

FILE

Subject

Election  
Expenditures



STATE OF KANSAS

*Office of the Attorney General*

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VERN MILLER  
Attorney General

April 10, 1974

Opinion No. 74- 117

Mr. Allen Shelton  
Graham County Attorney  
Hill City, Kansas 67642

Dear Mr. Shelton:

You advise that the Graham County Hospital Board recently entered into a lease agreement for a medical clinic, under K.S.A. 19-18,117 and -18,118. A sufficient petition has been filed as authorized by K.S.A. 19-18,118, and the county election officer has been advised thereon. Under that provision, the county election officer is required to conduct the election.

The Hospital Board is now debating whether to call a question submitted election, or whether to have the lease agreement voted on at the next general election, and they wish to know whether the expenses of the election must be borne by the Board or by the Board of County Commissioners, and whether the Hospital Board would be required to reimburse the county for the direct election expenses.

K.S.A. 25-2201 was repealed by the 1974 Legislature, by the enactment of Senate Bill 663, which became effective upon publication in the state paper on March 22, 1974. Section 1(b) thereof provides thus:

"The direct expenses of any primary, general and question submitted elections which are township, city, school and community junior college elections, except for any such election held on a day when every registered voter in the county is authorized to vote at one election or another, shall be reimbursed to the county by the township, city, school or community junior college district for which such expenses are incurred. Indirect expenses of such elections shall not be reimbursed to the county. All costs of publication of notices of election shall be reimbursed to the county by the town-

Mr. Allen Shelton  
April 10, 1974  
Page Two

ship, city, school district or community junior college to which the notice applies." [Emphasis supplied.]

Section 1(a) is unchanged from the former law in its treatment of special public district elections:

"Election expenses for all public special districts for which it is provided by law that the county election officer . . . is to conduct the election, shall be paid by the boards of county commissioners of the respective counties, and the provisions of this act shall apply thereto in the same manner as the same apply to township, city, school, and community junior colleges."

Under K.S.A. 19-18,118, the county election officer conducts the election in question. Thus, if the hospital district election is conducted on a day when every registered voter is entitled to participate in one election or another, the hospital district is not required to reimburse the county commissioners for the direct expenses of the hospital district election. It is not necessary under this provision that each citizen be eligible to participate in the same election, such as a county-wide election; rather, it is necessary only that the election be held on a day when every voter in the county is entitled to vote in one or another election, whether it be city, school, state, or another election.

We have delayed responding to your question because of the pendency of this bill. I hope this information will be helpful.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm