

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12697
Austin, Texas 78711-2697



Phone: 512-463-5770
Fax: 512-463-2761
Dial 7-1-1 For Relay Services
www.sos.state.tx.us

Ruth R. Hughes
Secretary of State

June 22, 2020

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, TX 78711

Via First Class Mail

Re: Clarified request for records, received: April 28, 2020 (SOS PIR No. 20-0306)

Dear General Paxton:

On March 10, 2020, the Office of the Texas Secretary of State ("Office") received a written request for information from Austin Evers (the "Requestor") under Chapter 552 of the Texas Government Code (the "PIA"). On March 24, we asked the Requestor to clarify certain items in the March 10 request. The Requestor responded with a clarified request on April 28, 2020. On May 12, 2020, in response to the Requestor's April 28 clarified request, the Office sent the Requestor a cost estimate of \$160.20 for providing copies of public information responsive to her Request. On June 5, 2020, the Requestor accepted the cost estimate and provided a deposit for the estimated charges. A copy of the Requestor's March 10 request, the Office's March 24 letter, the Requestor's April 28 clarified request, the Office's May 12 cost estimate, and the Requestor's June 5 acceptance of the estimated charges are attached as Exhibit A.¹

The Office asserts that certain information responsive to the Requestor's clarified request is excepted from disclosure under the PIA. The Office understands that certain information requested by the Requestor may be excepted from disclosure under Sections 552.101, 552.103, 552.107, 552.110, and 552.111 of the Texas Government Code. Specifically, the Secretary invokes all of the exceptions provided by, and the exceptions incorporated into, Sections 552.101 through 552.160 of the PIA, including, without limitation, Sections 552.101, 552.103, 552.107, 552.110, and 552.111 of the Texas Government Code.

Pursuant to Section 552.301(a) of the PIA, this letter is submitted in order to seek a decision as to whether the exceptions apply. To assist in your review, the Office will provide a brief of written comments and copies of, or a representative sample of, the responsive documents not later than the 15th business day from the date that the request is considered received under Section 552.263 of the PIA.

¹ The Office operated on a skeleton-staff basis on June 19, 2020 in observance of Emancipation Day. Therefore, the 10th business day from the date that the Requestor accepted the anticipated costs and provided payment is today, June 22, 2020. See Tex. Gov't Code § 552.263(e) ("For purposes of Subchapters F and G, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section.").

Should you need additional information, please feel free to contact me at (512) 463-5770.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AB' followed by a stylized flourish.

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosure

Cc: Requestor (via email) without Exhibit

The State of Texas

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Ruth R. Hughes
Secretary of State

June 22, 2020

Austin R. Evers
American Oversight

Sent via Electronic Mail in care of Vibha Kannan to: records@americanoversight.org

Re: Clarified request for records, TX-SOS-20-0451, received: April 28, 2020
(SOS PIR No. 20-0306)

Dear Mr. Evers:

This letter responds to your clarified request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA"), which was received by the Office of the Texas Secretary of State (the "Office") via email on April 28, 2020 (the "April 28 Request"). Your original request was received on March 10, 2020 (the "March 10 Request"). In your March 10 Request, you indicated that you were seeking the following records dating back to January 1, 2019¹:

- 1. Records sufficient to identify any expenditure or planned expenditure of funds appropriated to the Secretary of State's Office by the Texas Legislature during its 2019 session for voter education related to voter identification.*
- 2. Records sufficient to identify any outside company, group, or individual contracted to work on voter education related to voter identification, including as part of the Ready. Check. Vote. voter education initiative.*
- 3. Records sufficient to identify any payment made to an outside contractor for voter education related to voter identification, including as part of the Ready. Check. Vote. voter education initiative.*
- 4. Records sufficient to identify any utilization of, or plan to utilize, social media or paid advertising as part of the "Ready. Check. Vote." voter education initiative (including, but not limited to, communications regarding the drafting and approval of social media posts or paid advertisements).*

¹ The PIA applies only to information in existence as of the date that the governmental entity receives the request and thus does not require the entity to create new information in response to a request or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. *See* Tex. Gov't Code §§ 552.002, .021, .227, .351; *A&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Tex. Att'y Gen. Op. JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987), 452 at 2–3 (1986), 342 at 3 (1982).

