

Senate Engrossed

peace officers; resignation; election; nomination

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

## **SENATE CONCURRENT RESOLUTION 1035**

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.