



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

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May 29, 1985

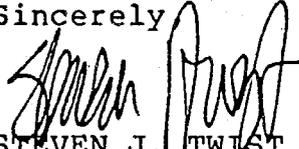
Stephen D. Neely  
Pima County Attorney  
177 North Church Avenue, Suite 300  
Tucson, Arizona 85701-1117

Re: I85-073 (R85-050)

Dear Mr. Neely:

Pursuant to A.R.S. § 15-253.B, we concur with the letter to Alfred C. Strachan in which you concluded that outgoing local governing board members are to remain in office after their terms expire and until their newly elected successors have qualified for office by subscribing to the oath of office as specified in A.R.S. § 15-426.C.

Sincerely

  
STEVEN J. TWIST  
Chief Assistant  
Attorney General

SJT:TLM:gm



OFFICE OF THE  
**Pima County Attorney**  
**Civil Division**  
 177 NORTH CHURCH AVENUE  
 SUITE 300

STEPHEN D. NEELY  
 PIMA COUNTY ATTORNEY  
 JAMES M. HOWARD  
 CHIEF DEPUTY

Rec'd 3-26-85

**Tucson, Arizona 85701-1117**  
 (602) 792-8321

OPINION NO. 343

R85- 050

March 19, 1985

EDUCATION OPINION  
 ISSUE NO LATER THAN  
5-25-85

Alfred C. Strachan  
 Associate to Superintendent  
 Amphitheater Public Schools  
 701 W. Wetmore Road  
 Tucson, Arizona 85705

Re: Governing Board Members - Status prior Oath of Office

Dear Mr. Strachan:

In regard to your request of January 30, 1985 for a legal opinion, the following is submitted for your information:

Question:

Do outgoing governing board members remain in office after the December 31 date, with all such rights and responsibilities pertinent thereto, until such time as the newly elected members take the oath of office, as long as this is accomplished prior to the second Saturday in January?

Answer:

Yes. The Arizona Constitution, Article 22, Sec. 13, and in A.R.S. §38-295, answers the above question in the affirmative. They read as follows:

Constitution of Arizona, Art. 22 § 13

The term of office of every officer to be elected or appointed under this Constitution or the laws of Arizona shall extend until his successor shall be elected and shall qualify.

A.R.S. § 38-295

B. Every officer shall continue to discharge the duties of the office, although the term has expired, until a successor has qualified. If the officer is presently serving in the position to

which nominated and the senate rejects such nomination or fails to take formal action within one year of submission of such nomination, such officer will no longer be allowed to serve and the position shall immediately be declared vacant.

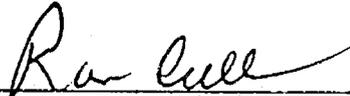
It is therefore clear that the outgoing board members continue to discharge the duties of their office after the term has expired until his successor shall qualify.

I am submitting a copy of this opinion to the Attorney General's Office for their review.

Sincerely,

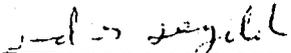
STEPHEN D. NEELY  
PIMA COUNTY ATTORNEY

By:

  
Raner C. Collins  
Deputy County Attorney

RC/lrc  
cc: Attorney General

Approved:

  
David G. Dingeldine  
Chief Civil Deputy