5. *Any written records identifying target populations of the Ready. Check. Vote. voter education initiative.*
6. *Records sufficient to identify the number of attendees at the Ready. Check. Vote. grassroots tour visits to San Antonio, Brownsville, and Hidalgo.*
7. *Any materials presented or distributed during the Ready. Check. Vote. grassroots tour visits to San Antonio, Brownsville, and Hidalgo.*
8. *Any written records reflecting plans to expand the Ready. Check. Vote. grassroots tour to additional cities.*

On March 24, 2020, we asked you to clarify or narrow your inquiry in certain respects. In your April 28 response, you indicated, among other things, that you were seeking final versions of standalone documents, as well as internal and external emails and other written communications.

On May 12, 2020, we provided you a cost estimate of \$160.20 for providing copies of public information in response to the April 28 Request. On June 5, 2020, you accepted the charges and paid the requested deposit.²

We are continuing to process the April 28 Request in accordance with the terms of the PIA. To that end, please find the attached documents responsive to your Request. We require more time to produce other responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on July 13, 2020. *See* Tex. Gov't Code § 552.221(d).

The Office asserts that certain information responsive to the April 28 Request is protected from disclosure under Chapter 552 of the Texas Government Code. The Office is requesting a decision from the Texas Attorney General as to whether it may withhold this information.

NOTICE PURSUANT TO SEC. 552.301

As indicated above, this letter provides you with notice that the Secretary of State has requested a decision from the Texas Attorney General regarding whether certain information relating to your request may be withheld under Chapter 552 of the Texas Government Code. Enclosed is a copy of the request for decision from the Texas Attorney General.

If you have any questions or need additional information, please do not hesitate to contact our office at (512) 463-5770.

² The Office operated on a skeleton-staff basis on June 19, 2020 in observance of Emancipation Day. Therefore, the 10th business day from the date that the Requestor accepted the anticipated costs and provided payment is today, June 22, 2020. *See* Tex. Gov't Code § 552.263(e) (“For purposes of Subchapters F and G, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts if the governmental body’s officer for public information or the officer’s agent requires a deposit or bond in accordance with this section.”).

Sincerely,



Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosures



Texas Comptroller of Public Accounts
Glenn Hegar

Shuford Scott Account ▾

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Solicitation Notice

[Print](#)

Status: Awarded

Solicitation ID: RFP701001

Solicitation Title: Voter Education And Outreach Opportunities For 2020 Elections

Internal Notes

Agency/Texas SmartBuy Member Name: Secretary Of State - 307

Posting Requirements: 21+ Days for Solicitation Notice

Award

Solicitation Posting Date: 11/25/2019

Response Due Date: 12/16/2019

Response Due Time: 5:00 PM

Solicitation Description: Plan and implement a statewide voter education campaign that will educate Texans about requirements for voting, with special attention paid to the photo ID requirements in state law. Campaign will utilize mass communication strategies such as paid advertising, public relations efforts, and digital and social media outreach. Pursuant to the General Appropriations Act and the Texas Elections Code.

Class/Item Code: 91501-Advertising Agency Services

[Published Details](#) [Internal Notes](#)

Record Attachments

#	Name	Description
1	ESBD_File_178247_RFP 701001 - RFP with Appendix A FINAL.pdf	RFP document, with Appendix A included (in PDF form)
2	ESBD_File_178247_RFP 701001 - Appendix B FINAL.pdf	Appendix B (in PDF form)
3	ESBD_File_178247_RFP 701001 - Appendix C FINAL.docx	Appendix C (in Word form)
4	ESBD_File_178247_RFP 701001 - Appendix D FINAL.xls	Appendix D (in Excel form)
5	ESBD_File_178247_RFP 701001 - Appendix E FINAL.docx	Appendix E (in Word form)
		TX-SOS-20-0541-A-000001

Contractor Name	Mailing Address	Value Per Contractor	Contractor Hub Status	Award Date	Award Status	Action
F. GUERRA DEBERRY, LLC DBA GDC MARKETING & IDEATION	221 W POPLAR STREET SAN ANTONIO, TX 78212	4000000.00	HUB CERTIFIED	1/14/2020	Full Award	Edit



