



Public Information and Voter Privacy

37th Annual
Election Law Seminar
for Cities, Schools, and
Other Political Subdivisions

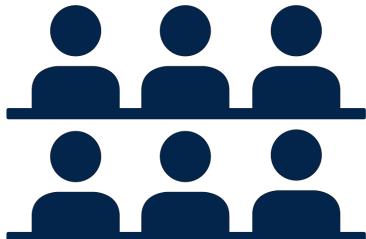
December 1-3, 2025



What Would You Do?

Scenario #1:

- The county voter registrar's office receives a request from a person who resides out of Texas. The request comes in via e-mail and requests a copy of the county voter registration list for voters in your political subdivision.
- **Is this a valid public information request?**



Work together with people at your table and the table directly behind you

Ensure that everyone has a turn to share their thoughts, ideas, or perspective

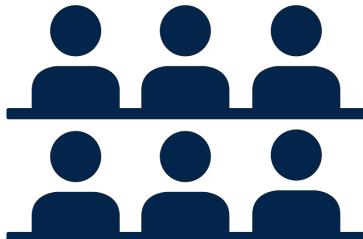
You will have
1 minute
to discuss with
your group



What Would You Do?

Scenario #2:

- A candidate in an election currently taking place sends a letter to your political subdivision requesting all early voting rosters for the ongoing election, including the roster of individuals who have voted early in-person and by mail and whose carrier envelopes are awaiting corrective action.
- **Is this a valid public information request?**



Work together with people at your table and the table directly behind you

Ensure that everyone has a turn to share their thoughts, ideas, or perspective

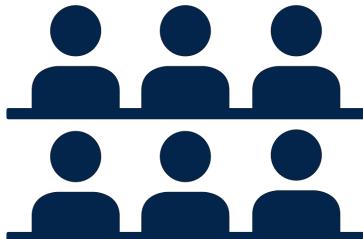
You will have
1 minute
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your group



What Would You Do?

Scenario #3:

- Near the end of the 22-month retention period for a specific election, your political subdivision receives a written request to inspect the voted ballots for that election. These voted ballots are in a secure container and were moved from the ballot box on the 61st day after this specific election.
- **Is this a valid public information request?**



Work together with people at your table and the table directly behind you

Ensure that everyone has a turn to share their thoughts, ideas, or perspective

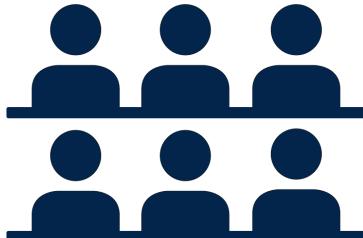
You will have
1 minute
to discuss with
your group



Table Share

Prompt:

- How does your entity currently handle public information requests?
 - Include things you feel are helpful about the way those requests are handled and areas where you feel a change may be helpful.



Work together with people at your table and the table directly behind you

Ensure that everyone has a turn to share their thoughts, ideas, or perspective

You will have
3 minutes
to discuss with
your group



Election Related Public Information

- What would be considered public information for purposes of the Texas Election Code?
 - **All** election records are public information [Sec. 1.012]

Election records
are anything
distributed or
received by the
government
under the Code

Anything required
by law to be kept
by others for
information of
government
under the Code

Any certificate,
application,
notice, report, or
any other paper
or document
received by the
government
under the Code



Election Related Public Information

Election Records

- Pre-Election Day records
- Voter registration information
- Precinct election records [Sec. 66.002]
 - Precinct election returns
 - Voting rosters
 - Voted ballots
- Candidate applications





Pre-Election Records

Section 4.009 requires entities that are holding an election to post certain information on their website, including:

- The date of the election
- The location of each polling place
- Each candidate for an elected office on the ballot
- Each measure on the ballot

This information must be posted even if the entity is contracting with the county for election services and the county is posting the same information to the county's website

Contact information for election judges and clerks is confidential



Voter Registration Information

Any person may request a list of registered voters from a voter registrar [Sec. 18.008]

- The requested list may exclude voters on the “S” list or similar notation if it is requested in that form
 - A copy of the “S” list may also be requested [Secs. 15.082, 15.084]
- The list should be provided as soon as practicable upon request, but no later than the 15th day after the request is received or the list is prepared



