

September 21, 2023

Senator Phil Berger
President Pro Tempore of the NC Senate
16 West Jones Street, Rm. 2007
Raleigh, NC 27601

Representative Tim Moore
Speaker of the NC House of Representatives
16 West Jones Street, Rm. 2304
Raleigh, NC 27601-1096

Dear Senator Berger, Representative Moore,

As organizations committed to transparent government and accountability, we strongly urge you to reject efforts to exempt North Carolina lawmakers from public records requirements. The proposed, sweeping changes to existing public records requirements do not serve the public interest and, instead, only benefit those lawmakers who wish to operate with impunity.

In North Carolina's 600+ page proposed budget bill, buried amendments seek to codify a broad "legislative privilege" to withhold records and relieve lawmakers of any requirement to "reveal any document, supporting document, drafting request, or information request made or received by that legislator while a legislator."¹ This measure, which would reportedly take effect immediately upon enactment, would grant every lawmaker the power to shield their actions from public view – a devastating blow to government transparency and North Carolinians' right to their elected officials' public records.

Empowering individual lawmakers to determine which records they can hide from public view is also contrary to the letter and spirit of the state's public records laws, which make records and information compiled by governmental entities "the property of the people" – not government officials.² As Governor Roy Cooper emphasized while serving as the state's Attorney General, North Carolina's public records laws are "critical to operating a fair and open government" because "strong laws and a commitment to openness will ensure that North Carolina residents are informed about government's business."³

¹ Paragraph Slipped into Draft NC Budget Could Shield Lawmaker Records from Public, WRAL (Sep. 20, 2023) (online at <https://www.wral.com/21057912/>).

² N.C. GEN. STAT. § 132-1(b) (accessed Sep. 20, 2023) (online at https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html).

³ North Carolina Attorney General's Office and the North Carolina Press Association: Guide to Open Government in North Carolina (accessed Sep. 20, 2023) (online at <https://www.documentcloud.org/documents/6503025-Guide-to-Open-Government-and-Public-Records.html>).

We are deeply concerned by this last-minute attempt to fundamentally alter North Carolina public records requirements. Similarly extreme legislation offered by Arkansas Governor Sarah Huckabee Sanders was rejected on a bipartisan basis by the lawmakers of her state.

We urge you to likewise reject these harmful changes to North Carolina's public records requirements and affirm North Carolina's commitment to ensuring public access to the activities of government.

Signed,⁴

ACLU of North Carolina
American Oversight
Brennan Center for Justice
Carolina Migrant Network
Carolina Peace Center
Center for Constitutional Rights
Common Cause North Carolina
El Pueblo
Equality NC
Friends of the Earth
Just Futures Law
La Fuerza
Mujerxs Organizando Oportunidades Notables
North Carolina Asian Americans Together
North Carolina Asian Americans Together in Action
North Carolina Open Government Coalition
Public Wise
Protect Democracy
SEAC Village
Southern Coalition for Social Justice
YWCA Central Carolinas
YWCA Greensboro
YWCA High Point
YWCA of Winston Salem

⁴ For the most up-to-date list of signers, please visit:
https://docs.google.com/document/d/1FEMpYpWrFIYGTrcgwqcv-SZybFzYnxKza_AMnC3eyNk/edit?usp=sharing.