The State of Texas

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Jane Nelson
Secretary of State

December 16, 2025

Ben Sparks
American Oversight

Sent via Electronic Mail to: ben.sparks@americanoversight.org

Re: Clarified request for records, TX-SOS-25-2192, received: December 2, 2025
(SOS PIR No. 25-0911)

Dear Mr. Sparks:

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 December 2, 2025 (the "December 2 Request"). Your original request was received by the Office via email on September 9, 2025 (the "September 9 Request").

In the September 9 Request, you indicated that you were seeking the following records dating back to January 1, 2025:

1. *All records reflecting policies, procedures, and practices—both formal and informal—prepared by, received by, or otherwise in the possession of the Texas Secretary of State regarding comparing voter registration records or voter rolls to data received from cross-state voter data sharing agreements, including, but not limited to, agreements with the Alabama Secretary of State or the Alabama Voter Integrity Database (AVID). This includes, but is not limited to, directives, guidance, trainings, and memoranda on receiving data from AVID, comparing Texas voter rolls to AVID data, and/or the frequency with which Texas utilizes AVID data.*

2. *Records sufficient to indicate all supporting documentation or evidence relied upon to determine voter registration records to be inaccurate, out-of-date, and/or deceased.*[1]

[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).

On September 23, 2025, we asked you to clarify or narrow the September 9 Request in certain respects. In your December 2 response, you clarified the scope of information encompassed by your inquiry.

NOTICE OF APPLICATION OF SEC. 552.231 OF THE TEXAS GOVERNMENT CODE

Pursuant to Section 552.231 of the Texas Government Code, we have determined that (1) responding to the December 2 Request will require programming or manipulation of data; and (2) the information responsive to the December 2 Request can be made available only at a cost that covers the programming and manipulation of data.

STATEMENT OF ESTIMATED TIME AND COSTS:

Pursuant to Sections 552.231 and 552.2615 of the Texas Government Code, we have determined that responding to the December 2 Request will require programming or manipulation of data, and the responsive information can only be made available to you at a cost that covers this programming or manipulation. In addition, compiling the responsive documents and redacting information that may be withheld from such documents will result in the imposition of a charge that exceeds $40. Therefore, we are providing you with this cost estimate as required by Section 552.2615 of the Texas Government Code. Pursuant to 1 T.A.C. § 71.9(a), any fees and charges payable to our Office must be paid in advance. As noted in the itemized list of charges below, the estimated cost for responding to the December 2 Request is **$432.00**.

Statement of Estimated Costs

Description	**Qty x Price**	**Total**
Labor cost to compile responsive records and redact confidential information from certain documents ($15/hr) (1 T.A.C. § 70.3(d))	24 x $15.00	$360.00
Overhead (20% of Labor) (1 T.A.C. § 70.3(e))	x .20	$ 72.00
	Total	$432.00

There is a less expensive way for you to obtain the requested information. You may view the information in person at our Office. Pursuant to Section 552.272 of the Texas Government Code, there will still be costs involved in processing the December 2 Request through an in-person inspection of the requested information. If you want to receive a revised cost estimate prior to an in-person inspection of the documents, please let us know.

Additionally, as further detailed in Attachment A to this letter, pursuant to Section 552.2615 of the Texas Government Code, you must take certain steps in order to avoid the withdrawal of the December 2 Request. Specifically, Section 552.2615 requires:

(1) the requestor to provide the governmental body with a mailing or electronic mail address to receive the itemized statement (it is the requestor's choice which type of address to provide);
(2) the Office of the Secretary of State to inform the requestor that the request is considered automatically withdrawn if the requestor does not respond in writing

to the itemized statement within 10 business days after the date the statement is sent to the requestor. This response is limited by law to a response that the requestor will accept the estimated charges, will modify the request in response to the itemized statement, or has sent to the Cost Rules Administrator at the Office of the Attorney General a complaint alleging that the requestor has been overcharged for the requested public information; and

(3) the requestor to respond to the statement by delivering the written response to the governmental body either by mail, in person, or by electronic mail.

Separately, Section 552.263(f) of the Texas Government Code provides that a requestor "who fails to make a deposit or post a bond required . . . before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond."

Finally, as provided in Attachment A, if this Office determines at a later date, but before making the copy of the public information available, that the estimated charges will exceed the charges detailed in the written itemized statement by 20 percent or more, this Office will send a written updated itemized statement that details all the estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

We have provided this statement to you via electronic mail because that is the method in which you have chosen to communicate with us. If you would like to receive the statement by mail, please provide us with a mailing address. If you agree to accept the estimated charges, please do so in writing. To pay the charges by credit card, please let us know and we will send you a secure link to a payment portal where you can pay online. The Office does not accept payment information via email. Alternatively, you may deliver a copy of this letter with a check or money order for the amount to the following address:

Mailing Address:
Office of the Secretary of State
Executive Division
P.O. Box 12887
Austin, TX 78711-2887
Attn: Adam Bitter, General Counsel

Delivery Address:
Office of the Secretary of State
Executive Division
1100 Congress Avenue
Room 1E.8
Austin, TX 78701
Attn: Adam Bitter, General Counsel

Email: generalcounsel@sos.texas.gov

The check or money order should be made payable to "Secretary of State." We will provide you any responsive information—to the extent such information is not excepted from disclosure under state or federal law—on a rolling basis upon receipt of your payment.

If you have any questions or would like to discuss or modify your request, please do not hesitate to contact our office at (512) 463-5770 or at the email address below.

Sincerely,



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

Enclosure