Voter Registration Information

Any person may request a list of registered voters from a voter registrar [Sec. 18.008]

- Upon being provided with a voter registration list, the requestor must also be provided with written notice that use of information on the list for purposes of advertising or promoting commercial products or services is a **Class A misdemeanor**



Voter Registration Information

The following voter registration information is confidential and should not be disclosed as part of a public information request [Sec. 13.004]:

- Social Security Numbers
- Texas Driver's License Numbers
- Numbers on Personal ID cards issued by DPS
- Residence addresses of federal or state judges, United States attorneys, and certain law enforcement personnel and their spouses provided they have filed the requisite affidavits/forms with the voter registrar to keep this information confidential
- The residence address of a voter registration applicant if the applicant, the applicant's child or a person in the applicant's household is a victim of family violence, sexual assault or abuse, stalking or trafficking of persons



Voter Registration Information

The following voter registration information is confidential and should not be disclosed as part of a public information request [Sec. 13.004]:

- Any information submitted on a voter registration application for a participant in the address confidentiality program administered by OAG who has provided the voter registrar with proof of certification for participation in the program
- The telephone number of any applicant who has submitted documentation that the applicant, the applicant's child or another person in the applicant's household is a victim of family violence, sexual assault or abuse, stalking or trafficking of persons or is a participant in the address confidentiality program administered by the OAG



Voter Registration Information

The voter registrar may not transcribe, copy or otherwise record a telephone number furnished on a voter registration application

The voter registrar may transcribe, copy, or otherwise record a social security number furnished on the registration application ONLY in maintaining the accuracy of registration records

A voter registrar may not post on a website a telephone number, driver's license or personal ID card number, SSN, date of birth furnished on a voter registration application



Voter Registration Information

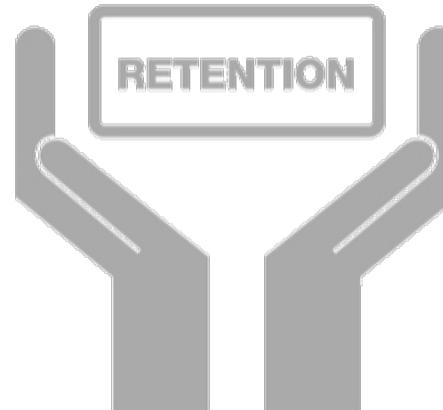
A voter registrar also may not post the residence address of an:

- Applicant who has submitted documentation that the applicant, the applicant's child or another person in the applicant's household is a victim of family violence, sexual assault or abuse, stalking or trafficking of persons, or is a participant in the address confidentiality program administered by the OAG
- Applicant (and their family members) for whom the registrar has received notification from the Office of Court Administration of the person's qualification as a federal or state judge, a United States attorney, or a United States marshal



Precinct Election Records

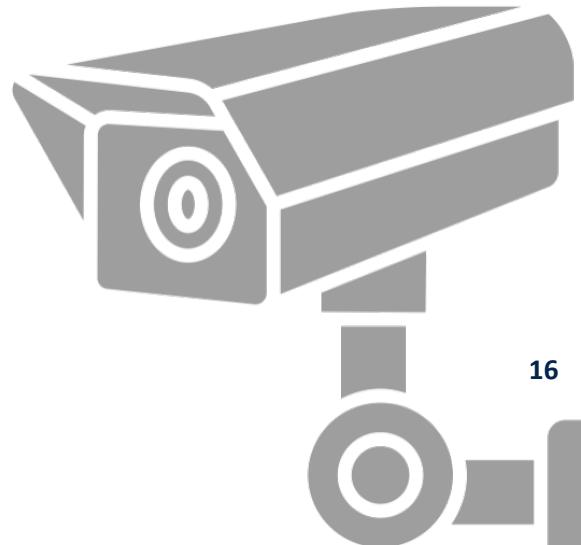
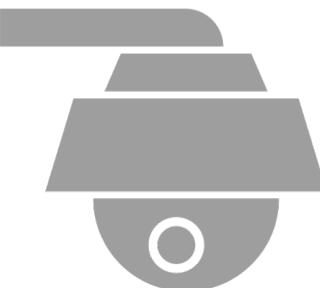
- Precinct election records are made public information when they are returned to the custodian of election records
- Precinct election returns are not made public until the general custodian of election records has completed tabulation of the returns [Sec. 66.057]
- All precinct election returns must be preserved for a period of 22 months [Sec. 66.058]





