

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 331

Short Title: Sunshine Amendment.

(Public)

Sponsors: Senators Goolsby (Primary Sponsor); and Meredith.

Referred to: Judiciary I.

March 19, 2013

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

(4) All laws that are in effect on January 1, 2014, that limit public access to records or meetings shall remain in force until amended or repealed. Rules of court that are in effect on the January 1, 2014, that limit access to records shall remain in effect until they are repealed."



1 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
2 the qualified voters of the State at the statewide general election in November 2014, which
3 election shall be conducted under the laws then governing elections in the State. Ballots,
4 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
5 The question to be used in the voting systems and ballots shall be:

6 "☐ FOR ☐ AGAINST

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

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