
Introduced by Senator Yee

January 10, 2011

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to meetings of public bodies.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as introduced, Yee. Public bodies: meetings.

The California Constitution requires meetings of public bodies to be open to public scrutiny.

This measure would also include in the California Constitution the requirement that each public body provide public notice of its meetings and disclose any action taken.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 20011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:
7 That Section 3 of Article I thereof is amended to read:
8 SEC. 3. (a) The people have the right to instruct their
9 representatives, petition government for redress of grievances, and
10 assemble freely to consult for the common good.
11 (b) (1) The people have the right of access to information
12 concerning the conduct of the people’s business, and, therefore,

1 the meetings of public bodies and the writings of public officials
2 and agencies shall be open to public scrutiny. *Each public body*
3 *shall provide public notice of its meetings and shall publicly*
4 *disclose any action taken.*

5 (2) A statute, court rule, or other authority, including those in
6 effect on ~~the effective date of this subdivision~~ *November 3, 2004*,
7 shall be broadly construed if it furthers the people's right of access,
8 and narrowly construed if it limits the right of access. A statute,
9 court rule, or other authority adopted after ~~the effective date of~~
10 ~~this subdivision~~ *November 3, 2004*, that limits the right of access
11 shall be adopted with findings demonstrating the interest protected
12 by the limitation and the need for protecting that interest.

13 (3) Nothing in this subdivision supersedes or modifies the right
14 of privacy guaranteed by Section 1 or affects the construction of
15 any statute, court rule, or other authority to the extent that it
16 protects that right to privacy, including any statutory procedures
17 governing discovery or disclosure of information concerning the
18 official performance or professional qualifications of a peace
19 officer.

20 (4) Nothing in this subdivision supersedes or modifies any
21 provision of this Constitution, including the guarantees that a
22 person may not be deprived of life, liberty, or property without
23 due process of law, or denied equal protection of the laws, as
24 provided in Section 7.

25 (5) This subdivision does not repeal or nullify, expressly or by
26 implication, any constitutional or statutory exception to the right
27 of access to public records or meetings of public bodies that is in
28 effect on ~~the effective date of this subdivision~~ *November 3, 2004*,
29 including, but not limited to, any statute protecting the
30 confidentiality of law enforcement and prosecution records.

31 (6) Nothing in this subdivision repeals, nullifies, supersedes, or
32 modifies protections for the confidentiality of proceedings and
33 records of the Legislature, the Members of the Legislature, and its
34 employees, committees, and caucuses provided by Section 7 of
35 Article IV, state law, or legislative rules adopted in furtherance of
36 those provisions; nor does it affect the scope of permitted discovery
37 in judicial or administrative proceedings regarding deliberations

1 of the Legislature, the Members of the Legislature, and its
2 employees, committees, and caucuses.

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