

FILE

Subject *Licenses - Liquor*
City Election Requirement

STATE OF KANSAS

Office of the Attorney General

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

May 15, 1974

VERN MILLER
Attorney General

No. 74-155

MR. PHILLIP L. HARRIS
City Attorney
8500 Santa Fe Drive
Overland Park, Kansas 66212

Dear Mr. Harris:

You have requested an opinion as to whether or not the sale of alcoholic liquor at retail is prohibited by K.S.A. 41-712 when the sole issue on the ballot is a bond question. It is provided in K.S.A. 41-712 that "No person shall sell at retail any alcoholic liquor: (1) on the day of any national, state, county, or city election, including primary elections, during the hours the polls are open within the political area in which such election is being held."

The Kansas Legislature in K.S.A. 25-2503 has defined a national, state, county, and city election. These elections cover only the election of national, state, county and city officers as are provided by law to be elected. Additionally, the attached opinion states that a retail liquor licensee is required to close for a school election which is being held in the political area within which the licensee is located. This opinion is applicable to both general and primary school elections.

K.S.A. 25-2503 (g) states a "Question submitted election" means any election at which a special question is to be voted on by the electors of the state or a part of them. It is the opinion of this office that "bond elections" are in fact question submitted elections, and not therefore covered by the provisions of K.S.A. 41-712.

Based upon the aforementioned, it is the opinion of this office that a retail liquor licensee would not have to close when the sole question on the ballot in his political area is a bond question.

Very truly yours,

VERN MILLER
Attorney General

VM:eb
Enc.

71-41-6