

NORTH CAROLINA SUNSHINE LAWS

SUPPLEMENTARY TEACHING MATERIALS

GRADES 9 - 12

Purpose: The purpose of this lesson is to increase the engagement of students in awareness of their rights as North Carolinians to obtain access to public records and attend public meetings. These activities will encourage their involvement in civic and state government as citizens of North Carolina.

Provided in this packet are supplementary materials designed to further engage students in committing to memory the details of the Sunshine Laws, specifically concerning open meetings and public records. For each section more detailed directions are provided, as well as a key of answers.

Materials Needed:
DVD player or internet connection
Sunshine Laws DVD



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Table of Contents:

Introduction and Background	Page 3
Open Meetings Fact Sheet	Page 4
Public Records Fact Sheet	Page 5
Chatham County Case Study	Page 6
North Carolina Sunshine Law Essay Questions	Page 7
North Carolina Sunshine Law Projects	Page 8
Hypothetical Situations	Page 9
Crossword Puzzle Exercise	Page 10 - 11
Quiz	Pages 12 - 15
Additional Resources	Page 16 - 17



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Introduction and Background:

The “Sunshine Laws” are laws found at the local, state and federal levels that guarantee United States citizens a right to access open meetings and records. The phrase Sunshine Laws is representative of the openness guaranteed in government proceedings.

Two facets of the Sunshine Laws guarantee access to public records and open government meetings. All public records and public information compiled by the agencies of the government are property of the people. Public records encompass any documents, papers, recordings, books, electronic data-processing records, and all other documentary materials.

In terms of open meetings, all hearings, deliberations, and actions of public bodies must be conducted publicly. A public body an elected or appointed body, of two or more members that exercise, or are authorized to exercise, legislative, policy-making, quasi-judicial, administrative, or advisory functions.

In 2004, North Carolina established the North Carolina Open Government Coalition (NCOGC). The Coalition was devised in order to increase awareness and advocacy of citizen access to public records, open meetings, and other government activities. In 2006, Elon University became the academic home to NCOGC, thus creating the North Carolina Sunshine Center.

The Sunshine Center will serve as an ambassador for education initiatives on open government, create online resources for citizens of North Carolina on open government, educate stakeholders in the state on open government issues, and educate students in North Carolina on the concepts of open government.

**Information taken from North Carolina Media Law Handbook, (2007). Edited by: Cathy Packer, Hugh Stevens, and Amanda Martin.*



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Open Meetings Fact Sheet:

- ❖ Any *public body* is subject to open meeting laws. Public bodies include any body of state or local government that carries out a legislative, policy-making, quasi-judicial, administrative or advisory function. A body is any assembly of more than two people.
- ❖ Any time a public body is assembled and discusses any relative business – even if it occurs at a social function, the meeting is considered official and therefore is subject to open meeting laws.
- ❖ Sometimes *closed meetings* are allowed. Meetings concerning the following topics are permitted to be closed: concern confidential information, consultations with an attorney, claims or litigation, business location or expansion, real property acquisition, employment contracts, and personnel matters.
- ❖ Prior public notice is required before any open meeting takes place.
- ❖ The law requires that all open AND closed meetings keep “full and accurate” minutes.
- ❖ All open meetings are entirely open to the public, meaning that any taping, photographing, filming, or other medium of broadcast is permitted at the meetings. Radio and television are also permitted to broadcast the meetings live.
- ❖ If the open meetings law is violated, three possibilities exist to remedy the situation. First, a court can issue a declaratory judgment, which states that a violation has taken place. Secondly, the court can order the public body not to violate the law again in the future. Lastly, an individual may ask the court to invalidate an action taken in the meeting based upon the violation against the open meetings law.

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Public Records Fact Sheet:

- ❖ *Public record* is any documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received by any connection to the North Carolina state government and its subdivisions
- ❖ When obtaining a public record, the individual does not have to disclose a reason for obtaining that record.
- ❖ A *minimal fee* may apply to obtaining public records. Generally, it consists of the cost to copy or re-produce the material.
- ❖ Computer and digital materials are NOT exempt from the public records laws.
- ❖ If the public records law is violated individuals may seek aid from the justice system
- ❖ Public records are the property of the people of North Carolina, and only certain exemptions exist. In those cases, the records are considered private.
- ❖ Some records that are exempt from public scrutiny are tax records, library records, personal records, certain investigation records, trade secrets, and attorney/client communication.

