



LOCAL SCHEDULE EL

Retention Schedule for Records of Elections and Voter Registration

Effective February 1, 1992

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule EL sets mandatory minimum retention periods for records series (identified in the Records Series Title column) that are associated with the conduct of elections and the registration of voters. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

FE - Fiscal year end

RP-1 or RP-2 - See retention note (a) on page 4

US - Until superseded

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PART 1: ELECTION RECORDS

Retention Notes: a) RETENTION PERIODS - State law requires that many of the election records listed in this schedule be retained for the same period as that established in law for precinct election records. To avoid unnecessary repetition of the same retention period, the codes RP-1 and RP-2 will be used in the retention column of this schedule to indicate that the record noted is governed by the following minimum retention periods, as applicable:

RP-1: General, special, and primary elections that do not involve a federal office - 60 days after election day. [By law - Election Code, Section 66.058(a).]

RP-2: General, special, and primary elections that do involve a federal office - 22 months after election day. [By law - Election Code, Section 66.058(g).]

If, at the expiration of the retention period for either type, an election contest or a criminal investigation or proceeding in connection with an election to which the records pertain is pending, the records must be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. [By law - Election Code, Section 1.013.]

A record whose retention period is given as RP-1 or RP-2 is exempt from the destruction request requirement.

b) AUTHORITY OF THIS SCHEDULE - This schedule applies to and is binding upon county clerks, county tax assessor-collectors, county election administrators, election clerks in other local governments, and all other officials or employees of a local government who have custody of or maintain records of elections or voter registration. Many of the retention periods established in the Texas Election Code also apply to county executive committees of political parties who conduct their own primaries. These committees are not bound, however, by the destruction notice and records scheduling requirements of the Local Government Records Act.

3100-01 ABSENTEE AND RESTRICTED BALLOT VOTING RECORDS [see also item number 3100-10(b)]

Retention Note: Records in this group include any records of the types listed relating to early voting.

a) All of the following: absentee ballot requests and applications (**except** federal post card applications), cancellation of absentee ballot requests, notices of denial of cancellation requests, branch voting schedules and daily registers, lists of corrected ballots sent, untimely and rejected ballots, jacket envelopes (unless for use in subsequent election), carrier envelopes, absentee rosters, absentee election returns, voted absentee ballots, statements of challenge to absentee voters, notices of non-acceptance of absentee ballots, orders for the appointment of signature verification committees, late absentee ballot applications, disabled voter applications and

affidavits, applications to vote restricted ballot, restricted ballot rosters, and presidential mail ballot applications. RETENTION: RP-1 or RP-2. [By law - Election Code, Sections 84.010, 84.037, 85.072(d), 86.009(d), 86.011(c), 87.043(c), 87.044(b), 87.121(e), 87.123(2), and 87.124.]

b) Precinct absentee list (listing voters in each precinct who have voted absentee or who have been mailed absentee ballots). RETENTION: RP-1 or RP-2. [By law - Election Code, Section 66.058(a, g).]

Retention Note: It is an exception to the retention period given for this record that one copy of each precinct absentee list prepared for a **general election** must be retained by the absentee voting clerk for 2 years after election day. [By law - Election Code, Section 87.122(d).]

c) Federal post card applications requesting absentee ballot. RETENTION: RP-1 or RP-2, dating from the day of the last election for which the application is effective. [By law - Election Code, Section 101.005(d).]

3100-02 ELECTION CONTRACTS - Contracts, leases, or agreements for election services or the use of voting machines, including written approvals from the Secretary of State, if such approval is required. RETENTION: 4 years after the expiration or termination of the instrument according to its terms.

Retention Note: In counties, the retention period applies only to the copy of the contract maintained by the county elections officer. Copies of the contract filed with and maintained by the county treasurer, county auditor, or the county judge need only be retained as long as administratively valuable and are exempt from the destruction notice requirement.

3100-03 ELECTION MINUTES, NOTICES, AND ORDERS

a) Minutes of governing body concerning elections. RETENTION: PERMANENT.

b) Posted or published notices of election, including records (e.g., affidavits of publication, record of posting locations, or lists of voters to whom notices are mailed) which document the time, place, and manner of notice. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 4.005(d).]

c) Election orders and proclamations.

