

"Sunshine Amendment" Introduced in North Carolina

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A bill introduced this week in the North Carolina General Assembly would enshrine the value of government transparency into North Carolina's Constitution. North Carolina, like many states, provides citizens with a statutory basis for inspecting government records through its Public Records Act, N.C. Gen. Stat. 132-1 and for attending official meetings of public bodies through its Open Meetings Law, N.C. Gen. Stat. 143-318.9. However, the commitment to public access embodied in these laws is undermined by their numerous exceptions, such as exceptions in the Public Records Act for public employee records that are expansive by national standards.

House Bill 87, sponsored by Representatives Tim Moore and Stephen LaRoque, would set an important marker on this issue and help to stem the tide of efforts to chip away at access to government records and meetings by layering exceptions upon exceptions. The amendment would offer a broad statement of the importance of openness in government:

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 office, board, commission, or entity created pursuant to law or this Constitution.

The bill contains an analogous statement with respect to government meetings.

The amendment would fortify these statements of principle by requiring supermajority votes in both chambers of the North Carolina General Assembly -- 2/3 majorities -- to enact new restrictions on access to public records and official meetings.

Passage of this bill should be a priority for all legislators who earnestly believe Justice Louis Brandeis's famous observation that "sunshine is said to be the best of disinfectants." As co-sponsor Rep. Moore observed, "Open access to information is critical to any democracy. People have a right to know, and this protects that right."

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If the amendment passes the North Carolina House and Senate, it would be placed on the ballot in 2012.