



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

February 21, 1974

The Honorable Joe Resweber
County Attorney
Harris County Courthouse
Houston, Texas 77002

Opinion No. H- 235

Re: Is the county clerk
authorized and
required to collect
fees for filing
instruments submitted
pursuant to the Cam-
paign Reporting and
Disclosure Act of 1973?

Dear Mr. Resweber:

The question you have submitted to us is:

"Is the county clerk authorized and required
to collect fees for filing instruments submitted
pursuant to the Campaign Reporting and Disclo-
sure Act of 1973? "

The Campaign Reporting and Disclosure Act of 1973 (Acts 1973, 63rd Leg., ch. 423, p. 1101) amends various Articles of Chapter 14 of the Election Code, V. T. C. S. The amendments, effective June 11, 1973, require various filings, some with the Secretary of State, some with the County Clerk, and others elsewhere.

As amended, Article 14.02(b) of the Texas Election Code requires candidates and political committees in county elections to designate a campaign manager and file the written appointment with the county clerk.

Amended Article 14.08 requires candidates and political committees to file financial statements. In elections for a county office or on a measure submitted to a county election, the statements are to be filed with the county clerk.

The Campaign Reporting and Disclosure Act of 1973 makes no provision for a fee to the county clerk for these filings. Nor is there any specific provision in those statutes covering the fees of county clerks. See Articles 3930, 3930a-1, and 3930(b), Vernon's Texas Civil Statutes. However, Article 3930 provides:

"County clerks . . . are hereby authorized and required to collect the following fees for services rendered by them to all persons, firms, corporations, legal entities, governmental agencies and/or governmental representatives:

". . . .

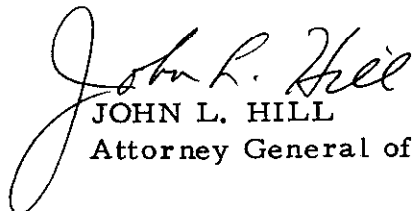
"(9) For such other duties prescribed, authorized, and/or permitted by the Legislature for which no fee is set by this Act, reasonable fees shall be charged." (emphasis added)

We therefore answer your question that the county clerk is authorized to collect fees for filing instruments submitted under the Campaign Reporting and Disclosure Act of 1973. Further we believe the language of the above quoted portion of Article 3930 is mandatory and that county clerks are required to collect reasonable fees. See 53 Tex. Jur. 2d, Statutes, § 16 and cases cited.

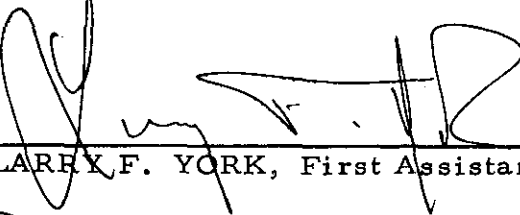
SUMMARY

County clerks are required to collect reasonable fees for filing instruments submitted under the Campaign Reporting and Disclosure Act of 1973.

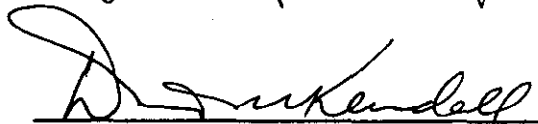
Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman
Opinion Committee