1) Ordering an election. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 3.008(a).]

Retention Note: Election Code [Section 3.008(b)] requires that the date and nature of an election ordered by a political subdivision be entered in the minutes of its governing body.

2) Relating to multiple elections or election procedures (e.g., order adopting a voting system; order appointing a county elections administrator). RETENTION: AV if recorded in the minutes of the governing body; PERMANENT if not recorded. (Exempt from destruction request requirement)

3100-04 ELECTION OFFICER RECORDS [For certificates of appointment of watchers see item number 3100-10(a)]

a) Orders of appointment of election judges, including memoranda of emergency appointments, if applicable.

1) Single election appointments. RETENTION: RP-1 or RP-2. [By law - Election Code Sections 32.007(c) and 32.008(c).]

2) Term appointments. RETENTION: Until end of term for which the appointment is made or RP-1 or RP-2 of last election in which appointee serves under the order, whichever later. [By law - Election Code, Section 32.008(c).]

b) Lists of recommended election judges or other officers. RETENTION: AV after appointments made. (Exempt from destruction request requirement)

c) Statements of compensation due election officers.

1) Originals. RETENTION: FE + 3 years.

2) Copies. RETENTION: RP-1 or RP-2. [By law - Tex Election Code, Section 32.094 (e).]

3100-05 ELECTION PETITIONS. RETENTION: 2 years after election day if petition results in an election or 2 years after date of filing if no election results.

Retention Notes: a) This record group includes petitions for the formation of governments, local option elections (including applications), and such other issues permitted by law. It does not include petitions for a place on the ballot; see item number 3125-02(a).

b) Some election petitions presented to commissioners courts are required by law to be recorded by county clerks. The retention period applies only to filed copies of petitions. The retention period for recorded copies is that assigned in the Local Schedule CC (Records of County Clerks) to the record in which the petition is recorded.

3100-06 ELECTION RETURN RECORDS [see item number 3100-10 for precinct level election returns]

a) County election returns (copies of reports submitted by county clerks or county election administrators to the Secretary of State). RETENTION: RP-1 or RP-2. [By law - Election Code, Sections 67.007(e) and 67.008(d).]

b) Election return record or register maintained by local canvassing authorities. RETENTION: PERMANENT. [By law - Election Code, Section 67.006(e).]

Retention Note: If the tabulation of election returns by a canvassing authority is done in a separate document rather than being entered directly into the election record or register, the separate tabulation must be retained for RP-1 or RP-2 in accordance with Election Code, Section 67.004(e).

3100-07 FRAUD IN CONSTITUTIONAL AMENDMENT ELECTIONS, REPORTS OF - Reports filed with county clerks of alleged fraud, misconduct, or irregularity in constitutional amendment elections. RETENTION: PERMANENT. (Obsolete record)

3100-08 PRECINCT BOUNDARY RECORDS

a) Notices of changes to precinct boundaries, including those filed with and maintained by voter registrars. RETENTION: Effective date of change + 1 year. [By law - Election Code, Section 42.036(g) for those maintained by issuing authority in counties with a population of 500,000 or more; by authority of this schedule for those in all other counties and for those maintained by voter registrars.] (Exempt from destruction request requirement)

b) Maps of precinct boundary changes. RETENTION: One copy of each PERMANENT.

3100-09 PRECINCT CONVENTION RECORDS - Records of the proceedings, lists of persons in attendance at precinct conventions, and lists of delegates chosen to represent the precinct at county or senatorial district conventions. RETENTION: Destroy at option. (Obsolete record maintained by county clerks; exempt from destruction request requirement)

3100-10 PRECINCT ELECTION RECORDS

a) All of the following: signature rosters; combination forms; certificates of appointment of watchers; precinct returns; ballot registers/tally lists; voted, spoiled, defective, unused, undistributed, and specimen ballots; write-in candidate lists; redistributed ballot receipts; ballot distribution record; unofficial tabulation of ballot results; official tabulation of precinct results; voting machine inspection records; notice of voting machine inspections; voting machine opening and closing certificates; paper ballot write-in affidavits; voting machine printouts; ballot box seal record; ballot box certificates and seals; ballot box receipts; certificate of successful and

records of unsuccessful tests of automatic tabulating equipment; testing ballots, and requests for and retractions of, if applicable, extension of security period on voting machines. RETENTION: RP-1 or RP-2. [In addition to the general retention period set for precinct election records in Election Code, Section 66.058 (see retention note on page 5), the following provisions affirm the same retention period: Election Code, Sections 51.007(b), 51.008(d), 52.007(c), 66.056(d), 67.004(f), 125.031(c), 125.064, 126.003(d), 126.004(d), 126.032(c), 127.033(c), 127.036(d), 127.038(a, e), 127.064(c), 127.068(a, d), 127.099(b), 146.031(d), and 172.116(e).

