

House Engrossed
public officers; residency requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2017

AN ACT

AMENDING SECTION 38-201, ARIZONA REVISED STATUTES; RELATING TO PUBLIC OFFICER QUALIFICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 38-201, Arizona Revised Statutes, is amended to
3 read:
4 38-201. General qualifications
5 A. Every officer shall be ~~not less than~~ AT LEAST eighteen years of
6 age, a citizen of the United States and a resident of this state, EXCEPT
7 THAT THE DEPUTY OR ASSISTANT OF AN ELECTED OFFICER, AS DEFINED IN SECTION
8 38-101, IS NOT REQUIRED TO BE A RESIDENT OF THIS STATE. A DEPUTY OR
9 ASSISTANT OF AN ELECTED OFFICER, PURSUANT TO THIS SECTION, RESIDING OUT OF
10 ARIZONA MUST GAIN RESIDENCY WITHIN ARIZONA WITHIN ONE YEAR OF EMPLOYMENT,
11 BUT MAY WORK FOR UP TO ONE YEAR WITHOUT TERMINATION.
12 B. ~~No~~ A person is NOT eligible to any office, employment or service
13 in any public institution in ~~the~~ THIS state, or in any of the several
14 counties ~~thereof,~~ OF THIS STATE of any kind or character, whether by
15 election, appointment or contract, unless ~~he~~ THE PERSON is a citizen of
16 the United States, but ~~the provisions of~~ this subsection ~~shall~~ DOES not
17 apply to the employment of any teacher, instructor or professor authorized
18 to teach in the United States under the teacher exchange program as
19 provided by federal statutes or the employment of university or college
20 faculty members.
21 C. A person who is unable to speak, write and read the English
22 language is not eligible to hold a state, county, city, town or precinct
23 office in the state, whether elective or appointive, and ~~no~~ A certificate
24 of election or commission shall NOT issue to a person so disqualified.
25 D. Except as provided in subsection E OF THIS SECTION, a person is
26 not eligible for employment by or service for ~~the~~ THIS state or a
27 political subdivision of ~~the~~ THIS state, including all boards and
28 commissions of ~~the~~ THIS state or A political subdivision, OF THIS STATE
29 AND all multimember governing bodies of departments, agencies,
30 institutions and instrumentalities of ~~the~~ THIS state or political
31 subdivisions OF THIS STATE unless the person has registered with the
32 selective service system if required by the federal military selective
33 service act (62 Stat. 604; 50 United States Code App. section 453).
34 E. A person may not be denied a right, privilege or benefit by
35 reason of subsection D OF THIS SECTION if either of the following applies:
36 1. The requirement for the person to so register has terminated or
37 become inapplicable to the person.
38 2. The person shows by a preponderance of the evidence that the
39 failure of the person to register with the selective service system was
40 not a knowing and ~~willful~~ WILFUL failure to register.