain copies of spoiled ballots preserved in ballot box no. 4 during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Thus, any confidential information on a spoiled ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202402032

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Office of the Attorney General

Filed: May 7, 2024

