

AMENDED IN SENATE APRIL 13, 2011

AMENDED IN SENATE APRIL 7, 2011

Senate Constitutional Amendment

No. 7

Introduced by Senator Yee
(Principal coauthor: Assembly Member Jeffries)

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 amended, 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 2011–12 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:

1 SEC. 3. (a) The people have the right to instruct their
2 representatives, petition government for redress of grievances, and
3 assemble freely to consult for the common good.

4 (b) (1) The people have the right ~~of access to~~ *to access*
5 information concerning the conduct of the people's business, and,
6 therefore, the meetings of public bodies and the writings of public
7 officials and agencies shall be open to public scrutiny. Each public
8 body shall provide public notice of its meetings and shall publicly
9 disclose any action taken.

10 (2) A statute, court rule, or other authority, including those in
11 effect on November 3, 2004, shall be broadly construed if it
12 furthers the people's right of access, and narrowly construed if it
13 limits the right of access. A statute, court rule, or other authority
14 adopted after November 3, 2004, that limits the right of access
15 shall be adopted with findings demonstrating the interest protected
16 by the limitation and the need for protecting that interest.

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

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

29 (5) This subdivision does not repeal or nullify, expressly or by
30 implication, any constitutional or statutory exception to the right
31 of access to public records or meetings of public bodies that is in
32 effect on November 3, 2004, including, but not limited to, any
33 statute protecting the confidentiality of law enforcement and
34 prosecution records.

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

- 1 in judicial or administrative proceedings regarding deliberations
- 2 of the Legislature, the Members of the Legislature, and its
- 3 employees, committees, and caucuses.

O