



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 26, 1996

Mr. Dennis J. Eichelbaum
Schwartz and Eichelbaum, P.C.
3700 Ross Avenue, Box 69
Dallas, Texas 75204-5491

OR96-0090

Dear Mr. Eichelbaum:

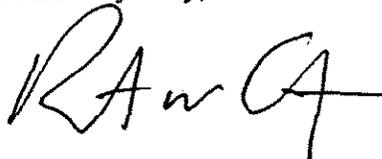
As the attorney for the Dallas Independent School District (the "district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 37303.

Each member of the Dallas Independent School District Board of Trustees received a request for the records he or she maintains relating to reportable activity in compliance with section 254.001 of the Election Code. You contend that the requested information is not subject to the Open Records Act.

We agree with your contention that the requested information is not subject to the Open Records Act. Candidates and officeholders must file periodic reports of political contributions and expenditures with a filing authority. *See* Elec. Code § 254.031. These periodic reports are public information. *See id.* § 1.012; Open Records Decision No. 146 (1976) at 2. However, the requestor in this case is seeking supporting documentation and records relating to political contributions and expenditures, rather than the periodic reports. Unlike the periodic reports, the supporting documentation is not subject to the Open Records Act. Section 254.001 of the Election Code requires each candidate, officeholder, and campaign treasurer to maintain the supporting documentation; governmental bodies are not required to maintain these records. Furthermore, you indicate that the district does not maintain or store the requested records. Because the district does not and is not required to maintain the requested records, we conclude that the district is not required to obtain and release them. *See* Act of May 26, 1995, H. B. 1718, 74th Leg., R.S., ch. 1035, § 2, 1995 Tex. Sess. Law Serv. 5127, 5127 (to be codified at Gov't Code § 552.002); Open Records Decision No. 561 (1990) at 9 (concluding governmental body is not required to obtain information to comply with Open Records Act).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "RWS", written in a cursive style.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/rho

Ref.: ID# 37303

cc: Ms. Kay Vinson
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