

Sun-e Briefs • April 2009

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.

Coalition & Center News

Sunshine Day, Charlotte style

Sunshine Day in North Carolina was celebrated March 18 at the Levine Museum of the New South with a gathering of open government stakeholders. The NCOGC program included three panels on key issues currently on the radar in North Carolina: best practices in complying with e-mail requests, full disclosure of public official salaries, and current open government policies and rulemaking at the federal and state level. At the daylong event, Gov. Beverly Perdue issued a recorded video statement announcing her intent to support a law increasing access to information about deaths in state facilities (see related info below in the "Raleigh Roundup"). Perdue also issued an earlier proclamation declaring March 15 – 21 Sunshine Week in North Carolina.

Click here to see photos from the event and hear selected audio from the panels:

<http://www.ncopengov.org>

Click here for a program of Sunshine Day 2009:

<http://www.ncopengov.org>

Enhancing accessibility

We are working to enhance access to sunshine statutes and bills through the NCOGC & Sunshine Center Web site. You can link directly to North Carolina statutes by visiting the "In N.C." portion of our Web site and clicking on the desired statute in the drop down menu:

<http://www.elon.edu/e-web/academics/communications/ncopengov/innc/>

You can retrieve the full range of media law statutes section by section, courtesy of Everett, Gaskins, Hancock & Stevens, LLP:

<http://www.eghs.com/medialaw/statutes-cases.asp?tree=statutes>

Access Update

Access denied: NCOGC formally challenges secrecy of legislators' correspondence

North Carolina Open Government Coalition President Hugh Stevens has formally challenged a legislative attorney's opinion that communications between a member of the General Assembly and a constituent are not public records. Stevens cites a 2002 opinion issued by the state attorney general's office that concluded, "In sum ... communications between legislators and members of the public about redistricting issues are generally public records ... (and) each legislator is properly treated as the custodian of his or her e-mail communications."

To read Stevens' letter to Sen. Marc Basnight and a Winston-Salem Journal editorial on the letter, visit the Everett, Gaskins, Hancock & Stevens Web site at:

<http://www.eghs.com/news-article.asp?news=127>

NCPA warns changes to public notices will cut access for poorest

The North Carolina Press Association and others are deeply concerned about the effects of proposed legislation to allow Internet-only posting of public notices as opposed to requiring publication in local newspapers. The NCPA has authored a white paper and says on its Web site, "The state's own studies show a widespread lack of access to the Internet, which leaves the poorest North Carolinians out in the cold when it comes to their right to know what their government is doing." Tap into NCPA resources on the proposed legislation at:

<http://www.ncpress.com/ebackgroundsite/ebackgroundlegislature/ebackgroundleg09.html#legals>

ACLU, Alamance Co. negotiate release of public records

The American Civil Liberties Union of North Carolina and the Alamance County Sheriff's Department have been negotiating over release of documentation relating to the immigration enforcement program, known as 287 (g). In the latest of several developments, the ACLU is disputing the sheriff's pricing of the public records. State law offers mediation of cost disputes through the state chief information officer. For the latest, see coverage by The Times-News at:

http://www.thetimesnews.com/news/documents_24511_article.html/county_parker.html

See coverage in The Pendulum at:

<http://www.elon.edu/pendulum/Story.aspx?id=1977>

Raleigh Roundup

Gov. opens book on state government

On her first day in office, Gov. Bev Perdue signed an executive order that is now behind a new state sponsored Web site, NC OpenBook. The site comprises the basic framework for connecting to a wealth of administrative data as well as routine information, such as press releases. Click here to visit the NC OpenBook site:

<http://www.ncopenbook.gov/>

Read Times-News coverage of the launch of the Web site at:

<http://www.elon.edu/e-net/Note.aspx?id=936489>

Multiple bills on media include sunshine statutes

Legislators have introduced a wide range of bills pertaining to the media in the 2009 session, several of which affect state sunshine statutes. There are multiple versions of some bills, such as those to redress the failure of courts to award attorneys' fees to plaintiffs who win public records lawsuits. Other bills seek to establish mediation for public records disputes, require taping of executive sessions, and increase access to information about deaths in state facilities. Here's a collection of valuable links to help stay on top of pending legislation.

The North Carolina Association of Government Information Officers Web site provides a summary of "Public Records Bills of Interest" at:

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

The North Carolina Press Association tracks bills related to all facets of media law. "The e-Background" can be found at the NCPA site at:

<http://www.ncpress.com/ebackgroundsite/ebackgroundlegislature/ebackgroundleg09.html>

Copies of five of the new bills can be found at the NCOGC/Sunshine Center home page under "Bills before the N.C. State Legislature" at:

<http://www.ncopengov.org>

Retrieve any statute or bill from the North Carolina Legislature site:

<http://www.ncleg.net/gascripts/Statutes/Statutes.asp>

Read the Citizen-Times editorial on new legislation at:

<http://www.elon.edu/e-net/Note.aspx?id=936654>

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