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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

# FAX TRANSMISSION <sup>6 PM '96</sup>

**ETHICS COMMISSION**  
B-5 STATE CAPITOL  
OKLAHOMA CITY, OK 73105  
(405) 521-3451  
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**To:** Federal Election Commission  
Office of the General Counsel

**Date:** April 11, 1996

**Fax #:** (202) 219-8504

**Pages:** 3, including this cover sheet.

**From:** Marilyn Hughes  
Executive Director

**Subject:** Request For Advisory Opinion

**COMMENTS:** Attached is our Request For Advisory Opinion of this date. Please advise if any further information or documentation is required.

MARILYN HUGHES  
EXECUTIVE DIRECTOR



STATE OF OKLAHOMA  
ETHICS COMMISSION

AOR 1996-15

April 11, 1996

The Federal Election Commission  
Attention: Office Of The General Counsel  
999 E Street NW  
Washington, DC 20463

~~SENT BY FACSIMILE TRANSMISSION~~

RE: Request For Advisory Opinion

Gentlemen:

As Executive Director of the Ethics Commission of the State of Oklahoma, I am the officer who is charged by state law with maintaining State election campaign reports. I am likewise the designated state officer who receives and maintains all statements and reports required by the Federal Election Campaign Act ("the Act") [citation omitted]. As such, I am subject to and affected by Section 439(b) of Title 2, which provides:

- The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall —
- (1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;
  - (2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;
  - (3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and
  - (4) compile and maintain a current list of all reports and statements pertaining to each candidate.

My question is whether, when "receiving, maintaining and keeping" federal reports, within the meaning of this provision, the agency is also required to maintain and keep the envelopes in which the reports arrive.

We ask that you consider the following facts: This agency consists of seven full time employees housed in the basement of Oklahoma State Capitol Building. Our office was carved out of an area originally designed for storage. We have been advised there is no more room for expansion. Space within this building is at a premium and there is no place for us to move. The agency's budget does not permit us to seek quarters outside the Capitol Building, where we office rent free.

FEDERAL ELECTION COMMISSION CORRESPONDENCE

ATTN: Office Of The General Counsel

April 11, 1996

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ETHICS COMMISSION  
STATE OF OKLAHOMA

Within our physical confines, file space is limited. The demands on this space nevertheless grows each year as we take in more statements, registrations and reports. In addition to federal filings, this agency acts as repository for state candidate and ballot measure campaigns, county candidates and ballot measure campaigns and financial disclosure statements of some 4,926 state officers and employees, as well as 351 such statements for county election board members. Registered lobbyists also file with us.

Records in this office date from 1990<sup>1</sup>. All of these are kept in file cabinets occupying approximate 400 square feet, which must also accommodate desks for two employees, three carrels (used by the public in viewing records), two photocopiers, a microfilm and "fax" machine.

Records within the agency's file cabinets are cramped and grow ever more so, since we have no room for additional cabinets. The envelopes, which we have been attaching to federal reports to show date of postmark, take up precious space. Since we are not called upon to establish filing dates for federal reports by postmark, we would like to be able to discard the envelopes.

Please deem this our request for an advisory opinion to allow us to discard envelopes showing date of postmark of federal reports. If we may provide additional information, we would be happy to assist.

Respectfully,

  
Marilyn Hughes

MH/ra

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<sup>1</sup>Records for previous years are archived at the Oklahoma Department of Libraries.