Texas Comptroller of Public Accounts
Glenn Hegar

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POLICIES

- [Privacy and Security Policy](#)
- [Accessibility Policy](#)
- [Link Policy](#)
- [Texas.gov](#)
- [Search from the Texas State Library](#)
- [Texas Homeland Security](#)
- [Texas Veterans Portal](#)
- [Public Information Act](#)
- [Texas Secretary of State](#)
- [HB855 Browser Statement](#)

OTHER STATE SITES

- [texas.gov](#)
- [Texas Records and Information Locator \(TRAIL\)](#)
- [State Link Policy](#)
- [Texas Veterans Portal](#)



Secretary of State
STATE OF TEXAS
PURCHASE ORDER

Page 1 of 3

ALL TERMS AND CONDITIONS SET FORTH IN OUR BID
INVITATION BECOME PART OF THIS ORDER

Order Number: 307-0-00187

Order Date: Jan 14, 2020

TO: GDC Marketing & Ideation
Beth Wammack
17429402781 002
221 W poplar Street
San Antonio, TX 78212
Ph: 210-236-5000

BILL TO

SOSAccountsPayable@sos.state.tx.us, or:
Secretary of State
Attn: Financial Management
P. O. Box 12887
Austin, Texas 78711-2887

DELIVER TO

Secretary of State
James E. Rudder Bldg.
1019 Brazos, Room B-05
Austin, Texas 78701-2413

PCC Code: S

Accounting Information: 701001

A valid purchase order number must be shown on shipments and invoices.

Item No.	Quantity	Unit	Description	Unit Cost	Extension
			915-01 Request for Proposal No. 701001		
1	1	LOT	Plan and implement a statewide voter education campaign for the 2020 elections to educate Texans regarding the required documents for voting and the general voting process. The voter education efforts will utilize strategies such as paid advertising, broadcast, print, digital and social media opportunities, and activities that will reach Texans across the State through multiple channels.	\$4,000,000.00	\$4,000,000.00

The Contract is comprised of the following documents: (1) signed Purchase Order 307-0-00187 (dated 1/14/2020), as modified by any properly executed Purchase Order Change Notices; (2) Attachments to the signed Purchase Order, as modified by any properly executed Purchase Order Change Notices; (3) Execution of Offer, Affirmation of Terms and Conditions, and Proposal Preferences; (4) Request for Proposal No. 701001; (5) Attachments, Appendices and Schedules to Request for Proposal No. 701001, not including the Execution of Offer, Affirmation of Terms and Conditions, and Proposal Preferences; (6) Extensions of or to the standard contract form if agreed to by Secretary of State in writing; and (7) GDC's response, in whole or in part, to Request for Proposal No. 701001, if incorporated into the Contract pursuant to the Execution of Offer, Affirmation of Terms and Conditions, and Proposal Preferences.

TX-SOS-20-0541-A-000003

PO# (Contd):

307-0-00187

Page 2 of 3

Item No.	Quantity	Unit	Description	Unit Cost	Extension
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Total amounts incurred under the Contract shall not exceed
\$4,000,000.00, consistent with the total budget amount for the Contract
specified in Section 2.2(C) of Request for Proposal No. 701001.
Term of Contract: January 14, 2020 – January 31, 2021

Agreed and Accepted:
GDC Marketing & Ideation

Signed: Beth Wommach

Title: CEO/Owner GDC

TX-SOS-20-0541-A-000004

PO# (Contd):

307-0-00187

Page 3 of 3

Item No.	Quantity	Unit	Description	Unit Cost	Extension
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Agreed and Accepted:
Secretary of State

Signed: _____

Title: Deputy Secretary of State

Total:

\$4,000,000.00

ORDERED BY: _____

Purchaser / Phone: Shuford Scott CTPM, CTCM, 512-463-5607; email: sscott@sos.texas.gov Fax: 512/475-2819

Plus Freight: Y / ~~X~~

STATE AND CITY SALES TAX EXEMPTION CERTIFICATE: (Federal Employee's ID: 74-6000143) The undersigned claims an exemption from taxes under Texas Tax Code, Section 151.309(4), for purchases of tangible personal property described in this order, purchased from contractor and/or shipper listed above, as this property is being secured for the exclusive use of the State of Texas.

TX-SOS-20-0541-A-000005