

REFERENCE TITLE: legislative vacancies; precinct committeemen

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2484

Introduced by
Representatives Gowan, Vogt: Senator Antenori

AN ACT

AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE VACANCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1202, Arizona Revised Statutes, is amended to
3 read:

4 41-1202. Vacancy in legislature; precinct committeemen;
5 appointment; definition

6 A. If a vacancy occurs in the legislature and the vacant seat was
7 represented by a political party that is organized pursuant to title 16,
8 chapter 5, article 2 and that has at least thirty elected committeemen who
9 are from precincts that are in the legislative district and that are in the
10 county in which the vacancy occurred, the following apply:

11 1. The secretary of state shall notify the state party chairman of the
12 appropriate political party of the vacancy. Within three business days after
13 notification of the vacancy by the secretary of state, the state party
14 chairman of the appropriate political party or the chairman's designee shall
15 give written notice of the meeting to fill the vacancy to all elected
16 precinct committeemen of the appropriate political party from precincts that
17 are in the legislative district ~~and that are in the county~~ in which the
18 vacancy occurred.

19 2. Those elected precinct committeemen shall nominate, within
20 twenty-one days after notification of the vacancy by the secretary of state
21 if the legislature is not in regular session or within five days if the
22 legislature is in regular session and by a majority vote, three qualified
23 electors to fill the vacancy who meet the requirements for service in the
24 legislature and who belong to the same political party and reside at the time
25 of nomination in the same district ~~and county~~ as the person elected to or
26 appointed to the office immediately before the vacancy. **AFTER NOMINATING**
27 **THREE QUALIFIED ELECTORS, THE ELECTED PRECINCT COMMITTEEMEN SHALL BY MAJORITY**
28 **VOTE ELECT ONE OF THE THREE NOMINEES TO FILL THE VACANCY.**

29 3. The meeting to fill the vacancy is subject to title 38, chapter 3,
30 article 3.1, and the state party chairman of the appropriate political party
31 shall oversee the nominations. Fifty per cent or more of the elected
32 precinct committeemen of the district who are in the legislative district ~~and~~
33 ~~from the county~~ in which the vacancy occurred, or their proxies, meeting
34 together constitutes a quorum for the purposes of this subsection. A
35 precinct committeeman may choose to permit the use of a proxy that:

36 (a) Is given by the precinct committeeman to another elected precinct
37 committeeman for the legislative district in which the vacancy occurred for
38 use at the meeting to fill the vacancy.

39 (b) Only is valid for the length of the meeting for which it was
40 given.

41 (c) Is attested by a notary public or two witnesses.

42 4. The state party chairman of the appropriate political party shall
43 forward the ~~names~~ **NAME** of the ~~three persons named~~ **PERSON ELECTED** pursuant to
44 paragraph 2 of this subsection to the board of supervisors of the county of
45 residence of the person elected or appointed to the office immediately before

1 the vacancy occurred. The board of supervisors shall ~~appoint a person from~~
2 ~~the three nominees submitted~~ CERTIFY THE ELECTION OF THE REPLACEMENT.

3 5. If the elected precinct committeemen of the appropriate political
4 party fail to fill the vacancy within twenty-one days if the legislature is
5 not in regular session or within five days if the legislature is in regular
6 session, as provided in THIS subsection ~~A~~, the state party chairman shall
7 notify the board of supervisors of the appropriate county and the board of
8 supervisors shall fill the vacancy as provided in subsection B. The time
9 frame for appointing a citizens panel shall run from receipt of notification
10 from the state party chairman.

11 B. If the vacant legislative seat was represented by a political party
12 that is organized pursuant to title 16, chapter 5, article 2 and that has
13 fewer than thirty elected committeemen who are from precincts that are in the
14 legislative district and that are in the county in which the vacancy occurred
15 or if the vacant legislative seat is not represented by a political party
16 that is organized pursuant to title 16, chapter 5, article 2, the following
17 apply:

18 1. The board of supervisors of the county of residence of the person
19 elected to or appointed to the office immediately before the vacancy shall
20 appoint within three business days after a vacancy occurs a citizens panel to
21 submit to the board within seven business days the names of three qualified
22 electors who are members of the appropriate political party and who are
23 residents of the legislative district ~~and county~~ in which the vacancy
24 occurred to fill the vacancy. If the person elected to or appointed to the
25 office immediately before the vacancy was a registered independent, the
26 qualified electors shall be registered as independent.

27 2. Within five business days after receiving the list of names
28 submitted by the panel and by a majority vote of all of the supervisors
29 sitting as a board, the board of supervisors shall appoint one person from
30 the list of names submitted by the panel to fill the vacancy.

31 C. For the purposes of this section, "appropriate political party"
32 means the same political party of which the person who was elected to or
33 appointed to the office was a member immediately before the vacancy occurred.