



**THE ATTORNEY GENERAL  
OF TEXAS**

April 26, 1989

**JIM MATTOX  
ATTORNEY GENERAL**

143

Honorable William G. "Bill" Kelsey  
Mayor  
City of Crystal Beach  
P. O. Drawer 1411  
Crystal Beach, Texas 77650

Dear Mr. Kelsey:

In your recent letter you asked about the availability of certain names appearing on a petition filed pursuant to Chapter 277 of the Local Government Code for an election on the abolition of the City of Crystal Beach, Texas. As mayor of the city, you verified that the petition had sufficient valid signatures and you ordered the election.

As we understand it, a member of the city council requested that you provide him with a list of the signatures that were determined to be invalid signatures. You tell us that there was never such a list and that the petition is available for inspection and copying in the offices of the city.

You ask whether you are required to compile a list of names of those persons for whom the information provided on the petition was legally insufficient. We answer in the negative. The Open Records Act, article 6252-17a, V.T.C.S., makes information available when that information is maintained by a governmental entity. As you expressed, the petition is required to be made available. There is no requirement that you create a listing on your own.

You also ask whether you must create a list of names of persons who claimed that they were coerced into signing the petition. As we understand the facts, certain persons orally requested that their names be "removed" from the petition. You state that you took no action on these requests, and that you determined that sufficient signatures were presented to require the ordering of the election. It is not necessary for you to compile a list of names of those persons who may have requested that their names be "removed," because you did accept the petition and order the election.

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Finally, you ask several questions about possible violations of the political advertising requirements of chapter 255 of the Election Code. The local prosecutor has authority to prosecute violations of election laws for an election that does not encompass the territory of more than one county. Therefore, questions concerning violations of the political funds disclosure laws should be addressed to your county or district attorney.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-143.

Yours very truly,

*Open Government Section  
of the Opinion Committee*

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Prepared by Karen C. Gladney  
Assistant Attorney General

KCG/bc

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