

Missouri Citizens for Property Rights

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December 13, 2010

VIA FACSIMILE: (573) 526-4903 and electronic mail to Barbara Wood, chief counsel for the Secretary

Hon. Robin Carnahan
Secretary of State, Missouri
P.O. Box 1767
Jefferson City, MO 65102

Re: Sunshine Records Request

Dear Secretary Carnahan,

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri.

With this letter, I hereby request that you make available to me the following records, and I state that this request covers all records from November 9, 2010 through the date of your response to this request:

Any and all documents relating in any way to

- (1) The Secretary of State's interaction in any way with any of the plaintiffs in the case, *Missouri Municipal League v. Carnahan*, 303 SW 3d 573, or any parties interested in that case or the petitions which were the subject of that case, including staff and members;
- (2) The Secretary of State's interaction in any way with any of the plaintiffs in the case, *Missouri Municipal League v. Carnahan*, 303 SW 3d 573, or any parties interested in any of the three petitions I submitted to your office on November 9, 2010, including staff and members;
- (3) Any inter or intra agency communications relating to any of the three petitions I submitted to your office on November 9, 2010, or the drafting of the Summary Statements of said petitions, as they relate to any aspect of the court opinion from *Asher v. Carnahan*, 268 SW 3d 427, including without limitation all:
 - Communications within the Missouri Secretary of State's office;
 - Communications between or among the Missouri Secretary of State's office and any other state department, agency, division, office, official, agent, contractor, or employee;
 - Communications between or among the Missouri Secretary of State's office and any municipality, municipal government, municipal department, agency, division, office, official, agent, contractor, or employee;
 - Communications between or among the Missouri Secretary of State's office and any other

person, entity, group, or association, including the media or partisan political groups;

- Submissions by any proponent, opponent, or otherwise regarding the two initiative referenced above; and
- All phone records.

Note that during the Ballot Title drafting phase of a petition submission, the Attorney General is performing statutory responsibilities and is not acting as counsel for the Secretary of State or any other party. Therefore, communications between the Secretary of State and the Attorney General, including their staff and members, are subject to this request.

For purposes of this request, the following definitions apply:

- “Documents” includes without limitation all hard copy, e-mail, electronic data, and electronically stored information, the original and any copy of all written, printed, typed recorded or graphic material of any kind or character now or formerly in the possession, custody or control of your agency, including without limitation, letters, correspondence, diaries, papers, telegrams, memoranda, spreadsheets, handwritten notes, inventories, records, minutes, contracts, agreements, records or notations of telephone or personal conversations or conferences, date sheets, books of account, microfilm, bulletins, circulars, pamphlets, studies, notices, summaries, reports, books, teletype messages, invoices, canceled checks, bank statements, tape recordings, working papers and work sheets, photographs, videotape recordings, blueprints, drawings, depictions, or any other writings, however produced or reproduced;
- “Communications” includes without limitation all hard copy and electronic communications, emails, memoranda, letters, text messages, instant messages, iPhone, Treo, Blackberry, PIN, and other messages and communications, telecommunications, voice messages, and any other communicative interactions and any other records of communication.

I believe that this request serves the public interest and therefore ask that all fees for locating and copying the records be waived. The information I obtain through this request will be used to make it clear to citizens how they may file initiatives and avoid costly litigation. Please let me know in advance of any search or copying fees if the fees will not be waived.

If portions of the requested records are closed or privileged in any way, please segregate the closed portions, prepare a log of those portions, and provide me with the log as well as the rest of the records that are not closed.

Should you have any questions, please contact me at (573) 759-3585.

Sincerely,



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