

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 480  
Education/Higher Education Committee Substitute Adopted 4/22/15  
Judiciary I Committee Substitute Adopted 4/28/15  
Fourth Edition Engrossed 4/29/15

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, or to otherwise use the  
14 authority of the employee's position to secure support for or oppose any  
15 candidate, party, or issue in an election involving candidates for office or  
16 party nominations, or affect the results thereof, while the employee is on  
17 duty or within any period of time during which the employee is expected to  
18 perform services for which the employee receives compensation from a local  
19 board of education.

20 (2) Utilize public funds, supplies, equipment, or vehicles to secure support for or  
21 oppose any candidate, party, or issue in an election involving candidates for  
22 office or party nominations, or affect the results thereof.

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

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



1 the duties of the employee's position. The willful violation of this subsection shall be a Class 1  
2 misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 "(8) Political activity. – The requirements of G.S. 115C-335.15 as to appropriate  
40 political activity for school employees shall apply to employees of a regional  
41 school."

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

43 **"§ 126-13. Appropriate political activity of State employees defined.**

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

49 (1) Take any active part in managing a ~~campaign, or political campaign,~~  
50 campaign for political ~~office-office,~~ or otherwise engage in political ~~activity~~  
51 activity, or to otherwise use the authority of the employee's position to

1 secure support for or oppose any candidate, party, or issue in an election  
2 involving candidates for office or party nominations, or affect the results  
3 thereof, while on duty or within any period of time during which ~~he~~the  
4 employee is expected to perform services for which ~~he~~the employee  
5 receives compensation from the ~~State~~State.

6 (2) ~~Otherwise use the authority of his position, or utilize~~Utilize State funds,  
7 ~~supplies~~supplies, equipment, or vehicles to secure support for or oppose any  
8 candidate, party, or issue in an election involving candidates for office or  
9 party nominations, or affect the results thereof.

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

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

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

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

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

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

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

39 **SECTION 5.** This act is effective when it becomes law and applies to acts  
40 occurring and offenses committed on or after July 1, 2015.