Precinct Election Records

- Counties with populations of 100,000+ are required to implement a video surveillance system that retains a record of all areas containing voted ballots
 - Recordings are public information and must be retained until the end of the calendar year of the election or an election contest has been resolved, whichever is later





Precinct Election Records

SB 1540 (2025) allows current and former election officials and their employees and designees to choose to have certain information, including their home address, restricted from public access



The general custodian of election records should exercise caution and review documents that may contain restricted information for an election official or employee and make necessary redactions before releasing such information



Precinct Election Records – Voted Ballots

- Election records that are images of voted ballots or cast vote records must be made available for public inspection beginning on the first day after the date of the final canvass of an election
- The law also requires procedures to ensure the redaction of any personally identifiable information of a voter that may be contained on a ballot





Precinct Election Records – Voted Ballots

- Voted ballots must be kept in a locked ballot box in a locked room for 60 days following election day
 - **The ballot box may not be opened during this time period**
- Once the 60 day period has elapsed, the voted ballots may be transferred to another secure container or the key to the ballot box may be transferred to the custodian of election records





Preparing for Public Inspection

- For information requests related to public inspection of voted ballots, we recommend establishing a written policy that identifies procedures for providing access to those records.





Preparing for Public Inspection

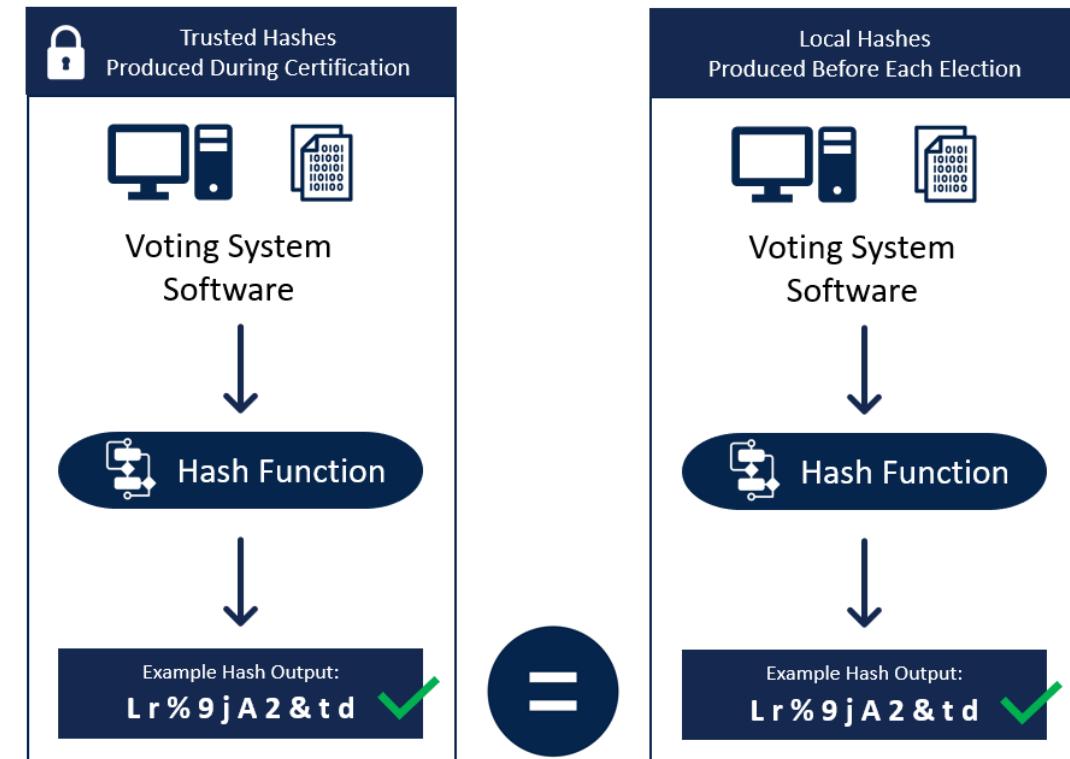
The written policy should, at a minimum, include the following:

