



SENATE BILL 480: Uniform Political Activity/Employees

2015-2016 General Assembly

Committee:	Senate Judiciary I	Date:	April 28, 2015
Introduced by:	Sens. Wells, Brock, Wade	Prepared by:	Brad Krehely
Analysis of:	PCS to Second Edition S480-CSTC-28		Committee Counsel

SUMMARY: *The 2nd Edition of SB 480 establishes requirements for appropriate political activity of employees of local boards of education. The Proposed Committee Substitute (PCS) clarifies that an employee is prohibited from using the authority of that employee's position (both State and local board of education employees) to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations while the employee is on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the State.*

CURRENT LAW: G.S. 126-13 provides for the appropriate political activity of State employees as follows:

- All State employees retain all the rights and obligations of citizenship provided by the federal and State Constitutions and all federal and State laws.
- State employees are prohibited from:
 - Taking any active part in managing a campaign, campaigning for political office, or otherwise engaging in political activity while on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the State.
 - Otherwise using the authority of the employee's position, or utilizing State funds, supplies, 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.
- Supervisors of State employees are prohibited from making or enforcing any rule or policy which interferes with the right of a State employee 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 compensation is received from the State. State employees whose job may require them to perform on a 24 hour basis are not 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 office. The willful violation of this subdivision by a supervisor is a Class 1 misdemeanor.

G.S. 126-14 makes it unlawful for a State employee to coerce a State employee (including probationary, temporary, and applicants for State employment) to support or contribute to a political candidate, political committee, or political party, or to change the employee's voter registration party designation by threatening a change in employment status, discipline, or preferential personnel treatment will occur as a result. A violation is a Class 2 misdemeanor.

BILL ANALYSIS: The PCS for SB 480 would make the following changes:

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Section 1: Establish new requirements for appropriate political activity of employees of local boards of education (school employees), which largely parallel the requirements for State employees established in G.S. 126-13 as provided above. The PCS clarifies that an employee is prohibited from using the authority of that employee's position to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations while the employee is on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the local board of education.

In addition to the requirements found in G.S. 126-13, the requirements for school employees would also include the following:

- Prohibit school employees from utilizing public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issue of local, State, or federal policy.
 - An employee would be permitted to engage in advocating for or against issue of local, State, or federal policy as follows:
 - If the school employees was invited by a local, State, or federal body to address that body on a specific issue.
 - If the school employee was a superintendent or principal.
 - If, upon the recommendation of the superintendent, the employee's position was determined by the local board of education to involve advocacy on the employer's behalf.
 - If one of the stated job duties of the employee was to engage in advocacy.
 - Employees of local boards of education would not be prohibited from teaching about civic literacy or the democratic process, but would not be permitted to use their position to secure support or oppose candidates, parties, or issues in an election or to encourage student advocacy for or against issues of local, State, or federal policy.
- Provide that failure to comply with the requirements regarding political activity would be grounds for disciplinary action, which in the case of deliberate or repeated violations may include dismissal.
- An employee could not be required, as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- Define equipment as digital and electronic resources controlled and maintained by the local school administrative unit, including email addresses and phones.

Sections 2 and 3: The requirements for appropriate political activity of school employees would also apply to employees of charter schools and regional schools.

Section 4: Would make changes to the State employee political activity statute, G.S. 126-13, to parallel new requirements in the school employee statute as follows:

- Clarify (in the PCS) that an employee is prohibited from using the authority of that employee's position to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations while the employee is on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the State.

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- Prohibit State employees from utilizing public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issue of local, State, or federal policy.
 - An employee would be permitted to engage in advocating for or against issue of local, State, or federal policy as follows:
 - If the State employee was invited by a local, State, or federal body to address that body on a specific issue.
 - If the employee's position was determined by the employer to involve advocacy on the employer's behalf.
 - If one of the stated job duties of the employee was to engage in advocacy.
- Provide that failure to comply with the requirements regarding political activity would be grounds for disciplinary action, which in the case of deliberate or repeated violations may include dismissal.
- Define equipment as digital and electronic resources controlled and maintained by the local school administrative unit, including email addresses and phones.

EFFECTIVE DATE: SB 480 would become effective when it became law.

Kara McCraw, Counsel to Senate Education/Higher Education, contributed substantially to this summary.