

FILE

ect

to

*Liquor - Liquor
City Election Requirements*



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

March 12, 1974

Opinion No. 74- 86

Mr. Richard Camp
Cowley County Attorney
Cowley County Courthouse
Winfield, Kansas 67156

Dear Mr. Camp:

In 1971, you requested my opinion whether liquor might be sold during a bond election. K.S.A. 41-712 forbids the sale at retail of any alcoholic liquor on the day of "any national, state, county or city election." In responding to your inquiry, we relied upon K.S.A. 25-2009(a), which provides that "[a]ll laws applicable to elections, the violation of which is a crime, shall be applicable to school elections," to conclude that the sale of liquor during a school bond election is unlawful.

Since 1971, we have had occasion to reconsider this question. The term "school elections" as used in K.S.A. 25-2009(a) is defined in K.S.A. 25-2503(e) to mean "the election of members of the governing body of a school district or a community junior college."

A bond election is not, as defined in the general election laws, a "school election," for that term is restricted to elections at which members of the governing body of the district are elected. Thus, we cannot but conclude that alcoholic beverages may be sold at retail on days of a bond election conducted by a school district when no "school election" is being held. The opinion to you of February 5, 1971, is hereby withdrawn.

Yours very truly,

Handwritten signature of Vern Miller in cursive script.

VERN MILLER
Attorney General

VM:JRM:jsm