

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 87

Short Title: Sunshine Amendment. (Public)

Sponsors: Representatives LaRoque and T. Moore (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

February 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE
3 NORTH CAROLINA CONSTITUTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article XIV of the North Carolina Constitution is amended by adding
6 a new section to read:

7 "**Sec. 6. Access to public records and meetings.**

8 (1) Every person has the right to inspect or copy any public record made or received in
9 connection with the official business of any public body, officer, or employee of the State, or
10 persons acting on their behalf, except with respect to records exempted pursuant to this Section.
11 This Section specifically includes the legislative, executive, and judicial branches of
12 government and each agency or department created thereunder; counties, municipalities,
13 governmental subdivisions, units of local government, and special districts; and every office,
14 board, commission, or entity created pursuant to law or this Constitution.

15 (2) All meetings of any collegial public body of the executive branch of State
16 government or of any collegial public body of a county, municipality, governmental
17 subdivision, unit of local government, or special district at which official acts are to be taken or
18 at which public business of such body is to be transacted or discussed shall be open and noticed
19 to the public, and meetings of either house of the General Assembly shall be open and public
20 notice given as provided by law, except with respect to meetings exempted pursuant to this
21 Section.

22 (3) This Section is self-executing. The General Assembly, however, may provide by
23 general law passed by a two-thirds vote of the members present and voting of each house for
24 the exemption of records from the requirements of subsection (1) of this Section and the
25 exemption of meetings from the requirements of subsection (2) of this Section, provided that
26 such law shall state with specificity the public necessity justifying the exemption and shall be
27 no broader than necessary to accomplish the stated purpose of the law. The General Assembly
28 shall enact laws governing the enforcement of this Section, including the maintenance, control,
29 destruction, disposal, and disposition of records made public by this Section, except that each
30 house of the General Assembly may adopt rules governing the enforcement of this Section in
31 relation to records of that house. Laws enacted pursuant to this subsection shall contain only
32 exemptions from the requirements of subsection (1) or (2) of this Section and provisions
33 governing the enforcement of this Section and shall relate to one subject.



1 (4) All laws that are in effect on January 1, 2013, that limit public access to records or
2 meetings shall remain in force until amended or repealed. Rules of court that are in effect on
3 January 1, 2013, that limit access to records shall remain in effect until they are repealed."

4 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
5 the qualified voters of the State at the statewide general election on November 6, 2012, which
6 election shall be conducted under the laws then governing elections in the State. Ballots,
7 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
8 The question to be used in the voting systems and ballots shall be:

9 "[] FOR [] AGAINST

10 Constitutional amendments providing that all State and local government public
11 records are open to inspection and copying, and all State and local government meetings are
12 open to the public, subject in either case to general law passed by two-thirds vote in each house
13 of the General Assembly providing for exemptions in case of public necessity."

14 **SECTION 3.** If a majority of votes cast on the question are in favor of the
15 constitutional amendment set out in this act, the State Board of Elections shall certify the
16 amendment to the Secretary of State. The constitutional amendment is effective upon
17 certification. The Secretary of State shall enroll the amendments so certified among the
18 permanent records of that office.

19 **SECTION 4.** This act is effective when it becomes law.