The State of Texas

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Jane Nelson
Secretary of State

January 27, 2026

Ben Sparks
American Oversight

Sent via Electronic Mail to: records@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indicate all supporting documentation or evidence relied upon to determine voter registration records to be inaccurate, out-of-date, and/or deceased.*[1]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. On December 16, 2025, we sent you a cost estimate for providing information responsive to the December 2 Request. On January 9, 2026, we received your payment of the estimated costs via credit card through the Office's online payment portal.[2]

We are continuing to process the December 2 Request in accordance with the terms of the PIA. To that end, we require more time to review our records and produce responsive information. We will provide you responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with the first production by 5:00 p.m. on February 3, 2026. *See* Tex. Gov't Code § 552.221(d).

The Office asserts that certain information responsive to the December 2 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 the December 2 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.

Sincerely,



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

Enclosure

[2] January 19, 2026 (Martin Luther King, Jr. Day) is designated as a national holiday under Section 662.003(a) of the Texas Government Code. The Office's chief administrative officer designated January 26, 2026 as a nonbusiness day for the Office pursuant to Section 552.0031(f) of the Texas Government Code. These days thus do not qualify as business days under the Public Information Act. *See* Tex. Gov't Code § 552.0031(a)(2), (f). Therefore, the 10th business day from the date that the Office received payment for the December 2 Request is today, January 27, 2026. *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.").