

REFERENCE TITLE: **peace officers; resignation; election; nomination**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SCR 1035

Introduced by
Senator Borrelli

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
 2 Representatives concurring:
 3 1. Under the power of the referendum, as vested in the Legislature,
 4 the following measure, relating to peace officers, is enacted to become
 5 valid as a law if approved by the voters and on proclamation of the
 6 Governor:

7 AN ACT

8 AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED
 9 STATUTES, BY ADDING SECTION 38-1121; AMENDING SECTION 41-752,
 10 ARIZONA REVISED STATUTES; RELATING TO PEACE OFFICERS.

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

12 Section 1. Title 38, chapter 8, article 1, Arizona
 13 Revised Statutes, is amended by adding section 38-1121, to
 14 read:

15 38-1121. Certified peace officers; salaried local or
 16 state office; resignation

17 NOTWITHSTANDING ANY OTHER LAW, CERTIFIED PEACE OFFICERS,
 18 INCLUDING OFFICERS UNDER THE DEPARTMENT OF PUBLIC SAFETY, WHO
 19 OFFER THEMSELVES FOR NOMINATION OR ELECTION TO ANY SALARIED
 20 LOCAL OR STATE OFFICE ARE NOT REQUIRED TO RESIGN. A PEACE
 21 OFFICER DESCRIBED IN THIS SECTION WHO IS APPOINTED OR ELECTED
 22 TO A SALARIED LOCAL OR STATE OFFICE SHALL RESIGN FROM THE
 23 PEACE OFFICER'S PUBLIC EMPLOYMENT.

24 Sec. 2. Section 41-752, Arizona Revised Statutes, is
 25 amended to read:

26 41-752. Protections of civil or political liberties;
 27 prohibitions; civil penalty; violation;
 28 classification

29 A. Except for expressing an opinion or pursuant to
 30 section 16-402, an employee shall not engage in any activities
 31 ~~permitted~~ ALLOWED by this section while on duty, while in
 32 uniform or at public expense.

33 B. An employee shall not:

34 1. Use any political endorsement in connection with any
 35 appointment to a position in the state personnel system.

36 2. Use or promise to use any official authority or
 37 influence for the purpose of influencing the vote or political
 38 action of any person or for any consideration.

39 C. An employee, a member of the state personnel board
 40 or a member of the law enforcement merit system council shall
 41 not be a member of any national, state or local committee of a
 42 political party, an officer or chairperson of a committee of a
 43 partisan political club or, EXCEPT FOR A CERTIFIED PEACE
 44 OFFICER AS PROVIDED IN SECTION 38-1121, INCLUDING AN OFFICER
 45 UNDER THE DEPARTMENT OF PUBLIC SAFETY, a candidate for

1 nomination or election to any paid public office, shall not
2 hold any paid, elective public office or shall not take any
3 part in the management or affairs of any political party or in
4 the management of any partisan or nonpartisan campaign or
5 recall effort, except that any employee may:

6 1. Express an opinion.
7 2. Attend meetings for the purpose of becoming informed
8 concerning the candidates for public office and the political
9 issues.

10 3. Cast a vote and sign nomination or recall petitions.

11 4. Make contributions to candidates, political parties
12 or campaign committees contributing to candidates or
13 advocating the election or defeat of candidates.

14 5. Circulate candidate nomination petitions or recall
15 petitions.

16 6. Engage in activities to advocate the election or
17 defeat of any candidate.

18 7. Solicit or encourage contributions to be made
19 directly to candidates or campaign committees contributing to
20 candidates or advocating the election or defeat of candidates.

21 D. A person shall not:

22 1. Solicit any employee, member of the state personnel
23 board or member of the law enforcement merit system council to
24 engage or not engage in activities ~~permitted~~ ALLOWED by this
25 section with the direct or indirect use of any threat,
26 intimidation or coercion, including threats of discrimination,
27 reprisal, force or any other adverse consequence, including
28 the loss of any benefit, reward, promotion, advancement or
29 compensation.

30 2. Subject any employee, member of the state personnel
31 board or member of the law enforcement merit system council
32 engaging in activity ~~permitted~~ ALLOWED by this section to any
33 direct or indirect discrimination, reprisal, force, coercion
34 or intimidation or any other adverse consequence, including
35 the loss of any benefit, reward, promotion, advancement or
36 compensation.

37 3. Subject any employee, member of the state personnel
38 board or member of the law enforcement merit system council
39 who chooses not to engage in any activity ~~permitted~~ ALLOWED by
40 this section to any direct or indirect discrimination,
41 reprisal, force, coercion or intimidation or any other adverse
42 consequence, including the loss of any benefit, reward,
43 promotion, advancement or compensation.

44 E. Subsections B and C of this section do not apply to
45 those employees listed in section 41-742, subsection F.

1 F. This section does not apply to school board
2 elections or community college district governing board
3 elections, and an employee may serve as a member of the
4 governing board of a common or high school district, as a
5 member of a community college district governing board or in
6 the office of precinct committeeman.

7 G. An employee who violates any of the provisions of
8 this section is subject to suspension of not less than thirty
9 days or dismissal.

10 H. A person who violates:

11 1. Subsection D of this section is guilty of a class 6
12 felony.

13 2. Any other provision of this section is guilty of a
14 class 1 misdemeanor.

15 I. In addition to any other penalty, any person
16 soliciting or encouraging a contribution in a manner
17 prohibited by this section is subject to a civil penalty of up
18 to three times the amount of the contribution solicited or
19 encouraged plus costs, expenses and reasonable attorney fees.

20 J. This section does not deny any employee or board
21 member any civil or political liberties as guaranteed by the
22 United States and Arizona Constitutions.

23 K. It is the public policy of this state, reflected in
24 this section, that government programs be administered in an
25 unbiased manner and without favoritism for or against any
26 political party or group or any member in order to promote
27 public confidence in government, governmental integrity and
28 the efficient delivery of governmental services and to ensure
29 that all employees are free from any express or implied
30 requirement or any political or other pressure of any kind to
31 engage or not engage in any activity ~~permitted~~ ALLOWED by this
32 section. Toward this end, any person or entity charged with
33 the interpretation of this section shall take into account the
34 policy of this section and shall construe any of its
35 provisions accordingly.

36 2. The Secretary of State shall submit this proposition to the
37 voters at the next general election as provided by article IV, part 1,
38 section 1, Constitution of Arizona.