

Senate Engrossed

~~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 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~~ CALENDAR days after notification of the vacancy by the secretary  
14 of state, the state party chairman of the appropriate political party or  
15 the chairman's designee shall give written notice of the meeting FOR  
16 SELECTING NOMINEES to fill the vacancy to all elected precinct  
17 committeemen of the appropriate political party from precincts that are in  
18 the legislative district and that are in the county in which the vacancy  
19 occurred.

20 2. THE MEETING PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION SHALL  
21 OCCUR WITHIN FIVE CALENDAR DAYS AFTER THE DATE OF THE WRITTEN NOTICE OF  
22 THE MEETING FOR SELECTING NOMINEES IF THE LEGISLATURE IS IN SESSION OR  
23 WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE DATE OF NOTICE OF THE VACANCY  
24 FROM THE SECRETARY OF STATE IF THE LEGISLATURE IS NOT IN SESSION.

25 ~~2.~~ 3. AT THE MEETING FOR SELECTING NOMINEES TO FILL THE VACANCY,  
26 those elected precinct committeemen shall nominate, ~~within twenty-one days~~  
27 ~~after notification of the vacancy by the secretary of state if the~~  
28 ~~legislature is not in regular session or within five days if the~~  
29 ~~legislature is in regular session and~~ by a majority vote, three qualified  
30 electors to fill the vacancy who meet the requirements for service in the  
31 legislature, who belong to the same political party and who reside at the  
32 time of nomination in the same district and county as the person elected  
33 to or appointed to the office immediately before the vacancy.

34 ~~3.~~ 4. The meeting TO SELECT NOMINEES to fill the vacancy is  
35 subject to title 38, chapter 3, article 3.1, and the state party chairman  
36 of the appropriate political party shall oversee the nominations. Fifty  
37 percent or more of the elected precinct committeemen of the district who  
38 are in the legislative district and from the county in which the vacancy  
39 occurred, or their proxies, meeting together constitutes a quorum for the  
40 purposes of this subsection. A precinct committeeman may choose to ~~permit~~  
41 ALLOW the use of a proxy that:

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

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

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

4 ~~4.~~ 5. The state party chairman of the appropriate political party  
5 shall immediately forward the names of the three persons named pursuant to  
6 paragraph ~~2~~ 3 of this subsection to the board of supervisors of the  
7 county of residence of the person elected or appointed to the office  
8 immediately before the vacancy occurred. The board of supervisors shall  
9 appoint a person TO FILL THE VACANCY from the three nominees submitted.  
10 IF THE LEGISLATURE IS IN SESSION, THE BOARD OF SUPERVISORS SHALL MAKE THE  
11 APPOINTMENT WITHIN SEVEN CALENDAR DAYS AFTER RECEIVING THE NAMES AND IF  
12 THE LEGISLATURE IS NOT IN SESSION, THE BOARD OF SUPERVISORS SHALL MAKE THE  
13 APPOINTMENT WITHIN TWENTY-ONE CALENDAR DAYS AFTER RECEIVING THE NAMES. IF  
14 THE BOARD OF SUPERVISORS FAILS TO FILL THE VACANCY FROM THE THREE NOMINEES  
15 WITHIN THE TIME PRESCRIBED BY THIS PARAGRAPH, THE STATE PARTY CHAIRPERSON  
16 SHALL APPOINT FROM AMONG THE THREE NOMINEES SUBMITTED TO THE COUNTY BOARD  
17 OF SUPERVISORS A PERSON TO FILL THE VACANCY WITHIN THREE CALENDAR DAYS  
18 AFTER THE TIME FOR THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS  
19 ELAPSED.

20 ~~5.~~ 6. If the elected precinct committeemen of the appropriate  
21 political party fail to ~~fill the vacancy within twenty-one days if the~~  
22 ~~legislature is not in regular session or within five days if the~~  
23 ~~legislature is in regular session, as provided in paragraph 2 of this~~  
24 ~~subsection~~ NOMINATE BY A MAJORITY VOTE THREE QUALIFIED ELECTORS TO FILL  
25 THE VACANCY AT THE MEETING TO SELECT NOMINEES AS PRESCRIBED BY PARAGRAPH 3  
26 OF THIS SUBSECTION, the state party chairman shall immediately notify the  
27 board of supervisors of the appropriate county and the board of  
28 supervisors shall fill the vacancy as provided in subsection B of this  
29 section. The time frame for appointing a citizens panel shall run from  
30 receipt of notification from the state party chairman.

