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Roland v. St. Louis City Board of Election Commissioners

Supreme Court of Missouri, en banc - December 24, 2019 - S.W.3d - 2019 WL 7161284

Candidate's attorney brought action against city board of election commissioners for denying his sunshine law request for absentee ballot applications and absentee ballot envelopes.

The Circuit Court entered judgment in favor of attorney, but awarded costs to board, and denied attorney's claim for attorney fees and costs. Board appealed and attorney cross-appealed.

On transfer from the Court of Appeals, the Supreme Court held that:

- Absentee ballot applications and ballot envelopes after removal of the voted ballots are "open public records" subject to disclosure under the sunshine law, and
- Board was not entitled to award of costs.

City board of election commissioners was not entitled to award of costs incurred in successfully defending against candidate's attorney's assertion that board's violation of sunshine law, in denying his request for absentee ballot applications and ballot envelopes, was knowing or purposeful; only plaintiffs who prevailed in establishing violation of sunshine law, not governmental entities, could receive award of costs.

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