

STATE AUDITOR:
PUBLIC RECORDS:
PUBLIC INFORMATION:

When an audit of a six-director school district is requested under the provisions of Section 29.230, RSMo 1949, by a petition containing the signatures of five per cent (5%) of the qualified voters, it is not necessary for the Office of State Auditor to furnish a photostatic copy of that petition to the board of education of the school district, or to any other person, even though it may have been requested.

August 22, 1958

Hon. Haskell Holman
State Auditor
Jefferson City, Missouri



Dear Mr. Holman:

This is in response to your letter of August 13, 1958, in which you request from this office an opinion as follows:

"It is requested that you furnish this department with a formal opinion on the following questions:

"1. When an audit of a six-director school district is requested under the provisions of Section 29.230, R.S.Mo., 1949, by a petition containing the signatures of five per cent (5%) of the qualified voters, is it necessary to furnish a photostatic copy of the petition to the board of education if it is requested?

"2. Also, is it necessary to furnish this information to anyone else who desires it?"

It is our opinion that when an audit of a six-director school district is requested under the provisions of Section 29.230, RSMo 1949, by a petition containing the signatures of five per cent (5%) of the qualified voters, it is not necessary for the Office of State Auditor to furnish a photostatic copy of that petition to the board of education of the school district even though it may have been requested. Nor is it required that the State Auditor furnish such copies or take positive action to provide information pertaining to such petition to anyone else who desires it.

We believe that in reaching our conclusion it is unnecessary to determine whether this petition is to be considered a public record. It is commonly known that writings or documents constituting public records are subject to inspection by the public,

Hon. Haskell Holman

and it is not essential that the inspection of such public records be limited to persons who have some legal interest to be guarded by that inspection. It is within the prerogative of the General Assembly to grant by statute the right of inspection of public records to all persons. We would also observe, with respect to public records, that the right to inspect those records carries with it the right to make copies, without which the right to inspect would be practically valueless. However, this right of inspection has not gone unqualified nor unrestricted, but must be accepted and exercised at a proper time and place, and in such a manner as will not unduly interrupt or interfere with the discharge of official duties. 79 C.J.S., p.288.

Even if this petition were a public record there is no law which requires that the Office of State Auditor photostat and mail out copies of this petition. It is conceivable that the expense of such a requirement as this would be prohibitive in and of itself. We will observe that with respect to public records the right to copy is often present, but, again, this is not the same as the right to the distribution, or receipt, of copies by the office containing the record. There is no Section in Chapter 29 of the Revised Statutes of Missouri 1949, which requires the distribution of photostatic copies of petitions which are submitted under the provisions of Section 29.230. Therefore, whether or not this is a public record, there is no statute requiring dissemination of photostatic copies thereof.

CONCLUSION

When an audit of a six-director school district has been requested under the provisions of Section 29.230, RSMo 1949, by a petition containing the signatures of five per cent (5%) of the qualified voters, it is not necessary for the Office of State Auditor to furnish a photostatic copy of that petition to the board of education of the school district or to any other person even though it may have been requested.

Sincerely yours,

John M. Dalton
Attorney General

JBS/mjb