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Subject

*Waters - Drainage  
Elections*

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STATE OF KANSAS

*Office of the Attorney General*

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VERN MILLER  
Attorney General

January 14, 1974

Opinion No. 74- 7

Mrs. Mary F. Hope  
Commissioner of Elections  
Shawnee County Court House  
Topeka, Kansas 66603

Dear Mrs. Hope:

K.S.A. 24-410 states in pertinent part thus:

"Within five days after any drainage district shall have been incorporated, the county clerk shall ascertain the qualified electors of such district . . . and at such election only persons who are qualified electors shall be permitted to vote. \* \* \*

"'Qualified elector' means any qualified elector of the district and any person eighteen (18) years of age or over owning land within the district, although not a resident therein, or owning tangible personal property within the district and having residence within such district."

The foregoing provision was enacted by the 1972 Legislature, effecting a substantial change in the qualifications for participating in elections held under this provision. Formerly, K.S.A. 24-410 provided that

"at such election or any other election held under this act only persons who are twenty-one years of age and are taxpayers and residents within such district and are qualified electors under the constitution of Kansas shall be permitted to vote."

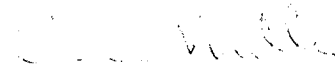
In an opinion dated March 1, 1971, we concluded that under this language, only taxpayers and residents of the district were entitled to participate in elections held under the act.

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Under K.S.A. 24-410 as amended, the term "qualified elector" includes any person who is registered to vote, any person eighteen years of age or older who owns land within the district but who is not a resident therein, and any person eighteen years of age or older who is a resident of the district and who owns tangible personal property within the district.

The county treasurer may doubtless be able to provide you with a list of persons owning taxable tangible personal property within the district. However, the franchise is not restricted to owners of taxable tangible personal property, but only tangible personal property. Thus, the list furnished by the county treasurer would not necessarily be exhaustive of those entitled to vote, although it would certainly be helpful, and may be, indeed, the only compiled list, albeit incomplete, upon which you may be able to rely. Others who are omitted from the list who claim the right to vote in such an election may be required to furnish proof of ownership of tangible personal property within the district.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm