

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 113

HOUSE BILL 2124

AN ACT

AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO THE
LEGISLATURE.

(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 the
10 county in which the vacancy occurred, THE FOLLOWING APPLY:

11 1. The secretary of state shall notify the state party chairman of the
12 appropriate political party of the vacancy. Within three business days after
13 notification of the vacancy by the secretary of state, the state party
14 chairman of the appropriate political party or the chairman's designee shall
15 give written notice of the meeting to fill the vacancy to all elected
16 precinct committeemen of the appropriate political party from precincts that
17 are in the legislative district and that are in the county in which the
18 vacancy occurred.

19 2. Those elected precinct committeemen shall nominate, within
20 twenty-one days after notification of the vacancy by the secretary of state
21 if the legislature is not in regular session or within five days if the
22 legislature is in regular session and by a majority vote, three qualified
23 electors to fill the vacancy who meet the requirements for service in the
24 legislature and who belong to the same political party and reside at the time
25 of nomination in the same district and county as the person elected to or
26 appointed to the office immediately before the vacancy.

27 3. The meeting to fill the vacancy is subject to title 38, chapter 3,
28 article 3.1, and the state party chairman of the appropriate political party
29 shall oversee the nominations. Fifty per cent or more of the elected
30 precinct committeemen of the district who are in the legislative district and
31 FROM in the county from IN which the vacancy occurred, or their proxies,
32 meeting together constitutes a quorum for the purposes of this subsection. A
33 precinct committeeman may choose to permit the use of a proxy that:

34 1. (a) Is given by the precinct committeeman to another elected
35 precinct committeeman for the legislative district in which the vacancy
36 occurred for use at the meeting to fill the vacancy.

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

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

40 B. 4. The state party chairman of the appropriate political party
41 shall forward the NAMES OF THE three nominees PERSONS NAMED PURSUANT TO
42 PARAGRAPH 2 OF THIS SUBSECTION to the board of supervisors of the county of
43 residence of the person elected or appointed to the office immediately before
44 the vacancy occurred. The board of supervisors shall appoint a person from
45 the three nominees submitted.

1 5. If the elected precinct committeemen of the appropriate political
2 party fail to fill the vacancy within twenty-one days if the legislature is
3 not in regular session or within five days if the legislature is in regular
4 session, as provided in subsection A, the state party chairman shall notify
5 the board of supervisors of the appropriate county and the board of
6 supervisors shall fill the vacancy as provided in subsection C- B. The time
7 frame for appointing a citizens panel shall run from receipt of notification
8 from the state party chairman.

9 C. B. If the vacant legislative seat was represented by a political
10 party that is organized pursuant to title 16, chapter 5, article 2 and that
11 has fewer than thirty elected committeemen who are from precincts that are
12 in the legislative district and that are in the county in which the vacancy
13 occurred or if the vacant legislative seat is not represented by a political
14 party that is organized pursuant to title 16, chapter 5, article 2, THE
15 FOLLOWING APPLY:

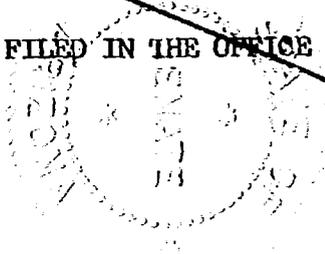
16 1. ~~The board of supervisors of the county in which the affected~~
17 ~~legislative district is located~~ OF RESIDENCE OF THE PERSON ELECTED TO OR
18 APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY shall appoint within
19 three business days after a vacancy occurs a citizens panel to submit to the
20 board within seven business days the names of three qualified electors who
21 are members of the appropriate political party and who are residents of the
22 legislative district AND COUNTY in which the vacancy occurred to fill the
23 vacancy. If the person elected to or appointed to the office immediately
24 before the vacancy was a registered independent, the qualified electors shall
25 be registered as independent.

26 2. Within five business days after receiving the list of names
27 submitted by the panel and by a majority vote of all of the supervisors
28 sitting as a board, the board of supervisors shall appoint one person from
29 the list of names submitted by the panel to fill the vacancy. ~~If the~~
30 ~~legislative district is not entirely within one county, the board of~~
31 ~~supervisors of the county of residence of the person elected to or appointed~~
32 ~~to the office immediately before the vacancy shall fill the vacancy as~~
33 ~~provided in this subsection.~~

34 D. C. For the purposes of this section, "appropriate political party"
35 means the same political party of which the person who was elected to or
36 appointed to the office was a member immediately before the vacancy occurred.

APPROVED BY THE GOVERNOR MAY 1, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2002.



Passed the House March 26, 2002,

Passed the Senate April 22, 2002

by the following vote: 53 Ayes,

by the following vote: 24 Ayes,

5 Nays, 2 Not Voting

2 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2124

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 25, 2002,

by the following vote: 48 Ayes,

6 Nays, 6 Not Voting

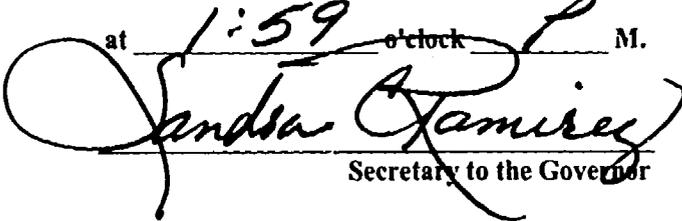


Speaker of the House


Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
25 day of April, 2002

at 1:59 o'clock P M.


Secretary to the Governor

Approved this 1 day of

May, 2002,

at 10:15 o'clock 9 M.

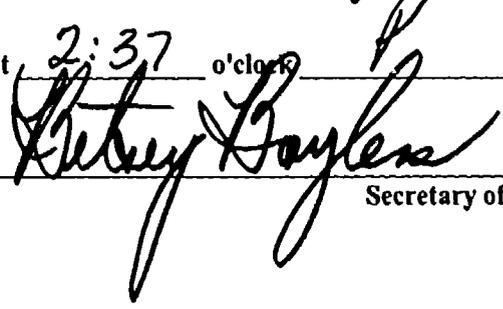


Governor of Arizona

H.B. 2124

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 1 day of May, 2002,

at 2:37 o'clock P M.


Secretary of State