



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 1, 1996

Mr. Bill Melton
County Treasurer
509 Main Street
Dallas, Texas 75202

OR96-0645

Dear Mr. Melton:

You have asked whether certain information is subject to required public disclosure under Government Code chapter 552. We assigned your request ID# 38717.

You received a request for the backup records for your campaign finance reports. The requestor specifically asked for check books, bank statements, credit card statements, cancelled checks, records of campaign income and expenditures, and legal fees. You claim that the requested backup documentation to the filed campaign finance reports is not public information as defined by chapter 552 of the Government Code.

It is our understanding that the "backup records" requested are those records used to complete the candidate or officeholder reports that you were required to file pursuant to section 254.001 of the Election Code. It is also our understanding that the requestor is not seeking the actual filed reports, which are available for public inspection, *see* Elec. Code § 1.012, but only the backup records to those filed reports.

Chapter 254 of the Election Code governs the record-keeping requirements of candidates for public office and public officeholders. Section 254.031 sets forth the information that candidates and/or officeholders must include in a report filed under chapter 254, *e.g.*, the amount of political contributions, loans, and expenditures. *Id.* § 254.091 (additional contents of officeholder reports). Individuals maintaining records of reportable activity under chapter 254 are required by law to maintain bank statements, check logs, receipts, and ledgers concerning contributions and expenditures for a period of two years. Elec. Code § 254.001; 1 T.A.C. §20.17. However, the Election Code does not require a candidate or an officeholder to file this type of backup documentation with a governmental body so as to make it public information. We note that the Texas Ethics Commission recently issued a decision, Ethics Advisory Opinion No. 308 (1996) (enclosed) that determined that the backup records for officeholder reports and candidate reports are not made public by the Election Code.

Neither does chapter 552 make these backup records public. Section 552.002 of the Government Code provides, in pertinent part:

(a) In this chapter, "public information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body; or
- (2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). We are unaware of any requirement that an officeholder or candidate submit backup documentation to a governmental body, nor are we aware of any requirement that a governmental body must obtain or maintain such information. As the information at issue is not made public under the Election Code or chapter 552 of the Government Code, you are not required to provide the backup records to the requestor.

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 may 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 38717

Enclosures: Submitted documents
EAO #308

cc: Mr. Clair C. Woertendyke, Sr.
4733 Don Drive
Dallas, Texas 75247
(w/o enclosures)