

House Engrossed Senate Bill

~~technical correction; juvenile offenders; notice~~
(now: legislative vacancies; appointment)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1278

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; definitions

6 A. If a vacancy occurs OR EXISTS in the legislature and the vacant
7 seat was represented by a political party that is organized pursuant to
8 title 16, chapter 5, article 2 and that has at least thirty elected
9 committeemen who are from precincts that are in the legislative district
10 and that are in the county in which the vacancy occurred, the following
11 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~~ CALENDAR days after notification of the vacancy by the secretary
15 of state, the state party chairman of the appropriate political party or
16 the chairman's designee shall give written notice of the meeting FOR
17 SELECTING NOMINEES to fill the vacancy to all elected precinct
18 committeemen of the appropriate political party from precincts that are in
19 the legislative district and that are in the county in which the vacancy
20 occurred.

21 2. THE MEETING PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION SHALL
22 OCCUR WITHIN FIVE CALENDAR DAYS AFTER THE DATE OF THE WRITTEN NOTICE OF
23 THE MEETING FOR SELECTING NOMINEES IF THE LEGISLATURE IS IN SESSION, THE
24 GOVERNOR HAS CALLED A SPECIAL SESSION OR IF THE PRESIDING OFFICER OR
25 MINORITY LEADER OF THE HOUSE IN WHICH THE VACANCY HAS OCCURRED NOTIFIES
26 THE CHAIR OF THE BOARD THAT A SPECIAL SESSION IS PENDING OR WITHIN
27 TWENTY-ONE CALENDAR DAYS AFTER THE DATE OF NOTICE OF THE VACANCY FROM THE
28 SECRETARY OF STATE IF THE LEGISLATURE IS NOT IN SESSION, THE GOVERNOR HAS
29 NOT CALLED A SPECIAL SESSION AND THE CHAIR OF THE BOARD HAS NOT BEEN
30 NOTIFIED THAT A SPECIAL SESSION IS PENDING.

31 ~~2.~~ 3. AT THE MEETING FOR SELECTING NOMINEES TO FILL THE VACANCY,
32 those elected precinct committeemen shall nominate, ~~within twenty-one days~~
33 ~~after notification of the vacancy by the secretary of state if the~~
34 ~~legislature is not in regular session or within five days if the~~
35 ~~legislature is in regular session and~~ by a majority vote, ~~three~~ qualified
36 electors to fill the vacancy who meet the requirements for service in the
37 legislature, who belong to the same political party and who reside at the
38 time of nomination in the same district and county as the person elected
39 to or appointed to the office immediately before the vacancy.

40 ~~3.~~ 4. The meeting TO SELECT NOMINEES to fill the vacancy is
41 subject to title 38, chapter 3, article 3.1, and the state party chairman
42 of the appropriate political party shall oversee the nominations. Fifty
43 percent or more of the elected precinct committeemen of the district who
44 are in the legislative district and from the county in which the vacancy
45 occurred, or their proxies, meeting together constitutes a quorum for the

1 purposes of this subsection. A precinct committeeman may choose to ~~permit~~
2 **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.~~ **5.** 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~~ **3** of this subsection to the board of supervisors of the
12 county of residence of the person elected or appointed to the office
13 immediately before the vacancy occurred. The board of supervisors shall
14 appoint a person **TO FILL THE VACANCY** from the three nominees submitted.
15 **IF THE LEGISLATURE IS IN SESSION, THE GOVERNOR HAS CALLED A SPECIAL**
16 **SESSION OR IF THE PRESIDING OFFICER OR MINORITY LEADER OF THE HOUSE IN**
17 **WHICH THE VACANCY HAS OCCURRED NOTIFIES THE CHAIR OF THE BOARD THAT A**
18 **SPECIAL SESSION IS PENDING, THE BOARD OF SUPERVISORS SHALL MAKE THE**
19 **APPOINTMENT WITHIN TEN CALENDAR DAYS AFTER RECEIVING THE NAMES AND IF THE**
20 **LEGISLATURE IS NOT IN SESSION, THE GOVERNOR HAS NOT CALLED A SPECIAL**
21 **SESSION AND THE CHAIR OF THE BOARD HAS NOT BEEN NOTIFIED THAT A SPECIAL**
22 **SESSION IS PENDING, THE BOARD OF SUPERVISORS SHALL MAKE THE APPOINTMENT**
23 **WITHIN TWENTY-ONE CALENDAR DAYS AFTER RECEIVING THE NAMES. IF THE BOARD**
24 **OF SUPERVISORS FAILS TO FILL THE VACANCY FROM THE THREE NOMINEES WITHIN**
25 **THE TIME PRESCRIBED BY THIS PARAGRAPH, THE STATE PARTY CHAIRPERSON SHALL**
26 **APPOINT FROM AMONG THE THREE NOMINEES SUBMITTED TO THE COUNTY BOARD OF**
27 **SUPERVISORS A PERSON TO FILL THE VACANCY WITHIN THREE CALENDAR DAYS AFTER**
28 **THE TIME FOR THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS ELAPSED.**

29 ~~5.~~ **6.** If the elected precinct committeemen of the appropriate
30 political party fail to ~~fill the vacancy within twenty-one days if the~~
31 ~~legislature is not in regular session or within five days if the~~
32 ~~legislature is in regular session, as provided in paragraph 2 of this~~
33 ~~subsection~~ **NOMINATE BY A MAJORITY VOTE THREE QUALIFIED ELECTORS TO FILL**
34 **THE VACANCY AT THE MEETING TO SELECT NOMINEES AS PRESCRIBED BY PARAGRAPH 3**
35 **OF THIS SUBSECTION**, the state party chairman shall immediately notify the
36 board of supervisors of the appropriate county and the board of
37 supervisors shall fill the vacancy as provided in subsection B of this
38 section. The time frame for appointing a citizens panel shall run from
39 receipt of notification from the state party chairman.