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Chatham County Case Study:

Summary

In Chatham County North Carolina the board of elections held an emergency meeting on January 17, 2006 without telling anyone beforehand. Even emergency meetings require that you tell people two days in advance. The board held the meeting in order to decide what to do with the money they were given to improve their voting system. On February 14, the Board of Elections met again but they did not publish a record of what happened in the meeting for the public to view. No matter how boring or unimportant a public meeting may be, the records must be published for the public to view. On March 22, Gretchen Lothrop, a concerned citizen of Chatham County, visited the offices of the election board to view the records of the Boards meetings. The first time she asked, she was refused, so she tried again after turning in the appropriate paperwork. The office refused Gretchen's request again, so Gretchen and her friend took her request to the courts.

Decision

A judge listened to Gretchen's case and decided that the election board was in violation of North Carolina's Sunshine laws. The laws require all meetings, even emergency meetings, to be made public in advance, and that all public records be made available to the public. The board of elections had held meetings behind closed doors and then did not tell anyone what had happened. The judge ruled that all of the actions taken by the board of elections were to be reversed and Gretchen was awarded some money to help pay for her attorney's fees.



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North Carolina Sunshine Law Essay Questions:

The essay prompts below are designed to aid the students in comprehending the material surrounding open meetings and public records. Students should answer each question in complete sentences and in paragraph form. Each essay should be one paragraph.

1. What are Sunshine Laws? When did they come about? Do you have them in your state? If so, how did you know? If not, do you think the state should have them? Why, or why not?
2. In paragraph form, describe an open meeting (i.e. notifications of meetings, information in meetings, what the public can and cannot hear/view) Also describe what constitutes an actual “meeting.”
3. What happens if a meeting is “closed” against the rules of the Sunshine Laws? How can these rules be enforced? What restrictions are placed on the meetings?

North Carolina Sunshine Law Projects:

Below are some suggestions for possible projects that could be utilized to further the study of open meetings and public records, and the Sunshine Laws.

1. Simulate an open meeting about any issue you choose. Follow the criteria for open meetings, including notifications, minutes, and proper attendance/quorum. Conclude with reasoning on why you chose that issue, and allow for questions about the class' procedures during the meeting.
2. Design a visual which shows what an open and closed meeting look like and be sure to point out the differences between the two. Also include what belongs in the open meeting and what is missing in the closed meeting.
3. In groups, write up what the minutes of an open meeting would look. Also, list what the public's restrictions are if they choose to listen in on an open meeting.



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North Carolina Sunshine Law Hypothetical Situations:

The following are hypothetical situations regarding open government and public records. We have provided these in order to assist students in theorizing realistic situations and discovering how Sunshine Laws would be applied in these situations. Answers should either be discussed or answered in complete sentences, in paragraph form.

1. A customer is interested in attaining financial information about Copeland Incorporated, a privately owned publishing company, but he is denied access to these records. How can this customer find these records?

He can't. It is a privately owned company, these records are not public.

2. A government owned agency recently found a cluster of dinosaur bones in California. A local student wants to use the records as a source for his science essay but he is denied access. Why?

Archaeological records are an exception to public records.

3. A man is arrested and charged for breaking into a local home. The newspaper that reported the story printed his name, age and address in the report. Can the man sue the newspaper for printing his address?

No, because name, sex, age, address, employment and alleged violation of law are public information.

4. You are out at a restaurant and you notice all six city council representatives talking at a nearby table. You notice that they are discussing an issue that will be presented at tomorrow's city council meeting and talking about their decisions. How would you respond?



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North Carolina Sunshine Law Crossword Puzzle:

The following crossword puzzle is a learning tool to teach students about the Sunshine Laws in an entertaining medium. The clues are given with the corresponding “across” or “down” place where the word should be added. For younger students, or to make the puzzle easier, a word bank is provided below.

