



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

175-638  
BRUCE E. BABBITT  
ATTORNEY GENERAL

January 22, 1976

76-21

Honorable Bob Stump  
President, Arizona State Senate  
State Capitol - Senate Wing  
Phoenix, Arizona 85007

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Re: R75-638

Dear Senator Stump:

In connection with passage of Senate Bill 1338, amending the Public Records Law, you have posed the following questions:

1. Does such a law require the Senate to compile and make available to the public the voting record of each Senator?
2. If the answer to question #1 is in the affirmative, is the Senate required to compile all recorded votes or only those votes representing final action upon a bill, memorial or resolution?
3. If the answer to question #1 is in the affirmative, does the reasonable fee which may be charged include the cost of compiling such information or does it only include the cost of copying after such information is compiled?

Senate Bill 1338 contains the following three paragraphs, which are the only sections bearing upon your questions:

3. All officers and public bodies shall maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by funds from the state or any political subdivision thereof.



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5. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. The custodian of such records shall furnish such copies, printouts or photographs and may charge a reasonable fee if the facilities are available, subject to the provisions of §39-122. The fee shall not exceed the commercial rate for like service except as otherwise provided by statute.

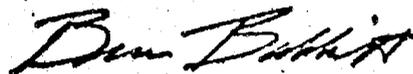
6. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian thereof and shall be subject to the supervision of such custodian.

The foregoing language requires only that officers and public bodies "shall maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities . . .". While this language is extremely general, we believe that it must necessarily give agencies broad discretion as to the method and form of keeping records. In the absence of bad faith or a manifest intent to frustrate the purpose of the act by keeping records in a form designed to make them indecipherable to the public, public bodies retain the discretion to keep their records in any reasonable manner that serves their needs and allows them to maintain "an accurate knowledge of their official activities . . .".

Accordingly, we conclude that the traditional method of recording votes in the journal and making the journal publicly available complies with the provisions of the Public Records Law.

Please let me know if we can be of further assistance.

Sincerely,



Bruce E. Babbitt  
Attorney General

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