

# Sun-e Briefs • November 2008

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**Sun-e Briefs** are a service of the Sunshine Center made possible through a grant from the Knight Foundation. This monthly news update will keep you in the open-government loop by bringing you news about access issues from across the state and updates on the Sunshine Center and North Carolina Open Government Coalition. Coming to you from Elon University, home of the Sunshine Center, we think you'll find **Sun-e Briefs** a valuable addition to your inbox. If you would like to contact us to let us know about a story or to remove your name from our list, please write [ncopengov@elon.edu](mailto:ncopengov@elon.edu).

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## Coalition & Center Events

### **NCOGC Board meeting • Dec. 10**

The Board of Directors for the North Carolina Open Government Coalition and staff of the Sunshine Center will meet from noon to 2 p.m. at Elon University. Among the Board's business is planning the next Sunshine Day, which is March 19, 2009, and reviewing the NCOGC mission statement.

## Sunshine Center in Action

### **Sunshine Center director to speak to state PIOs • Wednesday**

Sunshine Center Interim Executive Director Dr. Connie Book will speak at the N.C. Association of Government Information Officers Wednesday as part of a daylong program titled "What is the future of news?" Book will join a slate of distinguished speakers including Pulitzer-Prize winning journalist Pat Stith, who recently retired from The News & Observer, and Ryan Thornburg, an assistant professor at the University of North Carolina at Chapel Hill.

Click for more details ...

<http://www.ncagio.org/seminar.htm>

### **Assistant director to serve on faculty of public records seminar • Thursday**

Sunshine Center Assistant Director Dale Harrison will serve on the faculty of a daylong seminar titled "What You Need to Know About Public Records and Open Meetings in North Carolina" in Raleigh. Lorman Education Services is sponsoring the seminar, which grants continuing education credit.

Click for the full story ...

<http://www.elon.edu/e-net/Note.aspx?id=933404>

Click to visit the Lorman Education Services seminar page ...

[http://www.lorman.com/seminars/seminar\\_details.php?pid=195430](http://www.lorman.com/seminars/seminar_details.php?pid=195430)

### **Fall Sunshine Center workshop explores legislation**

The Sunshine Center reached out Oct. 21 to the coast of Carolina with its fall 2008 workshop titled, "North Carolina Sunshine Laws from the Capitol Building to the

Courtroom.” Speakers explored key developments in the North Carolina General Assembly, including a bill to explore televising state government. Those attending the workshop included journalists from area newspapers, public employees in Dare County, and representatives from the League of Women Voters and Outer Banks Visitors Bureau. Featured speakers were Outer Banks Sentinel Managing Editor Sandy Semans, Dare County attorney Bobby Outten, and Dan Trigoboff, professor of media law at the University of North Carolina at Pembroke.

Click for the full story ...

<http://www.elon.edu/e-net/Note.aspx?id=932986>

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## **Access Update**

### **Election follow up: Q-and-A with the governor-elect**

In preparation for Sunshine Week in March, the NCOGC organized a survey on open government issues and interviewed candidates for statewide political office. Reporters from The News & Observer, The Charlotte Observer, The News & Record of Greensboro, The Winston-Salem Journal and the Wilson Daily Times interviewed 40 candidates. Mark Johnson of the Charlotte Observer interviewed Bev Perdue, then Democratic candidate for governor and now governor-elect. We thought this would be a good time to review her statements on open government during her campaign. Next month, we'll feature re-elected Attorney General Roy Cooper. Here's the Q-and-A with Governor-elect Perdue:

**Q:** Have you read the state's open records and open meetings laws?

**A:** Yes. I know I have read the summaries, but I can't say I've read it word for word. When I was in the legislature, during debates for amendments we read parts over again.

**Q:** What is your philosophy of government openness? How important is it to American democracy?

**A:** It's really important to democracy. I believe it's one of the things we have to do to make sure people feel like the government is accountable to them. The more you do the better off you are. When in doubt you err on the side of disclosure.

**Q:** Are there any changes you'd like in the public records and open meetings laws?

**A:** I'd like for it to be easier to access. I'd like the FOIA process to be easier for people. With technology, there's no reason people all over the state can't easily access information about the General Assembly, the lieutenant governor's office, the treasurer's office. The current law is pretty good. It's really good ... we need to educate people about how it works.

**Q:** What would you do to make the workings of government more transparent?

**A:** In North Carolina, we really want sunshine on our government. We believe that government is the people's business in North Carolina. (See also above response.)

**Q:** Do you think North Carolina's Open Meetings and Public Records Laws make the duties and responsibilities of public officials and agencies clear?

**A:** Yes. I can only speak from my experience and the roles I've played (state representative, state senator, lieutenant governor). The rules are total public records except for contracts, personnel and business decisions. I intend to set the tone for state government (for openness).

**Q:** Should state law require state agencies that violate the public records law to pay legal fees for those who have to file lawsuits in order to obtain records?

**A:** Yes. You shouldn't have to sue to start with.

**Q:** The state public records law says that records must be released in a "reasonable" time period after a request. How would you define reasonable?

**A:** I'll tell you how my office defines it, unlike the treasurer's office, it's as soon as we can find it — as soon as possible under the circumstances.

**Q:** Should the names of finalists for major state and university positions be available to the public?

**A:** Yes. My experience with ... the community college selection process was a good one ... With those positions, as important as they are, we allow that initial vetting to be confidential. When we got down to the finalists, we released the three names.

**Q:** Should the personnel law be changed so that the public knows why its employees have been fired, dismissed, suspended or demoted? Should it be changed so that the public knows the entire salary information of its employees, not just the most recent increase/decrease?

**A:** I thought once a charge was brought or a dismissal was made it became public. If I work for the state of North Carolina for 30 years the public has the right to know my annual salary for each year.

**Q:** Do you believe that the public is entitled to copies of all electronic communication (like e-mail, instant messaging, texting) to and from a public office holder's chief of staff?

**A:** Yes.

**Q:** Other states — notably Florida and California — have recently amended their state Constitutions to make it more difficult to reduce public access to government records and meetings. As a way to protect the public's right to know, would you support a measure to require that all legislation seeking to reduce the current level of public access must pass the General Assembly by a "supermajority" two-thirds vote, rather than by a simple majority?

**A:** I can't imagine that kind of legislation (to restrict access to government records and meetings) being passed anywhere. As governor, I would veto it. Legislators realize folks back home would be angry if they tried to restrict access.

### **Interested in other candidates?**

To see the Q-and-A with all candidates, visit the NCOGC Web site and follow the links under "Survey: Statewide Political Candidates' Views on Open Government" in the NCOGC Toolbox ...

<http://www.ncopengov.org/>

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