- A defined period for public inspection of voted ballots
- A log of all individuals accessing voted ballots during the defined time period
- Other considerations:
 - One staff member should be present at all times during public inspection of voted ballots
 - No pens, pencils, and other marking devices in the room containing voted ballots
 - No food/beverages in the room containing voted ballots
 - Voted ballots must remain in their original storage mode and method and may not be removed from the room
 - Imaging devices may be used to take photos or make copies of voted ballots



Management of Election Records

- The general custodian may want to consider having voted ballots scanned or imaged prior to public inspection
- If files are being provided in an electronic format, we recommend calculating a hash value to validate the integrity of the files and to ensure they have not been altered





Precinct Election Records – Provisional Ballots

- All Provisional Ballot Affidavit Envelopes and the List of Provisional Voters **are public records** after the early voting ballot board has completed its review and those affidavit envelopes and the List of Provisional Voters have been returned to the general custodian of election records
- Voted provisional ballots are similarly **not available** for public inspection until the first business day after the date the early voting ballot board completes the verification/counting of provisional ballots and delivers the provisional ballots and records to the general custodian

7-10/00/01	Type of Election / Tipo de Elección	President Number/Padre ubicación donde votar Name of Person/Lugar de votación	President Number where registered of Nomina Nº de Presidente para votar (en su nombre)	Date of Election / Fecha de la Elección	Authority Conducting Election / Autoridad Administrando Elección
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE)					
<p>TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I am attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or parole that may have been imposed on me. I have not been determined by a final judgment of a court exercising probate jurisdiction to be mentally incompetent or partially mentally incompetent without the right to vote. I understand that giving false information on this affidavit may result in criminal charges.</p> <p>PARA QUILÉ EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precent en el cual estoy intentando votar y no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido finalmente condenado por un delito grave o si soy un delito de felonía, he cumplido todo mi condena incluyendo el periodo de encarcelamiento, la libertad condicional, la supervisión, la libertad vigilada, o he sido liberado en libertad condicional por un juez. No he sido declarado por un juez que ejerce la jurisdicción de la libertad probatoria como mentalmente incompetente o parcialmente mentalmente incompetente sin la autoridad de votar. Entiendo que dar información falsa bajo juramento</p>					
Last Name (Include Suffix, if any) / Apellido (incluir sufijo si lo hay)	First Name / Su nombre de pila		Middle Name (if any) / Segundo nombre (si lo tiene)	Former Name / Nombre anterior	
Residence Address - Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include P.O. Box, Rural Rte. or Business Address) Domicilio - Calle y número de apartamento, Ciudad, Estado, y Código Postal: A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.)			Gender: (Optional) / Sexo (Opcional): <input type="checkbox"/> Male <input type="checkbox"/> Female (Nombre) (Número)		
Mailing Address - City, State and ZIP. If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (se impondrá entrega de correspondencia a su domicilio).			Date of Birth - Month, Day, Year (Mes, Día, Año) <input type="checkbox"/> <input type="checkbox"/>		
TX Driver's License No. or TX Personal I.D. No. (Issued by Dept. of Public Safety) (Número de licencia de conducir de Texas o de su cédula de identidad de Texas expedida por el Departamento de Seguridad Pública de Texas)			Social Security No. (last 4 digits required if you do not have a TX Driver's License or TX Personal I.D. Number) / Número de Seguro Social. (Si no tiene licencia de conducir de Texas ni cédula de identidad Personal de Texas, se requiere los últimos 4 números de su Seguro Social) XXX-XX-XXXX <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano de los Estados Unidos			Yes <input type="checkbox"/> NO <input type="checkbox"/> Signature of Voter / Firma del votante X		



Early Voting Rosters

Early voting rosters are available for public inspection at the following times:

The early voting roster for voters who voted in person is available no later than 11 a.m. on the day following the date the information is entered on the roster (in other words, the day after the person voted)

The early voting roster for voters who voted by mail is available no later than 11 a.m. on the day following the day the early voting clerk receives the ballot voted by mail

