

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 480  
Education/Higher Education Committee Substitute Adopted 4/22/15  
PROPOSED COMMITTEE SUBSTITUTE S480-CSTC-28 [v.6]

4/27/2015 11:13:46 AM

Short Title: Uniform Political Activity/Employees.

(Public)

Sponsors:

Referred to:

March 26, 2015

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

The General Assembly of North Carolina enacts:

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

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

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

(1) Take an active part in managing a political campaign, campaign for political  
office, or otherwise engage in political activity, or to otherwise use the  
authority of the employee's position to secure support for or oppose any  
candidate, party or issue in an election involving candidates for office or  
party nominations, or affect the results thereof, while the employee is on  
duty or within any period of time during which the employee is expected to  
perform services for which the employee receives compensation from a local  
board of education.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Take any active part in managing a ~~campaign~~, or ~~political campaign~~, campaign for political ~~office~~ ~~office~~, or otherwise engage in political ~~activity~~ activity, or to otherwise use the authority of the employee's position to secure support for or oppose any candidate, party or issue in an election involving candidates for office or party nominations, or affect the results

thereof, while on duty or within any period of time during which ~~he~~the  
~~employee~~ is expected to perform services for which ~~he~~the employee  
receives compensation from the ~~State~~State.

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

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

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

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

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

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

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

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

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