40 B. If a vacancy occurs in the legislature and the vacant seat was
41 represented by a political party that is organized pursuant to title 16,
42 chapter 5, article 2 and that has fewer than thirty elected committeemen
43 who are from precincts that are in the legislative district and that are
44 in the county in which the vacancy occurred or if the vacant seat was not

1 represented by a political party that is organized pursuant to title 16,
2 chapter 5, article 2, the following apply:

3 1. The secretary of state shall immediately notify the board of
4 supervisors of the county of residence of the person elected to or
5 appointed to the office immediately before the vacancy of the vacancy.

6 2. Within seven ~~business~~ CALENDAR days after notification of the
7 vacancy by the secretary of state, the board of supervisors shall appoint
8 a citizens panel. ~~The citizens panel, within twenty-one days after the~~
9 ~~citizens panel is appointed if the legislature is not in regular session~~
10 ~~or within five days if the legislature is in regular session, shall~~ TO
11 submit to the board the names of three qualified electors to fill the
12 vacancy who meet the requirements for service in the legislature and who
13 belong to the same political party and reside at the time of nomination in
14 the same district and county as the person elected to or appointed to the
15 office immediately before the vacancy. If the person elected to or
16 appointed to the office immediately before the vacancy was not registered
17 with a political party that is organized pursuant to title 16, chapter 5,
18 article 2, the qualified electors shall be qualified electors who are not
19 registered with a political party that is organized pursuant to title 16,
20 chapter 5, article 2.

21 3. THE MEETING OF THE CITIZENS PANEL PRESCRIBED BY PARAGRAPH 2 OF
22 THIS SUBSECTION SHALL OCCUR WITHIN FIVE CALENDAR DAYS AFTER THE CITIZENS
23 PANEL IS APPOINTED BY THE BOARD OF SUPERVISORS IF THE LEGISLATURE IS IN
24 SESSION, THE GOVERNOR HAS CALLED A SPECIAL SESSION OR THE CHAIR OF THE
25 BOARD HAS BEEN NOTIFIED THAT A SPECIAL SESSION IS PENDING, OR WITHIN
26 TWENTY-ONE CALENDAR DAYS AFTER THE CITIZENS PANEL IS APPOINTED IF THE
27 LEGISLATURE IS NOT IN SESSION, THE GOVERNOR HAS NOT CALLED A SPECIAL
28 SESSION AND THE CHAIR OF THE BOARD HAS NOT BEEN NOTIFIED THAT A SPECIAL
29 SESSION IS PENDING.

30 ~~3.~~ 4. The board of supervisors, by a majority vote of the board,
31 shall appoint one person from the list of names submitted by the citizens
32 panel to fill the vacancy. IF THE LEGISLATURE IS IN SESSION, IF THE
33 GOVERNOR HAS CALLED A SPECIAL SESSION OR IF THE PRESIDING OFFICER OR
34 MINORITY LEADER OF THE HOUSE IN WHICH THE VACANCY HAS OCCURRED NOTIFIES
35 THE CHAIR OF THE BOARD THAT A SPECIAL SESSION IS PENDING, THE BOARD OF
36 SUPERVISORS SHALL MAKE THE APPOINTMENT WITHIN TEN CALENDAR DAYS AFTER
37 RECEIVING THE NAMES AND IF THE LEGISLATURE IS NOT IN SESSION, THE GOVERNOR
38 HAS NOT CALLED A SPECIAL SESSION AND THE CHAIR OF THE BOARD HAS NOT BEEN
39 NOTIFIED THAT A SPECIAL SESSION IS PENDING, THE BOARD OF SUPERVISORS SHALL
40 MAKE THE APPOINTMENT WITHIN TWENTY-ONE CALENDAR DAYS AFTER RECEIVING THE
41 NAMES. IF THE BOARD OF SUPERVISORS FAILS TO FILL THE VACANCY FROM THE
42 THREE NOMINEES WITHIN THE TIME PRESCRIBED, THE STATE PARTY CHAIRMAN SHALL
43 APPOINT A PERSON TO FILL THE VACANCY FROM THE THREE NOMINEES SUBMITTED AND
44 SHALL MAKE THAT APPOINTMENT WITHIN THREE CALENDAR DAYS AFTER THE TIME FOR
45 THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS ELAPSED.

1 C. IF ANY PERSON WHO IS NOMINATED PURSUANT TO SUBSECTION A OR B OF
2 THIS SECTION WITHDRAWS FROM CONSIDERATION, THE STATE PARTY CHAIRMAN OF THE
3 APPROPRIATE POLITICAL PARTY SHALL IMMEDIATELY NOMINATE AN ALTERNATIVE
4 QUALIFIED ELECTOR TO FILL THE VACANCY WHO MEETS THE REQUIREMENTS FOR
5 SERVICE IN THE LEGISLATURE, WHO BELONGS TO THE SAME POLITICAL PARTY AND
6 WHO RESIDES AT THE TIME OF NOMINATION IN THE SAME DISTRICT AND COUNTY AS
7 THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE
8 VACANCY.

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