

REFERENCE TITLE: supervisors; legislative vacancy; appointment

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2703

Introduced by
Representatives Kolodin: Dunn, Heap, Hendrix, Jones, McGarr, Parker J,
Smith

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
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, 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
23 qualified electors to fill the vacancy who meet the requirements for
24 service in the legislature, who belong to the same political party and who
25 reside at the time of nomination in the same district and county as the
26 person elected to or appointed to the office immediately before the
27 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. Fifty percent or more of the elected
31 precinct committeemen of the district who are in the legislative district
32 and from the county in which the vacancy occurred, or their proxies,
33 meeting together constitutes a quorum for the purposes of this
34 subsection. A precinct committeeman may choose to ~~permit~~ ALLOW the use of
35 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.

42 4. The state party chairman of the appropriate political party
43 shall immediately forward the names of the three persons named pursuant to
44 paragraph 2 of this subsection to the board of supervisors of the county

1 of residence of the person elected or appointed to the office immediately
2 before the vacancy occurred. **WITHIN FOURTEEN CALENDAR DAYS AFTER**
3 **RECEIVING THE NAMES OF THE THREE PERSONS FROM THE STATE PARTY CHAIRMAN,**
4 the board of supervisors shall appoint a person from the three nominees
5 submitted.

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

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

22 1. The secretary of state shall immediately notify the board of
23 supervisors of the county of residence of the person elected to or
24 appointed to the office immediately before the vacancy of the vacancy.

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

40 3. **WITHIN FOURTEEN CALENDAR DAYS AFTER RECEIVING THE NAMES OF THE**
41 **THREE PERSONS NAMED PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION,** the board
42 of supervisors, by a majority vote of the board, shall appoint one person
43 from the list of names submitted by the citizens panel to fill the
44 vacancy.

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