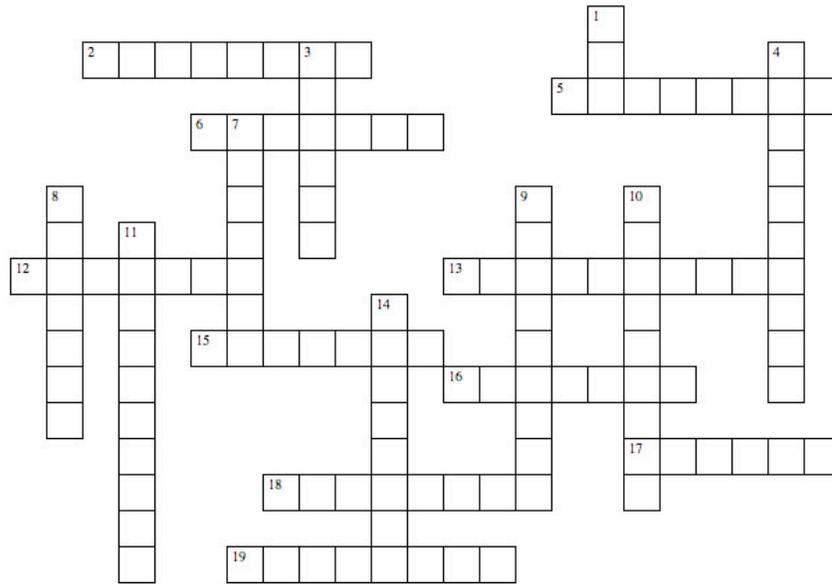
Word Bank:

public official notice regular special forty-eight
emergency recessed closed minutes personnel
enforce everyone fee separating destroy
central majority Sunshine



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Sunshine Laws Crossword Puzzle



ACROSS

- 2 Brightly named laws.
- 5 A meeting that is to be continued at a certain time.
- 6 Public officials cannot _____ public records, except in accordance with the law.
- 12 This kind of meeting's schedule must be posted.
- 13 Special meetings require notice this many hours prior to it.
- 15 Type of location where regular meeting schedules must be filed.
- 16 Closed meeting bodies must keep these, another word for notes.
- 17 Certain rules govern the circumstances under which a meeting may be this...
- 18 Meeting by a majority of members of a public body.
- 19 Who is entitled to access of public records?

DOWN

- 1 A charge for copies of public records is known as a _____.
- 3 Public _____ is required for meetings.
- 4 Agencies must bear the cost of _____ public and confidential records.
- 7 It is up to the public and media to _____ Sunshine Laws.
- 8 Meetings held at a time or place other than that shown on the filed schedule.
- 9 A reason to close a meeting.
- 10 A meeting called into session because of unexpected circumstances.
- 11 Elected or Appointed (Two Words)
- 14 Official meetings require this amount of public body members.

Uncovering Sunshine Laws: Quiz

The following quiz is designed as a culminating activity to assess the students' knowledge of open government and public records.

True/False

- 1) According to North Carolina Sunshine laws, government meetings should never be closed to the public, though sometimes government officials close their meetings anyway.
 - a. True
 - b. False**

- 2) Any time a public body is assembled and discussing relative business it is an official meeting. However, if it is a social function, it is not necessarily subject to the open meetings law.
 - a. True
 - b. False**

- 3) A meeting being open to the public does not mean the media is permitted. In most open meetings, photography, filming or any other medium of broadcast is not permitted.
 - a. True
 - b. False**

- 4) Although everyone has access to public records, the access can be limited to reasonable times and circumstances.
 - a. True**
 - b. False

- 5) For security purposes, disclosure of your reason for obtaining important public records is required.
 - a. True
 - b. False**

Multiple Choice

- 1) Official meetings
 - a. are communications by members of an elected or appointed body
 - b. include a majority of body members
 - c. conduct public business
 - d. require public notice
 - e. **All of the above**

- 2) A body is an assembly of
 - a. more than one person
 - b. **two or more people**
 - c. three or more people
 - d. four or more people
 - e. five or more people

- 3) What is required before any open meeting takes place?
 - a. **public notice**
 - b. notice to all government officials
 - c. a list of those attending
 - d. an e-mail to all important attendees
 - e. All of the above

- 4) The kind of notice required for an official meeting depends on the
 - a. subject-matter of the meeting
 - b. duration of the meeting
 - c. **kind of meeting**
 - d. location
 - e. who is attending

- 5) Which of the following is true of meeting minutes?
 - a. they are only required for closed meetings
 - b. they are only revealed to government officials
 - c. they may omit only certain activities
 - d. **they must be full and accurate**
 - e. All of the above

- 6) Closed meetings can be held for all of the following reasons, *except*:
 - a. business location or expansion
 - b. consultation with an attorney
 - c. personnel decisions
 - d. **archaeological finds**
 - e. None of the above. Government meetings can never be closed to the public.

