

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45250-MK-75A (02/12)

Short Title: Uniform Political Activity/Employees. (Public)

Sponsors: Senators Wells, Brock, and Wade (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A UNIFORM STANDARD FOR EMPLOYEE POLITICAL
3 ACTIVITY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 22 of Chapter 115C of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 115C-335.15. Appropriate political activity of school employees; disciplinary action.**

8 (a) As an individual, each employee of a local board of education retains all the rights
9 and obligations of citizenship provided in the Constitution and laws of the State of North
10 Carolina and the Constitution and laws of the United States of America; however, no employee
11 of a local board of education shall:

12 (1) Actively participate in managing a political campaign, campaign for political
13 office, or otherwise engage in political activity while on duty or within any
14 period of time during which he or she is expected to perform services for
15 which the employee receives compensation from a local board of education.

16 (2) Use the authority of his or her position, or utilize public funds, supplies,
17 equipment, or vehicles to secure support for or oppose any candidate, party,
18 or issue in an election involving candidates for office or party nominations,
19 or affect the results thereof.

20 (3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes,
21 political purposes, or to engage in advocating for or against issues of local,
22 State, or federal policy.

23 (b) No member of a local board of education or employee of the local board of
24 education exercising supervisory authority shall make, issue, or enforce any rule or policy the
25 effect of which is to interfere with the right of any employee of the local board of education as
26 an individual to engage in political activity while not on duty or at times during which he or she
27 is not performing services for which the employee receives compensation from the local board.
28 An employee who is or may be expected to perform his or her duties on a 24 hours per day
29 basis shall not be prevented from engaging in political activity except during regularly
30 scheduled working hours or at other times when the employee is actually performing the duties
31 of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

32 (c) The failure of an employee of a local board of education to comply with this section
33 is grounds for disciplinary action which, in a case of deliberate or repeated violation, may
34 include dismissal.



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1 (d) For the purposes of this section, the term "equipment" includes digital and electronic
2 resources controlled and maintained by a local school administrative unit, including, but not
3 limited to, the use of school issued electronic mail addresses and telephone lines."

4 **SECTION 2.** Article 14A of Chapter 115C of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 115C-218.91. Appropriate political activity of charter school employees; disciplinary**
7 **action.**

8 (a) As an individual, each employee of a charter school retains all the rights and
9 obligations of citizenship provided in the Constitution and laws of the State of North Carolina
10 and the Constitution and laws of the United States of America; however, no employee of a
11 charter school shall:

12 (1) Actively participate in managing a political campaign, campaign for political
13 office, or otherwise engage in political activity while on duty or within any
14 period of time during which he or she is expected to perform services for
15 which the employee receives compensation from a charter school.

16 (2) Use the authority of his or her position, or utilize public funds, supplies,
17 equipment, or vehicles to secure support for or oppose any candidate, party,
18 or issue in an election involving candidates for office or party nominations,
19 or affect the results thereof.

20 (3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes,
21 political purposes, or to engage in advocating for or against issues of local,
22 State, or federal policy.

23 (b) No member of a board of directors of a charter school or employee of the charter
24 school exercising supervisory authority shall make, issue, or enforce any rule or policy the
25 effect of which is to interfere with the right of any employee of the charter school as an
26 individual to engage in political activity while not on duty or at times during which he or she is
27 not performing services for which the employee receives compensation from the charter school.
28 An employee who is or may be expected to perform his or her duties on a 24 hours per day
29 basis shall not be prevented from engaging in political activity except during regularly
30 scheduled working hours or at other times when the employee is actually performing the duties
31 of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

32 (c) The failure of an employee of a charter school to comply with this section is
33 grounds for disciplinary action which, in a case of deliberate or repeated violation, may include
34 dismissal.

35 (d) For the purposes of this section, the term "equipment" includes digital and electronic
36 resources controlled and maintained by a charter school, including, but not limited to, the use of
37 school issued electronic mail addresses and telephone lines."

38 **SECTION 3.** Article 16 of Chapter 115C of the General Statutes is amended by
39 adding a new section to read:

40 **"§ 115C-238.74. Appropriate political activity of school employees; disciplinary action.**

41 (a) As an individual, each employee of a regional school retains all the rights and
42 obligations of citizenship provided in the Constitution and laws of the State of North Carolina
43 and the Constitution and laws of the United States of America; however, no employee of a
44 regional school shall:

45 (1) Actively participate in managing a political campaign, campaign for political
46 office, or otherwise engage in political activity while on duty or within any
47 period of time during which he or she is expected to perform services for
48 which the employee receives compensation from a regional school.

49 (2) Use the authority of his or her position, or utilize public funds, supplies,
50 equipment, or vehicles to secure support for or oppose any candidate, party,

1 or issue in an election involving candidates for office or party nominations,
2 or affect the results thereof.

3 (3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes,
4 political purposes, or to engage in advocating for or against issues of local,
5 State, or federal policy.

6 (b) No member of a board of directors of a regional school or employee of the regional
7 school exercising supervisory authority shall make, issue, or enforce any rule or policy the
8 effect of which is to interfere with the right of any employee of the regional school as an
9 individual to engage in political activity while not on duty or at times during which he or she is
10 not performing services for which the employee receives compensation from the regional
11 school. An employee who is or may be expected to perform his or her duties on a 24 hours per
12 day basis shall not be prevented from engaging in political activity except during regularly
13 scheduled working hours or at other times when the employee is actually performing the duties
14 of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

15 (c) The failure of an employee of a regional school to comply with this section is
16 grounds for disciplinary action which, in a case of deliberate or repeated violation, may include
17 dismissal.

18 (d) For the purposes of this section, the term "equipment" includes digital and electronic
19 resources controlled and maintained by a regional school, including, but not limited to, the use
20 of school issued electronic mail addresses and telephone lines."

21 **SECTION 4.** This act is effective when it becomes law.