

**OPINION
45-284**

March 19, 1945 (OPINION)

TOWNSHIP OFFICERS

RE: Commencement of Terms

This is in reply to your letter of March fifteenth with reference to the commencement of the term of township supervisors.

You refer to section 58-0509 of the North Dakota Revised Code of 1943 which provides that, "Except when otherwise specially provided, the regular term of office of each township officer, when elected for a full term, shall commence on the first Monday of January next succeeding his election." If we consider that statute standing alone, it would appear, of course, that a township officer elected on the third Tuesday in March would not take office until the first Monday in January of 1946. You will observe, however, that the statute quoted provides "except when otherwise specially provided."

Section 58-0504 provides that, "At the first meeting of a newly organized township, officers shall be elected as follows: one supervisor to serve until the first annual township meeting; one supervisor to serve until the second annual meeting; and one supervisor to serve until the third annual meeting. All the other township officers shall be elected to serve until the annual township meeting in an even numbered year."

You probably overlooked the significance of the phrase "except when otherwise specially provided" contained in section 58-0503. Section 58-0504 makes provision for the commencement and expiration of terms of township supervisors and his provision comes within the purview of the exception contained in section 58-0503. You will note said section 58-0504 specifically provides that the term of office of the supervisors and other township officers commences with their election and qualification and that the term continues until the annual township meeting; that is to say, after the first meeting one supervisor would be elected at each annual meeting for a term of three years commencing with the annual meeting.

So far as we know, all township officers have proceeded upon the presumption that the term of office commences at their election at the annual meeting and they take office on the Tuesday following the annual election since that is the meeting at which they qualify.

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