

the General Assembly. As above pointed out, in the instant case, the time of holding a special election to fill a vacancy in the office of United States Senator is fixed by statute and such election can be held at no other time than when an election for state officers is held.

In the opinion referred to, the then Attorney General said as follows:

“* * * Ordinarily, special elections are called for voting on questions or propositions, and Section 5020 G. C. provides that ‘when the approval of a question, other than a constitutional amendment, is to be submitted to a vote, such question shall be printed on a separate ballot and deposited in a separate ballot box, to be presided over by the same judges and clerks of election.’

There does not seem to be any special section of the statute making similar provisions when candidates are to be voted for at a special election, *but since it is only rarely that such special election would be called for the regular election day, and since such election must be a special election, it necessarily follows that while it is held upon the same days as the primary and the regular election, it is entirely separate and distinct from the primary and the regular election, and, while conducted by the same election officers, must be kept separate and apart.* This necessitates a separate ballot, poll books and ballot box for the special election.” (Italics the writer’s.)

You will note that one of the reasons given in the opinion for holding that separate ballots, poll books and ballot boxes were necessary was that special elections of the kind there involved were rarely called for the regular election day. That reason for the conclusion could never exist in the instant case, since a special election of United States Senator can only be held on the day of the regular election of state officers. For these reasons I think it clear that the above opinion is not pertinent here.

Specifically answering your second question, for the reasons above set forth, it is my opinion that a special election, held pursuant to the provisions of Section 4828-3, General Code, for the purpose of filling a vacancy in the representation of this state in the United States Senate, is to be governed in all respects by the laws of this state controlling regular elections for United States Senator, including Sections 5016 and 5017, General Code, which provide *inter alia* that the names of all candidates, whose nominations for any office specified in the ballot have been duly made, shall be placed on the same ballot, arranged in tickets or lists under the respective party or political or other designation certified.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2212.

APPROVAL, CERTIFICATE OF AMENDMENT TO THE ARTICLES OF
INCORPORATION OF THE COMMERCIAL MUTUAL INSURANCE
COMPANY.

COLUMBUS, OHIO, June 7, 1928.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am returning to you herewith the certificate of amendment of the articles of incorporation of The Commercial Mutual Insurance Company, changing its location, with my approval endorsed thereon.

Respectfully,

EDWARD C. TURNER,
Attorney General.