

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 480  
PROPOSED COMMITTEE SUBSTITUTE S480-PCS15233-TC-10

Short Title: Uniform Political Activity/Employees.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A UNIFORM STANDARD FOR POLITICAL ACTIVITY OF  
3 EMPLOYEES OF THE STATE AND LOCAL BOARDS OF EDUCATION.

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 do any of the following:

12 (1) Take an active part 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 the employee is expected to perform services  
15 for which the employee receives compensation from a local board of  
16 education.

17 (2) Otherwise use the authority of the employee's position, or utilize public  
18 funds, supplies, equipment, or vehicles, to secure support for or oppose any  
19 candidate, party, or issue in an election involving candidates for office or  
20 party nominations, or affect the results thereof.

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

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

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



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1        (d) Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section,  
 2 the following shall not be a violation of this section:

3            (1) For an employee of a local board of education to utilize public funds,  
 4 supplies, equipment, or vehicles to engage in advocating for or against issues  
 5 of local, State, or federal policy if that employee is invited by a local, State,  
 6 or federal policy-making body to address that body on that issue.

7            (2) For an employee of a local board of education to utilize public funds,  
 8 supplies, equipment, or vehicles to engage in advocating for or against issues  
 9 of local, State, or federal policy if any of the following apply:

10            a. The employee is employed as a superintendent or principal.

11            b. Upon recommendation by the superintendent, the employee's  
 12 position is determined by the local board of education to involve  
 13 advocacy on the employer's behalf.

14            c. One of the stated job duties of the employee is to engage in advocacy  
 15 on the employer's behalf.

16        (e) Notwithstanding the requirements of this section, no employee of a local board of  
 17 education shall be prohibited from providing instruction in civic literacy and the democratic  
 18 process, as provided in G.S. 115C-81. In providing such instruction, an employee of a local  
 19 board of education shall not use the authority of the employee's position to secure support for or  
 20 oppose any candidate, party, or issue in an election involving candidates for office or party  
 21 nominations or to encourage student advocacy for or against issues of local, State, or federal  
 22 policy.

23        (f) No employee of a local board of education may be required as a duty or condition of  
 24 employment, promotion, or tenure of office to contribute funds for political or partisan  
 25 purposes.

26        (g) For the purposes of this section, the term "equipment" includes digital and electronic  
 27 resources controlled and maintained by a local school administrative unit, including, but not  
 28 limited to, the use of local school administrative unit-issued electronic mail addresses and  
 29 telephone lines."

30        **SECTION 2.** G.S. 115C-218.90 is amended by adding a new subsection to read:

31        "(c) The requirements of G.S. 115C-335.15 as to appropriate political activity for school  
 32 employees shall apply to employees of a charter school."

33        **SECTION 3.** G.S. 115C-238.68 is amended by adding a new subdivision to read:

34        "(7) Political activity. – The requirements of G.S. 115C-335.15 as to appropriate  
 35 political activity for school employees shall apply to employees of a regional  
 36 school."

37        **SECTION 4.** G.S. 126-13 reads as rewritten:

38        **"§ 126-13. Appropriate political activity of State employees defined.**

39        (a) As an individual, each State employee retains all the rights and obligations of  
 40 citizenship provided in the Constitution and laws of the State of North Carolina and the  
 41 Constitution and laws of the United States of America; however, no State employee subject to  
 42 the North Carolina Human Resources Act or temporary State employee ~~shall~~:shall do any of the  
 43 following:

44            (1) Take any active part in managing a campaign, or campaign for political  
 45 office or otherwise engage in political activity while on duty or within any  
 46 period of time during which ~~he~~the employee is expected to perform services  
 47 for which ~~he~~the employee receives compensation from the ~~State~~:State.

48            (2) Otherwise use the authority of ~~his~~the employee's position, or utilize State  
 49 funds, ~~supplies~~supplies, equipment, or vehicles to secure support for or  
 50 oppose any candidate, party, or issue in an election involving candidates for  
 51 office or party nominations, or affect the results thereof.

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

4           (b)    No head of any State department, agency, or institution or other State employee  
5 exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of  
6 which is to interfere with the right of any State employee as an individual to engage in political  
7 activity while not on duty or at times during which ~~he~~the employee is not performing services  
8 for which ~~he~~the employee receives compensation from the State. A State employee who is or  
9 may be expected to perform ~~his~~the employee's duties on a ~~twenty-four hour~~24-hour per day  
10 basis shall not be prevented from engaging in political activity except during regularly  
11 scheduled working hours or at other times when ~~he~~the employee is actually performing the  
12 duties of ~~his~~the employee's office. The willful violation of this subdivision shall be a Class 1  
13 misdemeanor.

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

16           (d)    Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section,  
17 the following shall not be a violation of this section:

18           (1)    For a State employee to utilize public funds, supplies, equipment, or vehicles  
19 to engage in advocating for or against issues of local, State, or federal policy  
20 if that State employee is invited by a local, State, or federal policy-making  
21 body to address that body on that issue.

22           (2)    For a State employee to utilize public funds, supplies, equipment, or vehicles  
23 to engage in advocating for or against issues of local, State, or federal policy  
24 if the position is determined by the employer to involve advocacy on the  
25 employer's behalf or if one of the stated job duties of the State employee is  
26 to engage in advocacy on the employer's behalf.

27           (e)    For the purposes of this section, the term "equipment" includes digital and electronic  
28 resources controlled and maintained by a State department, agency, or institution, including,  
29 but not limited to, the use of State-issued electronic mail addresses and telephone lines."

30           **SECTION 5.** This act is effective when it becomes law.