

REFERENCE TITLE: legislative vacancies; precinct committeemen

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1063

Introduced by
Senator Leach

AN ACT

AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO THE
LEGISLATURE.

(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~~
10 ~~the county~~ in which the vacancy occurred, the following apply:

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

19 2. Those elected precinct committeemen shall ~~nominate~~ MEET, within
20 twenty-one days after notification of the vacancy by the secretary of
21 state if the legislature is not in regular session or within five days if
22 the legislature is in regular session and by a majority vote, ~~three~~ ELECT
23 ONE qualified ~~electors~~ ELECTOR to fill the vacancy who ~~meet~~ MEETS the
24 requirements for service in the legislature, who ~~belong~~ BELONGS to the
25 same political party and who ~~reside~~ RESIDES at the time of nomination in
26 the same district ~~and county~~ as the person elected to or appointed to the
27 office immediately before the vacancy.

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

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

1 4. The state party chairman of the appropriate political party
2 shall immediately forward the ~~names of the three persons named~~ NAME OF THE
3 PERSON ELECTED pursuant to paragraph 2 of this subsection to the ~~board of~~
4 ~~supervisors of the county of residence of the person elected or appointed~~
5 ~~to the office immediately before the vacancy occurred. The board of~~
6 ~~supervisors shall appoint a person from the three nominees submitted~~
7 PRESIDING OFFICER OF THE HOUSE OF THE LEGISLATURE IN WHICH THE VACANCY
8 OCCURRED.

9 5. If the elected precinct committeemen of the appropriate
10 political party fail to fill the vacancy within twenty-one days if the
11 legislature is not in regular session or within five days if the
12 legislature is in regular session, as provided in paragraph 2 of this
13 subsection, the state party chairman shall immediately notify the board of
14 supervisors of the appropriate county and the board of supervisors shall
15 fill the vacancy as provided in subsection B of this section. The time
16 frame for appointing a citizens panel shall run from receipt of
17 notification from the state party chairman.

18 B. If a vacancy occurs in the legislature and the vacant seat was
19 represented by a political party that is organized pursuant to title 16,
20 chapter 5, article 2 and that has fewer than thirty elected committeemen
21 who are from precincts that are in the legislative district ~~and that are~~
22 ~~in the county~~ in which the vacancy occurred or if the vacant seat was not
23 represented by a political party that is organized pursuant to title 16,
24 chapter 5, article 2, the following apply:

25 1. The secretary of state shall immediately notify the board of
26 supervisors of the county of residence of the person elected to or
27 appointed to the office immediately before the vacancy of the vacancy.

28 2. Within seven business days after notification of the vacancy by
29 the secretary of state, the board of supervisors shall appoint a citizens
30 panel. The citizens panel, within twenty-one days after the citizens
31 panel is appointed if the legislature is not in regular session or within
32 five days if the legislature is in regular session, shall submit to the
33 board the names of three qualified electors to fill the vacancy who meet
34 the requirements for service in the legislature and who belong to the same
35 political party and reside at the time of nomination in the same district
36 ~~and county~~ as the person elected to or appointed to the office immediately
37 before the vacancy. If the person elected to or appointed to the office
38 immediately before the vacancy was not registered with a political party
39 that is organized pursuant to title 16, chapter 5, article 2, the
40 qualified electors shall be qualified electors who are not registered with
41 a political party that is organized pursuant to title 16, chapter 5,
42 article 2.

1 3. The board of supervisors, by a majority vote of the board, shall
2 appoint one person from the list of names submitted by the citizens panel
3 to fill the vacancy.

4 C. For the purposes of this section, "appropriate political party"
5 means the same political party of which the person who was elected to or
6 appointed to the office was a member immediately before the vacancy
7 occurred except that if the person vacating the office changed political
8 party affiliation after taking office, the person who is appointed to fill
9 the vacancy shall be of the same political party that the vacating
10 officeholder was when the vacating officeholder was elected or appointed
11 to that office.