

FILE

Subject

*Waters-Watershed
Districts - Elections*



Copy to _____

STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

February 22, 1974

Opinion No. 74- 67

Leighton A. Fossey
Counsel, Big Sugar Creek
Watershed Joint District #53
425 Main
Mound City, Kansas 66056

Dear Mr. Fossey:

We have your letter of February 6, 1974, posing several questions concerning the conduct of elections under K.S.A. 24-1207. I enclose a copy of an opinion issued by this office September 27, 1972, to William A. Buckles, Burlington, Kansas, dealing with two of your questions. Specifically, the term "qualified elector" as used in K.S.A. 24-1202(j) means one who is registered to vote. See Coney v. City of Topeka, 96 Kan. 46 (1915). Secondly, it is concluded that the use of absentee ballots is beyond the authority of the board conducting the election, and third, that the county election officer has no responsibility for the conduct of an election under K.S.A. 24-1207.

The county election officer should be able to provide the board with a list of registered voters eligible to vote in the election.

You advise that the Big Sugar Creek Watershed Joint District No. 53 of Linn and Anderson Counties includes territory in two counties. K.S.A. 24-1207 states in pertinent part thus:

"The board shall designate one or more centrally located voting places with [within] the proposed district, but if the territory of such proposed district lies in more than one county, then at least one voting place shall be designated within each county of said proposed district."

You ask whether a qualified voter of the watershed district is required to vote at the polling place in the county of his residence. K.S.A. 25-2302 states thus:

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"It is the duty of all legally qualified voters to register to vote. Such registration, when made as provided in this act, shall entitle such voters to vote, if otherwise legally qualified. Such registration, if the same meets the requirements of this act, shall be prima facie evidence of the right of such voters to vote at any election held in the voting district where such voter resides." [Emphasis supplied.]

Registration entitles the elector to vote only in an election held in the voting district where he resides. In our view, an elector seeking to vote in an election of the watershed district must vote in the county in which he is registered.

If you should have further questions concerning this matter, please do not hesitate to call upon us.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm
Enc.