

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS35049-LB-102A (01/31)

Short Title: Sunshine Amendment.

(Public)

Sponsors: Senators Clary, Tucker, and Goolsby (Primary Sponsors).

Referred to:

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 officer,
14 board, and 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 districts at which official acts are to be taken
18 or at which public business of such body is to be transacted or discussed, shall be open and
19 noticed to the public and meetings of either house of the General Assembly shall be open and
20 public notice given as provided by law, except with respect to meetings exempted pursuant to
21 this 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.



