

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1111
May 14, 2020
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10759-BKy-21

Short Title: Sunshine Amendment.

(Public)

Sponsors: Representative Setzer.

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. 7. 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 government
12 and each agency or department created thereunder; counties, municipalities, governmental
13 subdivisions, units of local government and special districts; and every officer, board, and
14 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 government
16 or of any collegial public body of a county, municipality, governmental subdivision, unit of local
17 government, or special districts at which official acts are to be taken or at which public business
18 of such body is to be transacted or discussed, shall be open and noticed to the public and meetings
19 of either house of the General Assembly shall be open and public notice given as provided by
20 law, 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 two-thirds vote of the members present and voting of each house for the
23 exemption of records from the requirements of subsection (1) of this Section and the exemption
24 of meetings from the requirements of subsection (2) of this Section, provided that such law shall
25 state with specificity the public necessity justifying the exemption and shall be no broader than
26 necessary to accomplish the stated purpose of the law. The General Assembly shall enact laws
27 governing the enforcement of this Section, including the maintenance, control, destruction,
28 disposal, and disposition of records made public by this Section, except that each house of the
29 General Assembly may adopt rules governing the enforcement of this Section in relation to
30 records of that house. Laws enacted pursuant to this subsection shall contain only exemptions
31 from the requirements of subsection (1) or (2) of this Section and provisions governing the
32 enforcement of this Section and shall relate to one subject.

33 (4) All laws that are in effect on January 1, 2021, that limit public access to records or
34 meetings shall remain in force until amended or repealed. Rules of court that are in effect on
35 January 1, 2021, that limit access to records shall remain in effect until they are repealed."



1 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
 2 the qualified voters of the State at a statewide general election to be held in November of 2020,
 3 which 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. The
 5 question to be used in the voting systems and ballots shall be:

6 " FOR AGAINST

7 Constitutional amendment providing that all State and local government public
 8 records are open to inspection and copying, and all State and local government meetings are open
 9 to the public, subject in either case to general law passed by two-thirds vote in each house of the
 10 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 amendment
 12 set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the
 13 Secretary of State. The Secretary of State shall enroll the amendment so certified among the
 14 permanent records of that office.

15 **SECTION 4.** The amendment set out in Section 1 of this act is effective upon
 16 certification.

17 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
 18 law.