- 7) Which of the following is a remedy to an open meetings law violation?
- a. Court issuance of a declaratory judgment
 - b. Court order to the public body not to violate the law again in the future
 - c. an individual may ask the court to invalidate the action taken in the meeting
 - d. a & c only**
 - e. a & b only
- 8) The term, "Public documents" refers to
- a. paper documents only
 - b. paper documents and photographs
 - c. sound recordings
 - d. e-mail documents
 - e. all of the above**
- 9) Suppose a certain public document includes confidential information, and you try to gain access to that document. You are denied. Knowing your rights, you
- a. give up. The confidential information prevents this document from true public access.
 - b. go to court to challenge the denial, claiming it is the agency's responsibility to separate the confidential information.**
 - c. challenge the denial. A public document is public regardless of any confidential content.
 - d. None of the above
 - e. All of the above
- 10) Who is responsible for the enforcement of Sunshine Laws?
- a. local law enforcement officials
 - b. citizens and the media
 - c. the court system
 - d. the Sunshine Center enforcement team
 - e. a & c**
- 11) In the Chatham County Case, what problem arose from the Board of Elections initial meeting on January 17, 2006?
- a. they did not give public notice**
 - b. they gave the wrong kind of notice
 - c. they failed to publish records of the meeting's activities
 - d. they did not have the circumstances to close the meeting
 - e. None of the above

- 12) What kind of meeting was took place on January 17, 2006?
- a. recessed
 - b. emergency**
 - c. regular
 - d. special
 - e. None of the above
- 13) What was the problem with the second meeting of the Board of Elections on February 14th?
- a. they did not give public notice
 - b. they gave the wrong kind of notice
 - c. they failed to publish records of the meeting's activities**
 - d. they did not have the circumstances to close the meeting
 - e. None of the above
- 14) What was the outcome of Gretchen Lothrop's complaint?
- a. she was awarded money for her attorney fees
 - b. the judge ordered that the Board of Elections not violate the law again in the future, with no further punishment
 - c. the judge reversed all of the actions taken by the Board of Elections
 - d. a & c**
 - e. b & c

Additional Resources Concerning Sunshine Laws:

North Carolina Open Government Coalition

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

This website is useful for information about previous Sunshine Week demonstrations, recent open government news, as well as finding additional resources for open government and Sunshine Laws. You can find participants from Sunshine Week, what Sunshine Week is all about, and success stories from previous years.

Committee on Open Government

<http://www.dos.state.ny.us/coog/coogwww.html>

This website provides links to websites containing publications about open government, the public's right to know, and other pertinent issues. It also defines open government, as well as other open meeting definitions. Along with these definitions, this website gives models of the regulations for open government.

Open Government Guide

<http://www.rcfp.org/ogg/index.php>

This website includes links to each state's open government rules/regulations/laws. It contains a user's guide and allows users to compare the laws of one state to another. It also contains a search within the states.

Sunshine Week

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

This website is very informative. It gives stories of open government issues, cartoons of Sunshine Week, online open government issues. Additionally, the site includes a toolkit, and animations you can play.

Sunshine in Government Initiative

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

This website is based on media groups whose goal is to make sure government issues are open and accessible. It has links to find out more about the Freedom of Information Act, examples of the act, as well as extra resources and an "about us" link.

Litigation Under the Federal Open Government Laws 2004

Harry A. Hamm

This book includes recent case developments and key terms in the index. Additionally, it includes information on the Freedom of Information Act, the Privacy Act, the Federal Advisory Commission Act and the Government in the Sunshine Act.

Open Meetings and Local Government in North Carolina 1994

David M. Lawrence

This book goes over some of the questions and answers from open government issues and public meetings in North Carolina's past.



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