

November 12, 1943

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

J.O. Grimes, Dean  
Arizona State Teachers College  
Tempe, Arizona

Dear Sir:

We have your recent letter relative to an application that has been made by a person for attendance at the college without paying the non-resident tuition fee. In such letter you propound certain questions which we will answer in their order.

In answer to question No. 1, the laws of this State which lay down the rules for determining residence for the purpose of exercising the elective franchise apply with equal force whenever an issue of residence arises. See *Hiatt v. Lee*, 61 Pac.(2) 401.

Answering subdivision (a) of question No. 2, a persons may gain residence while attending college, but it is a most difficult thing to prove. See enclosed opinion.

Answering subdivision (b) of question No. 2, residence does not ipso facto follow from being in the State a year whether attending college or doing anything else.

Subdivision "c" of question No. 2 we answer in the affirmative. We believe the enclosed opinion will be helpful to you on all of the questions asked.

We believe that your particular problem revolves itself to a question of fact whether or not the applicant has been emancipated. If he has been emancipated then he can establish his own residence, otherwise his residence is that of his father or guardian. Therefore we believe that if you are satisfied that the applicant was emancipated and after such emancipation came to Arizona with the intent to make this his home or residence, and a year has elapsed since the happening of those events and the applicant has not changed his residence, then he should be entitled to attend the college on the same basis as any other State resident.

Very truly yours,

JOE CONWAY  
Attorney General

EARL ANDERSON, Chief  
Assistant Attorney General

EDWARD P. CLINE  
Assistant Attorney General