Retention Note: If new ballots are prepared to correct mistakes, the incorrect ballots **must** be destroyed in accordance with the provisions of Election Code, Section 52.0064.

b) Voter registration lists (original, revised original, and supplemental) and registration corrections lists, including those used in absentee voting.

1) Arising from elections held prior to March 1, 1986. RETENTION: Destroy at option.

2) Arising from elections held on March 1, 1986 or later. RETENTION: Returned to voter registrar. See Part 3 of this schedule.

Retention Note: Lists of registered voters used in primary elections prior to September 1, 1987 and maintained by the general custodian of election records may be destroyed at option and are exempt from the destruction request requirement. Such lists used in primary elections after September 1, 1987 are returned to the voter registrar. See item number 3150-06(d).

c) Poll lists. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 66.058 (a, g).]

Retention Note: It is an exception to the retention period given for this record that one copy of each poll list used in a **primary election** held in 1986 and subsequent years must be retained by the general custodian of election records until the end of the year in which the primary election is held. [By law - Election Code, Section 172.114.] Such poll lists are exempt from the destruction request requirement.

d) Mechanical machine ballot labels. RETENTION: RP-1 or RP-2 or at expiration of security period, whichever later. [By law - Election Code, Section 126.034(c).]

e) Lists of certified write-in candidates. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 146.031(d).]

f) Election stub box certificates maintained by district clerks. RETENTION: Destroy at option. (Obsolete record; exempt from destruction request requirement)

3100-11 RECOUNT RECORDS

a) Recount reports (of both recount committees and recount supervisors, including associated tally lists). RETENTION: RP-1 or RP-2. [By law - Election Code, Sections 213.012(c) and 213.055(c).]

b) Records relating to the request for and conduct of a recount, including all of the following: initial, expedited, and supplementary recount petitions, with associated amendments, affidavits, and certifications; applications for inclusion of remaining paper ballot precincts; recount notices and other notices involved in the conduct of recounts; requests for specific counting method; records of recount costs; and recount cost statements.

1) Records of the type described maintained by a person serving *only* as recount coordinator or by a person serving as *both* recount coordinator and recount supervisor. RETENTION: RP-1 or RP-2; or 60 days after recount canvass completed, or 30 days after assessed recount costs settled, or 30 days after outstanding costs referred for collection, whichever longer. [By law - Election Code, Section 211.007(b-c).]

2) Records of the type described maintained by a person serving as recount supervisor *only*. RETENTION: RP-1 or RP-2; or 60 days after the date recount costs for payment of claimants are certified; or, for costs assessed against a person, 6 months after cost statement is delivered to recount coordinator, whichever longer. [By law - Election Code, Section 211.007(d).]

PART 2: RECORDS OF CANDIDACY AND CAMPAIGN FINANCE

3125-01 CAMPAIGN FINANCE REPORTS AND FILINGS

a) Campaign contribution and expenditure statements (including annual reports of unexpended contributions). RETENTION: Date of filing + 2 years. [By law - Election Code, Section 254.040.]

b) Designations of campaign treasurers. RETENTION: 2 years after appointment terminated. [By law - Election Code, Section 252.014.]

3125-02 CANDIDACY APPLICATIONS AND CERTIFICATIONS

a) Applications and any accompanying petitions for place on ballot, including any rejection notices and withdrawal of petition signature requests. RETENTION: Election day + 2 years. [By law - Election Code, Section 141.036.]

b) Certifications of candidates (including certifications of replacement nominees by party executive committees).

