



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

March 29, 2018

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on March 29, 2018:

HB 2035 deferred compensation plans; governing committee (Livingston)  
HB 2156 legislative vacancy; appointment; time frame (Coleman)  
HB 2196 certificates of necessity; hearings; duration (Carter)  
HB 2242 fire districts; revisions; county islands (Farnsworth, E.)  
HB 2258 diabetes; annual report (Carter)  
HB 2412 leave of absence; day; definition (Shope)  
HB 2477 high school mathematics; proficiency; notification (Udall)  
HB 2505 converted entities; claims (Cobb)  
HB 2513 hyperbaric oxygen therapy; veterans; fund (Finchem)  
HB 2536 dual enrollment; homeschooled children (Bowers)  
SB 1073 orthotics; prosthetic devices; valid prescription (Brophy McGee)  
SB 1111 workers' compensation; opioids; dispensed medications (Fann)  
SB 1204 trusts and estates (Worsley)  
SB 1253 game and fish; licenses; fees (Griffin)  
SB 1294 tax corrections act of 2018 (Farnsworth, D.)  
SB 1401 ignition interlock device; installer; manufacturer (Worsley)  
SB 1405 corporate income tax allocation; sales (Fann)  
SB 1422 universities; tuition and fees (Griffin)

SB 1499 community facilities districts; directors (Smith)  
SB 1502 ignition interlock device; incarceration credits (Smith)  
SB 1518 department of child safety; reports (Brophy McGee)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style with a large initial 'D'.

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed  
**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 91**  
**HOUSE BILL 2156**

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

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

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

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

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

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

42 4. The state party chairman of the appropriate political party  
43 shall IMMEDIATELY forward the names of the three persons named pursuant to  
44 paragraph 2 of this subsection to the board of supervisors of the county  
45 of residence of the person elected or appointed to the office immediately

1 before the vacancy occurred. The board of supervisors shall appoint a  
2 person from the three nominees submitted.

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

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

19 ~~1. The board of supervisors of the county of residence of the~~  
20 ~~person elected to or appointed to the office immediately before the~~  
21 ~~vacancy shall appoint within three business days after a vacancy occurs a~~  
22 ~~citizens panel to submit to the board within seven business days the names~~  
23 ~~of three qualified electors who are members of the appropriate political~~  
24 ~~party and who are residents of the legislative district and county in~~  
25 ~~which the vacancy occurred to fill the vacancy. If the person elected to~~  
26 ~~or appointed to the office immediately before the vacancy was a registered~~  
27 ~~independent, the qualified electors shall be registered as independent.~~

28 ~~2. Within five business days after receiving the list of names~~  
29 ~~submitted by the panel and by a majority vote of all of the supervisors~~  
30 ~~sitting as a board, the board of supervisors shall appoint one person from~~  
31 ~~the list of names submitted by the panel to fill the vacancy.~~

32 B. IF A VACANCY OCCURS IN THE LEGISLATURE AND THE VACANT SEAT WAS  
33 REPRESENTED BY A POLITICAL PARTY THAT IS ORGANIZED PURSUANT TO TITLE 16,  
34 CHAPTER 5, ARTICLE 2 AND THAT HAS FEWER THAN THIRTY ELECTED COMMITTEEMEN  
35 WHO ARE FROM PRECINCTS THAT ARE IN THE LEGISLATIVE DISTRICT AND THAT ARE  
36 IN THE COUNTY IN WHICH THE VACANCY OCCURRED OR IF THE VACANT SEAT WAS NOT  
37 REPRESENTED BY A POLITICAL PARTY THAT IS ORGANIZED PURSUANT TO TITLE 16,  
38 CHAPTER 5, ARTICLE 2, THE FOLLOWING APPLY:

39 1. THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE BOARD OF  
40 SUPERVISORS OF THE COUNTY OF RESIDENCE OF THE PERSON ELECTED TO OR  
41 APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY OF THE VACANCY.

42 2. WITHIN SEVEN BUSINESS DAYS AFTER NOTIFICATION OF THE VACANCY BY  
43 THE SECRETARY OF STATE, THE BOARD OF SUPERVISORS SHALL APPOINT A CITIZENS  
44 PANEL. THE CITIZENS PANEL, WITHIN TWENTY-ONE DAYS AFTER THE CITIZENS  
45 PANEL IS APPOINTED IF THE LEGISLATURE IS NOT IN REGULAR SESSION OR WITHIN

1 FIVE DAYS IF THE LEGISLATURE IS IN REGULAR SESSION, SHALL SUBMIT TO THE  
2 BOARD THE NAMES OF THREE QUALIFIED ELECTORS TO FILL THE VACANCY WHO MEET  
3 THE REQUIREMENTS FOR SERVICE IN THE LEGISLATURE AND WHO BELONG TO THE SAME  
4 POLITICAL PARTY AND RESIDE AT THE TIME OF NOMINATION IN THE SAME DISTRICT  
5 AND COUNTY AS THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE IMMEDIATELY  
6 BEFORE THE VACANCY. IF THE PERSON ELECTED TO OR APPOINTED TO THE OFFICE  
7 IMMEDIATELY BEFORE THE VACANCY WAS NOT REGISTERED WITH A POLITICAL PARTY  
8 THAT IS ORGANIZED PURSUANT TO TITLE 16, CHAPTER 5, ARTICLE 2, THE  
9 QUALIFIED ELECTORS SHALL BE QUALIFIED ELECTORS WHO ARE NOT REGISTERED WITH  
10 A POLITICAL PARTY THAT IS ORGANIZED PURSUANT TO TITLE 16, CHAPTER 5,  
11 ARTICLE 2.

12 3. THE BOARD OF SUPERVISORS, BY A MAJORITY VOTE OF THE BOARD, SHALL  
13 APPOINT ONE PERSON FROM THE LIST OF NAMES SUBMITTED BY THE CITIZENS PANEL  
14 TO FILL THE VACANCY.

15 C. For the purposes of this section, "appropriate political party"  
16 means the same political party of which the person who was elected to or  
17 appointed to the office was a member immediately before the vacancy  
18 occurred except that if the person vacating the office changed political  
19 party affiliation after taking office, the person who is appointed to fill  
20 the vacancy shall be of the same political party that the vacating  
21 officeholder was when the vacating officeholder was elected or appointed  
22 to that office.

**APPROVED BY THE GOVERNOR MARCH 29, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2018**

Passed the House February 21, 20 18

Passed the Senate March 26 20 18

by the following vote: 48 Ayes,

by the following vote: 28 Ayes,

12 Nays, 0 Not Voting

2 Nays, 0 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 received by the Governor this

27<sup>th</sup> day of March, 20 18

at 9:26 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

March 2018

at 11:40 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29 day of March, 20 18

at 3:04 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2156