

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11

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 natural person who is a citizen of the State has the right to inspect or copy
9 any public record made or received in connection with the official business of any agency,
10 public officer, or official of the State, or persons acting on their behalf, except with respect to
11 records exempted pursuant to this Section. This Section specifically includes the legislative and
12 executive branches of government and each agency or department created thereunder; counties,
13 municipalities, governmental subdivisions, units of local government, and special districts; and
14 every office, board, commission, or entity created pursuant to law or this Constitution. An
15 agency of North Carolina government or its subdivisions may charge a reasonable fee for the
16 cost of compiling as well as copying public records requested pursuant to this subsection of this
17 Section.

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

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



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

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

8 "[] FOR [] AGAINST

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

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

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