1) Copy maintained by authority to whom application for a place on ballot is made.
RETENTION: AV after election day. (Exempt from destruction request requirement)

2) Copy maintained by authority responsible for preparation of official ballot.
RETENTION: Election day + 2 years.

c) Declarations of intent to run as an independent candidate. RETENTION: Day after general election day. [By law - Election Code, Section 142.003.] (Exempt from destruction request requirement)

d) Declarations of write-in candidacy. RETENTION: Election day + 2 years. [By law - Election Code, Section 146.028.]

e) Withdrawal of candidacy requests. RETENTION: Election day + 2 years.

3125-03 PARTY CERTIFICATIONS AND NOTICES

a) Lists and certifications of party candidates in primary elections. RETENTION: Day after the general primary election day. [By law - Election Code, Section 172.029(e).] (Exempt from destruction request requirement)

b) Notices or lists of persons elected as party officers. RETENTION: US. [By law - Election Code, Section 172.118(c).] (Exempt from destruction request requirement)

PART 3: VOTER REGISTRATION RECORDS

3150-01 CHALLENGE TO REGISTRATION RECORDS - Records relating to challenges by the voter registrar or another registered voter to the registration of a voter and similar records relating to the challenge by a voter to cancellation of registration by the voter registrar.

a) Notices of challenge, requests for and notices of hearing, affidavits of argument or evidence, statements of challenge (if challenge is by another registered voter), and copies of petitions for review in cases appealed to a district court. RETENTION: 2 years from, as applicable:

1) Date of notice of challenge or cancellation, if no hearing sought by voter.

2) Date of written determination of challenge.

3) Date of judgment of district court if adverse determination appealed.

b) Written determinations of challenge. RETENTION: Date of cancellation of registration + 2 years.

3150-02 VOLUNTEER DEPUTY REGISTRAR RECORDS

- a) Certificates of appointment. RETENTION: Termination of appointment + 2 years. [By law - Election Code, Section 13.0035(d).]
- b) Applications for appointment. RETENTION: AV. (Exempt from destruction request requirement)
- c) Written notices of termination. RETENTION: AV. (Exempt from destruction request requirement)

3150-03 VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION

- a) Voter registration applications and the following records that the Election Code requires be maintained in association with application files: authorizations to vote by affidavit; requests for replacement certificates; notices of change in registration information (including hand-corrected registration certificates submitted by voters); abstracts of death, probate, mental incompetency, felony conviction, and disqualification in an election contest; and written notices to voter of investigation of registration status, written responses from voters, and memoranda of oral responses. RETENTION: Date of rejection or cancellation of registration + 2 years. [By law - Election Code, Section 13.102(d).]
- b) Notices of change of residence of voters from other voter registrars. RETENTION: Date of cancellation of registration + 2 years.
- c) Notices of applications for limited ballot from absentee voting clerks in other counties. RETENTION: Date of cancellation of registration + 2 years.
- d) Notices of voter registration cancellation and reinstatement. RETENTION: AV. (Exempt from destruction request requirement)
- e) Sworn statements of death submitted under Election Code, Section 16.031(b)(3). RETENTION: Date of cancellation of registration + 2 years.
- f) Periodic reports from the Secretary of State on deceased persons in a county. RETENTION: 2 years.

3150-04 VOTER REGISTRATION CERTIFICATES

Retention Notes: a) Beginning in 1967 with the repeal of poll taxes, voter registration procedures in Texas were subject to frequent change. It was not until 1975 that the current system began to emerge in the Election Code. Consequently, for the purposes of records retention only, the term “date of cancellation” in this record group means, as applicable:

- 1) from the date registration is cancelled for any of the reasons cited in Chapter 16, Election Code;
- 2) from the date an initial registration certificate or its former equivalent expired under prior law (note that the issuance of a renewal certificate under current law **does not** constitute expiration of the initial certificate); or
- 3) from the date the information on an initial registration certificate or its former equivalent was transcribed into a new format as may have been required or permitted by new statutory requirements (note that the issuance of a renewal certificate under current law in a different format from the initial certificate **does not** constitute a transcription).

b) Election Code, Section 15.053 provides: “The registrar may maintain the active or inactive certificate file as information stored in a form suitable for use with electronic data processing equipment. After the appropriate information is stored, the registrar may destroy or otherwise dispose of a duplicate certificate.”

a) Duplicate initial registration certificates. RETENTION: Date of cancellation of registration + 2 years. [By law - Election Code, Section 15.052(c).]

b) Corrected registration certificates issued by voter registrar. RETENTION: Date of cancellation of registration + 2 years.

