

REFERENCE TITLE: legislature; vacancy; precinct committeemen

State of Arizona
House of Representatives
Forty-fourth Legislature
First Regular Session
1999

HB 2586

Introduced by
Representatives Dunbar, Weiers, McGrath, Horne, Johnson, Gray, Groscost:
Binder, Blewster, Huffman, Leff, Overton

AN ACT

REPEALING SECTION 41-1202, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-1202; RELATING TO LEGISLATIVE VACANCIES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 41-1202, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 41, chapter 7, article 7, Arizona Revised Statutes, is
5 amended by adding a new section 41-1202, to read:

6 41-1202. Vacancy in legislature; precinct committeemen;
7 appointment; definition

8 A. IF A VACANCY OCCURS IN THE LEGISLATURE AND THE VACANT SEAT WAS
9 REPRESENTED BY A POLITICAL PARTY THAT HAS PRECINCT COMMITTEEMEN ORGANIZED
10 PURSUANT TO TITLE 16, CHAPTER 5, ARTICLE 2, THE SECRETARY OF STATE SHALL
11 NOTIFY THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY OF THE
12 VACANCY. WITHIN THREE BUSINESS DAYS AFTER NOTIFICATION OF THE VACANCY BY THE
13 SECRETARY OF STATE, THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL
14 PARTY OR THE CHAIRMAN'S DESIGNEE SHALL GIVE WRITTEN NOTICE OF THE MEETING TO
15 FILL THE VACANCY TO ALL ELECTED PRECINCT COMMITTEEMEN OF THE APPROPRIATE
16 POLITICAL PARTY FROM PRECINCTS THAT COMPRISE THE LEGISLATIVE DISTRICT IN
17 WHICH THE VACANCY OCCURRED. THE ELECTED PRECINCT COMMITTEEMEN OF THE
18 APPROPRIATE POLITICAL PARTY WHO ARE FROM THE PRECINCTS THAT COMPRISE THE
19 LEGISLATIVE DISTRICT IN WHICH THE VACANCY OCCURRED SHALL APPOINT, WITHIN
20 TWENTY-ONE DAYS AFTER NOTIFICATION OF THE VACANCY BY THE SECRETARY OF STATE
21 AND BY A MAJORITY VOTE, A QUALIFIED ELECTOR TO FILL THE VACANCY WHO MEETS THE
22 REQUIREMENTS FOR SERVICE IN THE LEGISLATURE AND WHO BELONGS TO THE SAME
23 POLITICAL PARTY AND RESIDES AT THE TIME OF APPOINTMENT IN THE SAME DISTRICT

1 AS THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE
2 VACANCY. THE MEETING TO FILL THE VACANCY IS SUBJECT TO TITLE 38, CHAPTER 3,
3 ARTICLE 3.1, AND THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY
4 SHALL OVERSEE THE APPOINTMENT. FIFTY PER CENT OR MORE OF THE ELECTED
5 PRECINCT COMMITTEEMEN OF THE DISTRICT, OR THEIR PROXIES, MEETING TOGETHER
6 CONSTITUTES A QUORUM FOR THE PURPOSES OF THIS SUBSECTION. A PRECINCT
7 COMMITTEEMAN MAY CHOOSE TO PERMIT THE USE OF A PROXY THAT:

8 1. IS GIVEN BY THE PRECINCT COMMITTEEMAN TO ANOTHER ELECTED PRECINCT
9 COMMITTEEMAN FOR THE LEGISLATIVE DISTRICT IN WHICH THE VACANCY OCCURRED FOR
10 USE AT THE MEETING TO FILL THE VACANCY.

11 2. ONLY IS VALID FOR THE LENGTH OF THE MEETING FOR WHICH IT WAS GIVEN.

12 3. IS ATTESTED BY A NOTARY PUBLIC OR TWO WITNESSES.

13 B. THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY SHALL
14 CERTIFY THAT THE APPOINTMENT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION A
15 AND SHALL FILE THE CERTIFICATION WITH THE SECRETARY OF STATE. IF THE ELECTED
16 PRECINCT COMMITTEEMEN OF THE APPROPRIATE POLITICAL PARTY FAIL TO FILL THE
17 VACANCY WITHIN TWENTY-ONE DAYS, AS PROVIDED IN SUBSECTION A, THE SECRETARY
18 OF STATE SHALL NOTIFY THE BOARD OF SUPERVISORS OF THE APPROPRIATE COUNTY AND
19 THE BOARD OF SUPERVISORS SHALL FILL THE VACANCY AS PROVIDED IN SUBSECTION C.
20 THE TIME FRAME FOR APPOINTING A CITIZENS PANEL SHALL RUN FROM RECEIPT OF
21 NOTIFICATION BY THE SECRETARY OF STATE.

22 C. IF THE VACANT LEGISLATIVE SEAT WAS NOT REPRESENTED BY A POLITICAL
23 PARTY THAT HAS PRECINCT COMMITTEEMEN ORGANIZED PURSUANT TO TITLE 16, CHAPTER
24 5, ARTICLE 2, THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE AFFECTED
25 LEGISLATIVE DISTRICT IS LOCATED SHALL APPOINT WITHIN THREE BUSINESS DAYS
26 AFTER A VACANCY OCCURS A CITIZENS PANEL TO SUBMIT TO THE BOARD WITHIN SEVEN
27 BUSINESS DAYS THE NAMES OF THREE QUALIFIED ELECTORS WHO ARE MEMBERS OF THE
28 APPROPRIATE POLITICAL PARTY AND WHO ARE RESIDENTS OF THE LEGISLATIVE DISTRICT
29 IN WHICH THE VACANCY OCCURRED TO FILL THE VACANCY. IF THE PERSON ELECTED TO
30 OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY WAS A REGISTERED
31 INDEPENDENT, THE QUALIFIED ELECTORS SHALL BE REGISTERED AS INDEPENDENT.
32 WITHIN FIVE BUSINESS DAYS AFTER RECEIVING THE LIST OF NAMES SUBMITTED BY THE
33 PANEL AND BY A MAJORITY VOTE OF ALL OF THE SUPERVISORS SITTING AS A BOARD,
34 THE BOARD OF SUPERVISORS SHALL APPOINT ONE PERSON FROM THE LIST OF NAMES
35 SUBMITTED BY THE PANEL TO FILL THE VACANCY. IF THE LEGISLATIVE DISTRICT IS
36 NOT ENTIRELY WITHIN ONE COUNTY, THE BOARD OF SUPERVISORS OF THE COUNTY OF
37 RESIDENCE OF THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY
38 BEFORE THE VACANCY SHALL FILL THE VACANCY AS PROVIDED IN THIS SUBSECTION.

39 D. FOR THE PURPOSES OF THIS SECTION, "APPROPRIATE POLITICAL PARTY"
40 MEANS THE SAME POLITICAL PARTY OF WHICH THE PERSON WHO WAS ELECTED TO OR
41 APPOINTED TO THE OFFICE WAS A MEMBER IMMEDIATELY BEFORE THE VACANCY OCCURRED.