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ATTORNEY GENERAL

OFFICE OF  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona

April 24, 1933.

Honorable H. H. Hotchkiss,  
Secretary to the Governor,  
Capitol Building,  
Phoenix, Arizona.

Dear Mr. Hotchkiss:

In response to your recent request relative to the legal status of the forthcoming election to fill a vacancy in the Lower House of Congress, I herewith submit my suggestions:

There being no provision in the statutes of the State of Arizona providing for the calling of an election to fill a vacancy in the Lower House of Congress, the general law becomes applicable. It is my opinion that the authority of the Chief Executive to issue his writs of election carries with it the authority to fix the time and place of the election. There is, however, no provision for the reopening of registration before such an election. It would be my suggestion that a call for the election to fill this vacancy should be made so as to hold the election provided for in House Bill 245, Chapter 94 of the Acts of the Eleventh Legislature, on the same date as the primary election for the vacancy.

Chapter 94, House Bill 245, has a section which provides for the reopening of registration for one week, or three weeks, prior to the election. Any persons then legally registered for this election could vote in the election to fill the vacancy. For example: if the primary date for the election to fill the vacancy could be held in the latter part of July, the same date could be designated for the vote on the ratification of the Twenty-first Amendment, and the general election to fill the vacancy could be held sometime in August. The call, however, for the election to ratify the Twenty-first Amendment could not be made until this act becomes effective, which is the 14th day of June.

33-110

#2--H. H. Hotchkiss

These suggestions are submitted for your consideration.

Sincerely,

*K. Berry Peterson*  
K. Berry Peterson

KBP:w