

Subject:	Complant – Violation of Texas Public Information Law
From:	Kelly REDACTED
To:	publicrecords@texasattorneygeneral.gov;
Cc:	greg.abbott@texasattorneygeneral.gov;
Bcc:	
Date:	Sunday, April 15, 2012 7:15 PM

To: Reg Hargrove; Public Information Coordinator
Office of the Attorney General
publicrecords@texasattorneygeneral.gov

CC: Greg Abbott, Texas Attorney General
greg.abbott@texasattorneygeneral.gov

I am writing to lodge a formal complaint against Steve Munisteri, Chair of the Republican Party of Texas ("RPT"), for violating Texas Code 552, "Texas Public Information Act", and to request assistance from your office in reaching a resolution. Pursuant to the Act, on March 26th, I sent a letter to Mr. Munisteri, requesting specific documents pertaining to presidential candidate information for the upcoming Texas Presidential Preference Primary. According Texas Election Code, §141.035 and §161.004, the documents which were the subject of my original request to Mr. Munisteri are public records. (See attached copy of my original letter.)

As of this writing, I have received no response from Mr. Munisteri. In addition, I have received no copy of correspondence from Mr. Munisteri to your office, requesting a waiver of production in this case. As the enclosed records indicate, Mr. Munisteri received my request by March 28th. Under the timetable prescribed by law, I should have received his response by April 13th.

Further, production of these documents can be compelled pursuant to section §161.009 of the Texas Election Code, "Party Officer Subject to Mandamus." I want your office to assist me in retrieving the public records requested, using whatever lawful means are available.

Resolution of this complaint is time sensitive, given that the information contained in the requested documents could impact the May 29th Primary ballot. Therefore, please call me right away with any questions at **REDACTED** , or reply via this email.

Thank you,

-Kelly

Kelly REDACTED
Address REDACTED

Monday, March 26th, 2012

To: **Steve Munisteri, Republican Party of Texas Chair**
1108 Lavaca, Suite #500
Austin, TX 78701

Cc: Hope Andrade, Texas Secretary of State
Greg Abbott, Texas Attorney General

Subject: **Texas Public Information Act – Document Request, Election-Related Information**

Mr. Munisteri,

The Republican Party of Texas ("RPT") has submitted to the Texas Secretary of State ("TXSoS") a list of names to appear on the 2012 Presidential Preference Primary ballot.

As you are aware, according to Texas Election Code §191.003 and §192.031, all candidates whose names appear on the ballot must be qualified for the job.

§ 191.003: NOTICE OF CANDIDATES TO SECRETARY OF STATE.

The state chair of each political party holding a presidential primary election shall certify the name of each presidential candidate who qualifies for a place on the presidential primary election ballot and deliver the certification to the secretary of state not later than the 57th day before presidential primary election day.

§ 192.031: PARTY CANDIDATE'S ENTITLEMENT TO PLACE ON BALLOT.

(a) A political party is entitled to have the names of its nominees for president and vice-president of the United States placed on the ballot in a presidential general election if:

- (1) the nominees possess the qualifications for those offices prescribed by federal law;

Pursuant to the Texas Public Information Act, (Texas Government Code, Chapter 552), please provide to me, via hard copy or email, any and all documents which were the basis for your certification to the TXSoS that these candidates are federally qualified for the job. (This includes all memos, notes, applications, petitions, sworn statements, or any other related items.)

According to the Texas Election Code, §141.035 and §161.004, the documents which are the subject of this request are public records.

§ 141.035: APPLICATION AS PUBLIC INFORMATION.

An application for a place on the ballot, including an accompanying petition, is public information immediately on its filing.

§ 161.004: PARTY DOCUMENT AS PUBLIC INFORMATION.

If a document, record, or other paper is expressly required by this title to be filed, prepared, or preserved, it is public information unless this title provides otherwise.

Further, production of these documents can be compelled pursuant to section §161.009, "Party Officer Subject to Mandamus."

§ 161.009: PARTY OFFICER SUBJECT TO MANDAMUS.

The performance of a duty placed by this code on an officer of a political party is enforceable by writ of mandamus in the same manner as if the party officer were a public officer.

Please let me know how much this request will cost, and I will be happy to pay the charges. If you choose to send me the documents via email, please send to: **REDACTED** If you choose to send me the documents via hard copy, please send to the address shown at the top of this letter. The law provides that you have ten (10) business days to produce the requested documents. In order to forestall any delays; If you have any questions, please call me. **REDACTED**

Thank you.

REDACTED

Kelly

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Republican Party of Tx 1108 Lavaca, #500 Austin, Tx 78701 Attn: Steve Munisteri	B. Received by (Printed Name) <i>Jose Lewis</i>	C. Date of Delivery
2. Article Number (Transfer from)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
DS Form 3811 February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
7011 0470 0001 7395 9914	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Signed by RPT on March 28, 2012; 'Proof of Delivery' arrived in mail on March 30, 2012.