Retention Note: A duplicate original registration certificate replaced by a corrected certificate need be retained only as long as administratively valuable after issuance of the corrected certificate and is exempt from the destruction request requirement.

c) Returned renewal certificates. RETENTION: Date of cancellation of registration + 2 years.

d) Lists of returned certificates. RETENTION: 2 years after last day of each mailing. [By law - Election Code, Section 14.021(c).]

e) Permanent registration record sheets or cards. RETENTION: Destroy at option. (Obsolete record required of voter registrars from 1971 to 1975; exempt from destruction request requirement)

3150-05 VOTER REGISTRATION CONTRACTS - Contracts, leases, or agreements for voter registration services, including written approvals from the Secretary of State, if such approval is required. RETENTION: 4 years after the expiration or termination of the instrument according to its terms.

3150-06 VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION

Retention Note: It is an exception to the retention periods given for (a) and (c) in this record group that any list of registered or qualified voters dated 1967 or earlier must be retained PERMANENTLY for historical reasons. This exception applies to any such lists in the custody of a tax assessor-collector, county clerk, or any other county official.

- a) Master voter registration list of all registered voters in a county. RETENTION: US. (Exempt from destruction request requirement)

- b) Change lists, or similar documentation providing an audit trail, used to correct or update master voter registration list. RETENTION: 2 years.

- c) One copy of each original, supplemental, corrected, or revised original list of registered voters provided to election authorities for use in countywide elections.
 - 1) Lists for use in presidential elections. RETENTION: Election day + 4 years. [By law - Election Code, Section 18.011(b).]

 - 2) Lists for use in non-presidential elections. RETENTION: Election day + 2 years. [By law - Election Code, Section 18.011(b).]

- d) Original, supplemental, corrected, or revised original lists of registered voters used in precincts and returned to the voter registrar in Envelope No. 4. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 66.058(a, g).]

- e) Registration omissions lists. RETENTION: RP-1 or RP-2. [By law - Election Code, Section 66.058(a, g).]

3150-07 VOTER REGISTRATION RECORDS (OBSOLETE)

- a) Applications, proofs of eligibility, and notices of eligibility relating to voter registration of persons, resident of the state for more than 60 days but less than a year, wishing to vote in presidential elections. RETENTION: Destroy at option. (Obsolete record; maintained by county clerks from 1967 to 1975; exempt from destruction request requirement)

- b) Registration record of women voters registering to vote in 1918 as a result of the passage of the 19th Amendment to the U.S. Constitution. RETENTION: PERMANENT. (Obsolete record)

Retention Note: This record, if it has survived in a county, may appear either as a formal register or as duplicate certificates. Any form of record of this initial registration of women voters must be retained PERMANENTLY for historical reasons.

c) Lists of registered voters maintained under the Registration Act of 1870. RETENTION: PERMANENT. (Obsolete record; maintained by district clerks from 1870 to 1876)

d) Poll tax receipts (including exemption receipts). RETENTION: Destroy at option. (Obsolete records. In the absence of a list of qualified voters (see retention note for item number 3150-06) for a given year, this schedule recommends, **but does not require**, that the poll tax receipts and exemption receipts for the same year be retained PERMANENTLY.)

Retention Note: The retention period applies to poll tax records in the custody of a county tax assessor-collector, county clerk, county judge, or any other county official.

3150-08 VOTER REGISTRATION REPORTS AND STATEMENTS

a) Annual registration statements submitted to the Secretary of State. RETENTION: 2 years. [By law - Election Code, Section 18.041(b).]

b) Pre-election registration statements submitted to the Secretary of State. RETENTION: 2 years.

c) Reports submitted to the Secretary of State on new registrations, cancelled registrations, and change in registration information used to update state master voter registration file. RETENTION: 2 years.

d) Notices from the secretary of state of non-compliance with state master voter registration reporting requirements and subsequent notices of compliance. RETENTION: AV after list in (b) submitted. (Exempt from destruction request requirement)

e) Registration statements submitted to the State Comptroller of Public Accounts. RETENTION: FE + 3 years.