

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 364

Short Title: Nondiscrimination in State Employee Hiring. (Public)

Sponsors: Senators Daniel, Johnson, and Overcash (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 27, 2023

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE HUMAN RESOURCES ACT TO PROHIBIT
COMPELLED SPEECH WHEN AN INDIVIDUAL SEEKS STATE GOVERNMENT
EMPLOYMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 126 of the General Statutes is amended by adding
a new section to read:

"§ 126-14.5. Compelled speech prohibited.

(a) Each State agency, department, and institution shall comply with the following:

- (1) Refrain from soliciting or requiring an applicant for employment to endorse or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition of employment.
- (2) Refrain from soliciting or requiring an applicant for employment to describe the applicant's actions in support of, or in opposition to, the beliefs, affiliations, ideals, or principles identified in subdivision (1) of this subsection.

This subsection shall not infringe on the ability of an applicant for employment to voluntarily opine or speak regarding any matter, including matters of contemporary political debate or social action.

No application for employment shall inquire into matters prohibited as compelled speech under this subsection.

(b) Nothing in this section shall be construed to:

- (1) Prohibit discussion with or questions to an applicant regarding the content of the applicant's resume.
- (2) Affect the ability of the prospective employing agency from complying with applicable federal or State law, including employment oaths, appointment affidavits, and licensure and certification requirements.
- (3) Apply to speech protected by the First Amendment of the U.S. Constitution."

SECTION 2. G.S. 126-5 is amended by adding a new subsection to read:

"(c19) Notwithstanding any provision of law to the contrary, G.S. 126-14.5 shall apply to all exempt and nonexempt State employees in the executive, legislative, and judicial branches."

SECTION 3. This act is effective when it becomes law.

