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May 6, 1982

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ARIZONA ATTORNEY GENERAL

George C. Anderson, Jr.
Executive Director
Arizona State Lottery Commission
301 East Virginia, Suite 1200
Phoenix, Arizona 85004

Re: I82-058 (R82-019)

Dear Mr. Anderson:

We are writing in response to your letter of February 17, 1982, in which you requested our opinion whether A.R.S. § 5-504.B.7.d precludes the Lottery Commission from conducting a daily game.

A.R.S. § 5-504.B authorizes the Commission to "establish and operate the lottery to produce the maximum amount of net revenue consonant with the dignity of the state." To achieve this end, the Commission has broad discretion to select the type of lottery to be conducted, subject to several statutory limitations.

A.R.S. § 5-504.B.7 sets forth restrictions applicable to the frequency of drawings. A.R.S. § 5-504.B.7.d provides: "Drawings in a given game, other than grand drawings or other runoff drawings, may not be held more often than weekly." This provision may be read to permit a game of any length, so long as the only drawings to be held more often than weekly are grand or runoff drawings.

Although the provision is poorly drafted and

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ambiguous,^{1/} we think that it cannot be read to clearly prohibit a daily game, provided that grand drawings are held at the conclusion of each game. A paramount consideration in reaching this conclusion is the broad statutory discretion granted to the Commission in establishing and conducting lotteries. However, because the statute is ambiguous and does not address specifically the issue of game duration, we suggest that you seek legislative clarification in order to clearly ascertain the scope of your authority with respect to this issue, and we caution that the legality of any particular game, of course, can be assessed only upon review of the rules promulgated to implement the game.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:ta

1. The ambiguity arises because this provision may be interpreted to require any "given game" to last at least one week. The statutory exception allowing multiple drawings may apply only to the runoff prize drawings at the conclusion of the game. We further note that the phrase, "grand drawings or other runoff drawings", is ambiguous to the extent that it may require any grand drawing to be preceded by a runoff drawing.