

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 87  
Committee Substitute Favorable 3/16/11

Short Title: Sunshine Amendment.

(Public)

Sponsors:

Referred to:

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 agency, public officer, or official 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 and executive branches of government and  
12 each agency or department created thereunder; counties, municipalities, governmental  
13 subdivisions, units of local government, and special districts; and every office, board,  
14 commission, or entity created pursuant to law or this Constitution.

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

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

33 (4) All statutes, rules, case law, and common law that are in effect on January 1, 2013,  
34 that limit public access to records or meetings shall remain in force until amended or repealed."

35 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to  
36 the qualified voters of the State at the statewide general election on November 6, 2012, which  
37 election shall be conducted under the laws then governing elections in the State. Ballots,



1 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.  
2 The question to be used in the voting systems and ballots shall be:

3                                   " FOR        AGAINST

4                   Constitutional amendments providing that all State and local government public  
5 records are open to inspection and copying, and all State and local government meetings are  
6 open to the public, subject in either case to general law passed by three-fifths vote in each  
7 house of the General Assembly providing for exemptions in case of public necessity."

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

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