July 15, 1933

Mr. John Cummard
Arizona Corporation Commission
Arizona State Building
Phoenix, Arizona

Dear Sir:

In your letter of July 10th, you have asked my opinion as to whether or not your appointment as corporation commissioner to fill the vacancy caused by the resignation of Mr. Betts gives you the right to act as commissioner until December 31, 1934, when Mr. Betts' term expires, or whether a commissioner will be elected at the coming special elections to fill such vacancy for the unexpired term.

Section 1, Article 15, of the Constitution of Arizona, provides:

> "In case of vacancy in said office, the Governor shall appoint a commissioner to fill such vacancy. Such appointed commissioner shall fill such vacancy until a commissioner shall be elected at a general election as provided by law, and shall qualify."

It is my opinion that the above quoted provision of the Constitution means a general election as provided by law for the election of a corporation commissioner. The forthcoming special primary and special general elections are not elections provided by law for the election of a corporation commissioner. These elections were proclaimed by the Governor for a special purpose, namely, the election of a representative to Congress. It is my opinion that a corporation commissioner cannot be nominated and elected at those elections.

Very truly yours,

Attorney General.

CLS/bwr

Assistant Attorney General.

33-314