31 B. If a vacancy occurs in the legislature and the vacant seat was  
32 represented by a political party that is organized pursuant to title 16,  
33 chapter 5, article 2 and that has fewer than thirty elected committeemen  
34 who are from precincts that are in the legislative district and that are  
35 in the county in which the vacancy occurred or if the vacant seat was not  
36 represented by a political party that is organized pursuant to title 16,  
37 chapter 5, article 2, the following apply:

38 1. The secretary of state shall immediately notify the board of  
39 supervisors of the county of residence of the person elected to or  
40 appointed to the office immediately before the vacancy of the vacancy.

41 2. Within seven ~~business~~ CALENDAR days after notification of the  
42 vacancy by the secretary of state, the board of supervisors shall appoint  
43 a citizens panel. ~~The citizens panel, within twenty-one days after the~~  
44 ~~citizens panel is appointed if the legislature is not in regular session~~  
45 ~~or within five days if the legislature is in regular session, shall TO~~

1 submit to the board the names of three qualified electors to fill the  
2 vacancy who meet the requirements for service in the legislature and who  
3 belong to the same political party and reside at the time of nomination in  
4 the same district and county as the person elected to or appointed to the  
5 office immediately before the vacancy. If the person elected to or  
6 appointed to the office immediately before the vacancy was not registered  
7 with a political party that is organized pursuant to title 16, chapter 5,  
8 article 2, the qualified electors shall be qualified electors who are not  
9 registered with a political party that is organized pursuant to title 16,  
10 chapter 5, article 2.

11 3. THE MEETING OF THE CITIZENS PANEL PRESCRIBED BY PARAGRAPH 2 OF  
12 THIS SUBSECTION SHALL OCCUR WITHIN FIVE CALENDAR DAYS AFTER THE CITIZENS  
13 PANEL IS APPOINTED BY THE BOARD OF SUPERVISORS IF THE LEGISLATURE IS IN  
14 SESSION OR WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE CITIZENS PANEL IS  
15 APPOINTED IF THE LEGISLATURE IS NOT IN SESSION.

16 ~~3.~~ 4. The board of supervisors, by a majority vote of the board,  
17 shall appoint one person from the list of names submitted by the citizens  
18 panel to fill the vacancy. IF THE LEGISLATURE IS IN SESSION, THE BOARD OF  
19 SUPERVISORS SHALL MAKE THE APPOINTMENT WITHIN SEVEN CALENDAR DAYS AFTER  
20 RECEIVING THE NAMES AND IF THE LEGISLATURE IS NOT IN SESSION, THE BOARD OF  
21 SUPERVISORS SHALL MAKE THE APPOINTMENT WITHIN TWENTY-ONE CALENDAR DAYS  
22 AFTER RECEIVING THE NAMES. IF THE BOARD OF SUPERVISORS FAILS TO FILL THE  
23 VACANCY FROM THE THREE NOMINEES WITHIN THE TIME PRESCRIBED, THE STATE  
24 PARTY CHAIRMAN SHALL APPOINT A PERSON TO FILL THE VACANCY FROM THE THREE  
25 NOMINEES SUBMITTED AND SHALL MAKE THAT APPOINTMENT WITHIN THREE CALENDAR  
26 DAYS AFTER THE TIME FOR THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS  
27 ELAPSED.

28 C. IF ANY PERSON WHO IS NOMINATED PURSUANT TO SUBSECTION A OR B OF  
29 THIS SECTION WITHDRAWS FROM CONSIDERATION, THE STATE PARTY CHAIRMAN OF THE  
30 APPROPRIATE POLITICAL PARTY SHALL IMMEDIATELY NOMINATE AN ALTERNATIVE  
31 QUALIFIED ELECTOR TO FILL THE VACANCY WHO MEETS THE REQUIREMENTS FOR  
32 SERVICE IN THE LEGISLATURE, WHO BELONGS TO THE SAME POLITICAL PARTY AND  
33 WHO RESIDES AT THE TIME OF NOMINATION IN THE SAME DISTRICT AND COUNTY AS  
34 THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE  
35 VACANCY.

36 ~~C.~~ D. For the purposes of this section, "appropriate political  
37 party" means the same political party of which the person who was elected  
38 to or appointed to the office was a member immediately before the vacancy  
39 occurred except that if the person vacating the office changed political  
40 party affiliation after taking office, the person who is appointed to fill  
41 the vacancy shall be of the same political party that the vacating  
42 officeholder was when the vacating officeholder was elected or appointed  
43 to that office.