

REFERENCE TITLE: state employees; precinct committeeman.

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SB 1351

Introduced by  
Senators Soltero, O'Halleran: Allen, Garcia, Johnson

AN ACT

AMENDING SECTION 41-772, ARIZONA REVISED STATUTES; RELATING TO STATE  
EMPLOYEES AND STATE PERSONNEL BOARD MEMBERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-772, Arizona Revised Statutes, is amended to  
3 read:  
4 41-772. Prohibitions; violation; classification; civil penalty;  
5 protection of civil or political liberties  
6 A. An employee shall not:  
7 1. Use any political endorsement in connection with any appointment to  
8 a position in the state service.  
9 2. Use or promise to use any official authority or influence for the  
10 purpose of influencing the vote or political action of any person or for any  
11 consideration.  
12 B. An employee or member of the personnel board shall not be a member  
13 of any national, state or local committee of a political party, an officer or  
14 chairman of a committee of a partisan political club, ~~or~~ or a candidate for  
15 nomination or election to any paid public office, shall not hold any paid,  
16 elective public office or shall not take any part in the management or  
17 affairs of any political party or in the management of any partisan or  
18 nonpartisan campaign or recall effort, except that any employee may:  
19 1. Express his opinion.  
20 2. Attend meetings for the purpose of becoming informed concerning the  
21 candidates for public office and the political issues.  
22 3. Cast his vote and sign nomination or recall petitions.  
23 4. Make contributions to candidates, political parties or campaign  
24 committees contributing to candidates or advocating the election or defeat of  
25 candidates.  
26 5. Circulate candidate nomination petitions or recall petitions.  
27 6. Engage in activities to advocate the election or defeat of any  
28 candidate.  
29 7. Solicit or encourage contributions to be made directly to  
30 candidates or campaign committees contributing to candidates or advocating  
31 the election or defeat of candidates.  
32 8. BE A CANDIDATE FOR AND HOLD THE OFFICE OF PRECINCT COMMITTEEMAN.  
33 C. Except for expressing his opinion or pursuant to section 16-402, an  
34 employee shall not engage in any activity permitted by this section while on  
35 duty, while in uniform or at public expense.  
36 D. A person shall not solicit any employee or a member of the  
37 personnel board to engage or not engage in activities permitted by this  
38 section with the direct or indirect use of any threat, intimidation or  
39 coercion including threats of discrimination, reprisal, force or any other  
40 adverse consequence including the loss of any benefit, reward, promotion,  
41 advancement or compensation.  
42 E. A person shall not subject any employee or a member of the  
43 personnel board engaging in activity permitted by this section to any direct  
44 or indirect discrimination, reprisal, force, coercion or intimidation or any

1 other adverse consequence including the loss of any benefit, reward,  
2 promotion, advancement or compensation.

3 F. A person shall not subject any employee or member of the personnel  
4 board who chooses not to engage in any activity permitted by this section to  
5 any direct or indirect discrimination, reprisal, force, coercion or  
6 intimidation or any other adverse consequence including the loss of any  
7 benefit, reward, promotion, advancement or compensation.

8 G. ~~The provisions of~~ This section ~~do~~ DOES not apply to school board  
9 elections or community college district governing board elections, and an  
10 employee may serve as a member of the governing board of a common or high  
11 school district or as a member of a community college district governing  
12 board.

13 H. An employee who violates any of the provisions of this section  
14 shall be subject to suspension of not less than thirty days or dismissal.

15 I. A person who violates:

16 1. Subsection D, E or F of this section is guilty of a class 6 felony.

17 2. Any other provision of this section is guilty of a class 1  
18 misdemeanor.

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

23 K. Nothing contained in this section shall be construed as denying any  
24 employee or board member his civil or political liberties as guaranteed by  
25 the United States and Arizona Constitutions.

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