

PROPOSED  
SENATE AMENDMENTS TO S.B. 1278  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 the  
10 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 committeemen  
17 of the appropriate political party from precincts that are in the  
18 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 THE  
22 MEETING FOR SELECTING NOMINEES IF THE LEGISLATURE IS IN SESSION OR WITHIN  
23 TWENTY-ONE CALENDAR DAYS AFTER THE DATE OF NOTICE OF THE VACANCY FROM THE  
24 SECRETARY OF STATE IF THE LEGISLATURE IS NOT IN SESSION.

1           ~~2.~~ 3. AT THE MEETING FOR SELECTING NOMINEES TO FILL THE VACANCY,  
2 those elected precinct committeemen shall nominate, ~~within twenty-one days~~  
3 ~~after notification of the vacancy by the secretary of state if the~~  
4 ~~legislature is not in regular session or within five days if the~~  
5 ~~legislature is in regular session and~~ by a majority vote, three qualified  
6 electors to fill the vacancy who meet the requirements for service in the  
7 legislature, who belong to the same political party and who reside at the  
8 time of nomination in the same district and county as the person elected to  
9 or appointed to the office immediately before the vacancy.

10           ~~3.~~ 4. The meeting TO SELECT NOMINEES to fill the vacancy is subject  
11 to title 38, chapter 3, article 3.1, and the state party chairman of the  
12 appropriate political party shall oversee the nominations. Fifty percent  
13 or more of the elected precinct committeemen of the district who are in the  
14 legislative district and from the county in which the vacancy occurred, or  
15 their proxies, meeting together constitutes a quorum for the purposes of  
16 this subsection. A precinct committeeman may choose to ~~permit~~ ALLOW the  
17 use of a proxy that:

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

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

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

24           ~~4.~~ 5. The state party chairman of the appropriate political party  
25 shall immediately forward the names of the three persons named pursuant to  
26 paragraph ~~2~~ 3 of this subsection to the board of supervisors of the county  
27 of residence of the person elected or appointed to the office immediately  
28 before the vacancy occurred. The board of supervisors shall appoint a  
29 person TO FILL THE VACANCY from the three nominees submitted. IF THE  
30 LEGISLATURE IS IN SESSION, THE BOARD OF SUPERVISORS SHALL MAKE THE  
31 APPOINTMENT WITHIN FIVE CALENDAR DAYS AFTER RECEIVING THE NAMES AND IF THE  
32 LEGISLATURE IS NOT IN SESSION, THE BOARD OF SUPERVISORS SHALL MAKE THE

1 APPOINTMENT WITHIN TWENTY-ONE CALENDAR DAYS AFTER RECEIVING THE NAMES. IF  
2 THE BOARD OF SUPERVISORS FAILS TO FILL THE VACANCY FROM THE THREE NOMINEES  
3 WITHIN THE TIME PRESCRIBED BY THIS PARAGRAPH, THE STATE PARTY CHAIRPERSON  
4 SHALL APPOINT FROM AMONG THE THREE NOMINEES SUBMITTED TO THE COUNTY BOARD  
5 OF SUPERVISORS A PERSON TO FILL THE VACANCY WITHIN FIVE CALENDAR DAYS AFTER  
6 THE TIME FOR THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS ELAPSED.

7 ~~5.~~ 6. If the elected precinct committeemen of the appropriate  
8 political party fail to ~~fill the vacancy within twenty-one days if the~~  
9 ~~legislature is not in regular session or within five days if the~~  
10 ~~legislature is in regular session, as provided in paragraph 2 of this~~  
11 ~~subsection~~ NOMINATE BY A MAJORITY VOTE THREE QUALIFIED ELECTORS TO FILL THE  
12 VACANCY AT THE MEETING TO SELECT NOMINEES AS PRESCRIBED BY PARAGRAPH 3 OF  
13 THIS SUBSECTION, the state party chairman shall immediately notify the  
14 board of supervisors of the appropriate county and the board of supervisors  
15 shall fill the vacancy as provided in subsection B of this section. The  
16 time 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 in  
22 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~~ CALENDAR days after notification of the  
29 vacancy by the secretary of state, the board of supervisors shall appoint a  
30 citizens panel. ~~The citizens panel, within twenty-one days after the~~  
31 ~~citizens panel is appointed if the legislature is not in regular session or~~  
32 ~~within five days if the legislature is in regular session, shall~~ TO submit

1 to the board the names of three qualified electors to fill the vacancy who  
2 meet the requirements for service in the legislature and who belong to the  
3 same political party and reside at the time of nomination in the same  
4 district and county as the person elected to or appointed to the office  
5 immediately before the vacancy. If the person elected to or appointed to  
6 the office immediately before the vacancy was not registered with a  
7 political party that is organized pursuant to title 16, chapter 5, article  
8 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 FIVE 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 PARTY  
24 CHAIRMAN SHALL APPOINT A PERSON TO FILL THE VACANCY FROM THE THREE NOMINEES  
25 SUBMITTED AND SHALL MAKE THAT APPOINTMENT WITHIN THREE CALENDAR DAYS AFTER  
26 THE TIME FOR THE BOARD OF SUPERVISORS TO FILL THE VACANCY HAS ELAPSED.

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

1 PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE  
2 VACANCY.

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

11 Amend title to conform

WENDY ROGERS

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