A roster of voters to whom an early voting ballot by mail has been sent is not available until the first business day after election day

Applications for ballot by mail become public information on the first business day following the earliest election covered by the application



Early Voting Rosters

Note: We recommend that you create **two** rosters for your mail ballots

- Ballots that have been mailed but not returned
- Ballots by mail that have been received

Neither roster should explicitly state that a voter on the list has submitted an Annual ABBM



Precinct Election Records – Corrective Action

Voters' names entered on the corrective action roster are not eligible for public disclosure until after the voter has returned the corrected carrier envelope, canceled their mail ballot, or appeared in person to correct any defects

Any e-mails that are sent or received during the corrective action process for voted mail ballots are considered election records

E-mails must be retained by the general custodian of election records for the 22-month retention period

If a public information request is received for e-mails related to the corrective action process, the entity should consult with their legal counsel regarding the request



Texas Secretary of State

ELECTIONS DIVISION



Candidate Applications

- Candidate applications for a place on the ballot are public information immediately upon being filed [Sec. 141.035]
- The filing authority for a candidate application must preserve the applications for a period of **two years** after the election date

2-4
Prescribed by Secretary of State
Sections 141.031, 141.039, 172.021, 172.022, 172.023, 172.024, Texas Election Code
11/2023

2-33
Prescribed by Secretary of State
Sections 141.031, 142.004, 142.005, 142.007, Chapter 202, Texas Election Code
4/2024

APPLICATION FOR A PLACE ON THE GENERAL ELECTION BALLOT FOR AN INDEPENDENT CANDIDATE				
ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL ¹ . Failure to provide required information may result in rejection of application.				
APPLICATION FOR A PLACE ON THE		(date of election)	GENERAL ELECTION BALLOT	
Secretary of State/County Judge To be placed on the above-named official ballot as a candidate for the office indicated below.				
Office or other distinguishing number, if any.)		INDICATE TERM	INCUMBENT DECLARATION: (Check this box if you are the incumbent.)	
<input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED		<input type="checkbox"/> INCUMBENT	<input type="checkbox"/> INCUMBENT	
		PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
		Do not include a P.O. Box or Rural Route. If you reside location of residence.)		
		PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
		CITY	STATE	ZIP

APPLICATION FOR A PLACE ON THE GENERAL PRIMARY BALLOT
ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL¹. Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE (Democratic or Republican) **PARTY GENERAL PRIMARY BALLOT**

To: State/County Chair
I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)

FULL NAME (First, Middle, Last)

INDICATE TERM

FULL UNEXPIRED

INCUMBENT DECLARATION: (Check this box if you are the incumbent.)

INCUMBENT

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, enter a P.O. Box or Rural Route.)

PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*



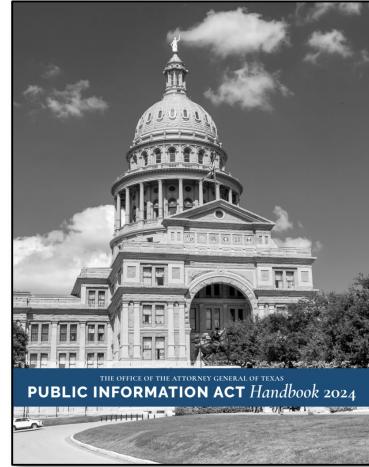
Candidate Applications

- Section 552.1175 of the Government Code allows individuals covered by that section to withhold personal information contained in records maintained by a governmental body
- Candidate applications containing personal information should be redacted if the individual has opted to restrict access to the information and has provided appropriate notice
- Individual may opt to keep the information confidential after a public information request has been received



Miscellaneous

- The Office of the Attorney General is the agency that oversees the **Texas Public Information Act**
- An entity seeking to withhold information from a requestor has a duty to seek a ruling from the Office of the Attorney General regarding the withholding of that information
- However, a ruling is not required if the exact information was previously requested and permitted by OAG to be withheld by your entity (or a determination was made that applies to all governmental bodies) or if the requestor has agreed to such redactions



**Open Government
Hotline (OAG)**

877-673-6839

**Open Government
Cost Hotline (OAG)**

888-672-6787



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov