ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 17, 2003

Ms. Marquette Maresh
Walsh, Anderson, Brown, Schulze & Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2003-9112

Dear Ms. Maresh:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 192942.

The Burnet Consolidated Independent School District (the "district") received a request for "copies of all applications filed by persons wishing to run for election in the November 2003 election, as well as a copy of the ballot for election." You state that a ballot for the election has not been created. You also state that you have released most of the responsive applications in accordance with section 141.035 of the Election Code. You seek, however, to withhold portions of the submitted applications under sections 552.101 and 552.117 of the Government Code. We have considered the exceptions you claim and have reviewed the information at issue. We have also considered the comments submitted by the requestor. *See* Gov't Code § 552.304 (stating that interested party may submit comments explaining why requested information should or should not be released).

You state, and we agree, that the requested applications are subject to section 141.035 of the Election Code, which provides in relevant part that an application for a place on the ballot is public information immediately on its filing. Elec. Code § 141.035. Thus, section 141.035 makes an application for election expressly public. We note that the exceptions to disclosure found in the Public Information Act do not generally apply to information expressly made public by another statute. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Accordingly, we find that the district must release the submitted applications in their entirety.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

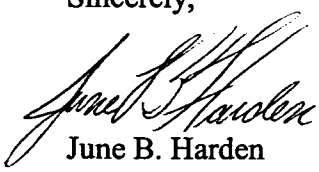
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/seg

Ref: ID# 192942

Enc: Submitted documents

c: Mr. Ralph K. M. Haurwitz
Austin American-Statesman
P.O. Box 670
Austin, Texas 78767
(w/o enclosures)