



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 306

March 22, 1996

Length of time a local filing authority must preserve reports filed by a candidate under title 15 of the Election Code. (AOR-340)

The Texas Ethics Commission has been asked to consider how long a local filing authority must preserve reports filed by a candidate under title 15 of the Election Code. The specific question is whether a filing authority must preserve all records filed by a candidate until the candidate has filed a final report.

Under title 15 of the Election Code a candidate is required to file a campaign treasurer appointment and periodic reports of contributions and expenditures with the proper filing authority. Elec. Code §§ 252.001, 254.063 - 254.066. Filing authorities include the Texas Ethics Commission, county clerks, and clerks and secretaries of other political subdivisions. *Id.* § 252.005. The authority with whom a candidate files such documents depends on the nature of the office sought. *Id.*

All filing authorities are required to maintain campaign treasurer appointments for two years after the date the appointment *is terminated*. *Id.* § 252.014. Filing authorities must preserve candidates' reports of contributions and expenditures for two years after the report *is filed*. *Id.* § 254.040. Thus, in response to the specific question raised here, the Election Code does not require that a filing authority preserve all reports filed by a candidate until the candidate files a final report. Nor does the Election Code permit a filing authority to remove or destroy all records filed by a candidate after the candidate has filed a final report. Rather, a filing authority must preserve a campaign treasurer appointment filed by a candidate for two years after that treasurer appointment is terminated.¹ A filing authority must preserve each report of contributions and expenditures filed by a candidate for two years after the date of filing.

Before destroying any public records, a filing authority should consult the Texas State Library and Archives Commission for information about the laws outside the Election Code that govern retention, archiving, and destruction of government records.

SUMMARY

The Election Code requires a filing authority to preserve a campaign treasurer appointment filed by a candidate for two years after the candidate terminates that appointment. The Election Code requires a filing authority to preserve each report of contributions and expenditures filed by a candidate for two years after the date of filing.

¹A final report terminates a candidate's current treasurer appointment. Therefore, a filing authority must preserve a final report itself and the treasurer appointment that is terminated by the final report for two years after the final report is filed.