

Senate Engrossed

legislative vacancies; precinct committeemen

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

# SENATE BILL 1063

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 AND THE LEGISLATIVE DISTRICT IS  
11 IN MORE THAN ONE COUNTY, the following apply:

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

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

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

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

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

42 (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~~ C 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 AT LEAST THIRTY ELECTED COMMITTEEMEN WHO  
21 ARE FROM PRECINCTS THAT ARE IN THE LEGISLATIVE DISTRICT IN WHICH THE  
22 VACANCY OCCURRED AND THE LEGISLATIVE DISTRICT IS CONTAINED WITHIN A SINGLE  
23 COUNTY, THE FOLLOWING APPLY:

24           1. THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE STATE PARTY  
25 CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY OF THE VACANCY. WITHIN THREE  
26 BUSINESS DAYS AFTER NOTIFICATION OF THE VACANCY BY THE SECRETARY OF STATE,  
27 THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY OR THE  
28 CHAIRMAN'S DESIGNEE SHALL GIVE WRITTEN NOTICE OF THE MEETING TO FILL THE  
29 VACANCY TO ALL ELECTED PRECINCT COMMITTEEMEN OF THE APPROPRIATE POLITICAL  
30 PARTY FROM PRECINCTS THAT ARE IN THE LEGISLATIVE DISTRICT IN WHICH THE  
31 VACANCY OCCURRED.

32           2. THOSE ELECTED PRECINCT COMMITTEEMEN SHALL NOMINATE, WITHIN  
33 TWENTY-ONE DAYS AFTER NOTIFICATION OF THE VACANCY BY THE SECRETARY OF  
34 STATE IF THE LEGISLATURE IS NOT IN REGULAR SESSION OR WITHIN FIVE DAYS IF  
35 THE LEGISLATURE IS IN REGULAR SESSION AND BY A MAJORITY VOTE, THREE  
36 QUALIFIED ELECTORS TO FILL THE VACANCY WHO MEET THE REQUIREMENTS FOR  
37 SERVICE IN THE LEGISLATURE, WHO BELONG TO THE SAME POLITICAL PARTY AND WHO  
38 RESIDE AT THE TIME OF NOMINATION IN THE SAME DISTRICT AS THE PERSON  
39 ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY.

40           3. THE MEETING TO FILL THE VACANCY IS SUBJECT TO TITLE 38, CHAPTER  
41 3, ARTICLE 3.1, AND THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL  
42 PARTY SHALL OVERSEE THE NOMINATIONS. FIFTY PERCENT OR MORE OF THE ELECTED  
43 PRECINCT COMMITTEEMEN OF THE DISTRICT WHO ARE IN THE LEGISLATIVE DISTRICT  
44 IN WHICH THE VACANCY OCCURRED, OR THEIR PROXIES, MEETING TOGETHER

1 CONSTITUTES A QUORUM FOR THE PURPOSES OF THIS SUBSECTION. A PRECINCT  
2 COMMITTEEMAN MAY CHOOSE TO ALLOW THE USE OF A PROXY THAT:

3 (a) IS GIVEN BY THE PRECINCT COMMITTEEMAN TO ANOTHER ELECTED  
4 PRECINCT COMMITTEEMAN FOR THE LEGISLATIVE DISTRICT IN WHICH THE VACANCY  
5 OCCURRED FOR USE AT THE MEETING TO FILL THE VACANCY.

6 (b) ONLY IS VALID FOR THE LENGTH OF THE MEETING FOR WHICH IT WAS  
7 GIVEN.

8 (c) IS ATTESTED BY A NOTARY PUBLIC OR TWO WITNESSES.

9 4. THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY  
10 SHALL IMMEDIATELY FORWARD THE NAMES OF THE THREE PERSONS NAMED PURSUANT TO  
11 PARAGRAPH 2 OF THIS SUBSECTION TO THE BOARD OF SUPERVISORS OF THE COUNTY  
12 OF RESIDENCE OF THE PERSON ELECTED OR APPOINTED TO THE OFFICE IMMEDIATELY  
13 BEFORE THE VACANCY OCCURRED. THE BOARD OF SUPERVISORS SHALL APPOINT A  
14 PERSON FROM THE THREE NOMINEES SUBMITTED.

15 5. IF THE ELECTED PRECINCT COMMITTEEMEN OF THE APPROPRIATE  
16 POLITICAL PARTY FAIL TO FILL THE VACANCY WITHIN TWENTY-ONE DAYS IF THE  
17 LEGISLATURE IS NOT IN REGULAR SESSION OR WITHIN FIVE DAYS IF THE  
18 LEGISLATURE IS IN REGULAR SESSION, AS PROVIDED IN PARAGRAPH 2 OF THIS  
19 SUBSECTION, THE STATE PARTY CHAIRMAN SHALL IMMEDIATELY NOTIFY THE BOARD OF  
20 SUPERVISORS OF THE APPROPRIATE COUNTY AND THE BOARD OF SUPERVISORS SHALL  
21 FILL THE VACANCY AS PROVIDED IN SUBSECTION C OF THIS SECTION. THE TIME  
22 FRAME FOR APPOINTING A CITIZENS PANEL SHALL RUN FROM RECEIPT OF  
23 NOTIFICATION FROM THE STATE PARTY CHAIRMAN.

24 ~~B.~~ C. If a vacancy occurs in the legislature and the vacant seat  
25 was represented by a political party that is organized pursuant to title  
26 16, chapter 5, article 2 and that has fewer than thirty elected  
27 committeemen who are from precincts that are in the legislative district  
28 ~~and that are in the county~~ in which the vacancy occurred or if the vacant  
29 seat was not represented by a political party that is organized pursuant  
30 to title 16, chapter 5, article 2, the following apply:

31 1. The secretary of state shall immediately notify the board of  
32 supervisors of the county of residence of the person elected to or  
33 appointed to the office immediately before the vacancy of the vacancy.

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

1 qualified electors shall be qualified electors who are not registered with  
2 a political party that is organized pursuant to title 16, chapter 5,  
3 article 2.

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

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