

Missouri Sunshine Laws (Chapter 610 of the Missouri Revised Statutes)

Note: For each summary point, I also list the actual law being summarized in parentheses with the abbreviation “RSMo” followed by the Chapter, Section and Subsection (if relevant), so that you can use it or cite it when needed.

SUMMARY POINTS FOR PUBLIC RECORDS:

1. The Sunshine Laws apply to any “public governmental body”. This includes the Board of Education at a community college, as well as any advisory ‘committee’, ‘group’ or ‘body’ which was appointed by the Board or the President for the purpose of recommending “policy, policy revisions or expenditures of public funds” (RSMo ¶ 610.010.4). The Sunshine Laws do **not** apply to the President’s staff. Nor do they apply to “an informal gathering... for social or ministerial purposes when there is no intent to avoid [these laws]” (RSMo ¶ 610.010.5).
2. While the Sunshine Laws allow exceptions, it is the state government’s policy that “all public records of public governmental bodies shall be open to the public for inspection and copying” whenever possible. This policy “shall be *liberally* construed and their exceptions *strictly* construed...” (RSMo¶ 610.011, italics added)
3. Public records are presumed open (RSMo¶ 610.021.5) unless specific reason can be given otherwise. An open record must be available for inspection and copying by the public (RSMo¶ 610.023.2).
4. A custodian of records is to be appointed for each governmental body. The name and location of this custodian must be furnished upon request (RSMo¶ 610.023.1).
5. Custodians must allow public access to an open record “as soon as possible”, but in no case later than **3 business days** of a request. If there is a delay, the custodian must write to the requester with a detailed explanation for the delay, and the earliest time that the record will be available. Records must be provided in the requested format if it is available. A custodian may take longer than three days to fulfill a request for a copy of an open record, but only for “reasonable cause” (RSMo¶ 610.023.3).
6. If a request for access to an open record is denied, the custodian must provide a written explanation which cites the specific **provision of law** that gives the custodian grounds for denial. This explanation must be furnished within **3 business days** of the request (RSMo¶ 610.023.4).
7. If some sealed or exempt material is part of an open record, any non-exempt material must be separated out and made available to the public (RSMo¶ 610.024). Emails, texts, or other messages by “electronic means” that are

sent by a member of a governmental body to a majority of the body's members (including the sender) must be made a matter of public record (RSMo¶ 610.025).

8. Whenever a governmental body provides a copy of a record, they may charge a fee using the following rules:
 - a. **For each page measuring 9" x 14" or less**, up to 10 cents.
 - b. **For any special duplicating, searching or programming**, up to the average hourly rate for the governmental body's clerical staff and the actual cost of materials to make the copy (like DVDs, etc.)
 - c. **For any research**, up to the actual accrued cost.

A governmental body does not have to charge a fee. If they do, however, they must always be the cheapest necessary to fulfill the request for the record(s). A citizen may request an estimate for any fees prior to copying (RSMo¶ 610.026.1). The governmental body may likewise request payment in advance to making any copies (RSMo¶ 610.026.2).

9. If the Sunshine Laws are violated, a citizen may file suit against the public governing body and/or its members. The suit must be brought within **one year** of the point at which the violation was "ascertainable" (known). No suit may be brought after **two years** have passed since the violation took place. (RSMo¶ 610.027.5).
10. "Once a party... demonstrates to the court that the body in question... has held a closed meeting... *the burden of persuasion shall be on the body and its members to demonstrate compliance.*" (RSMo¶ 610.027.2, italics added). In other words, once it has been proved that a closed meeting took place, the body that held the closed meeting must show proof (like minutes) that it did not violate the law (such as discussing off-topic business) or it will be found guilty.
11. Parties that are found to be in **knowing** violation of the Sunshine laws may be penalized up to \$1,000 in addition to all attorney fees and court costs. Parties that are found to have **purposefully** violated the Sunshine laws may be penalized up to \$5,000 and **must** pay all attorney fees and court costs. These penalties are **in addition** to any other law that might assess a penalty. Finally, the party in violation may have the proceedings of its closed meetings voided by the court, if the court finds it is in the public interest (RSMo¶ 610.027), and an injunction may be issued to force compliance with the Sunshine Laws (RSMo¶ 610.030).
12. No one who reports a violation of the Sunshine laws in "good faith" may be held civilly liable in court, nor may that person be "demoted, fired, suspended, or otherwise disciplined for making such a report." (RSMo¶ 610.028.3).