

REFERENCE TITLE: resign to run; nomination paper

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1256**

Introduced by  
Senator Kern: Representative Smith

AN ACT

AMENDING SECTION 38-296, ARIZONA REVISED STATUTES; RELATING TO VACANCY IN OFFICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-296, Arizona Revised Statutes, is amended to  
3 read:

4 38-296. Limitation on filing for election by incumbent of  
5 elective office

6 A. ~~Except during the final year of the term being served, no~~ AN  
7 incumbent of a salaried elective office, whether holding by election or  
8 appointment, may NOT offer himself for nomination or election to any  
9 salaried local, state or federal office.

10 B. An incumbent of a salaried elected office shall be deemed to  
11 have offered himself for nomination or election to a salaried local, state  
12 or federal office on ~~the~~ filing ~~of~~ a nomination paper pursuant to section  
13 16-311, subsection A. An incumbent of a salaried elected office is not  
14 deemed to have offered himself for nomination or election to an office by  
15 making a formal declaration of candidacy for the office. AN INCUMBENT OF  
16 A SALARIED ELECTED OFFICE MUST RESIGN WITHIN THIRTY DAYS AFTER FILING A  
17 NOMINATION PAPER PURSUANT TO SECTION 16-311, SUBSECTION A.

18 C. The resignation of the incumbent elective officer duly filed in  
19 writing with the officer, board or commission having jurisdiction of the  
20 office, if not accepted within ten days, shall be deemed to have become  
21 effective as of the date of filing.

22 D. This section ~~shall not be construed to~~ DOES NOT prohibit a  
23 person whose resignation from office has become effective from qualifying  
24 as a candidate for another office during the unexpired portion of the term  
25 affected by the resignation, nor ~~shall~~ DOES it apply to any incumbent  
26 elective officer who seeks reelection to the same office ~~or to any other~~  
27 ~~public office~~ during the final year of the term to which the person has  
28 been so elected.

29 E. A person violating ~~any provision of~~ this section is guilty of  
30 misfeasance in office, and the office held by such person shall be  
31 declared vacant.