



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 6, 2016

Ms. Sarah Duncan
General Counsel
Dallas County Democratic Party
4209 Parry Avenue
Dallas, Texas 75223

OR2016-12815

Dear Ms. Duncan:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 612843.

The Dallas County Democratic Party (the "DCDP") received a request for a list of the Democratic primary polling locations for a specified date and a list of election judges during two specified Democratic primaries. You assert the DCDP is not a governmental body subject to the Act.¹ In the alternative, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

¹We asked the DCDP to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(c)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the correspondence sent by the DCDP pursuant to that request.

You assert the DCDP is not a governmental body subject to the Act. The Act defines “governmental body” in pertinent part as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Gov’t Code § 552.003(1)(A)(xii). “Public funds” means “funds of the state or of a governmental subdivision of the state.” *Id.* § 552.003(5). The Texas Supreme Court has defined “‘supported in whole or part by public funds’ to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds.” *Greater Houston P’ship v. Paxton*, 468 S.W.3d 51, 63 (Tex. 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

The DCDP informs us it is a political party that was not created by law as a governmental agency. The DCDP states all of its day-to-day functions are supported by private funds. The DCDP explains it is contracted by the Secretary of State of Texas (the “secretary of state’s office”) to work with Dallas County to administer primary and general elections. The DCDP informs us it receives reimbursements from the secretary of state’s office for its expenses related to elections, but states the actual administration of elections is done by the secretary of state and by the Elections Department of Dallas County. Thus, you indicate the DCDP does not depend on public dollars to operate and has a budget from private sources of revenue that is sufficient to maintain the DCDP’s general operations. Thus, we understand the DCDP would continue to operate as a going concern without public funds. Upon review of your representations, we find the DCDP is not sustained by public funds for purposes of the Act. *See id.* at 63. Therefore, we conclude the DCDP is not supported in whole or part by public funds and does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code. Thus, the DCDP is not subject to the Act and need not respond to the request for information.²

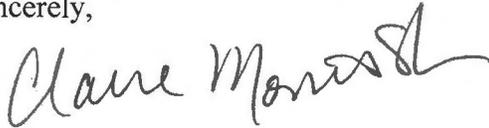
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

²As we are able to make this determination, we need not address your claimed exception to disclosure.

[orl_ruling_info.shtml](#), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Claire Morris Sloan". The signature is written in a cursive style with a large, stylized initial "C".

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 612843

Enc. Submitted documents

c: Requestor
(w/o enclosures)