

FILE

Subject Cities  
Annexation  
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STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

February 12, 1974

Opinion No. 74-62

Mr. Morris Moon  
103 East 5th  
Augusta, Kansas 67010

Dear Mr. Moon:

You inquire concerning K.S.A. 12-523, which states thus:

"Annexation ordinances of cities shall take effect on publication as provided by law, except that any annexation ordinance published within thirty (30) days before any election specified in this section shall become effective on the day following such election, unless such day is also within thirty (30) days before any election specified in this section in which case such ordinance shall become effective on the day following the last such election. Elections to which this section shall apply are: (1) Primary and general election of state, county and national officers, and (2) primary and general city elections, and (3) primary and general school elections."

The publication date of the ordinance is February 11. The primary election will be held March 5, within thirty (30) days, and accordingly, the ordinance cannot become effective until the day following that election, unless that day is in turn within thirty days before another election specified in the act, i.e., the city general election to be held on April 2. That election being within thirty days following the primary election, the ordinance cannot become effective until April 3, the day following the general election.

Yours very truly,

Handwritten signature of Vern Miller in cursive.

VERN MILLER  
Attorney General

JRM:jdj