

October 3, 2023

North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

To the Honorable Members of the North Carolina General Assembly:

We, the undersigned organizations dedicated to upholding transparency and accountability in government, write to express our deep concern regarding a recent change to the public records laws of North Carolina, as outlined in Section 27.9 of the 2023 Appropriations Act (HB 259). This amendment grants broad discretion to custodians within the NC General Assembly to determine what qualifies as a "public record." It grants them the authority to destroy documents they deem not public records. We believe this amendment poses a significant threat to the principles of open government, accountability, and transparency vital to a functioning democracy.

As organizations committed to fostering an informed citizenry and ensuring that government actions are subject to public scrutiny, we believe the ability to access public records is fundamental. Public records provide valuable insights into the legislative process, government decision-making, and the actions of elected officials. They are the cornerstone of government transparency, allowing citizens to hold their representatives accountable and make informed decisions about their governance.

The newly introduced amendment grants custodians the power to determine what constitutes a public record and allows for the destruction of records that could otherwise be essential for transparency and accountability. This change effectively creates a situation in which state lawmakers, who are also considered custodians of their records, could exempt themselves from public records law, denying citizens their right to scrutinize their government's actions.

We acknowledge that valid exemptions and safeguards are in place to protect sensitive information, such as personnel records, from public records requests. However, this amendment goes beyond safeguarding legitimate concerns and threatens to undermine the principles of transparency that North Carolina's public records laws were designed to uphold.

Considering the recent unanimous decision in the dispute between WBTV and city officials, which reaffirmed the importance of the Public Records Act in ensuring accountability, it is more critical than ever to protect and strengthen the right of citizens to access government records.

We respectfully urge the North Carolina General Assembly to reconsider and rescind Section 27.9 of the 2023 Appropriations Act. Instead, we encourage you to prioritize measures that enhance government transparency and accountability. Strengthening the right to access public records is not only in the best interest of the citizens of North Carolina but also crucial for maintaining trust in government institutions.

We believe that by promoting greater transparency, the General Assembly can demonstrate its commitment to serving the public interest and upholding the democratic principles upon which our state and nation were founded.

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

Donna King
Editor-in-Chief, Carolina Journal

Donald Bryson
Chief Executive Officer, John Locke Foundation

Phil Lucey
Executive Director, North Carolina Press Association

Lockwood Phillips
Publisher, Carteret County News-Times

Lisa Reynolds
Executive Director, NC Association of Broadcasters

Marsha Landess
Regional Vice President, Radio One Charlotte
WBT, WFNZ, WLNK, WOSF, WPZS, WOSF HD2