

Senate Engrossed
office vacancy; discharge of duties

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

SENATE BILL 1455

AN ACT

AMENDING SECTIONS 38-291 AND 38-300, 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 38-291, Arizona Revised Statutes, is amended to
3 read:

4 38-291. Vacancy defined

5 An office shall be deemed vacant from and after the occurrence of
6 any of the following events before the expiration of a term of office:

7 1. Death of the person holding the office.

8 2. Insanity of the person holding the office, when judicially
9 determined.

10 3. Resignation of the person holding the office and the lawful
11 acceptance of the resignation.

12 4. Removal from office of the person holding the office, including
13 the removal of a board or commission member by the appointing power,
14 before the expiration of the person's term of office.

15 5. If the office is elective, the person holding the office ceasing
16 to be a resident of ~~the~~ THIS state, or, if the office is local, or from a
17 legislative or congressional district, the person holding the office
18 ceasing to be a resident of the district, county, city, town or precinct
19 for which the person was elected, or within which the duties of the
20 person's office are required to be discharged.

21 6. Absence from ~~the~~ THIS state by the person holding the office,
22 without permission of the legislature, beyond the period of three
23 consecutive months.

24 7. ~~EXCEPT FOR A LEGISLATIVE OFFICE~~, the person holding the office
25 ceasing to discharge the duties of office for the period of ~~three~~
26 ~~FORTY-FIVE~~ consecutive ~~months~~ DAYS.

27 8. Conviction of the person holding the office of a felony or an
28 offense involving a violation of the person's official duties.

29 9. Failure of the person elected or appointed to the office to file
30 the person's official oath within the time prescribed by law.

31 10. A decision of a competent tribunal declaring void the election
32 or appointment of the person elected or appointed to the office.

33 11. Failure of a person to be elected or appointed to the office.

34 12. A violation of section 38-296 by the person holding the office.

35 Sec. 2. Section 38-300, Arizona Revised Statutes, is amended to
36 read:

37 38-300. Temporary vacancy resulting from military service;
38 elective office

39 Notwithstanding section 38-291, paragraph 7, if a person serving in
40 an elective office of this state other than the governor, or a political
41 subdivision of this state, receives orders for active military duty and
42 the period of active duty is projected to continue for at least ~~three~~
43 ~~months~~ FORTY-FIVE CONSECUTIVE DAYS but less than the remainder of the

1 officer's term of office, the office may be temporarily vacated. A
2 temporary replacement may be appointed in the same manner as prescribed by
3 law for a permanent replacement. The temporary appointee shall serve
4 until the officer returns from active military duty or until the
5 expiration of the officer's term of office, whichever occurs first.